



**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): 10/9/2020
 ORM Number: LRN-2020-00744
 Associated JDs: N/a
 Review Area Location¹: State/Territory: AL City: Athens County/Parish/Borough: Limestone
 Center Coordinates of Review Area: Latitude 34.782223 Longitude -86.968507

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.	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
Town Creek (S2)	1,028	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Large perennial stream which features riffle and pool, multiple aquatic species, and yearly continuous flow.
Unnamed Tributary to	669	Linear feet	(a)(2) Intermittent tributary contributes	Intermittent stream due to multiple headwater drainages upstream. Aquatic species were found

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
Town Creek (S1)		surface water flow directly or indirectly to an (a)(1) water in a typical year.	within the aquatic resource. Flow and riffle/pool complex was observed during the site visit.

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
Unnamed Tributary to Town Creek (S3)	2,607	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. Feature had no flow during site visit. Bed and bank were undefined in some areas with vegetation growing within the channel. Neighboring aquatic resources had flow at the time of site visit.
Unnamed Tributary to Town Creek (S4)	2,289	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. Feature had no flow during site visit. Bed and bank were undefined in some areas with vegetation growing within the channel. Neighboring aquatic resources had flow at the time of site visit.
Wetland 1	1.35	acre(s)	(b)(1) Non-adjacent wetland. Wetland abutting S3. Connection to ephemeral stream not an (a)(1-3) water.
Wetland 2	37.74	acre(s)	(b)(1) Non-adjacent wetland. Wetland abutting S4. Connection to ephemeral stream not an (a)(1-3) water.
Wetland 3	1.34	acre(s)	(b)(1) Non-adjacent wetland. Wetland abutting S4. Connection to ephemeral stream not an (a)(1-3) water.
Wetland 4	0.07	acre(s)	(b)(1) Non-adjacent wetland. Wetland abutting S4. Connection to ephemeral stream not an (a)(1-3) water.
Wetland 5	0.04	acre(s)	(b)(1) Non-adjacent wetland. Wetland abutting S4. Connection to ephemeral stream not an (a)(1-3) water.

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.

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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- Information submitted by, or on behalf of, the applicant/consultant: "Brookhill Site, July 2020"
Submitted by Patti Kelly of Kelly EcoSource LLC
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: "Brookhill Site, July 2020" Submitted by Patti Kelly of Kelly EcoSource LLC – Ground photos provided by USACE, David Medina, during site visit
- Corps site visit(s) conducted on: September 23, 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: "Brookhill Site, July 2020" Submitted by Patti Kelly of Kelly EcoSource LLC
- USFWS NWI maps: Title(s) and/or date(s).
- USGS topographic maps: "Brookhill Site, July 2020" Submitted by Patti Kelly of Kelly EcoSource LLC

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	No parts of the review area are within a flood zone.

B. Typical year assessment(s): APT tool assessed the area as normal conditions.

C. Additional comments to support AJD: According to www.wunderground.com – rain totals for the month of September before the site visit were minimal.