



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
600 VESTAVIA PARKWAY, SUITE 203
VESTAVIA HILLS, AL 35203

CESAM-RD-N

14 August 2025

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Pre-2015 Regulatory Regime
Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023),¹ SAM-2024-00710-MH9 (MFR 1 of 1)²

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.³ AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.⁴ For the purposes of this AJD, we have relied on section 10 of the Rivers and Harbors Act of 1899 (RHA),⁵ the Clean Water Act (CWA) implementing regulations published by the Department of the Army in 1986 and amended in 1993 (references 2.a. and 2.b. respectively), the 2008 *Rapanos-Carabell* guidance (reference 2.c.), and other applicable guidance, relevant case law and longstanding practice, (collectively the pre-2015 regulatory regime), and the *Sackett* decision (reference 2.d.) in evaluating jurisdiction.

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. The features addressed in this AJD were evaluated consistent with the definition of “waters of the United States” found in the pre-2015 regulatory regime and consistent with the Supreme Court’s decision in *Sackett*. This AJD did not rely on the 2023 “Revised Definition of ‘Waters of the United States,’” as

¹ While the Supreme Court’s decision in *Sackett* had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, the territorial seas, or interstate water that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).

³ 33 CFR 331.2.

⁴ Regulatory Guidance Letter 05-02.

⁵ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

amended on 8 September 2023 (Amended 2023 Rule) because, as of the date of this decision, the Amended 2023 Rule is not applicable in Alabama due to litigation.

1. SUMMARY OF CONCLUSIONS.

- a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).
 - i. Stream S1 (S1), non-jurisdictional, non-relatively permanent waters (non-RPW).
 - ii. Stream S5 (S5), non-jurisdictional, non-relatively permanent waters.
 - iii. Stream S7 (S7), non-jurisdictional, non-relatively permanent waters.
 - iv. Stream S8 (S8), non-jurisdictional, non-relatively permanent waters.
 - v. Stream S9 (S9), non-jurisdictional, non-relatively permanent waters.
 - vi. Stream S10 (S10), non-jurisdictional, non-relatively permanent waters.
 - vii. Stream S11 (S11), non-jurisdictional, non-relatively permanent waters.
 - viii. Wetland W9/10 (W9/10), non-jurisdictional wetland without a continuous surface connection to a requisite water.
 - ix. Wetland W11 (W11), non-jurisdictional wetland without a continuous surface connection to a requisite water.
 - x. Wetland W12 (W12), non-jurisdictional wetland without a continuous surface connection to a requisite water.
 - xi. Open Water 16 (OW16), non-jurisdictional, preamble waters.
 - xii. Open Water 17 (OW17), non-jurisdictional, preamble waters.
 - xiii. Open Water 18 (OW18), non-jurisdictional, preamble waters.
 - xiv. Swale 1 (SW1), non-jurisdictional, non-relatively permanent waters.
 - xv. Swale 2 (SW2), non-jurisdictional, non-relatively permanent waters.

- xvi. Swale 3 (SW3), non-jurisdictional, non-relatively permanent waters.
- xvii. Erosional feature 1 (EF1), non-jurisdictional, non-relatively permanent waters.
- xviii. Erosional feature 2 (EF2), non-jurisdictional, non-relatively permanent waters.
- xix. Erosional feature 3 (EF3), non-jurisdictional, non-relatively permanent waters.

2. REFERENCES.

- a. Final Rule for Regulatory Programs of the Corps of Engineers, 51 FR 41206 (November 13, 1986).
- b. Clean Water Act Regulatory Programs, 58 FR 45008 (August 25, 1993).
- c. U.S. EPA & U.S. Army Corps of Engineers, Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States & Carabell v. United States* (December 2, 2008)
- d. *Sackett v. EPA*, 598 U.S. 651, 143 S. Ct. 1322 (2023)

3. REVIEW AREA. The review area for this AJD is limited to the features identified as S1, S5, S7, S8, S9, S10, S11, W9/10, W11, W12, OW16, OW 17, OW 18, SW1, SW2, SW3, EF1, EF2, and EF3 within an approximately 1,269-acre parcel of undeveloped pasture and forested areas located near Greensboro, Hale County, Alabama. The center coordinates are Latitude 32.66697, Longitude -87.70058 and is located in the Lower Black Warrior 8-digit hydrologic unit code (HUC 03160113). The attached figures depict the review area. Features S3, RC, S2, S4, S6, W2, W4, W6, W7, W8, W1, W3, W5, OW1, OW 2, OW 3, OW 4, OW 5, OW6, OW7, OW 8, OW9, OW10, OW11, OW12, OW13, OW14 and OW15 are being reviewed under a PJD.

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), INTERSTATE WATER, OR THE TERRITORIAL SEAS TO WHICH THE AQUATIC RESOURCE IS CONNECTED⁶. Black Warrior River is the nearest TNW to which the aquatic resources are connected. The Black Warrior River is on the Mobile District's Section 10 Waters List and is therefore a TNW.

⁶ This MFR should not be used to complete a new stand-alone TNW determination. A stand-alone TNW determination for a water that is not subject to Section 9 or 10 of the Rivers and Harbors Act of 1899 (RHA) 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.

5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS

OW16 is a non-jurisdictional pond that is located in the northcentral section of the property boundary. OW16 was dug in uplands for stock watering and is associated with a culvert that drains into W11. W11 flows south into EF3 for 102 linear feet. EF3 drains into W12. W12 flows through a culvert located at its southern boundary to an off-site section of S7. S7 flows southeast, re-enters the project boundary and flows for 1,221 linear feet then converges with S6 (Little German Creek). S6 (not apart of the AJD review area) flows south for 3,305 linear feet and then exits the project boundary. S6 flows for approximately 2.3 miles and then converges with Big German Creek. Big German Creek flows generally southwest for approximately 6 miles then drains into the Black Warrior River.

S8 is a non-relatively permanent tributary that is located in the southeast section of the project site. S8 flows for approximately 917 linear feet and then converges with S6. S6 flows for approximately 1,764 linear feet, then exits the project boundary. S6 continues its flow path as described above.

S9 is a non-relatively permanent tributary that is located in the southeast section of the project site. S9 flows for approximately 1,174 linear feet and then converges with S6. S6 flows for approximately 926 linear feet, then exits the project boundary. S6 continues its flow path as described above.

