



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

September 24, 2013

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army Permit Number SAM-2013-00917-JEB for Minor Structures and Activities within the State of Alabama, ADCNR/Gulf State Park, Lake Shelby

Alabama Department of Conservation
and Natural Resources
Attention: Mr. Gunter Guy, Jr., Commissioner
64 North Union Street
Montgomery, Alabama 36130

Dear Mr. Guy:

Reference is made to your request for a Department of the Army permit to construct fishing piers and elevated walkways at Gulf State Park on Lake Shelby. Specifically, the project is located within Gulf State Park in Sections 10, 11, 12, 13, 14, 15, 16, and 22, Township 9 South, Range 4 East, Gulf Shores, Baldwin County, Alabama, where the following work is authorized:

Construct four elevated wooden walkways over wetlands and open waters of Lake Shelby at four separate locations. Each walkway will be 5-feet wide and elevated 5-feet above the Ordinary High Water Line and emergent wetland vegetation. Construct three small fishing piers over Lake Shelby at three separate locations. Each pier will be 5-feet wide and elevated 5-feet above the Ordinary High Water Line and emergent wetland vegetation. The walkways and piers are authorized by Alabama General Permit ALG05-2011.

Upon the recommendation of the Chief of Engineers and under provisions of Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 USC 1344), authorization is hereby given by the Secretary of the Army for the performance of the work in accordance with the enclosed descriptions and plans, ENG Form 4336 and the Alabama General Permits.

General Permit Number ALG05-2011 and the associated Regional and General Conditions can be accessed at our website at <http://www.sam.usace.army.mil/Missions/Regulatory.aspx> or, at your request, a paper copy will be provided to you. Please note: The Alabama General Permit Program

Volkert, Inc

Conditions include nine Special Conditions and six General Conditions. Alabama Department of Environmental Management project certification conditions include four Coastal Zone Management Certification Conditions and 12 Water Quality Conditions.

Your work is subject to the following special conditions:

- a. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the U.S. Army Corps of Engineers (Corps), to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
- b. The permittee must install and maintain, at the permittee's expense, any safety lights, signs and signals required by the U.S. Coast Guard, through regulations or otherwise, on the permittee's fixed structures. To receive a U.S. Coast Guard Private Aids to Navigation marking determination, at no later than 30 days prior installation of any fixed structures in navigable waters and/or prior to installation of any floating private aids to navigation, you are required to contact the Eighth Coast Guard District (dpw), 500 Poydras St. Suite 1230, New Orleans, LA 70130, (504)671-2328 or via email to: D8oanPATON@uscg.mil. For general information related to Private Aids to Navigation please visit the Eighth CG District web site at: <http://www.uscg.mil/d8/waterways/PATON.Home.asp>
- c. It is the responsibility of the permittee to coordinate this activity with the State Lands Division, Alabama Department of Conservation and Natural Resources (ADCNR), for any riparian rights issues or leases that may be required for impacting State water bottoms. ADCNR, State Lands Division, 31115 Five Rivers Boulevard, Spanish Fort, Alabama 36527, phone number (251) 621-1238.
- d. This permit does not authorize impacts to wetlands, submerged aquatic vegetation (SAV), or natural shellfish beds.
- e. This permit does not authorize: (1) structures for the permanent mooring of houseboats, (2) fueling facilities, (3) toilets and/or similar amenities, and activities which produce "grey water", (4) habitable structures (as determined by ADEM) over navigable waters of the United States, (5) structures in/over submersed aquatic vegetation (other than a pier or walkway) or natural shellfish beds.
- f. A minimum distance of 10 feet shall be maintained between the authorized structures, including any moored vessels, and the adjacent riparian area boundaries. However, the adjacent property owner to the east of the proposed dock structures has waived the 10-foot riparian setback requirement, as indicated in the enclosed letter.
- g. It is the permittee's responsibility to ensure the contractors working on this project are aware of all general and special permit conditions.
- h. Compliance with all the terms and conditions of the General Permit Program and permit special conditions is mandatory.

i. In areas in close proximity or vegetated with SAV, pilings shall be driven.

If title to this structure is transferred or assigned to another party or in the event of removal or destruction of such structure by any cause, the District Commander shall be notified promptly in writing.

You should study and carefully adhere to all the terms and conditions of the permit. The District Commander must be notified of the commencement and completion of the permitted work. The enclosed cards may be used for that purpose. Also, the Notice of Authorization must be posted at the site during construction of the permitted activity. Work authorized by the General Permit must be completed within three years of the authorization date.

This authorization does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, State or Federal authority.


A copy of this letter is being provided to Alabama Department of Environmental Management, Mobile Branch/Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608; Alabama Department of Conservation and Natural Resources, Attention: Mr. Jeff Jordan, 31115 Five Rivers Boulevard, Spanish Fort, Alabama 36527 and Volkert, Inc., Attention: Mr. Brett Gaar, 316 South McKenzie Street, Foley, Alabama 36535.

Please contact me at (251) 690-3184, if you have any questions. For additional information about our Regulatory Program, please visit our web site at <http://www.sam.usace.army.mil/Missions/Regulatory.aspx> and please take a moment to complete our customer satisfaction survey while you're there or complete and return the enclosed self addressed survey form. Your responses are appreciated and will allow us to improve our services.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

JON J. CHYTKA
Colonel, Corps of Engineers
District Commander

BY:



ERIC BUCKELEW
Project Manager
South Alabama Branch
Regulatory Division

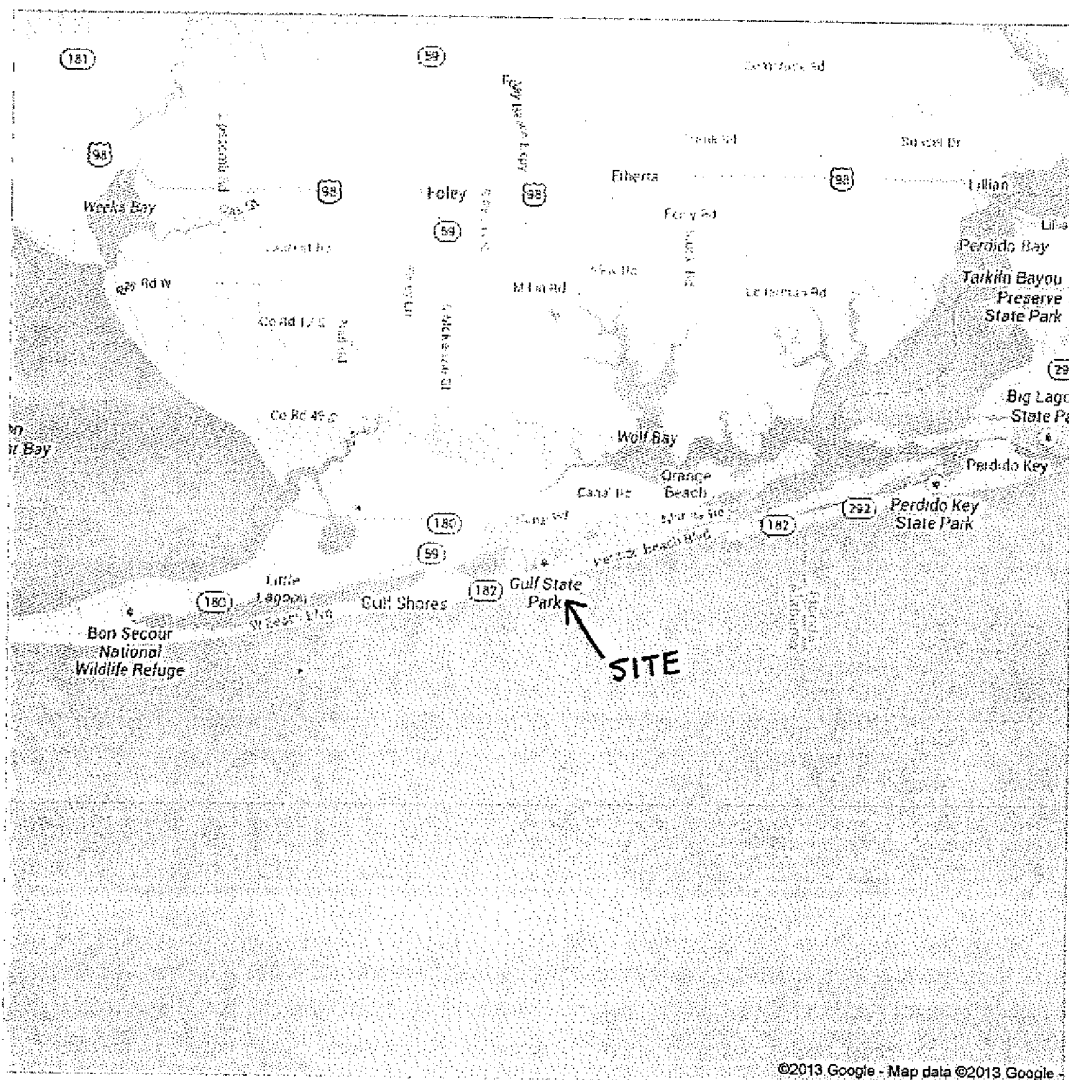
Enclosures:

Permit Transfer: When the structures or work authorized by this permit (**SAM-2013-00917-JEB**) are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(NAME)

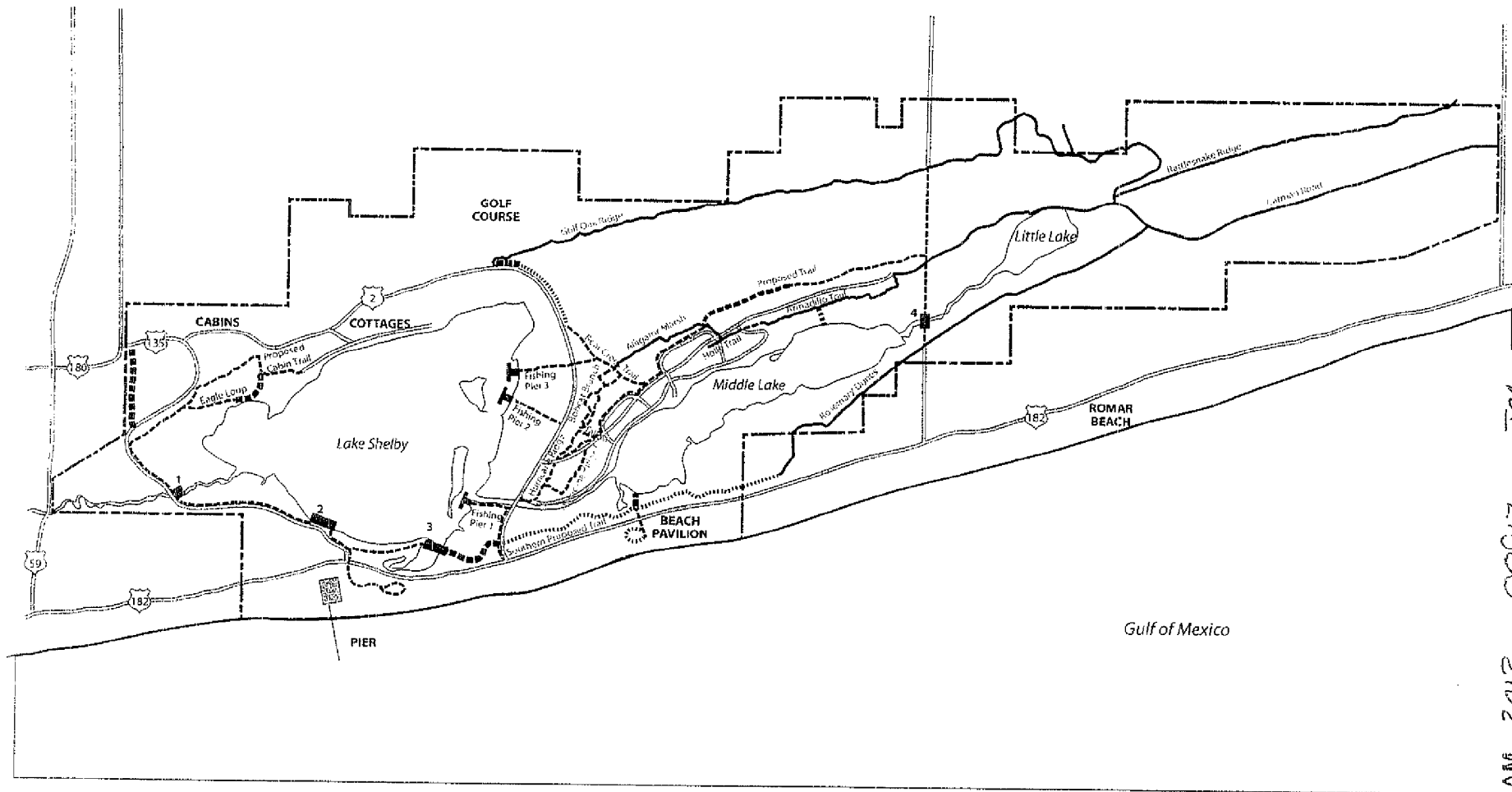
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Google



