



**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): 12/18/2020
 ORM Number: LRN-2020-01117
 Associated JDs: N/A
 Review Area Location¹: State/Territory: AL City: Madison County/Parish/Borough: Limestone
 Center Coordinates of Review Area: Latitude 34.751239 Longitude -86.833136

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
Unnamed Tributary to Limestone Creek (S1R1)	1074 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 1 Reach 1 is an intermittent stream with easily recognizable bed and bank showing signs of frequent and heavy water flows. Stream 1 Reach 1 transitions to perennial with high flows within the review area. There was some pooling of water and small amounts of flowing water the closer to the transition to Reach 2. Stream 1 is an Unnamed Tributary to Limestone Creek, an (a)(2) water, that contributes flow directly to the Tennessee River, an (a)(1) water.

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
Unnamed Tributary to Limestone Creek (S2R2)	155	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 1 Reach 2 is a perennial water with very well-defined bed and bank with high flows present during the Corps 24-NOV-2020 site visit. Stream 1 transitions to perennial within the review area before exiting the property to the south to flow into Limestone Creek, an (a)(2) water, that flows directly into the Tennessee River, an (a)(1) water.
Unnamed Tributary to Martin Branch (S2)	825	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream two is an intermittent stream with a very well-defined bed and bank, and evidence of high and frequent flows. Stream 2 is an Unnamed Tributary to Martin Branch, an (a)(2) water, that contributes flows to the Tennessee River, an (a)(1) 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.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland A (Wet A)	1.3	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 4 is an emergent wetland that was completely inundated during the Corps 24-NOV-2020 site visit. The wetland area contributes water to and directly abuts Stream 1 Reach 2.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Stream 3 (S3)	83	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 3 is a small ephemeral channel that feeds surface water to stream 2 during rainfall events. There is no connection to any groundwater sources present. The channel is poorly defined and there was no evidence of recent water movement through the channel during the Corps 24-NOV-2020 site visit. Then channel was full of leaf litter with no signs of wracking or staining of leaf litter

III. SUPPORTING INFORMATION

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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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: [Reference report prepared and submitted by Spectrum Environmental, Inc on October 26, 2020](#)

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: Reference report prepared and submitted by Spectrum Environmental, Inc on October 26, 2020 and digital photos taken by Adam McHann, USACE, during November 24, 2020 site visit.](#)

Corps site visit(s) conducted on: [November 24, 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: [Reference report prepared and submitted by Spectrum Environmental, Inc on October 26, 2020](#)

USFWS NWI maps: [Reference report prepared and submitted by Spectrum Environmental, Inc on October 26, 2020](#)

USGS topographic maps: [Reference report prepared and submitted by Spectrum Environmental, Inc on October 26, 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.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other information (specify)	National Weather Service: climate report archives for precipitation data for the time period before and during the 24-NOV-2020 Corps site visit.

B. Typical year assessment(s): [The APT shows the Corps November 24, 2020 site visit having taken place during normal conditions for the wet season. According to rain tables provided through the National Weather Service Archives and accessed through the APT this has been a typical year for rainfall. Rain tables from dates within the timeframe of the site visit show the area having received 0.08 inches of rainfall the previous 10 days and 10.1 inches in the month preceding the site visit. Therefore the evidence of water present in pockets of the intermittent streams, heavy flows in the perennial stream, and the wetland being completely inundated with water fully supports the jurisdictional determinations in this form.](#)

C. Additional comments to support AJD: [N/A](#)