SW3 is a non-jurisdictional swale that flows for approximately 615 linear feet and then drains into S6. S6 flows for approximately 483 linear feet, then exits the project boundary. S6 continues its flow path as described above.

OW17 is a non-jurisdictional pond that is located in the northcentral section of the property boundary. OW17 does not have any outflow; therefore, does not have a flow path to a TNW, interstate water or territorial seas.

OW18 is a non-jurisdictional pond that is located in the southeast section of the property boundary. OW18 is associated with a culvert that flows into S11.

S11 is a non-relatively permanent tributary flows for approximately 182 linear feet and then converges with S9. S9 continues is flow path as described above.

S10 flows southeast for approximately 377 feet into a north-south running unnamed tributary. The unnamed tributary flows south for approximately 2.19 miles then converges with Big German Creek. Big German Creek flows for approximately nine miles then flows into the Black Warrior River.

SW1 receives its flow from a culvert associated with OW11's (not part of the AJD review area) discharge. SW1 drains into OW10 (not part of the AJD review area), and water is discharged through a culvert into EF2. EF2 flows into W7 (not part of the AJD view area). W7 drains into OW9 (not part of the AJD review area), and water discharges through a culvert into an off-site relatively permanent tributary. The tributary flows for approximately 2,067 linear feet, then re-enters the project boundary, then flows for 1,902 linear feet before exiting the project boundary. S3 continues to flow off-site for approximately 2,358 linear feet and then converges with Limestone Creek. Limestone Creek flows for approximately 2.7 miles then converges with the Black Warrior River.

S5 flows into OW12 (not part of the AJD review area), which discharges through a culvert into OW-9(not part of the AJD review area). OW9 discharges though a culvert and the flow continues on the path described above.

W9/10 is a non-jurisdictional wetland that does not have a flow path to a TNW, interstate water or territorial seas.

SW2 is a does not have a does not have a flow path to a TNW, interstate water or territorial seas.

6. SECTION 10 JURISDICTIONAL WATERS⁷: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.⁸ N/A
7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the pre-2015 regulatory regime. The rationale should also include a written description of, or reference to a map in the

⁷ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁸ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

- a. TNWs (a)(1): N/A
- b. Interstate Waters (a)(2): N/A
- c. Other Waters (a)(3): N/A
- d. Impoundments (a)(4): N/A
- e. Tributaries (a)(5): N/A
- f. The territorial seas (a)(6): N/A
- g. Adjacent wetlands (a)(7): N/A

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

- a. Describe aquatic resources and other features within the review area identified as “generally non-jurisdictional” in the preamble to the 1986 regulations (referred to as “preamble waters”).⁹ Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA as a preamble water.

In accordance with the preamble to the 1986 regulations, the agencies generally do not consider the following waters to be waters of the U.S.: Artificial lakes or ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.

OW16 is an 8.86-acre pond centered at latitude 32.6695428, longitude -87.6995318. OW16 was created in uplands for the purpose of a stock pond and is surrounded by uplands. The USDA soil survey indicates the soil type in this area is Sumter silty clay loam, which are not hydric soils. Therefore, OW16 is not jurisdictional.

OW17 is a 1.19-acre pond centered at latitude 32.6672807, longitude

⁹ 51 FR 41217, November 13, 1986.

-87.6980655. OW17 was created in uplands for the purposes of a stock pond and is surrounded by uplands. The USDA soil survey indicates the soil type in this area is Sumter silty clay loam, which are not hydric soils. Therefore, OW17 is not jurisdictional.

OW18 is an 0.08-acre pond centered at latitude 32.6561378, longitude -87.6888643. OW18 was created in uplands for the purposes of a stock pond and is surrounded by uplands. The USDA soil survey indicates the soil type in this area is Sumter silty clay loam, which are not hydric soils. Therefore, OW18 is not jurisdictional.

- b. Describe aquatic resources and features within the review area identified as "generally not jurisdictional" in the *Rapanos* guidance. Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA based on the criteria listed in the guidance.

SW1 is a 107-foot-long vegetated swale and is centered at latitude 32.6743555, longitude -87.7074851. SW1 extends southwest from the culvert draining OW11 into OW10. SW1 lacks hydric soils, continuous bed and banks, baseflow and an observable OHWM. Additionally, SW1 was observed to be vegetated through its channel. These observations indicate flow is infrequent, of short duration, and low volume. For these reasons, SW1 was determined to be a swale because it does not meet the definition of a stream or wetland, therefore, SW1 was determined to be non-jurisdictional.

SW2 is an approximately 568-foot-long swale centered at Latitude 32.6698934, Longitude -87.6983517. The swale extends southeast from the northern property boundary and loses its bed and bank structure at its southern terminus. SW2 lacks continuous bed and banks and does not have baseflow. Further, SW2 lacked an observable OHWM and was observed to be vegetated through the bottom. These observations indicate flow is infrequent, of short duration, and low volume. For these reasons, SW2 was determined to be a swale because it does not meet the definition of a stream or wetland, therefore, SW2 was determined to be non-jurisdictional.

SW3 is a 615-foot-long swale centered at latitude 32.6530849, longitude -87.6924606. SW3 extends southeast and drains into S6. SW3 was determined to be non-jurisdictional based on review of on-site photographs and descriptions by the Agent that provided evidence that the swale is a non-relatively permanent water, lacking year-round flow or seasonal flow, and only flowing during and immediately after rain events.

EF1 is a 324-foot long erosional feature and is centered at latitude 32.6579958, longitude -87.7231562. Based on a review of on-site photographs and descriptions by the Agent, EF1 lacks an OHWM and has infrequent flow, is not a tributary or wetland, and is therefore not jurisdictional.

EF2 is a 163-foot-long erosional feature and is centered at latitude 32.6723240, longitude -87.7092243. Based on a review of on-site photographs and descriptions by the Agent, EF2 lacks an OHWM and has infrequent flow, is not a tributary or wetland and is therefore not jurisdictional.

EF3 is an approximately 102-foot-long erosional feature and centered at latitude 32.6669402, longitude -87.6975066. Based on a review of on-site photographs and descriptions by the Agent, EF3 lacks an OHWM and has infrequent flow, is not a tributary or wetland and is therefore not jurisdictional.