GULF STATE PARK ENHANCEMENT PROJECT

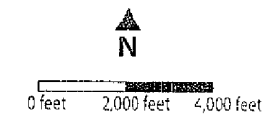
DWH-AR0233682



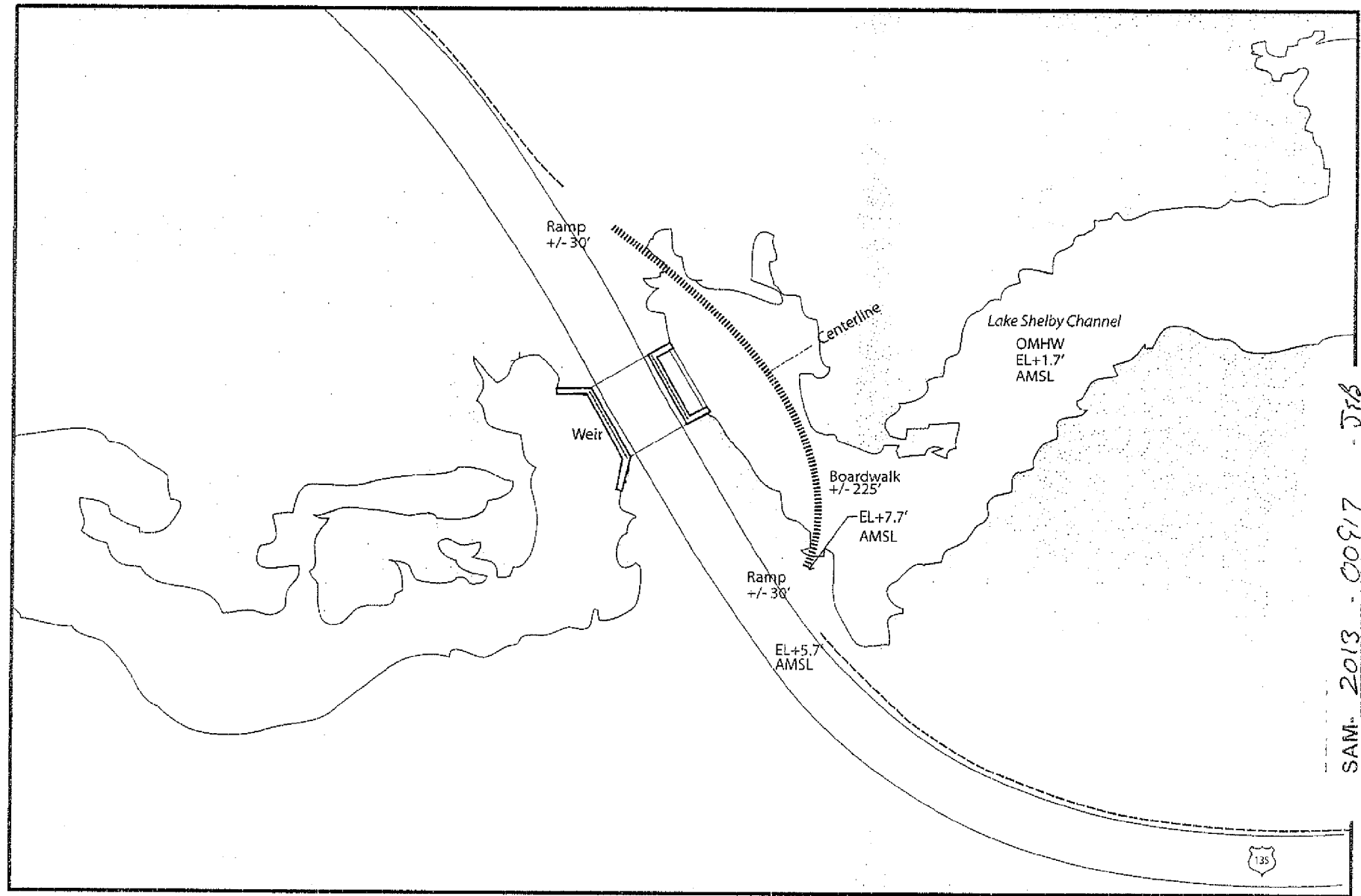
Trails

LEGEND

- Gulf State Park (6,150 acres)
- Existing Road
- Existing Upland Trail
- Proposed Upland Trail
- Proposed Raised Upland Crossing
- Proposed Wetland Crossing
- Proposed Open Water Crossing
- Proposed Fishing Pier



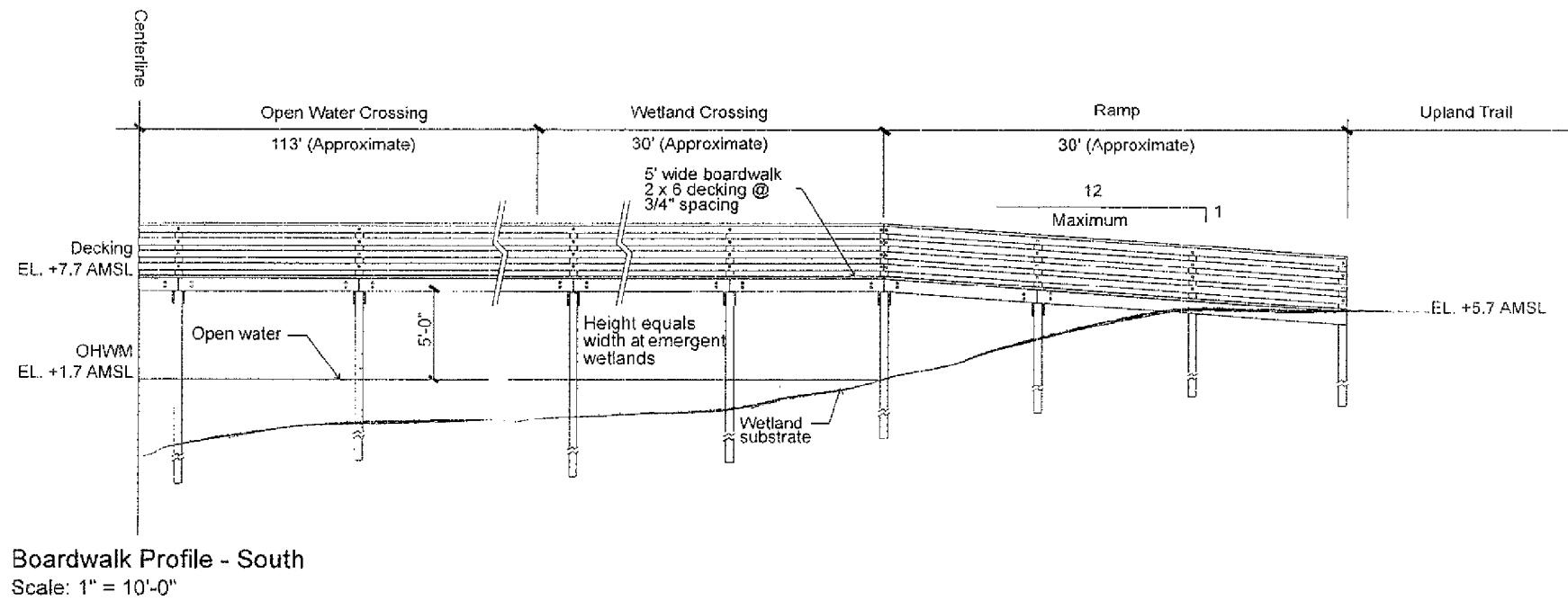
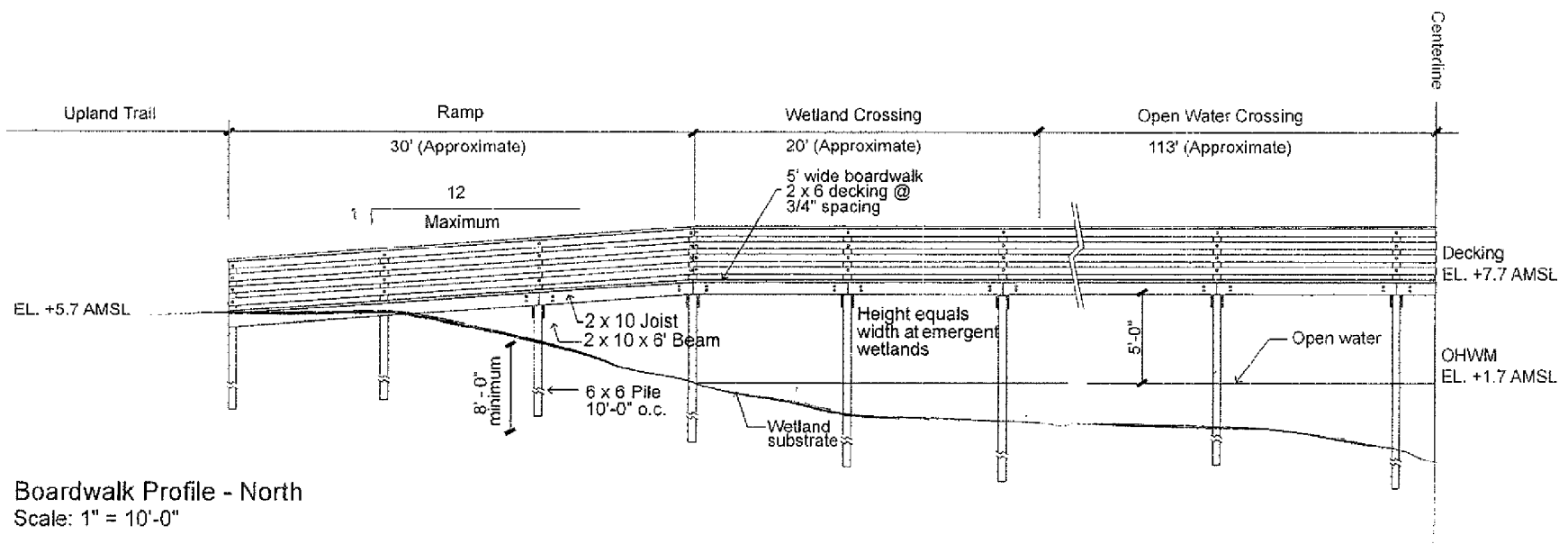
SAM-2013-00917-JEB
 DEPT. OF THE ARMY PERMIT



- LEGEND
- Upland
 - Wetland
 - Open Water
 - Upland Trail
 - Boardwalk
 - Ramp

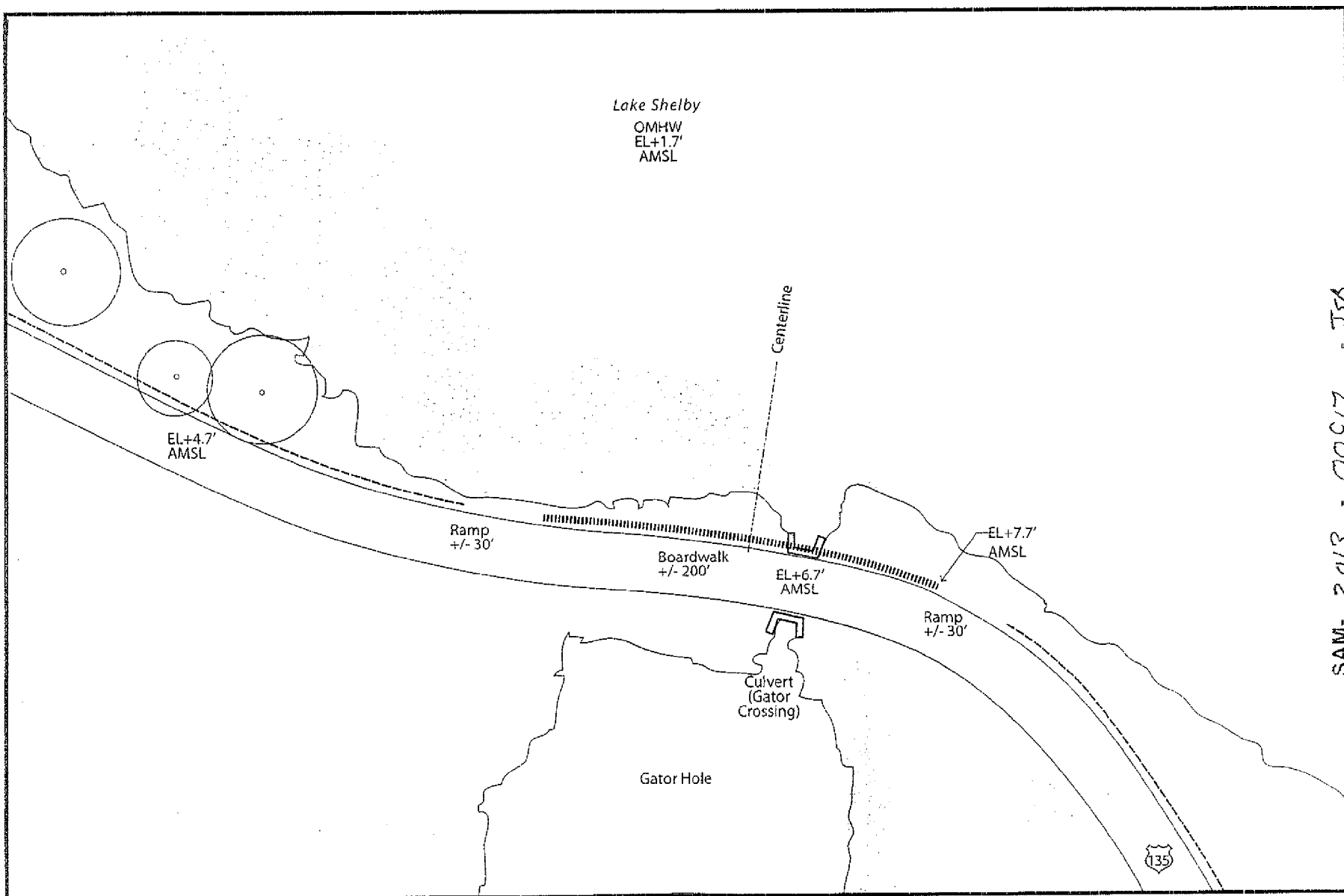
Open Water Crossing 1 - Marsh Overlook at Weir, SR 135

