



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 9/1/2021

ORM Number: SAM-2021-00833-JSC

Associated JDs: PJD, SAM-2021-00833-JSC

Review Area Location<sup>1</sup>: State/Territory: Alabama City: Auburn County/Parish/Borough: Lee

Center Coordinates of Review Area: Latitude 32.6373 Longitude -85.4983

**II. FINDINGS**

**A. Summary:** Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☐ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>				
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
S8	248	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The Corps has determined stream S8 does not satisfy any of the (a)(1) -(a)(4) jurisdictional water definitions at 33 CFR Part 328.3. Specifically, although Corps staff and the agent observed bed and bank features during site inspections on August 25, 2021, surface flow was not present during the inspection. Surface flow was also not present during the agent's December 2020 inspection, which is confirmed in photographs taken by the consultant. Therefore, after reviewing information from both desktop resources, additional information provided by the agent, and the referenced site inspections, stream feature S8 is determined to be an ephemeral stream flowing only in response to precipitation events.

**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

☒ Information submitted by, or on behalf of, the applicant/consultant: [Approved Jurisdictional Determination Request and supplemental information submitted by Wildland Services dated 07/16/2021, 08/27/2021.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

☒ Photographs: [Aerial and Other: Site-specific photographs of the project area provided by consultant dated 12/2020. Aerial photography reviewed via Google Earth dated 2019, 2015, 2006, and 1998\).](#)

☒ Corps site visit(s) conducted on: [August 25, 2021](#)

☐ Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)

☒ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

☒ USDA NRCS Soil Survey: [USDA Web Soil Survey tool accessed at   
https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx](#)

☒ USFWS NWI maps: [USFWS Wetlands Mapper accessed at   
https://www.fws.gov/wetlands/Data/mapper.html](#)

☒ USGS topographic maps: [Opelika West, AL 1:24,000; 7.5 Minute USGS topographic quadrangle](#)

**Other data sources used to aid in this determination:**

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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Data Source (select)	Name and/or date and other relevant information
USGS/WBD/NHD data/maps	NHD and WBD viewed via the National Map Viewer accessed at <a href="https://apps.nationalmap.gov/viewer/">https://apps.nationalmap.gov/viewer/</a>
USDA Sources	N/A
NOAA Sources	N/A.
Corps Navigable Waters Study	Section 10 Waters of the Mobile District: State of Alabama
State/Local/Tribal Sources	N/A.
FEMA/FIRM maps	FEMA National Flood Hazard Layer FIRMette viewed at <a href="https://www.arcgis.com/apps/webappviewer/index.html">https://www.arcgis.com/apps/webappviewer/index.html</a>

- B. Typical year assessment(s):** An APT analysis was performed using the date of the site inspection (25 August 2021) as the time point. According to this analysis, the WebWIMP H2O Balance indicates the site is in the Dry Season; the site is also noted as experiencing normal conditions, and as having a Drought Index (PDSI) classification of Mild Wetness. For comparison, an additional APT analysis was performed using the date (22 December 2020) of the agent's delineation and data collection as the time point. According to the analysis for December 22, 2020, the WebWIMP H2O Balance specifies the site to be in the Wet Season. APT output for December 22 also states that the site is experiencing wetter than normal conditions, and has with a Drought Index (PDSI) classification of Normal.
- C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.