- c. Describe aquatic resources and features identified within the review area as waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA. Include the size of the waste treatment system within the review area and describe how it was determined to be a waste treatment system. N/A
- d. Describe aquatic resources and features within the review area determined to be prior converted cropland in accordance with the 1993 regulations (reference 2.b.). Include the size of the aquatic resource or feature within the review area and describe how it was determined to be prior converted cropland. N/A
- e. Describe aquatic resources (i.e. lakes and ponds) within the review area, which do not have a nexus to interstate or foreign commerce, and prior to the January 2001 Supreme Court decision in "SWANCC," would have been jurisdictional based solely on the "Migratory Bird Rule." Include the size of the aquatic resource or feature, and how it was determined to be an "isolated water" in accordance with SWANCC. N/A
- f. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the pre-2015 regulatory regime consistent with the Supreme Court's decision in *Sackett* (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).

S1 is centered latitude 32.657030, longitude -87.713233 in the southwestern portion of the subject property. S1 is approximately 801 linear feet in length. S1 was determined to be non-jurisdictional based observations during a site visit on

October 18, 2024, that provided evidence that the tributary is a non-relatively permanent water, lacking year-round flow or seasonal flow, and only flowing during and immediately after rain events; bank features were lacking, and baseflow was not observed.

S5 is centered at latitude 32.672719, longitude -87.704297 in the northwestern portion of the subject property. S5 flows for approximately 149 linear feet from the property boundary into OW12. S5 was determined to be non-jurisdictional based on review of on-site photographs and descriptions by the Agent that provided evidence that the tributary is a non-relatively permanent water, lacking year-round flow or seasonal flow, and only flowing during and immediately after rain events. For these reasons, S5 was determined to have non-relatively permanent flow regime.

S7 is centered at latitude 32.661235, longitude -87.693849 in the southeastern portion of the subject property. S7 flows southeast from the property boundary for approximately 1,221 linear feet before converging with S6 outside of the AJD review area. S7 was determined to be non-jurisdictional based on review of on-site photographs and descriptions by the Agent that provided evidence that the tributary is a non-relatively permanent water, lacking year-round flow or seasonal flow, and only flowing during and immediately after rain events. For these reasons, S7 was determined to have non-relatively permanent flow regime.

S8 is centered at latitude 32.656446, longitude -87.693595 in the southeastern portion of the subject property. S8 flows southeast from the property boundary for approximately 917 linear feet before converging with S6 outside of the AJD review area. S8 was determined to be non-jurisdictional based on review of on-site photographs and descriptions by the Agent that provided evidence that the tributary is a non-relatively permanent water, lacking year-round flow or seasonal flow, and only flowing during and immediately after rain events. For these reasons, S8 was determined to have non-relatively permanent flow regime.

S9 is located in the southeastern portion of the subject property and flows southeast for an approximately 1,174 linear feet before converging with S6 outside of the AJD review area. S9 was determined to be non-jurisdictional based on review of on-site photographs, descriptions by the Agent, and observations during a site visit on December 2, 2024, that provided evidence that the tributary is a non-relatively permanent water, lacking year-round flow or seasonal flow, and only flowing during and immediately after rain events; no hydric soils were found in the bed of the stream, bank features are lacking, the channel lacked baseflow. Desktop review indicates that S9 flows along a topographic draw in non-hydric soils. For these reasons, S9 was determined to have non-relatively permanent flow regime.

S10 is located in the southeastern portion of the subject property and flows east for approximately 1,031 linear feet before exiting the eastern property boundary. S10 was determined to be non-jurisdictional based on review of on-site photographs and descriptions by the Agent that provided evidence that the tributary is a non-relatively permanent water, lacking year-round flow or seasonal flow, and only flowing during and immediately after rain events. Desktop review indicates that S10 flows along a topographic draw in non-hydric soils. For these reasons, S10 was determined to have non-relatively permanent flow regime.

S11 is located in the southeastern portion of the subject property and is associated with OW18. S11 flows for approximately 182 linear feet before converging with S9. S11 was determined to be non-jurisdictional based on review of on-site photographs, descriptions by the Agent, and observations on the December 2, 2024 site visit that provided evidence that the tributary is a non-relatively permanent water, lacking year-round flow or seasonal flow, and only flowing during and immediately after rain events; no hydric soils were found in the bed of the stream, bank features are lacking, the channel lacked baseflow. For these reasons, S11 was determined to have non-relatively permanent flow regime.

W9/10 is a 2.22-acre wetland predominantly comprised of emergent vegetation with a minor scrub-shrub component. W9/10 is located within a drained stock pond and is centered at latitude 32.6650569, longitude -87.6991432. W9/10 is surrounded by uplands. W9/10 was determined to be non-jurisdictional because it does not abut a TNW, territorial seas, interstate water, relatively permanent tributary or jurisdictional impoundment, thereby lacking a continuous surface connection to a requisite water.

W11 is a 3.06-acre forested wetland located within a drained stock pond and centered at latitude 32.6652880, longitude -87.6978983. W11 was determined to be non-jurisdictional because it does not abut a TNW, territorial seas, interstate water, relatively permanent tributary or jurisdictional impoundment, thereby lacking a continuous surface connection to a requisite water.

W12 is a 9.33-acre forested wetland centered at latitude, longitude -87.6975563. Wetland W11 is located within a previously drained pond. W12 was determined to be non-jurisdictional because it does not abut a TNW, territorial seas, interstate water, relatively permanent tributary or jurisdictional impoundment, requisite water, thereby lacking a continuous surface connection to a requisite water.

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

- a. Site visit was conducted with a Mobile District project manager and the consultant (TTL, LLC) on 18 October 2024 and 2 December 2024. In office evaluation using desktop resources was completed on August 8, 2025.
- b. Figures 1-7 in Kimley-Horn's "Jurisdictional Determination Request, Appendix A Study Area Maps", 4 October 2024.
- c. National Regulatory Viewer – USGS Topo map, Digital Elevation Model, Hillshade, National Hydrology Dataset, USFWS Wetlands Map, NRCS Soil Web Map, and aerial imagery, accessed November 2024, December 2024, August 2025.
- d. EPA Waters GeoViewer 2.0 Mapper, epa.maps.arcgis.com/apps/webappviewer/index.html, accessed 5 August 2025.
- e. National Regulatory Viewer – USGS Topo map and aerial imagery; accessed October 16, 2023.

10. OTHER SUPPORTING INFORMATION.

- a. "Memorandum to the Field Between the U.S. Department of the Army, U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency Concerning the Proper Implementation of 'Continuous Surface Connection' Under the Definition of 'Waters of the United States' Under the Clean Water Act", March 12, 2025.
- b. 'Training: 2025 Continuous Surface Connection Guidance'; Office of the Assistant Secretary of the Army and United States Environmental Protection Agency (April 29, 2025)

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.