SAM- 2013 - 00917 - JTB
DEPT. OF THE ARMY PERMIT



Open Water Crossing 1 - Marsh Overlook at Weir, SR 135

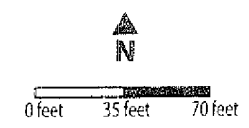
SAM-2013-00917 - JTB
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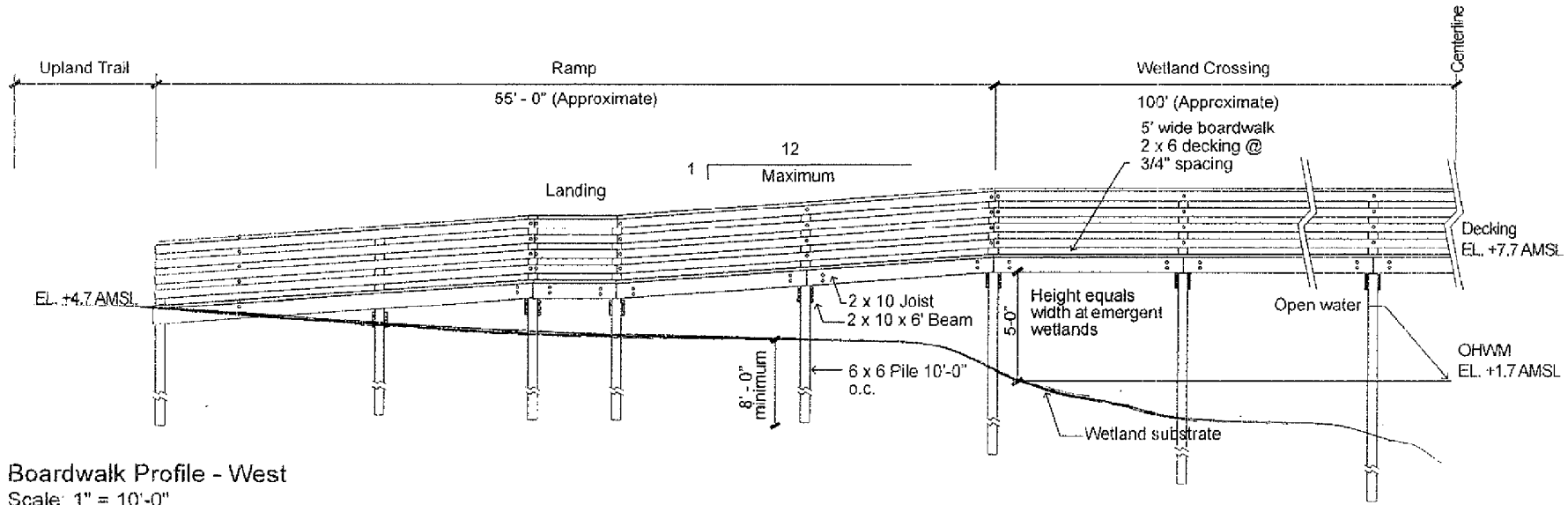


SAM-2013-00917 - JTB
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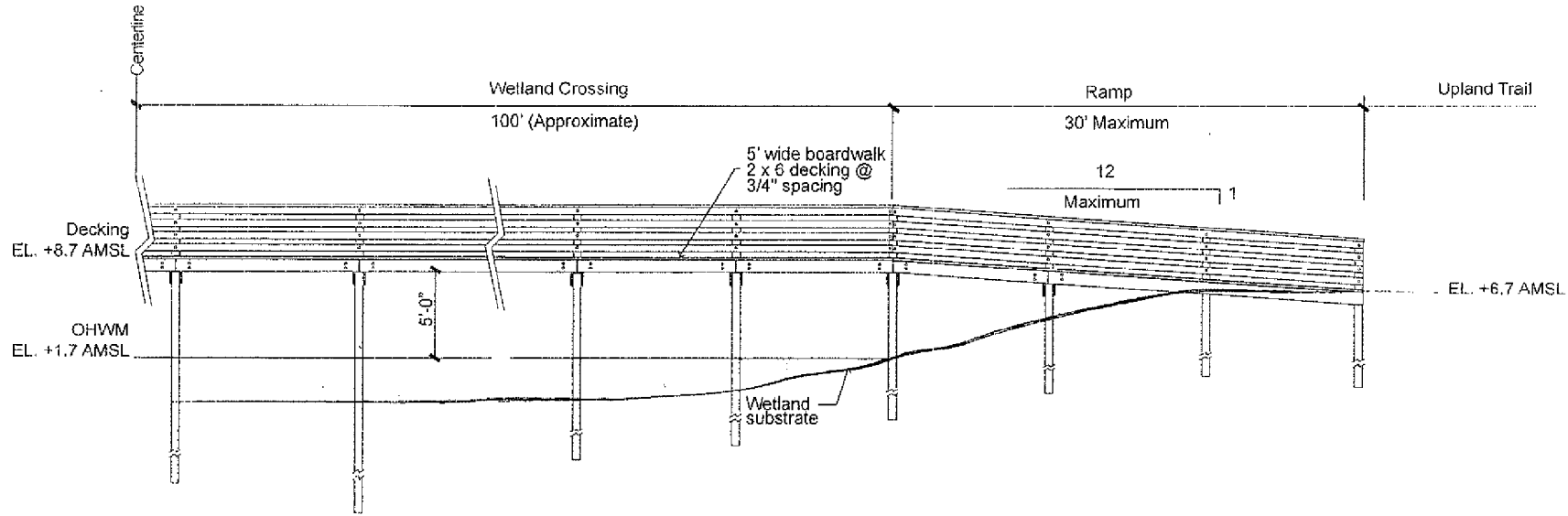
- LEGEND
- | | |
|------------|--------------|
| Upland | Upland Trail |
| Wetland | Boardwalk |
| Open Water | Ramp |
| SAV | |

Open Water Crossing 2 - Gator Hole, SR 135





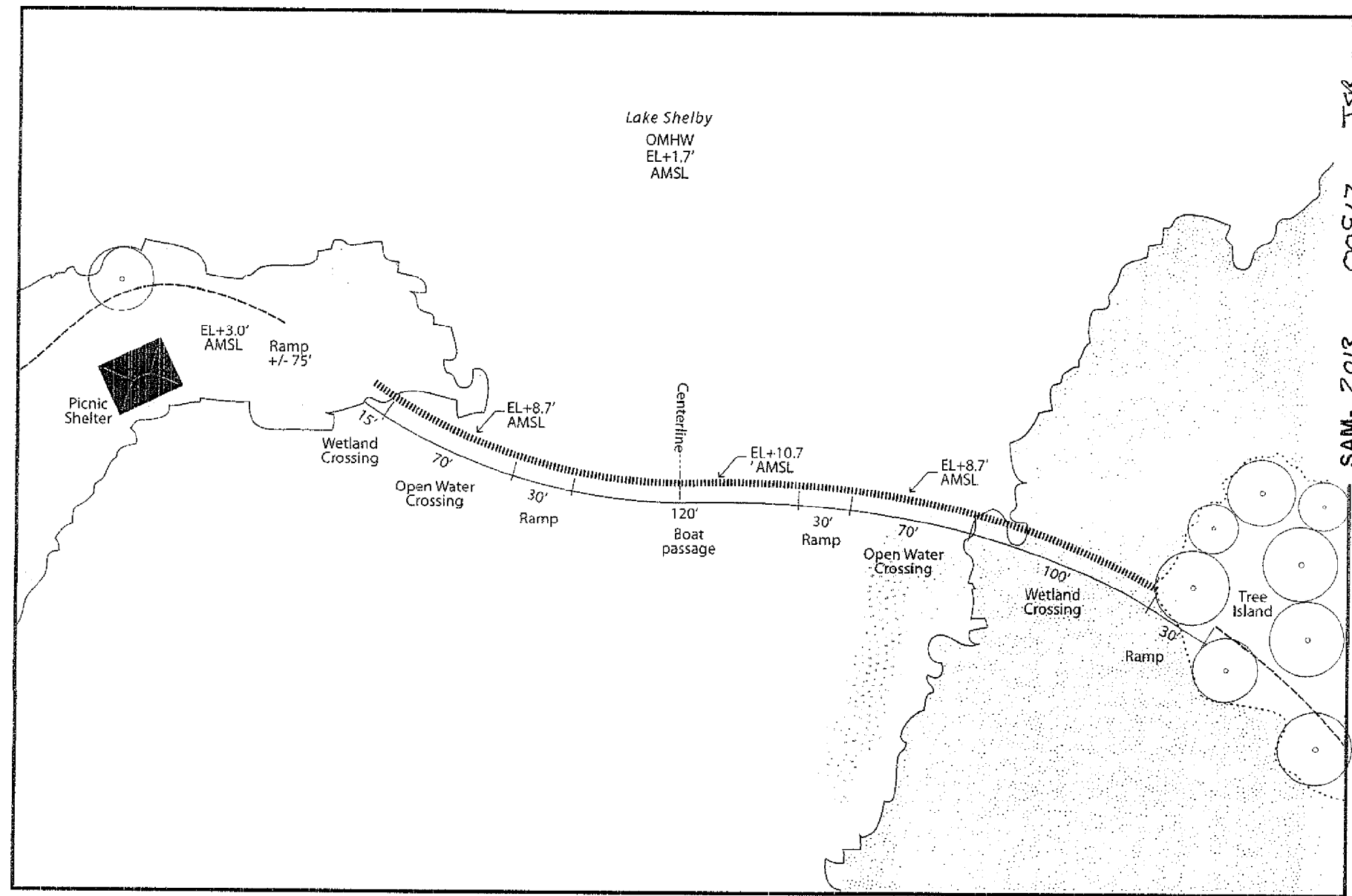
Boardwalk Profile - West
Scale: 1" = 10'-0"



Boardwalk Profile - East
Scale: 1" = 10'-0"

Open Water Crossing 2 - Gator Hole, SR 135

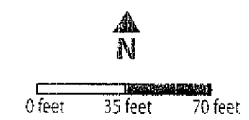
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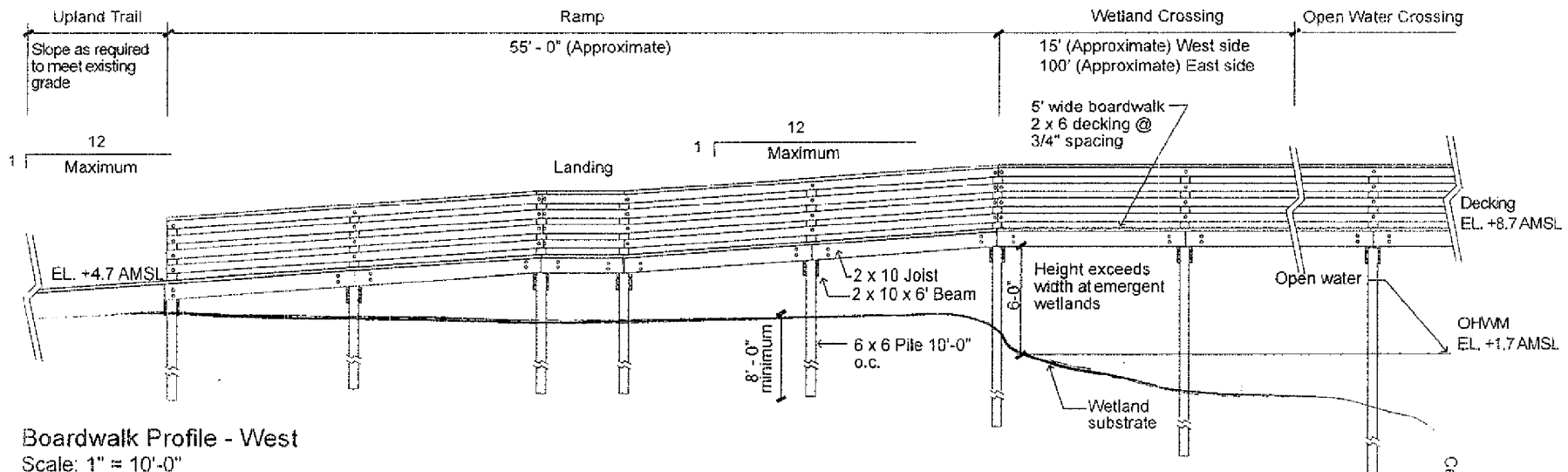


