



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): 14-OCT-2020

ORM Number: SAS-2020-00528

Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)

Review Area Location<sup>1</sup>:

State/Territory: GA City: County/Parish/Borough: Paulding County

Center Coordinates of Review Area: Latitude 33.96473 Longitude -84.81836

**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

**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

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
I1 (intermittent stream)	956 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III. B, below.
I2 (intermittent stream)	242 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III. B, below.
I3 (intermittent stream)	313 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III. B, below.

<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 independent 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.

<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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P1 (perennial stream)	388 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III. B, below.
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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

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
W1 (wetland 1)	0.029 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III. B, below.
W2 (wetland 2)	0.49 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III. B, below.

#### 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
Channel A	171 feet	(b)(4) Diffuse stormwater run-off over upland or directional sheet flow over upland	See Section III. C, below.
Channel B	155 feet	(b)(4) Diffuse stormwater run-off over upland or directional sheet flow over upland	See Section III. C, below.

### 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.

**X** Information submitted by, or on behalf of, the applicant/consultant: *Title(s) and date(s). PCN Submittal for The Park at Ansleigh Farms, Old County Farm Road, Paulding County, Georgia, Figure 6: National Flood Hazard Layer FIRMette, PDF page 25. Appendix B: Aquatic Resource Review and Supporting Documentation, PDF pages 30-40, performed April 15, 2020. Table of Aquatic Resources in Review Area Which May be Subject to Regulatory Jurisdiction, PDF page 43.*

This information is sufficient for purposes of this AJD.

Rationale: N/A

**X** Data sheets prepared by the applicant/ agent: *Project files SAS-2020-00528 The Park at Ansleigh Farms, RAI info 10-20-2020 folder, Park at Ansleigh Farms Data Points wetland data forms PDF, pages 1-12, dated October 16, 2020.*

**X** Photographs: *(NA, aerial, other, aerial and other) Title(s) and/or date(s). PCN Submittal for The Park at Ansleigh Farms, Old County Farm Road, Paulding County, Georgia, Site*

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*Photographs 1 -6, PDF pages 44-46. Supplemental Images provided for Channels 1 and 2, Central 1, Central 2, Western 1, and Western 2, received on August 10, 2020.*

Corps Site visit(s) conducted on: *Date(s). N/A*

Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*

☒ Antecedent Precipitation Tool (APT) *provide detailed discussion in Section III.B.*

☒ USDA NRCS Soil Survey: *Title(s) and/or date(s). PCN Submittal for The Park at Ansleigh Farms, Old County Farm Road, Paulding County, Georgia, Figure 4: Soil Map-Paulding County, Georgia, PDF pages 19-21, dated April 15, 2020.*

☒ USFWS NWI maps: *Title(s) and/or date(s). PCN Submittal for The Park at Ansleigh Farms, Old County Farm Road, Paulding County, Georgia, Figure 5: NWI Map, PDF page 23, dated April 15, 2020.*

☒ USGS topographic maps: *Title(s) and/or date(s). PCN Submittal for The Park at Ansleigh Farms, Old County Farm Road, Paulding County, Georgia, Figure 1: Site Location Map, 7.5 MIN USGS Topographic Quad., PDF page 7, dated April 7, 2020.*

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

Data Source (select)	Name and/or date and other relevant information
USGS Sources	<a href="https://streamstats.usgs.gov/ss/">https://streamstats.usgs.gov/ss/</a>
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	<a href="https://epa.maps.arcgis.com">https://epa.maps.arcgis.com</a> (EPA Water GeoViewer); WETS table data <a href="http://agacis.rcc-acis.org/?fips=13223">http://agacis.rcc-acis.org/?fips=13223</a>

**B. Typical year assessment(s):** According to the APT, which used data available from GA Weather Stations within proximity of the review area the conditions in Paulding County were wetter than normal. These data are based on a projected 30-day rolling average of precipitation documented within the 30<sup>th</sup> and 70<sup>th</sup> percentile of the 30-year record for average precipitation. The site delineation was conducted on April 15, 2020, by Contour Environmental. Therefore, there is a high level of confidence that excluded features are not jurisdictional. The unnamed tributary on-site labelled as P1, a perennial stream, and flows into an unnamed tributary of Bone Creek off-site. The unnamed intermittent tributaries I1 and I2 flow into P1. Wetland W1 abuts stream I2. Wetland W2 abuts I3. Intermittent stream I3 flows off-site to the north and flows into an unnamed perennial tributary of Bone Creek. This off-site perennial tributary flows into the unnamed tributary that is located to the west of the project site boundary (the same tributary that P1 flows into). The unnamed off-site tributary flows into Bone Creek near the south boundary of the project site. Bone Creek flows into Lawrence Creek. Lawrence Creek flows into Pumpkinvine Creek. Pumpkinvine Creek flows into the Etowah River. The Etowah River flows into the Coosa River. The Coosa River, a Rivers and Harbors Act Section 10 water, is the nearest TNW.

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- C. **Additional comments to support AJD:** Channels A and B do not have an Ordinary High Water Mark (OHWM) per the physical characteristics in RGL 05-05. These features did not meet the three parameters for a wetland per the 1987 Corps of Engineers Wetland Delineation Manual and/ or the Eastern Mountains and Piedmont Regional Supplement to this manual. Channels A and B appear to be diffuse stormwater run-off or directional sheet flow over uplands and are best characterized as (b)(3) features, per 33 CFR 328.3 Definitions.

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