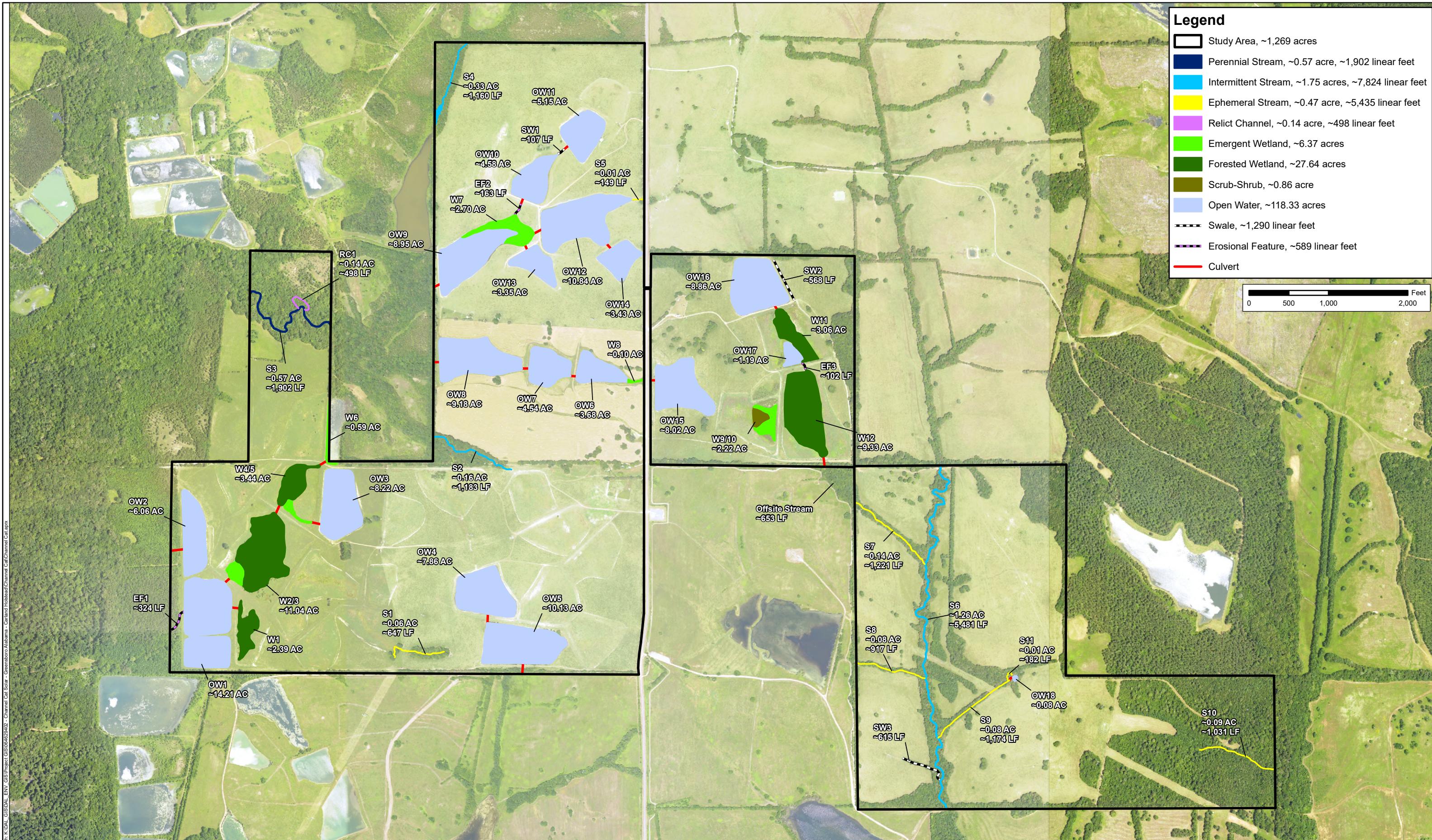


FIGURE
1

DATE:	08/05/2025
DRAWN:	MND
CHECKED:	KRK
KHA NO.:	064629402

Aquatic Features Map

Source: NAIP 2023

Channel Cat Solar

Hale County, Alabama

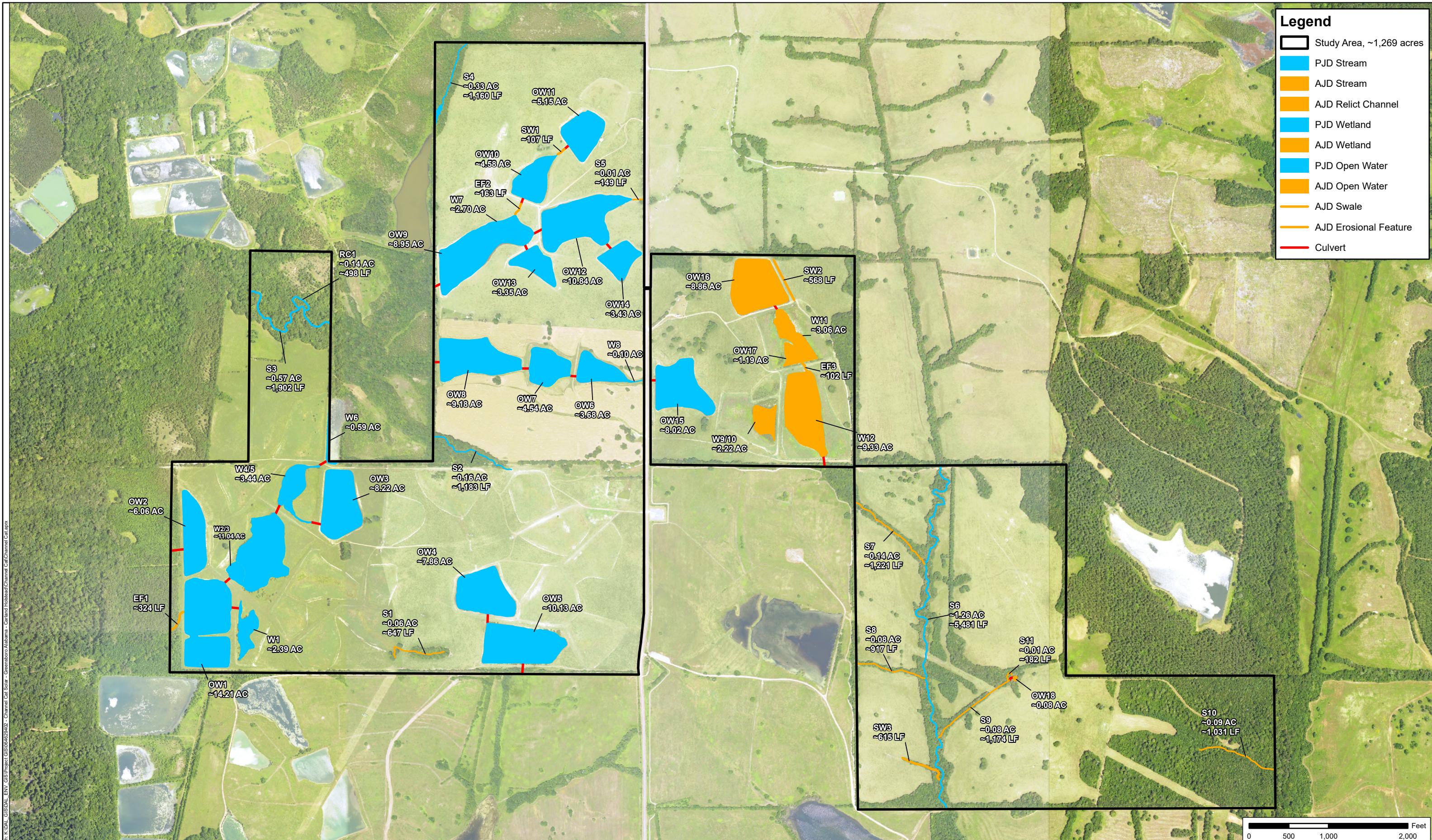


FIGURE
1

DATE:	08/05/2025
DRAWN:	MND
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KHA NO.:	064629402