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DEPT. OF THE ARMY PERMIT

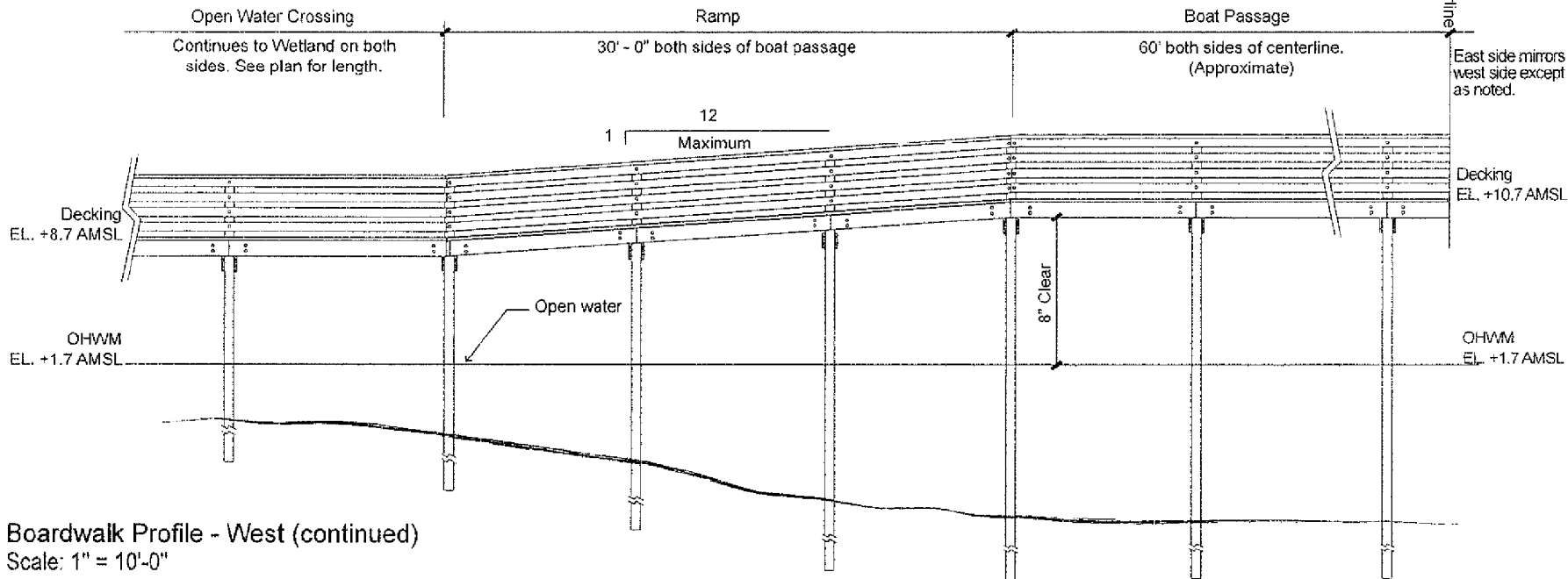
- LEGEND
- | | |
|------------|--------------|
| Upland | Upland Trail |
| Wetland | Boardwalk |
| Open Water | Ramp |
| SAV | |

Open Water Crossing 3 - Picnic Area to Eastern Shore





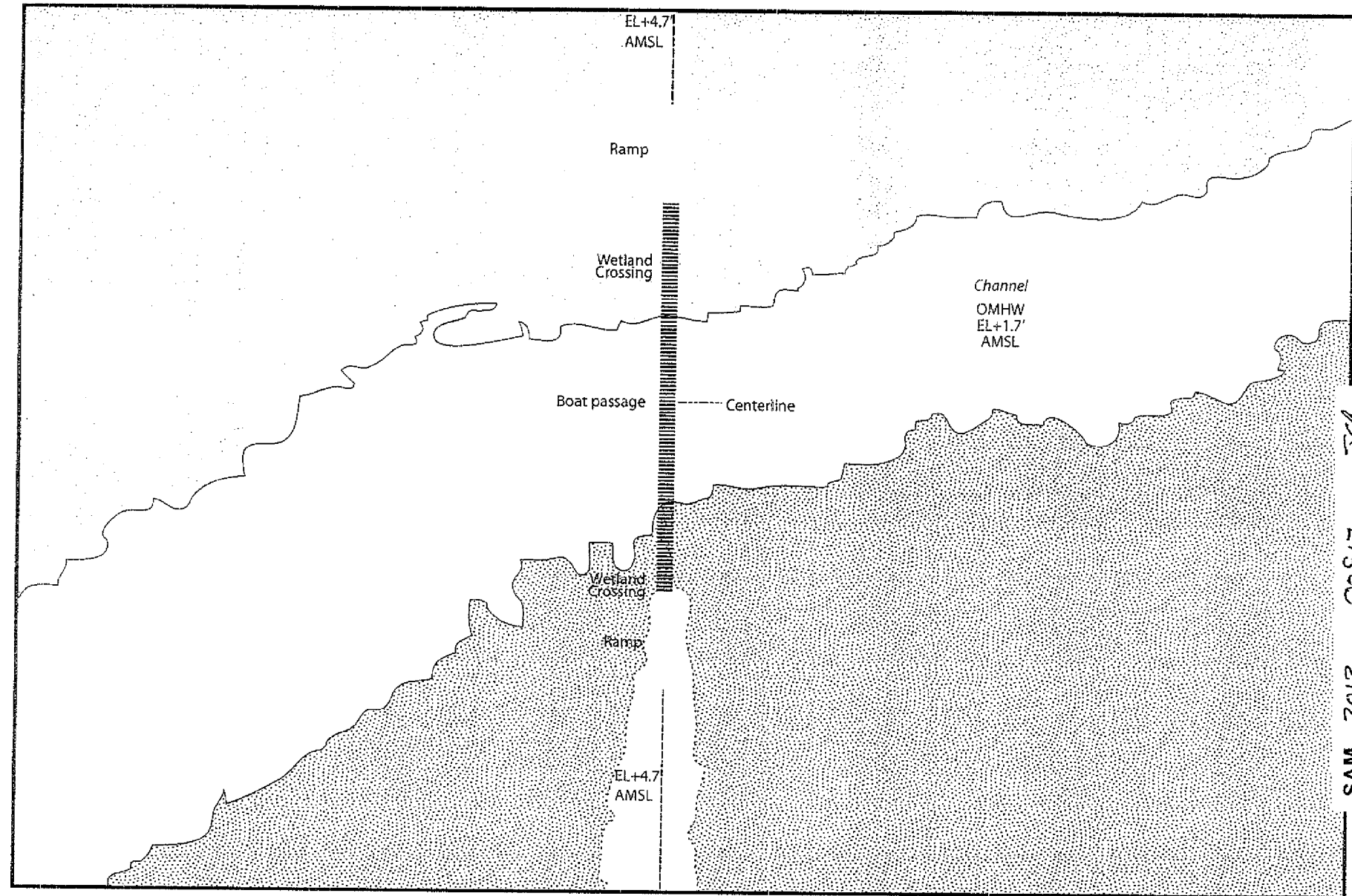
Boardwalk Profile - West
Scale: 1" = 10'-0"



Boardwalk Profile - West (continued)
Scale: 1" = 10'-0"

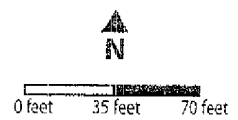
Open Water Crossing 3 - Picnic Area to Eastern Shore

