



**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): 11/17/2020

ORM Number: LRN-2020-00853

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Alabama City: Athens County/Parish/Borough: Limestone

Center Coordinates of Review Area: Latitude 34.75783 Longitude -86.96368

**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)<sup>2</sup>**

§ 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): <sup>3</sup>				
(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
S3	600	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Flows south into another unnamed intermittent stream, then into Swan Creek, a perennial stream, then into Wheeler Lake (a TNW), an impoundment of the Tennessee River.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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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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	
N/A.	N/A.	N/A.	N/A.	N/A.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
S1	1,750	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Stream S1 flows to the southwest and joins Ephemeral Stream S2. USACE site visit on October 06, 2020 found the channel dry. The channel has no riffle-pool sequences and no sinuosity. S1 is an upland grassy swale at certain points along its path.
S2	1,350	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Stream S2 flows to the south and joins Ephemeral Stream S1. USACE site visit on October 06, 2020 found the channel dry. The channel has no riffle-pool sequences and no sinuosity. S2 is an upland grassy swale at certain points along its path.
Wetland 1	0.17	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	1.3	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	5.49	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.

**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: “Roy Long Road Wetland Delineation, Athens, Limestone County, Alabama, Project # K20-32”, dated August 5, 2020. Subsequent revised waters maps have been received since the initial report in response to a site visit by the USACE on October 6, 2020

This information is sufficient for purposes of this AJD.

<sup>4</sup> 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.

<sup>5</sup> 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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Rationale: *N/A*

- 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 6, 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: *Limestone County, Alabama*
- USFWS NWI maps: *Athens, Alabama*
- USGS topographic maps: *Athens, Alabama*

**Other data sources used to aid in this determination:**

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

**B. Typical year assessment(s):** *The Antecedent Precipitation Tool (APT) was used to evaluate the project area for the months preceding my 06 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 06 October 2020 was determined to be normal with the nearest month being normal, the month ending 30 days prior to 06 October 2020 was wetter than the 70th percentile, and the month ending 60 days prior to 06 October 2020 was drier than the 30th percentile. 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.*