Jurisdictional Determination Request Map

Source: NAIP 2023

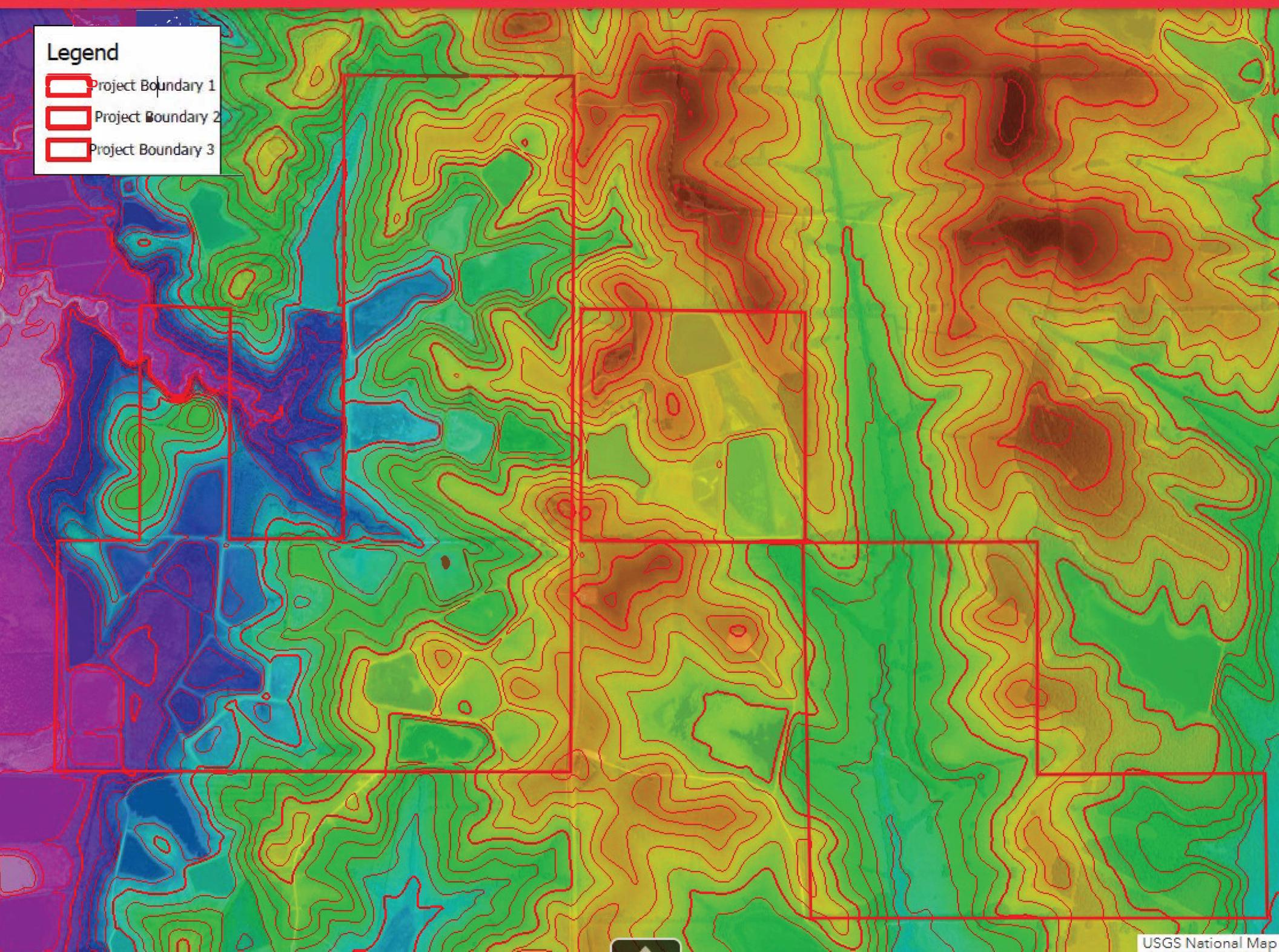
Channel Cat Solar

Hale County, Alabama

N
Kimley » Horn
This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or survey purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Legend