SAM-2013-00917-352
2/15/00
CIVIL ENGINE REPORT

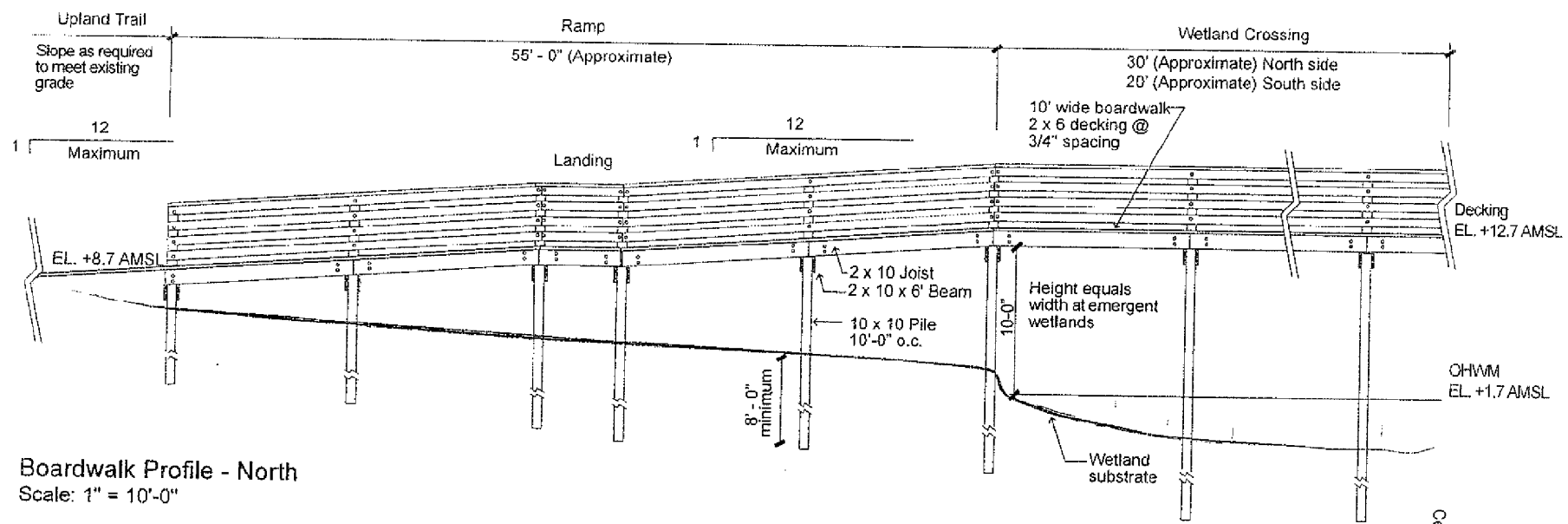


- LEGEND
- Upland
 - Wetland
 - Open Water
 - Upland Trail
 - Boardwalk
 - Ramp

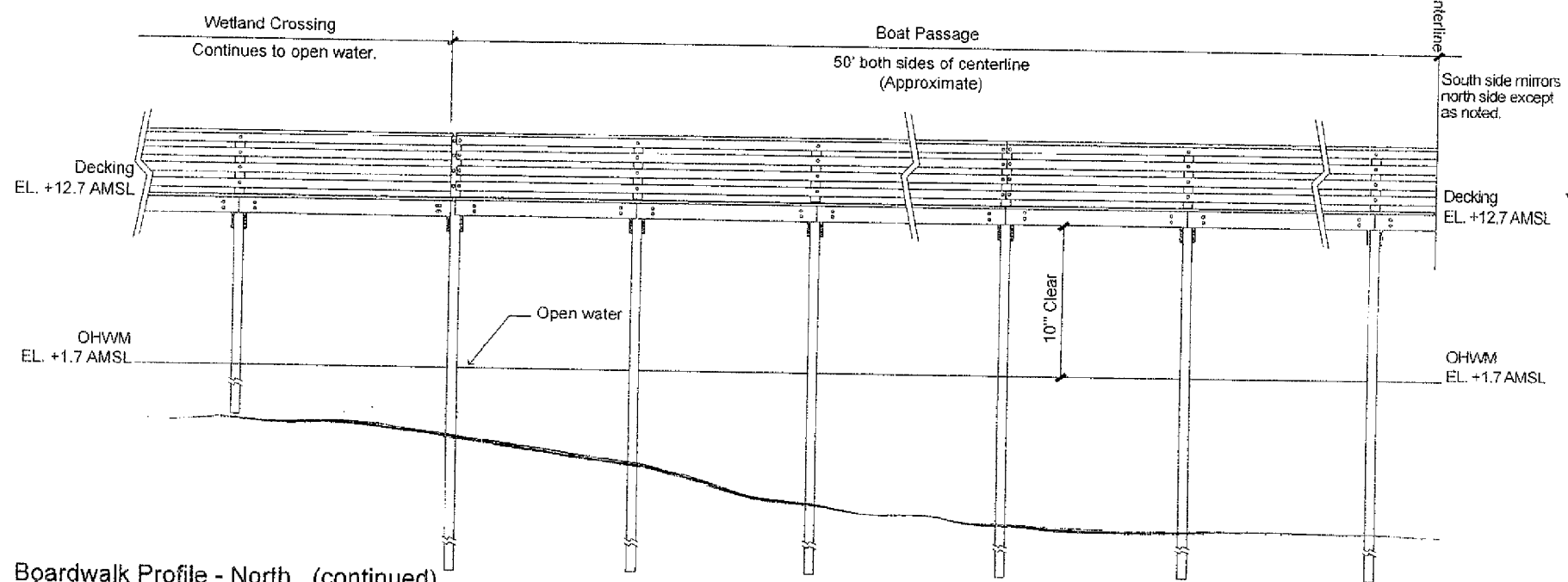
Open Water Crossing 4 - Channel Bridge



SAM-2013-00817-388
DEPT. OF THE ARMY PERMIT



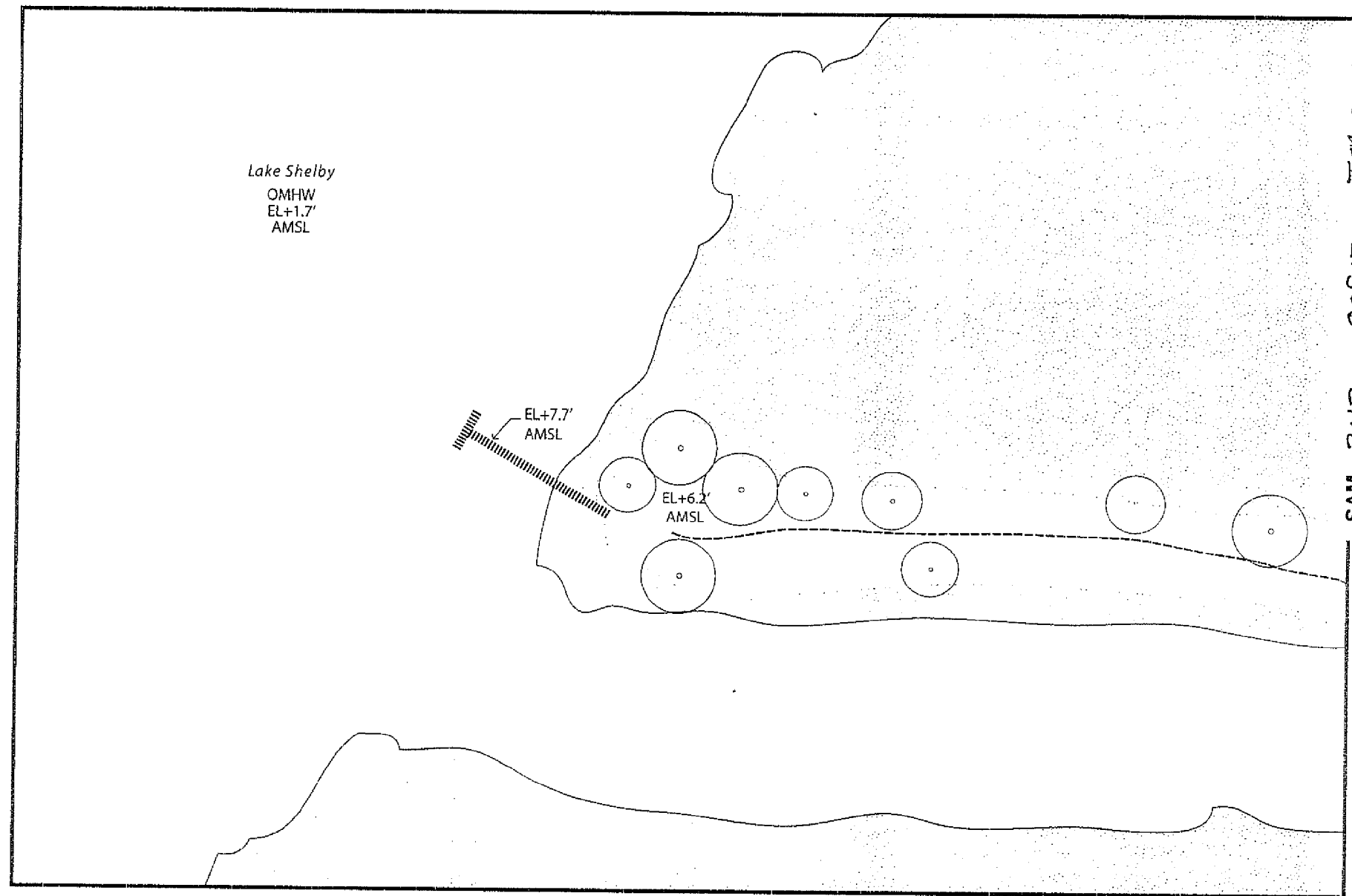
Boardwalk Profile - North
Scale: 1" = 10'-0"



Boardwalk Profile - North (continued)
Scale: 1" = 10'-0"

Open Water Crossing 4 - Channel Bridge

SAM-2013-00917-358
NEXT OF THE ADMV BEDMIT



LEGEND

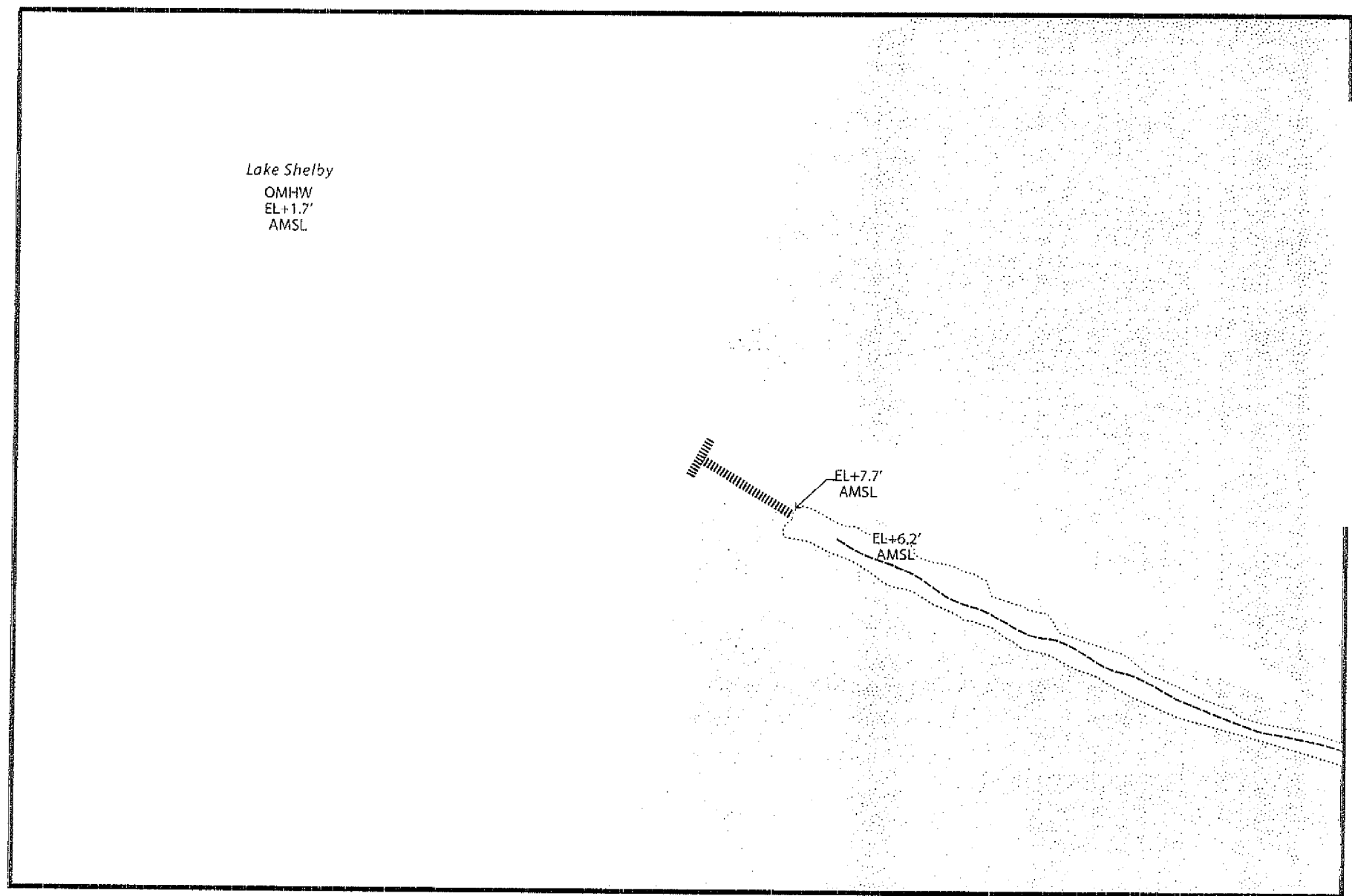
- | | |
|------------|--------------|
| Upland | Upland Trail |
| Wetland | Boardwalk |
| Open Water | Ramp |

Lake Shelby Fishing Pier 1



SAM-2013-00917-588
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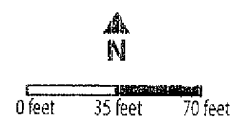
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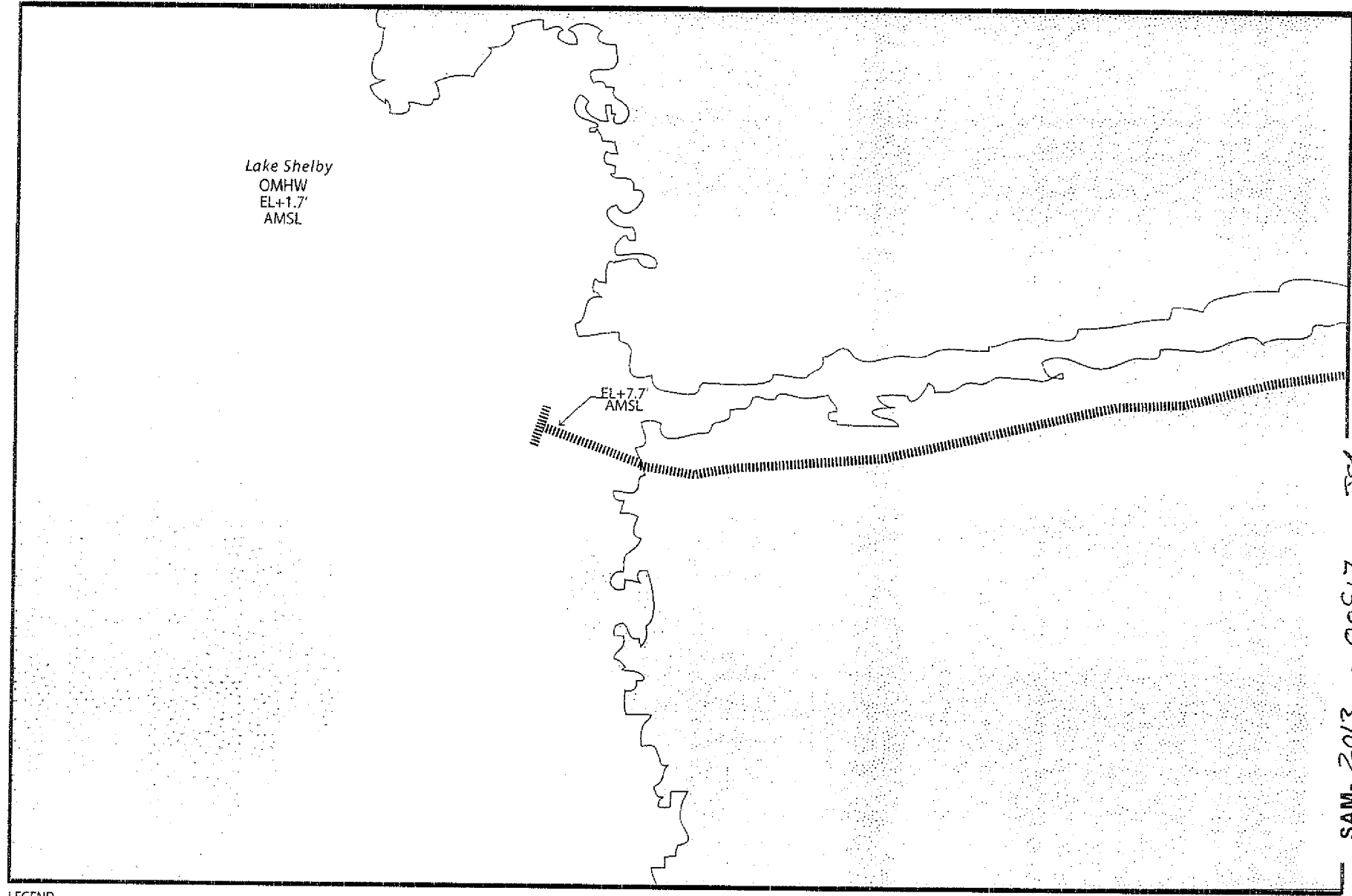


