

**Appendix E (Addendum to Appendix D)**  
**(Revised January 4, 2013)**

**APPROVED JURISDICTIONAL DETERMINATION FORM FOR ISOLATED AND OTHER NON-JURISDICTIONAL WATERS**

**SECTION I: SUMMARY OF FINDINGS**

**A. INTRASTATE AND NON-NAVIGABLE WATERS, INCLUDING WETLANDS:**

(If **both** boxes under Section I.A are not checked then this form does not apply; use Appendix B)

If potential waters were assessed within the review area, these aquatic features exist or occur within the boundaries of a single state and are thus intrastate. Basis for decision (explain intrastate designation):

If potential waters were assessed within the review area, these areas are non-navigable. Basis for decision (explain non-navigable designation):

**B. ISOLATED, NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS:**

(If **one** of the two boxes under Section I.B is not checked then this form does not apply; use Appendix B)

**1. Non-Wetland Waters**

If potential non-wetland waters were assessed within the review area, these areas have a bed and bank or display indicators of an Ordinary High Water Mark (See 33 CFR 328.3(e) and RGL 05-05).

a. Summarize rationale supporting conclusion that waters, including wetlands, are isolated:

No hydrologic connectivity connecting isolated water(s), including wetland(s), to downstream traditional navigable water. Basis for decision (factors to consider but not limited to landscape position, location within the watershed, proximity to a TNW): Due to landscape position of the seven isolated wetlands and site topography, these wetlands have no hydrologic connectivity to other wetlands.

No ecological connectivity connecting isolated water(s), including wetland(s), to downstream navigable traditional water. Basis for decision (factors to consider but not limited to habitat and lifecycle support functions for fish and other aquatic species):

b. Summarize rationale supporting conclusion that waters, including wetlands, have no substantial nexus to interstate (or foreign) commerce:

Water(s), including wetland(s), are not and could not be used by interstate or foreign travelers for recreational or other purposes.

Explain: No consistent hydrologic regime in wetlands for above statement.

Water(s), including wetland(s), are not and could not be used for fish or shellfish production, taken and sold in interstate or foreign commerce.

Explain: No consistent hydrologic regime in wetlands for above statement.

Water(s), including wetland(s), are not and could not be used for industrial purposes by industries in interstate commerce.

Explain: No consistent hydrologic regime in wetlands for above statement.

Other substantial nexus to interstate (or foreign) commerce.

Explain:

Basis for decision (explain):

## 2. Wetlands

If potential wetlands were assessed within the review area, these areas meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

a. Summarize rationale supporting conclusion that waters, including wetlands, are isolated:

No hydrologic connectivity connecting isolated water(s), including wetland(s), to downstream traditional navigable water. Basis for decision (factors to consider but not limited to landscape position, location within the watershed, proximity to a TNW): Due to landscape position of the seven isolated wetlands and site topography, these wetlands have no hydrologic connectivity to other wetlands.

No ecological connectivity connecting isolated water(s), including wetland(s), to downstream navigable traditional water. Basis for decision (factors to consider but not limited to habitat and lifecycle support functions for fish and other aquatic species):

b. Summarize rationale supporting conclusion that waters, including wetlands, have no substantial nexus to interstate (or foreign) commerce:

Water(s), including wetland(s), are not and could not be used by interstate or foreign travelers for recreational or other purposes.

Explain: N/A

Water(s), including wetland(s), are not and could not be used for fish or shellfish production, taken and sold in interstate or foreign commerce.

Explain: N/A

Water(s), including wetland(s), are not and could not be used for industrial purposes by industries in interstate commerce.

Explain: N/A

Other substantial nexus to interstate (or foreign) commerce.

Explain:

Basis for decision (explain):

## 3. Summary

Provide acreage estimates for non-jurisdictional waters in the review area using best professional judgment (check all that apply):

- |                                     |   |              |                                |
|-------------------------------------|---|--------------|--------------------------------|
| <input type="checkbox"/>            | Non-wetland waters (i.e., rivers, streams): | linear feet, | width (ft).                    |
| <input type="checkbox"/>            | Lakes/ponds:                                | acres        |                                |
| <input type="checkbox"/>            | Other non-wetland waters:                   | acres.       | List type of aquatic resource: |
| <input checked="" type="checkbox"/> | Wetlands:                                   | 4.37         | acres                          |

**C. ISOLATED, NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS POTENTIALLY REGULATED BY THE “MIGRATORY BIRD RULE”:**

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).

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

**SECTION II: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for expanded preliminary JD (check all that apply - checked items should 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:
  - Survey Signed by Registered Land Surveyor
  - GPS Survey with GPS Datasheet
- 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:
- Geological Survey Hydrologic Atlas:
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- Geological Survey map(s). Cite scale & quad name: 1”=2000’, USGS 7.5-Minute (Topographic) Quadrangle Map of Boons Lake, GA. (1974, P.R. 1985)
- USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS Soil Survey Information
- National wetlands inventory map(s). Cite name: U.S. Fish and Wildlife Service. December 7, 2011. National Wetlands Inventory website, Boons Lake Quadrangle
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is:
- Photographs:  Aerial: Georgia GIS Clearinghouse Aerial Photograph, August 2011  
or  Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Other information (please specify): Preliminary Limits of USACE Jurisdiction, Mission Mine - Plum Creek Tract, Brantley & Charlton Counties, Georgia. GPS, Location Completed by Register Nelson Environmental Consultants, Stockbridge, Georgia. (GPS Field Dates: April 21-26, 29-30, 2012, 2012; May 1-2, 2012; and September 17, 20-21, 23-25, 2012).

**A. ADDITIONAL COMMENTS TO SUPPORT JD:** Wetland areas identified as isolated and non-jurisdictional were physically inspected in the field on September 11, 2012. All isolated wetlands were verified to have no surface connection to downstream receiving jurisdictional waters.