- Project Boundary 1
- Project Boundary 2
- Project Boundary 3

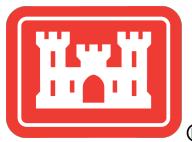
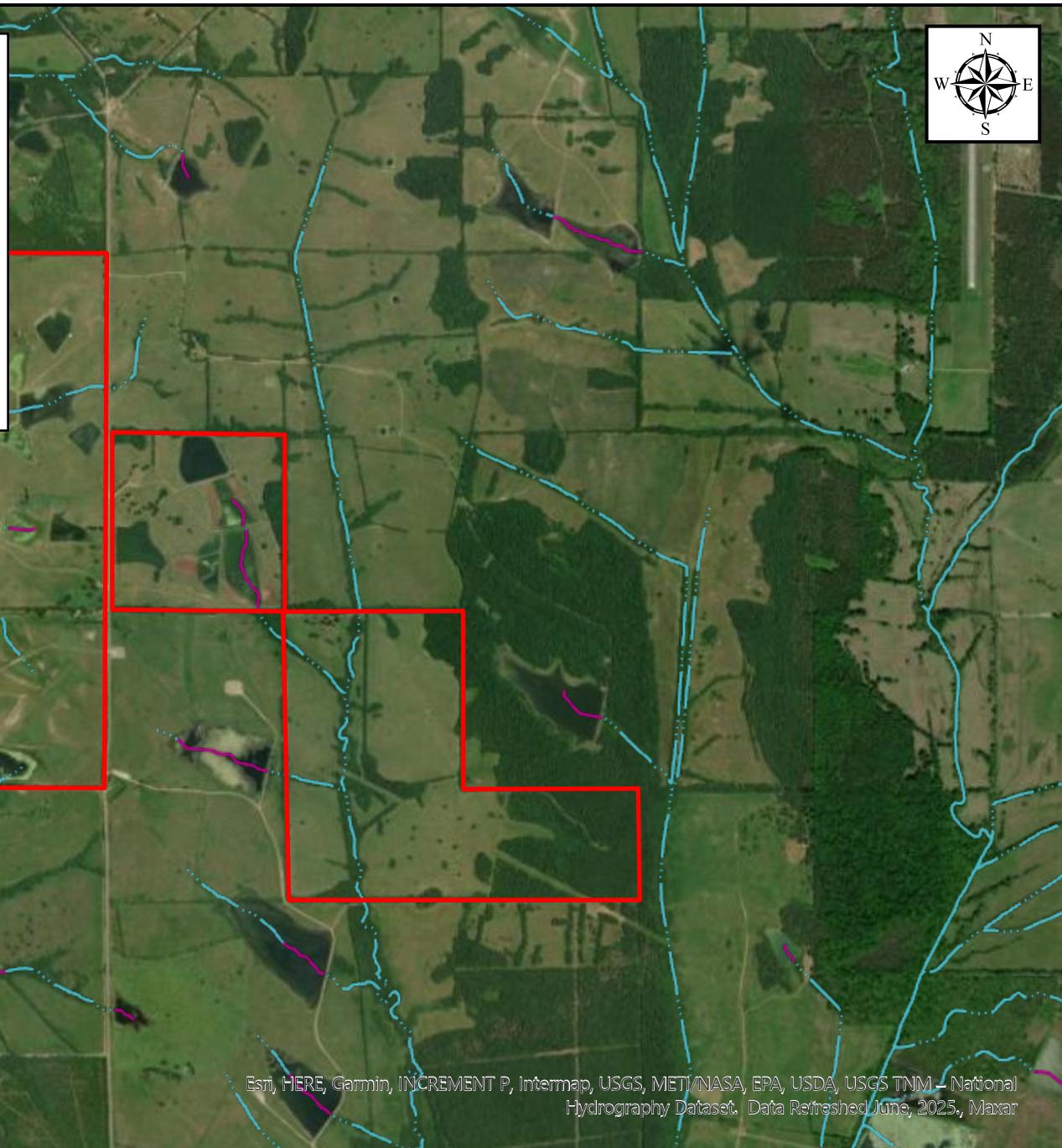


Legend

- Project Boundary 1
- Project Boundary 2
- Project Boundary 3

National Hydrography Dataset (NHD)

- Perennial
- Intermittent
- Artificial Path



SAM-2024-00710-MH9 NHD Map

0 0.28 0.55 1.1
mi

Map Center: 87.698695°W 32.664811°N

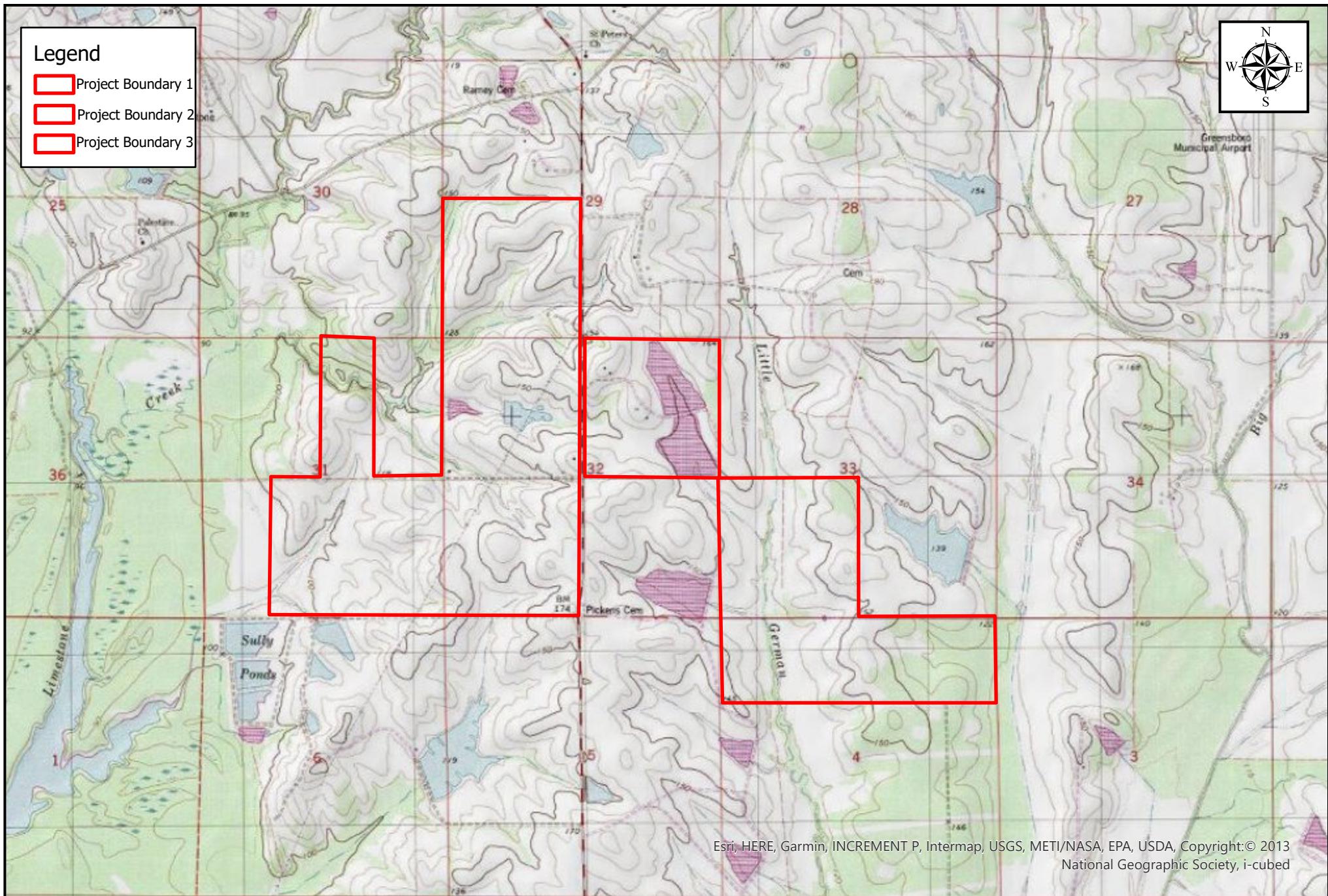
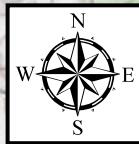
Map Created by: Molly Hacker

