



**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): 7/22/2020
 ORM Number: LRN-2008-00329
 Associated JDs: N/a
 Review Area Location¹: State/Territory: AL City: Huntsville County/Parish/Borough: Madison County
 Center Coordinates of Review Area: Latitude 34.765284 Longitude -86.676172

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)²

§ 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): ³			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
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.

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.

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.

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.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Ephemeral Stream-1	406 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Headwater stream which is within the floodplain. Not connected to an (a)(1-3) water. Due to the severely limited flow despite increased rainfall in the previous week before the site visit on 7/22/2020 as well as the inconsistent bed and bank, USACE has determined this stream to be ephemeral and only flowing in response to rainfall.

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: "Research Park Boulevard Development, March 2020" Submitted by Emily Kennedy of S&ME Inc.
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: Multiple aerial maps were provided in the "Research Park Boulevard Development" JD report and photos taken by USACE during site visit.
- Corps site visit(s) conducted on: 7/22/2020
- 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: Soil survey provided in the "Research Park Boulevard Development" JD Report
- USFWS NWI maps: Obtained from ORM2 on July 20,2020.
- USGS topographic maps: Provided in the "Research Park Boulevard Development" JD Report.

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.
CorpsMap ORM Map Layers	Layers accessed included the USGS topographical quad map, USFWS NWI map, and NRCS soil survey
State/Local/Tribal Sources	N/A.
FEMA/FIRM maps	Entire ephemeral stream is located within FEMA-mapped floodplains.

B. Typical year assessment(s): The Antecedent Precipitation Tool (APT) was used to evaluate the project area for the months preceding my July 22, 2020 site inspection. A single point centered on the AJD review

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.



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area was used to evaluate the rainfall data. The data displays that during the site visit of July 22, 2020 rainfall values were within the normal conditions for the area for the previous 3 months and to date.

- C. Additional comments to support AJD:** According to www.wunderground.com – recent rain levels days before the site visit were minimal, with rainfall a week previous. This is why there was very little flow within the stream.