LEGEND

- | | |
|------------|--------------|
| Upland | Upland Trail |
| Wetland | Boardwalk |
| Open Water | Ramp |
| SAV | |

Lake Shelby Fishing Pier 2

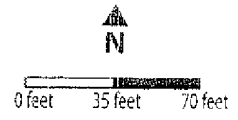




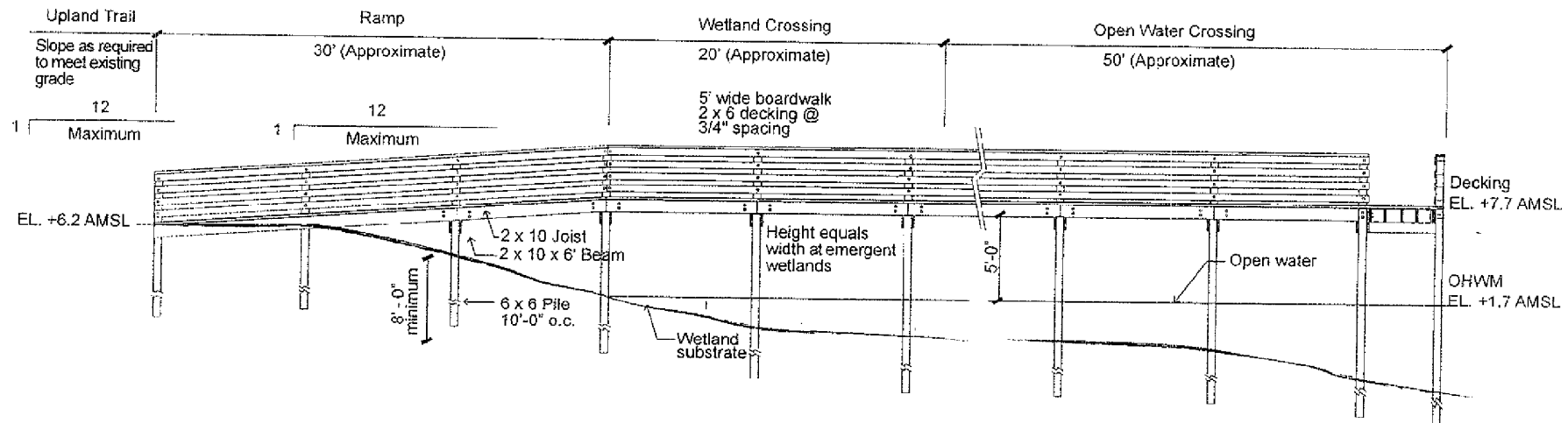
LEGEND

- | | |
|------------|--------------|
| Upland | Upland Trail |
| Wetland | Boardwalk |
| Open Water | Ramp |
| SAV | |

Lake Shelby Fishing Pier 3



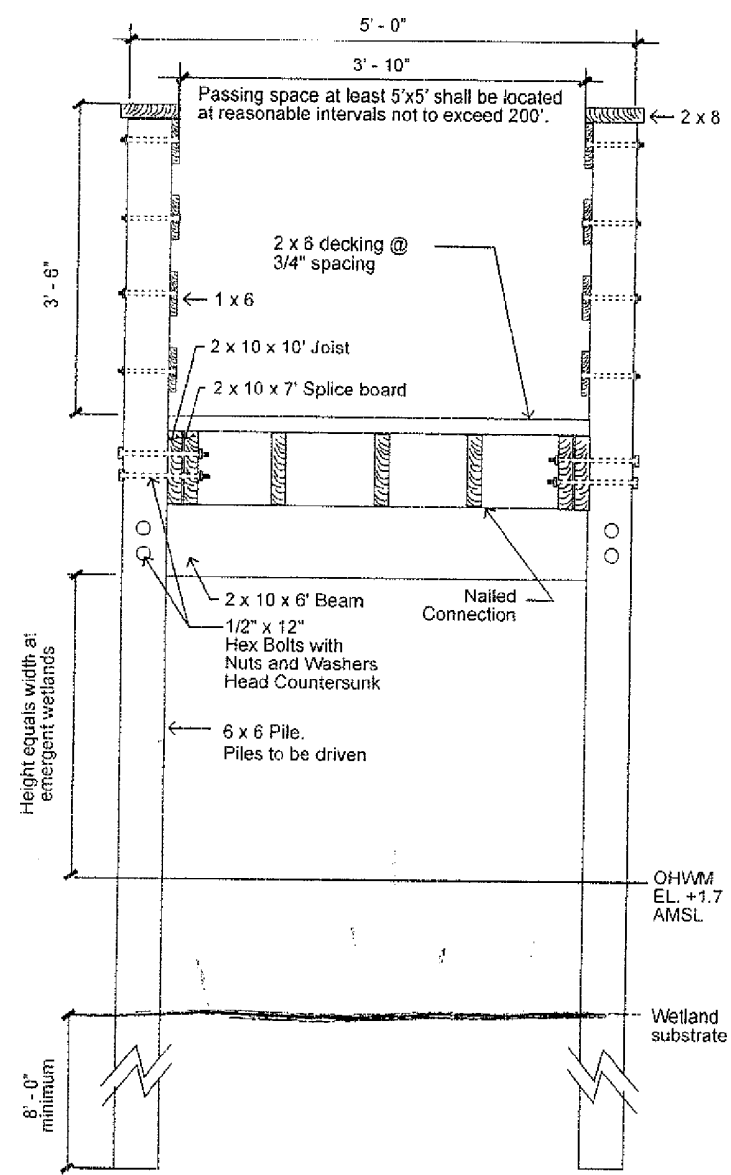
SAM-2013-00917 - DEPT. OF THE ARMY PERMIT



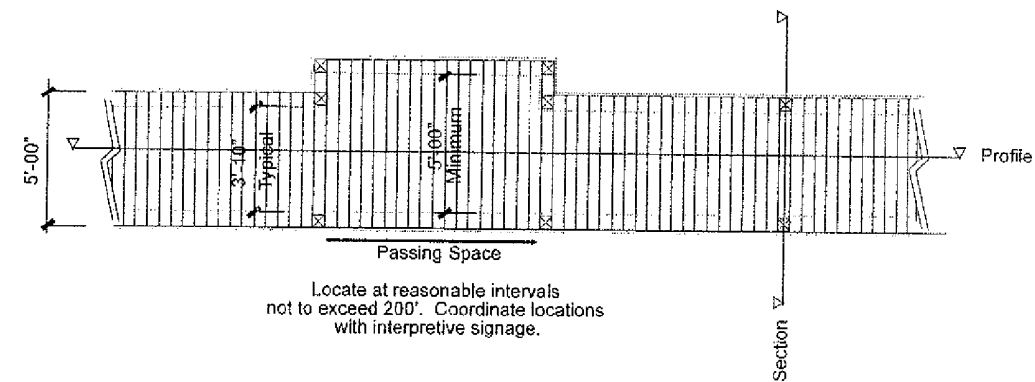
Typical Fishing Pier
Scale: 1" = 10'-0"

Lake Shelby Fishing Piers 1, 2, 3

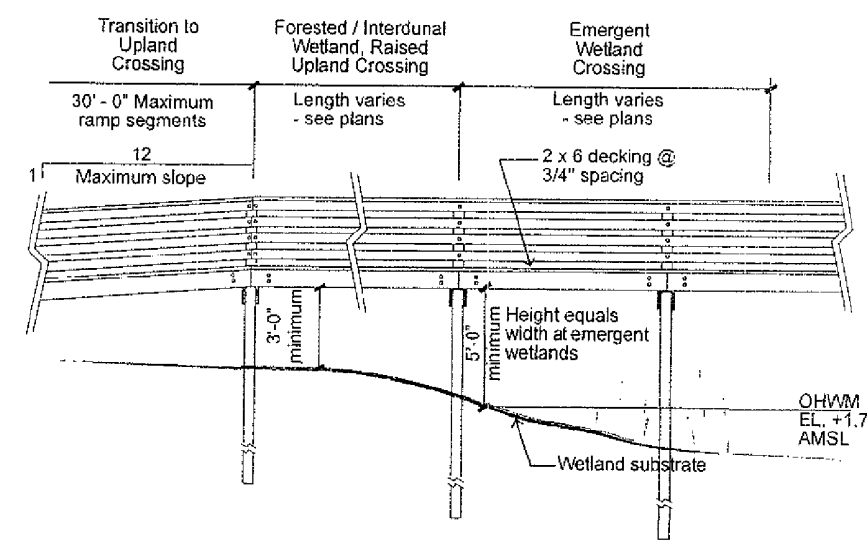
SAM-2013-00917 - J88
DEPT. OF THE ARMY PERMIT



Section
Scale: 1/2" = 1'-0"



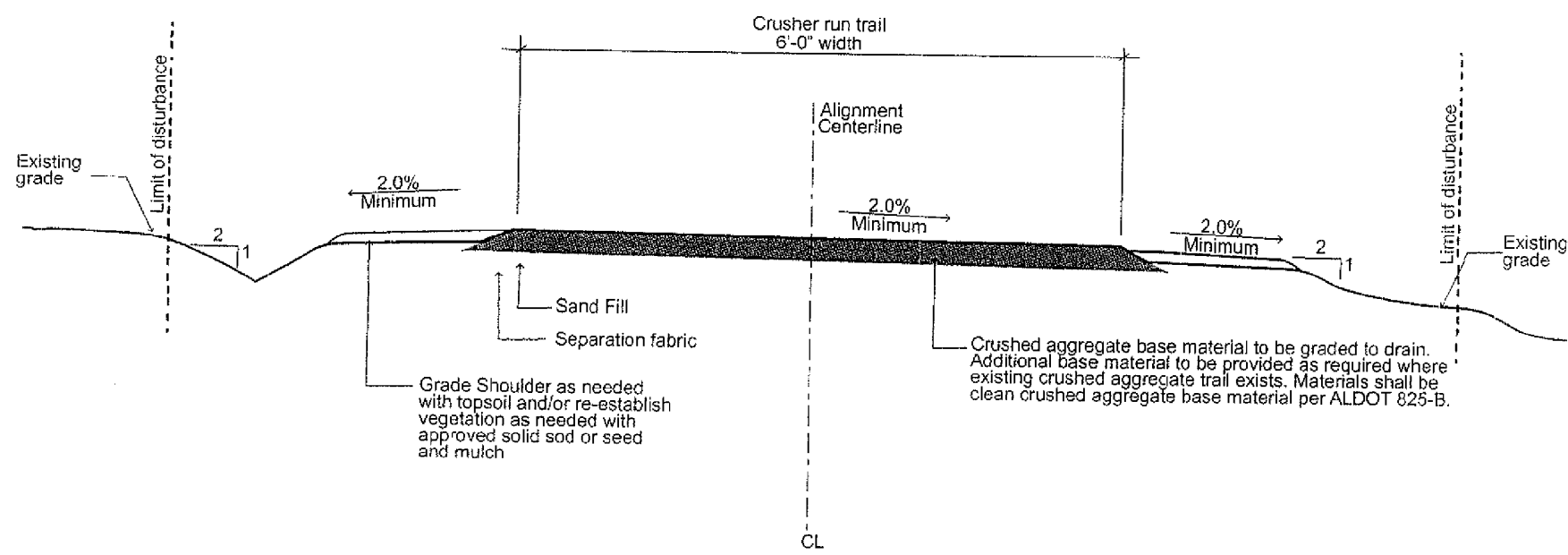
Plan
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Profile
Scale: 1/8" = 1'-0"

