



**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): 8/7/2020
 ORM Number: LRN-2015-00371
 Associated JDs: Previous PJD for the same property finalized on 2015 October 01
 Review Area Location¹: State/Territory: Alabama City: Priceville County/Parish/Borough: Morgan
 Center Coordinates of Review Area: Latitude 34.52977 Longitude -86.88517

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.

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
S-1	670 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	S-1 had water flowing during the USACE site visit on 10 June 2015 which is typically the dry season for north Alabama and S-1 was dry during the USACE site visit on 30 July 2020 supporting that S-1 is not perennial. There is hydrophytic herbaceous vegetation growing in the bottom of S-1 but no upland vegetation and there are not roots of upland woody plants growing across the bottom of S-1 indicating water is present within S-1 for an extended period during the growing season. S-1 flows into Ginhouse Branch (a perennial stream) and

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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Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
			then into Wheeler Lake, an impoundment of the Tennessee River (a TNW, Section 10 navigable water).

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.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
WET-1	0.77 acre(s)	(b)(1) Non-adjacent wetland.	WET-1 does not abut an (a)(1-3) water, is not inundated by flooding from an (a)(1-3) water in a typical year, and is approximately 50 linear feet from (a)(3) water (S-1) to which WET-1 drains to the east located within the AJD review area. WET-1 is located within a depression with an upland located between it and S-1.
WET-2	0.61 acre(s)	(b)(1) Non-adjacent wetland.	WET-2 abuts WET-1 and is therefore excluded as a jurisdictional water for the same reasons. WET-1 is located between WET-2 and S-1. The JD report separated WET-1 from WET-2 due to different soil conditions within each but in reality they are the same wetland.

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: "Site Evaluation & Jurisdictional Determination; Mr. Joe Kirby Home Site, Morgan County, Alabama" dated April 14, 2015

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 "Site Evaluation & Jurisdictional Determination; Mr. Joe Kirby Home Site, Morgan County, Alabama" JD report and photographs taken 10 June 2015 of the AJD review area during the USACE site visit.

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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- Corps site visit(s) conducted on: [Corps regulator, Eric Sinclair, conducted a site visit on 10 June 2015 and a “drive-by” site inspection on 30 July 2020.](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [LRN-2015-00371 finalized on 01 October 2015.](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [NRCS Web Soil Survey report provided in the “Site Evaluation & Jurisdictional Determination; Mr. Joe Kirby Home Site, Morgan County, Alabama” dated April 14, 2015.](#)
- USFWS NWI maps: [Obtained from ORM2 on 03 August 2020.](#)
- USGS topographic maps: [Decatur, AL from ORM2 on 22 June 2020](#)

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 include the USGS topographical quad map, USFWS NWI map, and NRCS soil survey.
State/Local/Tribal Sources	N/A.
FEMA/FIRM maps	Entire property is located outside of any FEMA-mapped floodplains.

B. Typical year assessment(s): [N/A](#)

C. Additional comments to support AJD: [N/A or provide additional discussion as appropriate.](#)