Date: 8/8/2025

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere

Legend

- Project Boundary 1
- Project Boundary 2
- Project Boundary 3

**SAM-2024-00710-MH9 Topo Map**

0 0.28 0.55 1.1
mi

Map Created by: Molly Hacker

Date: 8/8/2025

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere



Legend

- Project Boundary 1
- Project Boundary 2
- Project Boundary 3

USA Soils Map Units

- Alfisols
- Andisols
- Aridisols
- Entisols
- Gelisols
- Histosols
- Inceptisols
- Mollisols
- Oxisols
- Spodosols
- Ultisols
- Vertisols
- Bodies of Water
- No Soil
- Data Not Available

Source: USDA NRCS, Esri, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA, Maxar



SAM-2024-00710-MH9 Soils Map



Map Center: 87.698309°W 32.659789°N

Map Created by: Molly Hacker

Date: 8/8/2025

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere

Summary of the aquatic features observed within the study area.

Feature	Amount of Aquatic Feature		Lat/Long	Request Type
	linear feet	acres		
Perennial Stream				
Stream S3	1,902 linear feet 15-foot-OHWM	0.57 acre	32.668778, -87.718474	PJD
Intermittent Streams				
Stream S2	1,183 linear feet 6-foot-OHWM	0.16 acre	32.663883, -87.710945	PJD
Stream S4	1,160 linear feet 6-to-12-foot-OHWM	0.33 acre	32.676865, -87.712026	PJD
Stream S6	5,481 linear feet 10-foot-OHWM	1.26 acre	32.658142, -87.692545	PJD
TOTAL Intermittent Streams	7,824 linear feet	1.75 acres	N/A	N/A
Ephemeral Streams				
Stream S1	801 linear feet 4-foot-OHWM	0.07 acre	32.657030, -87.713233	AJD
Stream S5	149 linear feet 3-foot-OHWM	0.01 acre	32.672719, -87.704297	AJD
Stream S7	1,221 linear feet 5-foot-OHWM	0.14 acre	32.661235, -87.693849	AJD
Stream S8	917 linear feet 4-foot-OHWM	0.08 acre	32.656446, -87.693595	AJD
Stream S9	1,069 linear feet 3-foot-OHWM	0.07 acre	32.655358, -87.690416	AJD
Stream S10	1,031 linear feet 4-foot-OHWM	0.09 acre	32.653484, -87.679548	AJD
Stream S11	182 linear feet 3-foot-OHWM	0.01 acre	32.6562638, -87.6891793	AJD
TOTAL Ephemeral Streams	5,034 linear feet	0.45 acre	N/A	N/A
Relict Channel				
Relict Channel 1	498 linear feet 10-foot-OHWM	0.14 acre	32.669233, -87.718107	PJD
Wetlands				
Wetland 1	-	2.39 acres	32.6577570, -87.7203478	PJD
Wetland 2/3	-	11.04 acres	32.6606041, -87.7195896	PJD
Wetland 4/5	-	3.44 acre	32.6626372, -87.7184072	PJD
Wetland 6	-	0.59 acre	32.6639006, -87.7170119	PJD
Wetland 7	-	2.70 acre	32.6716621, -87.7092040,	PJD

Feature	Amount of Aquatic Feature		Lat/Long	Request Type
	linear feet	acres		
Wetland 8	-	0.10 acre	32.6664047, -87.7044312	PJD
Wetland 9/10	-	2.22 acres	32.6650569, -87.6991432	AJD
Wetland 11	-	3.06 acres	32.6679141, -87.6978983	AJD
Wetland 12	-	9.33 acres	32.6652880, -87.6975563	AJD
TOTLAL Wetlands	-	34.87 acres	N/A	N/A
Open Water				
Open Water 1	-	14.21 acres	32.6582756, -87.7220244	PJD
Open Water 2	-	6.06 acres	32.6607594, -87.7225507	PJD
Open Water 3	-	8.22 acres	32.6618699, -87.7165563	PJD
Open Water 4	-	7.86 acres	32.6592918, -87.7105990	PJD
Open Water 5	-	10.13 acres	32.6570683, -87.7091557	PJD
Open Water 6	-	3.68 acres	32.6667081, -87.7059643	PJD
Open Water 7	-	4.54 acres	32.6668107, -87.7080577	PJD
Open Water 8	-	9.18 acres	32.6671504, -87.7109475	PJD
Open Water 9	-	8.95 acres	32.6706603, -87.7112597	PJD
Open Water 10	-	4.58 acres	32.6733647, -87.7086514	PJD
Open Water 11	-	5.15 acres	32.6751489, -87.7065109	PJD
Open Water 12	-	10.84 acres	32.6719434, -87.7066896	PJD
Open Water 13	-	3.35 acres	32.6703985, -87.7084984	PJD
Open Water 14	-	3.43 acres	32.6705261, -87.7050706	PJD
Open Water 15	-	8.02 acres	32.6663371, -87.7027048	PJD
Open Water 16	-	8.86 acres	32.6695428, -87.6995318	AJD
Open Water 17	-	1.19 acres	32.6672807, -87.6980655	AJD
Open Water 18	-	0.08 acre	32.6561378, -87.6888643	AJD