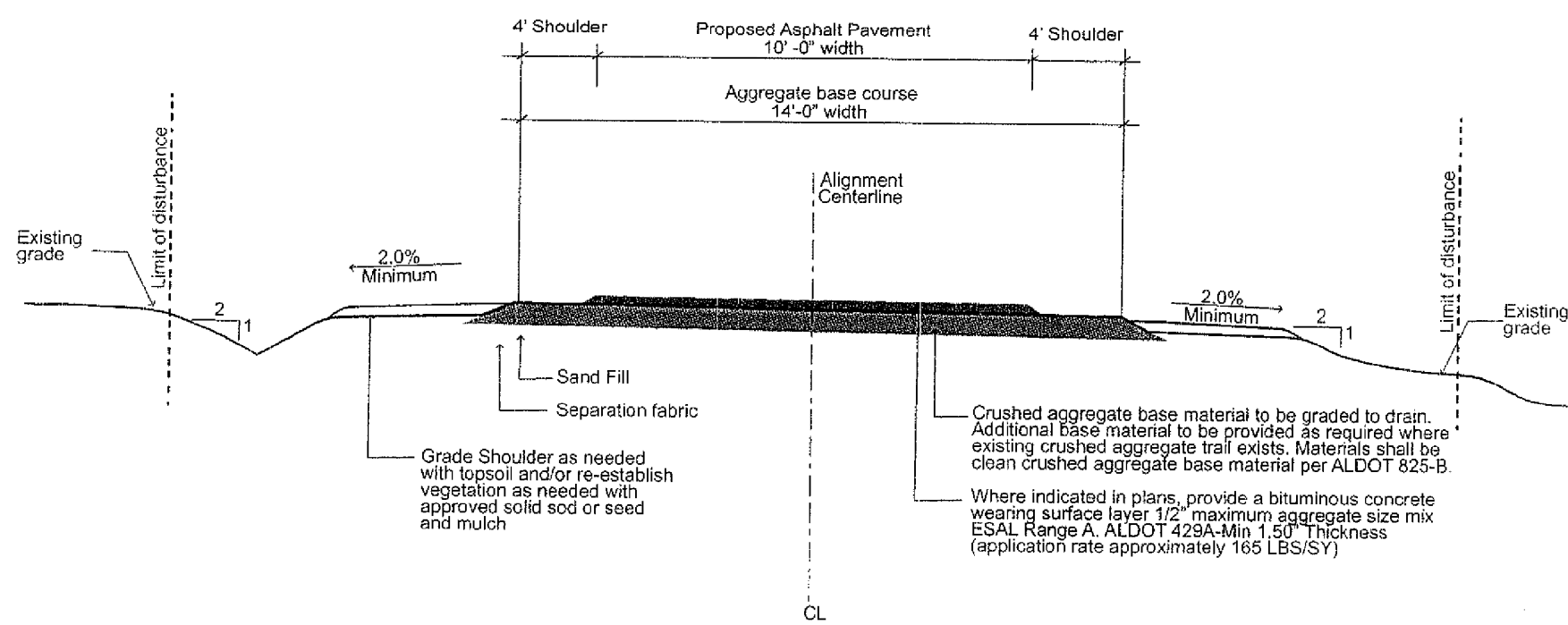
Typical Wetland Crossing

SAM-2013-00917-558
DEPT. OF THE ARMY PERMIT



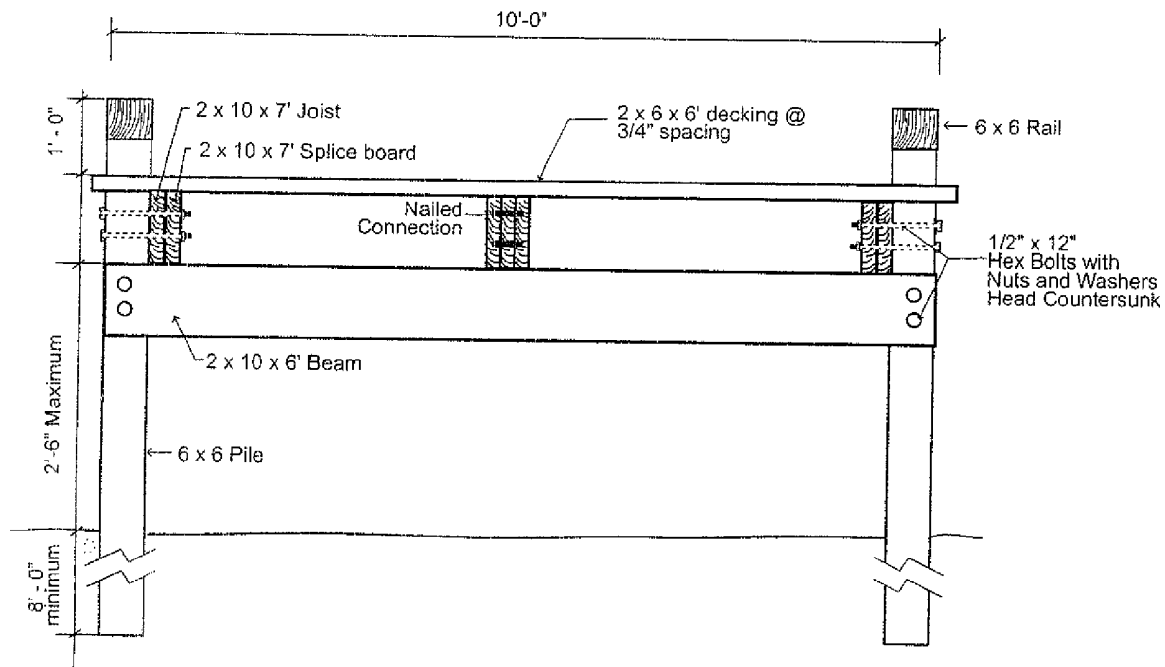
SAM- 2013 - 00917 - 358
DEPT. OF THE ARMY PERMIT

Typical Upland Crossing - Gravel Trail
Scale: 1" = 1'-0"



SAM-2013-00917 - 038
DEPT. OF THE ARMY PERMIT

Typical Upland Crossing - Asphalt Trail
Scale: 1" = 3'-0"



Typical Raised Upland Crossing
Scale: 1/2" = 1'-0"

SAM-2013-00817-386
DEPT. OF THE ARMY PERMIT

WORK AUTHORIZED UNDER DEPARTMENT OF THE ARMY PERMIT
DATED 9/24/2013 DATE SAM-2013-00917-JEB
GULF STATE PARK, LAKE SHELBY, GULF SHORES, BALDWIN
TO PERFORM WORK IN COUNTY, ALABAMA
WAS COMPLETED ON _____
BY: _____ SIGNATURE _____

NOTICE OF COMPLETION OF WORK
AUTHORIZED BY PERMITS

NOTICE OF COMMENCEMENT OF WORK
AUTHORIZED BY PERMITS

WORK AUTHORIZED UNDER DEPARTMENT OF THE ARMY PERMIT
DATED 9/24/2013 DATE SAM-2013-102-JEB
GULF STATE PARK, LAKE SHELBY, GULF SHORES, BALDWIN
TO PERFORM WORK IN COUNTY, ALABAMA
WAS COMMENCED ON _____

BY: _____ SIGNATURE _____



**This notice of authorization must be
conspicuously displayed at the site of work.**

United States Army Corps of Engineers

A permit to perform work authorized by statutes and regulations of the Department of the Army
at Gulf State Park on Lake Shelby, Gulf Shores, Baldwin County, Alabama
Alabama Department of Conservation and Natural Resources
has been issued to Attention: Mr. Gunter Guy, Jr., Commissioner on September 24, 2013
Address of Permittee 64 North Union Street, Montgomery, Alabama 36130
Permit Number

SAM-2013-00917-JEB

FOR THE
For the

District Commander
Eric Buckelew
South Alabama Branch
Regulatory Division



Volkert, Inc.

316 South McKenzie Street
Foley, AL 36535

Office 251.968.7551
Fax 251.968.2318
foley@volkert.com

May 29, 2013

www.volkert.com

Army Corps of Engineers
Attn: Mrs. Joy Earp
P.O. Box 2288
Mobile, AL 36628-0001

RE: Jurisdictional Determination Request for the Gulf State Park former Hotel and Convention Center Site, the Pavilion Site, and the Lands in Between.

Dear Mrs. Earp:

Please find enclosed a Jurisdictional Determination request for the former Gulf State Park Hotel and Convention Center site as well as the current Pavilion site and the Gulf fronting Lands in between the two.. This JD request covers all the State Park land south of Highway 182.

If there are any questions or comments please call me at (251) 968-7551.

Sincerely,

Vince Helton
Volkert, Inc.

Encl.

Cc: Will Brantley, ADCNR
Carl Ferraro, ADCNR
Carolyn Mitchell, Louis Berger
Brett Gaar, Volkert

Office Locations:

Birmingham, Foley, Mobile, Montgomery, Alabama • Gainesville, Pensacola, Tampa, Florida • Atlanta, Georgia
Belleville, Collinsville, Wheaton, Illinois • Baton Rouge, New Orleans, Slidell, Louisiana • Biloxi, Jackson, Mississippi
Jefferson City, Missouri • Raleigh, North Carolina • Columbia, South Carolina • Chattanooga, Tennessee
Alexandria, Virginia • Washington, D.C.



DWH-AR0200724

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER:

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Alabama County/parish/borough: Baldwin City: Gulf Shores
Center coordinates of site (lat/long in degree decimal format): Lat. 30.251848° N, Long. 87.654044° W
Universal Transverse Mercator:

Name of nearest waterbody: Gulf of Mexico

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Gulf of Mexico

Name of watershed or Hydrologic Unit Code (HUC): 03140107

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: March 2013

☒ Field Determination. Date(s): March 2013

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There Are "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☒ Waters subject to the ebb and flow of the tide.

☒ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There Are "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- ☒ TNWs, including territorial seas
- ☒ Wetlands adjacent to TNWs
- ☐ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- ☐ Non-RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☐ Impoundments of jurisdictional waters
- ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: Gulf Of Mexico linear feet: Approximately width (ft) and/or acres.

Wetlands: 81 acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain:

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: Gulf of Mexico.

Summarize rationale supporting determination: Gulf of Mexico used for Interstate Commerce and subject to the ebb and flow of the tide.

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": Wetlands adjacent to Gulf of Mexico.

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: acres

Drainage area: acres

Average annual rainfall: inches

Average annual snowfall: inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

☐ Tributary flows directly into TNW.

☐ Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.

Project waters are **Pick List** river miles from RPW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Project waters are **Pick List** aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW⁵:

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☐ Artificial (man-made). Explain:
☐ Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: feet
Average depth: feet
Average side slopes: **Pick List**.

Primary tributary substrate composition (check all that apply):

<input type="checkbox"/> Silts	<input type="checkbox"/> Sands	<input type="checkbox"/> Concrete
<input type="checkbox"/> Cobbles	<input type="checkbox"/> Gravel	<input type="checkbox"/> Muck
<input type="checkbox"/> Bedrock	<input type="checkbox"/> Vegetation. Type/% cover:	
<input type="checkbox"/> Other. Explain:		

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: **Pick List**

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Pick List**

Estimate average number of flow events in review area/year: **Pick List**

Describe flow regime:

Other information on duration and volume:

Surface flow is: **Pick List**. Characteristics:

Subsurface flow: **Pick List**. Explain findings:

☐ Dye (or other) test performed:

Tributary has (check all that apply):

<input type="checkbox"/> Bed and banks	
<input type="checkbox"/> OHWM ⁶ (check all indicators that apply):	
<input type="checkbox"/> clear, natural line impressed on the bank	<input type="checkbox"/> the presence of litter and debris
<input type="checkbox"/> changes in the character of soil	<input type="checkbox"/> destruction of terrestrial vegetation
<input type="checkbox"/> shelving	<input type="checkbox"/> the presence of wrack line
<input type="checkbox"/> vegetation matted down, bent, or absent	<input type="checkbox"/> sediment sorting
<input type="checkbox"/> leaf litter disturbed or washed away	<input type="checkbox"/> scour
<input type="checkbox"/> sediment deposition	<input type="checkbox"/> multiple observed or predicted flow events
<input type="checkbox"/> water staining	<input type="checkbox"/> abrupt change in plant community
<input type="checkbox"/> other (list):	
<input type="checkbox"/> Discontinuous OHWM. ⁷ Explain:	

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

<input type="checkbox"/> High Tide Line indicated by:	<input type="checkbox"/> Mean High Water Mark indicated by:
<input type="checkbox"/> oil or scum line along shore objects	<input type="checkbox"/> survey to available datum;
<input type="checkbox"/> fine shell or debris deposits (foreshore)	<input type="checkbox"/> physical markings;
<input type="checkbox"/> physical markings/characteristics	<input type="checkbox"/> vegetation lines/changes in vegetation types.
<input type="checkbox"/> tidal gauges	
<input type="checkbox"/> other (list):	

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: Water clear at time of field review, slight to moderate odor of sewage, substantial input from ROW drainage from Schillenger Road.

Identify specific pollutants, if known: Reported sewage spills in the past.

