



**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): 11/6/2020

ORM Number: LRN-2020-00687

Associated JDs: N/A

Review Area Location¹: State/Territory: Alabama City: Priceville County/Parish/Borough: Morgan

Center Coordinates of Review Area: Latitude 34.55530 Longitude -86.88742

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
Intermittent Stream 1	935	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Flows north into perennial stream (Black Branch, Perennial Stream 4), then into Wheeler Lake (a TNW), an impoundment of the Tennessee River.
Perennial Stream 4	2,667	linear feet	(a)(2) Perennial tributary contributes	Flows northeast into Wheeler Lake (a TNW), an impoundment of the Tennessee River.

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
		surface water flow directly or indirectly to an (a)(1) water in a typical year.	
Intermittent Stream 6	373	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. Flows east into perennial stream (Black Branch, Perennial Stream 4), then into Wheeler Lake (a TNW), an impoundment of the Tennessee River.

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
Wetland 4	21.4	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water. Wetland 4 abuts Perennial Stream 4 (Black Branch), a tributary that drains into Wheeler Lake, a TNW.
Wetland 6	3.82	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water. Wetland 6 abuts Intermittent Stream 6, a tributary that drains into Wheeler Lake, a TNW.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Ephemeral Stream 2	225	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. Ephemeral Stream 2 flows into Wheeler Lake off of the property. The stream channel begins in woods at the edge of an agricultural field. The agent's site visit on December 12, 2019 found the channel dry and full of leaf litter. The channel has no riffle-pool sequences and almost no sinuosity.
Ephemeral Stream 3	226	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. Ephemeral Stream 3 flows into Wheeler Lake off of the property. The stream channel begins in woods at the edge of an agricultural field. The agent's site visit on December 12, 2019 found the channel dry and full of leaf litter. The

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				channel has no riffle-pool sequences and almost no sinuosity and the channel becomes sheet flow after 226 linear feet of defined channel.
Ephemeral Stream 5	351	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Stream 5 flows into Perennial Stream 4. The stream channel begins at the terminus of a grassy swale. The agent's site visit on April 21, 2020 found the channel dry and full of leaf litter. The channel has no riffle-pool sequences and almost no sinuosity.
Ephemeral Stream 7	501	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Stream 7 flows to the northeast towards Wheeler Lake but the channel becomes sheet flow before leaving the AJD review area. The agent's site visit on December 11, 2019 found the channel dry and full of leaf litter. The channel has no riffle-pool sequences and almost no sinuosity.
Ephemeral Stream 8	532	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Stream 8 flows to the south from Wetland 1 towards Wetland 4 but the channel becomes a grassy swale, lacking an ordinary high water mark, before entering Wetland 4. USACE site visit on October 2, 2020 found the channel dry. The channel has no riffle-pool sequences and no sinuosity.
Ephemeral Stream 9	1,147	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Stream 9 flows to the north into Perennial Stream 4. The agent's site visit on December 11, 2019 found the channel had no flow. The stream is a farm road ditch that has no riffle-pool sequences and no sinuosity.
Ephemeral Stream 10	20	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Stream 10 flows from Wetland 2 to the north towards Wheeler Lake but an ordinary high water mark exists within Ephemeral Stream 10 for only 20 linear feet. During the USACE October 2, 2020, site visit the channel was dry and full of leaf litter.
Wetland 1	2.78	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 does not abut, receive flooding in a typical year from, or separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.
Wetland 2	0.26	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2 does not abut, receive flooding in a typical year from, or separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.
Wetland 3	2.36	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 3 does not abut, receive flooding in a typical year from, or separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland 5	2.35 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 5 does not abut, receive flooding in a typical year from, or separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.

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: [“Report of Jurisdictional Waters Assessment, Proposed 352 Acre Development, Priceville, Morgan County, Alabama, S&ME Project No. 3282-19-097”](#), dated June 29, 2020. Subsequent revised waters maps have been received since the initial report in response to a site visit by the USACE on October 2, 2020.

This information is sufficient for purposes of this AJD.

Rationale: [Revised JD report created in response to USACE site visit on October 2, 2020.](#)

- 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 site visit.](#)
- Corps site visit(s) conducted on: [October 2, 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: [Morgan County, Alabama](#)
- USFWS NWI maps: [Decatur, Alabama](#)
- USGS topographic maps: [Decatur, Alabama](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Decatur, AL quadrangle map of the property.
USDA Sources	Soil survey for Morgan County, Alabama, accessed via ORM2
NOAA Sources	N/A.
USACE Sources	Various layers from ORM2
State/Local/Tribal Sources	N/A.
Other Sources	Google Earth images of the property.

B. Typical year assessment(s): [The Antecedent Precipitation Tool \(APT\) was used to evaluate the project area for the months preceding my 02 October 2020 site inspection. A single point centered on the AJD review area was used to evaluate the rainfall data. The 90 day period preceding 02 October 2020 was determined to be normal with the nearest month being normal, the month ending 30 days prior to 02 October 2020 was wetter than the 70th percentile, and the month ending 60 days prior to 02 October 2020 was normal. The drought index further describes the period ending on September 2020 as extreme wetness.](#)

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