Feature	Amount of Aquatic Feature		Lat/Long	Request Type
	linear feet	acres		
TOTAL Open Water	-	118.33 acres	N/A	N/A
Swales				
Swale 1	107 linear feet	-	32.6743555, -87.7074851	AJD
Swale 2	568 linear feet	-	32.6698934, -87.6983517	AJD
Swale 3	615 linear feet	-	32.6530849, -87.6924606	AJD
TOTAL Swales	1,290 linear feet	-	N/A	N/A
Erosional Features				
Erosional Feature 1	324 linear feet	-	32.6579958, -87.7231562	AJD
Erosional Feature 2	163 linear feet	-	32.6723240, -87.7092243	AJD
Erosional Feature 3	102 linear feet	-	32.6669402, -87.6975066	AJD
TOTAL Erosional Feature	589 linear feet	-	N/A	N/A

U.S. Army Corps of Engineers (USACE)
PRELIMINARY JURISDICTIONAL DETERMINATION (PJD)

For use of this form, see Sec 404 CWA, Sec 10 RHA, Sec 103 MPRSA; the proponent agency is CECW-COR.

Form Approved -
OMB No. 0710-0024
Expires 2024-04-30

DATA REQUIRED BY THE PRIVACY ACT OF 1974

Authority	Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.
Principal Purpose	The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the review area that may be subject to federal jurisdiction under the regulatory authorities referenced above.
Routine Uses	This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice or FOIA request as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in any resulting jurisdictional determination (JD), which may be made available to the public on the District's website and/or on the Headquarters USACE website.
Disclosure	Submission of requested information is voluntary; however, if information is not provided, the request for a JD cannot be evaluated nor can a PJD be issued.

The Agency Disclosure Notice (ADN)

The public reporting burden for this collection of information, 0710-0024, is estimated to average 25 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

SECTION I - BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: 2025-08-08

B. NAME AND ADDRESS OF PERSON REQUESTING PJD:

Carland G. Holstead (Authorized Agent) 13455 Noel Road Two Galleria Office Tower, #700, Dallas, TX 75240

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:

CESAM-RD-N, SAM-2024-00710-MH9

D. PROJECT LOCATION AND BACKGROUND INFORMATION:

(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: Alabama County/Parish/Borough: Hale City: Greensboro

Center coordinates of site (*lat/long in degree decimal format*): Latitude: 32.66126 ° Longitude: -87.70413 °

Universal Transverse Mercator: NAD 83

Name of nearest waterbody: Little German Creek

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: 2025-08-08

Field Determination

Date(s): 2024/10/18 and 2024/12/02

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site Number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (<i>acreage and linear feet, if applicable</i>)	Type of aquatic resource (<i>i.e., wetland vs. non-wetland waters</i>)	Geographic authority to which the aquatic resource "may be" subject (<i>i.e., Section 404 or Section 10/404</i>)
SEE	ATTACHED	AQUATIC	RESOURCES	TABLE	

1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.

2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD or no JD whatsoever, which do not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the USACE has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD or reliance on no JD whatsoever; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of USACE permit authorization based on a PJD or no JD whatsoever constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the USACE will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "may be" waters of the U.S. and/or that there "may be" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

F. SUPPORTING DATA. Data reviewed for PJD (*check all that apply*)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:

Map: Aquatic Resources Map, Topo Map, NHD Map, FEMA Flood Map, Soils Map, Photo Location Map submitted by Kimley-Horn, LLC

Data sheets prepared/submitted by or on behalf of the PJD requestor.

Office concurs with data sheets/delineation report.

Office does not concur with data sheets/delineation report.

Rationale: _____

Data sheets prepared by the USACE:

Corps navigable waters' study:

U.S. Geological Survey Hydrologic Atlas:

USGS NHD data.

USGS 8 and 12 digit HUC maps.

U.S. Geological Survey map(s). Cite scale & quad name:

1:24,000 Melton, AL

USDA Natural Resources Conservation Service Soil Survey.

Citation: NRCS Web Soil Survey; Available online at <http://websoilsurvey.nrcs.usda.gov/>

National Wetlands Inventory map(s).

Cite Name: USFWS NWI Mapper; available at <https://fws.gov/wetlands/data/mapper.html>.

<input type="checkbox"/> State/Local Wetland Inventory map(s):		
<input type="checkbox"/> FEMA/FIRM maps:		
<input type="checkbox"/> 100-year Floodplain Elevation is: _____ . (National Geodetic Vertical Datum of 1929)		
<input checked="" type="checkbox"/> Photographs: <input checked="" type="checkbox"/> Aerial (Name & Date): _____ or <input type="checkbox"/> Other (Name & Date): _____		
<input type="checkbox"/> Previous determination(s). File no. and date of response letter:		
<input type="checkbox"/> Other information (please specify):		
IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the USACE and should not be relied upon for later jurisdictional determinations.		
Name of Regulatory Staff Member Completing PJD Molly Hacker	Date 2025-08-08	Signature of Regulatory Staff Member Completing PJD Molly Hacker Digitally signed by Molly Hacker Date: 2025.08.14 14:29:11 -05'00'
Name of Person Requesting PJD	Date	Signature of Person Requesting PJD (REQUIRED, unless obtaining the Signature is Impracticable)
<small>¹ Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.</small>		

Summary of the aquatic features for Preliminary Jurisdictional Determination

Feature	Amount of Aquatic Feature		Lat/Long	Request Type
	linear feet	acres		
Perennial Stream				
Stream S3	1,902 linear feet 15-foot-OHWM	0.57 acre	32.668778, -87.718474	PJD
Intermittent Streams				
Stream S2	1,183 linear feet 6-foot-OHWM	0.16 acre	32.663883, -87.710945	PJD
Stream S4	1,160 linear feet 6-to-12-foot-OHWM	0.33 acre	32.676865, -87.712026	PJD
Stream S6	5,481 linear feet 10-foot-OHWM	1.26 acre	32.658142, -87.692545	PJD
Relict Channel				
Relict Channel 1	498 linear feet 10-foot-OHWM	0.14 acre	32.669233, -87.718107	PJD
Wetlands				
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