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width):
- ☐ Wetland fringe. Characteristics:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain:

Surface flow is: **Pick List**

Characteristics:

Subsurface flow: **Pick List**. Explain findings:

☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☐ Not directly abutting
 - ☐ Discrete wetland hydrologic connection. Explain:
 - ☐ Ecological connection. Explain:
 - ☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width):
- ☐ Vegetation type/percent cover. Explain:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
 - ☒ TNWs: Gulf of Mexico linear feet width (ft), Or, .acres.
 - ☒ Wetlands adjacent to TNWs: .81 acres.
2. **RPWs that flow directly or indirectly into TNWs.**
 - ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
 - ☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters:

3. Non-RPWs⁸ that flow directly or indirectly into TNWs.

- ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters:

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
- ☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

- ☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- ☐ Demonstrate that impoundment was created from "waters of the U.S.," or
- ☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- ☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- ☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
- ☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- ☐ which are or could be used for industrial purposes by industries in interstate commerce.
- ☐ Interstate isolated waters. Explain:
- ☐ Other factors. Explain:

Identify water body and summarize rationale supporting determination:

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .
☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
☐ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☐ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report.
☐ Data sheets prepared by the Corps:
☐ Corps navigable waters' study:
☐ U.S. Geological Survey Hydrologic Atlas:
☐ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: Gulf Shores, Baldwin County, Alabama.
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: .
☐ National wetlands inventory map(s). Cite name: .
☐ State/Local wetland inventory map(s): .
☐ FEMA/FIRM maps:
☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
☐ Photographs: ☒ Aerial (Name & Date): Bing Aerial, Circa 2012.
or ☐ Other (Name & Date): .
☐ Previous determination(s). File no. and date of response letter: .
☐ Applicable/supporting case law:
☐ Applicable/supporting scientific literature: .
☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD:

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coast Plain Region

Project/Site: GULF STATE PARK SOUTH OF HWY 182 City/County: GULF SHORES / BALDWIN Sampling Date: 3/28/2013

Applicant/Owner: ADCNR State: AL Sampling Date: _____

Investigator(s): V. HELTON Section, Township, Range: T9S, R4E, SECTIONS 22, 23

Landform (hillslope, terrace, etc.): INTERDUAL SWALE Local relief (concave, convex, none): CONCAVE Slope (%): 1

Subregion (LLR or MLRA): LRRP Lat: 30.250633 Long: -87.665254 Datum: WCS 84

Soil Map Unit Name: COASTAL BEACHES NWI Classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No _____ (if no, explain in Remarks)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (if needed, explain any answers in Remarks)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ☒ No _____

Hydric Soil Present? Yes ☒ No _____

Wetland Hydrology Present? Yes ☒ No _____

Is the Sample Area Within a Wetland? Yes ☒ No _____

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

☒ Surface Water (A1)

☒ High Water Table (A2)

☒ Saturation (A3)

___ Water Marks (B1)

___ Sediment Deposits (B2)

___ Drift Deposits (B3)

☒ Algal Mat or Crust (B4)

___ Iron Deposits (B5)

___ Inundation Visible on Aerial Imagery (B7)

___ Water-Stained Leaves (B9)

___ Aquatic Fauna (B13)

___ Marl Deposits (B15) (LRR U)

___ Hydrogen Sulfide Odor (C1)

___ Oxidized Rhizospheres on Living Roots (C3)

☒ Presence of Reduced Iron (C4)

___ Recent Iron Reduction in Tilled Soils (C6)

___ Thin Muck Surface (C7)

___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

___ Surface Soil Cracks (B6)

___ Sparsely Vegetated Concave Surface (B8)

___ Drainage Patterns (B10)

___ Moss Trim Lines (B16)

___ Dry-Season Water Table (C2)

___ Crayfish Burrows (C8)

___ Saturation Visible on Aerial Imagery (C9)

___ Geomorphic Position (D2)

___ Shallow Aquitard (D3)

___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No ☒

Water Table Present? Yes ☒ No _____

Saturation Present? Yes ☒ No _____

(includes capillary fringe)

Depth (inches): _____

Depth (inches): 10"

Depth (inches): 7"

Wetland Hydrology Present Yes ☒ No _____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections, if available)

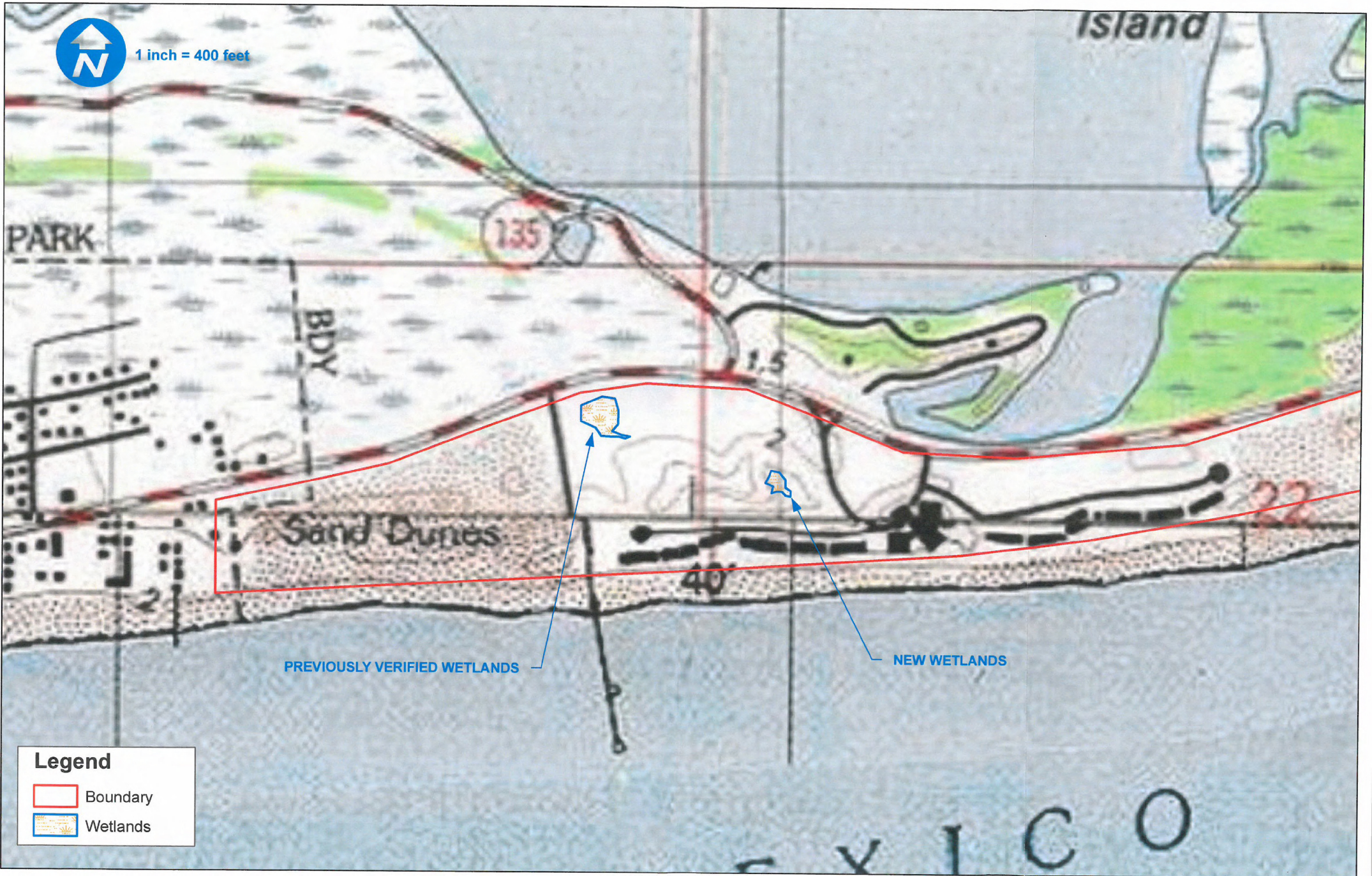
Remarks:

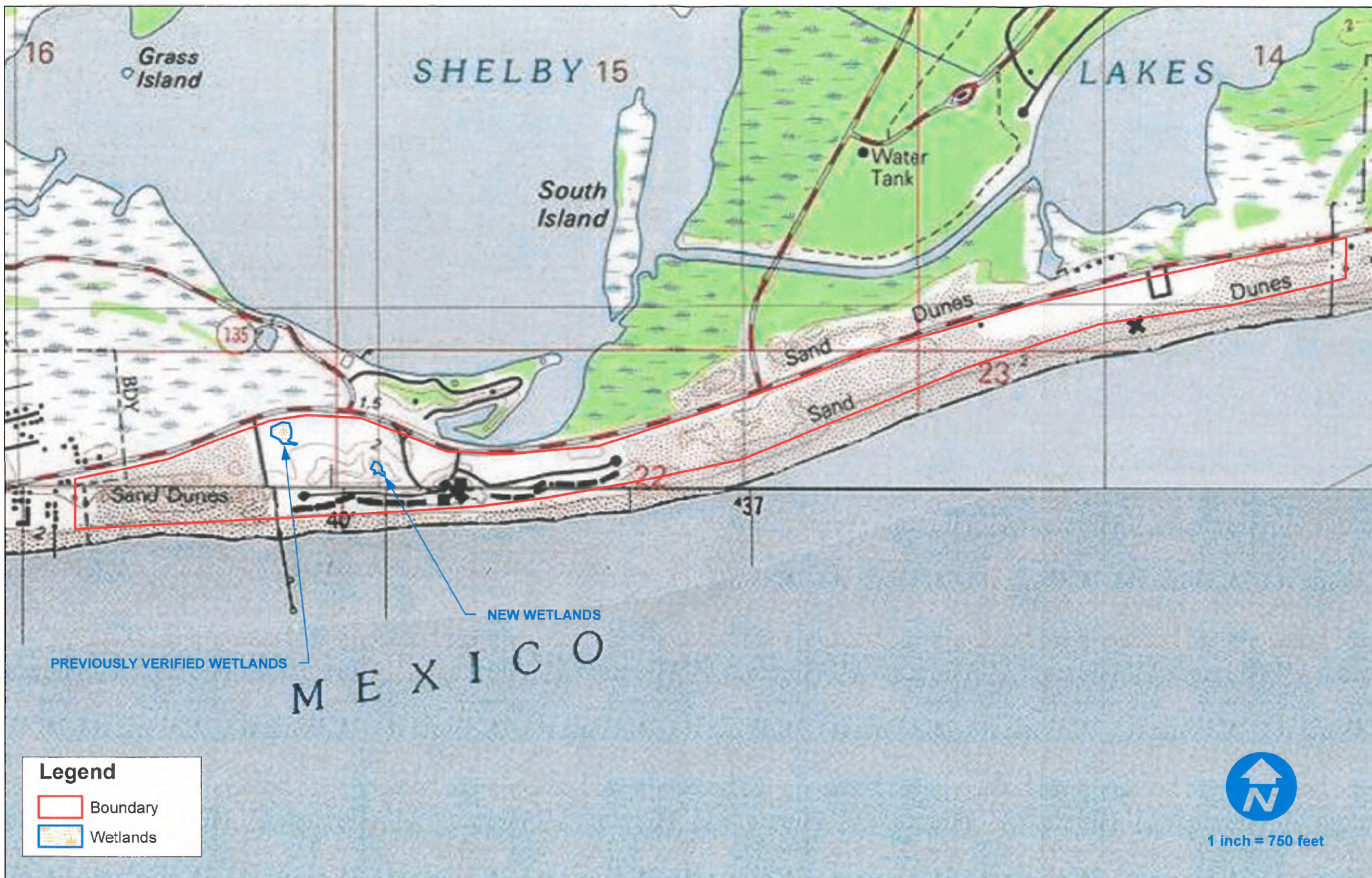
VEGETATION – Use scientific names of plants

Sampling Point

Tree Stratum (Plot size _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC <u>100%</u> (A) Total Number of Dominant Species Across All Strata _____ (B) Percent of Dominant Species That Are OBL, FACW, or FAC <u>100%</u> (A/B)
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
			= Total Cover	
Sapling Stratum (Plot size _____)				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
			= Total Cover	
Shrub Stratum (Plot size _____)				
1. <u>CEPHALANTHUS OCCIDENTALIS</u>	_____	_____	<u>OBL</u>	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
			= Total Cover	
Herb Stratum (Plot size _____)				
1. <u>DROSEREA sp.</u>	_____	_____	<u>OBL</u>	
2. <u>HYDROCOYLE sp.</u>	_____	_____	<u>OBL</u>	
3. <u>SPARTINA PATENS</u>	_____	_____	<u>FACW</u>	
4. <u>LACHNANTHES CALIFORNICA</u>	_____	_____	<u>OBL</u>	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
12. _____	_____	_____	_____	
			= Total Cover	
Woody Vine Stratum (Plot size _____)				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
			= Total Cover	
Definitions of Vegetation Strata: Tree – Woody plants, excluding woody vines, approximately 20ft (6m) or more in height and 3 in. (7.6cm) or larger in diameter at breast height (DBH). Sapling – Woody plants, excluding woody vines, approximately 20ft (6m) or more in height and less than 3 in. (7.6cm) DBH. Shrub – Woody plant, excluding woody vines, approximately 3 to 20ft (1 to 6m) in height Herb – All herbaceous (non-woody) plants, including herbaceous vines, regardless of size. Including woody plants, except woody vines, less than approximately 3ft (1m) in height. Woody vine – All woody vines, regardless of height.				
Hydrophytic Vegetation Present <u>YES</u> ?				
Remarks: (If observed, list morphological adaptations below)				

[illegible]









1 inch = 750 feet



Legend

-  Boundary
-  Wetlands