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): 3/18/2021
ORM Number: LRN-2020-00888
Associated JDs: N/A
Review Area Location[1]: State/Territory: Alabama City: Madison County/Parish/Borough: Limestone
Center Coordinates of Review Area: Latitude 34.68188 Longitude -86.79971

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 or describe rationale.
- ☐ 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)[2]

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

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters):[3]				
(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
S-1	1,377	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	S-1 flows southeast within the AJD review area and then joins S-3, which then flows to Beaverdam Creek which eventually becomes a part of Wheeler Lake, an impoundment of the Tennessee River (TNW). A small amount of flowing water was observed in S-1 during February 4, 2021 site visit. S-1 has a well-defined channel with an ordinary high water mark (OHWM) and is filled with wetland vegetation. Historic Google Earth images indicate water present within S-1 approximately half of the time, indicating intermitting flow.

[1] Map(s)/figure(s) are attached to the AJD provided to the requestor.
[2] 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.
[3] 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.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
S-2	387	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	S-2 flows from north to south through the AJD review area and then joins S-1. Historic Google Earth images indicate water present within S-2 approximately half of the time, indicating intermitting flow.
S-3	2,247	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	S-3 flows from north to south across the AJD review area. Historic Google Earth images indicate water present within S-3 most of the time. There was a good amount of water flowing within S-3 during the February 4, 2021 site visit and multiple beaver dams were present within S-3. S-1 has a well-defined channel with an OHWM.
S-6	646	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	S-6 flows from northeast to southwest entirely within W-1 in the AJD review area. Historic Google Earth images indicate water present within S-6 most of the time.

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
W-1	26.75	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	W-1 abuts all four intermittent streams within the AJD review area

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
S-5	104	linear feet	(b)(3) Ephemeral feature, including an ephemeral	S-5 lacked water during the February 4, 2021 site visit and it lacks water in most historic Google Earth images. S-5 flows into S-1 within the AJD review area.

[4] 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.
[5] 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.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			stream, swale, gully, rill, or pool.	
S-4	979	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S-4 is a straight channel that lacks any riffle pool complexes and has a very small drainage area. S-4 may have been created as an agricultural ditch in the distant past. Historic Google Earth images indicate water is absent from S-4 most of the time.
W-2	0.18	acre(s)	(b)(1) Non-adjacent wetland.	W-2 abuts S-4, an ephemeral stream. W-2 does not abut, receive flooding in a typical year from, or separated from an (a)(1), (a)(2).

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: Barnett Property Wetland Delineation, Limestone County, Alabama, Project # K20-45, dated September 2, 2020, and a revised AJD review area waters map submitted on March 16, 2021.

This information is and is not sufficient for purposes of this AJD.

Rationale: Following USACE site vist on February 4, 2021, a revised AJD review area waters map was submitted on March 16, 2021.

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

☒ Photographs: Aerial and Other: Images from both the JD report and photographs taken by USACE during February 4, 2021 site visit.

☒ Corps site visit(s) conducted on: 4 February 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: Limestone County, Alabama

☒ USFWS NWI maps: Greenbrier, AL

☒ USGS topographic maps: Greenbrier, AL

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Various layers from ORMs
State/Local/Tribal Sources	N/A.
Other Sources	Google Earth

B. Typical year assessment(s): The Antecedent Precipitation Tool (APT) was used to evaluate the project area for the months preceding my 4 February 2021 site inspection. A single point centered on the AJD review area was used to evaluate the rainfall data. The 90-day period preceding 4 February 2021 was

determined to be drier than normal, with the nearest 30-day period ending 4 February 2021 being drier than the 30th percentile, the 30-day period ending 5 January 2021 being normal, and the 30-day period ending 6 December 2020 being drier than the 30th percentile. The drought index further describes the period ending on January 2021 as moderate wetness.

C. Additional comments to support AJD: N/A