

**Appendix B**  
**SAS APPROVED JURISDICTIONAL DETERMINATION FORM**  
**US Army Corps of Engineers**  
**(Revised 18 May 2011)**

**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: GA County/parish/borough: Bryan City:

Center coordinates of site (lat/long in degree decimal format): Lat. 31.8790 Long -81.2604

Universal Transverse Mercator:

Name of nearest water body: Sterling Creek

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

Name of watershed or Hydrologic Unit Code (HUC):

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 APPLIES):**

Office (Desk) Determination. Date:

Field Determination. Date(s): ~~October 30, 2015~~ December 14, 2015

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION:**

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:

 - There are no "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)

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION:**

 - There are no "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 CWA jurisdictional waters of U.S. in review area (check all that apply): 1

TNWs, including territorial seas (complete Sec III A. 1)

Wetlands adjacent to TNWs (complete Sec III A. 2.)

Interstate Waters that flow directly or indirectly into TNWs, explain in Sec III B 1.

Wetlands adjacent to Interstate Waters that flow directly or indirectly into TNWs. Explain in section III B 2.

Waters that flow directly or indirectly into and have a significant nexus with a TNW (provide data supporting this conclusion in Section III.D.)

Wetlands adjacent to waters that flow directly or indirectly into a TNW and the tributary (relevant reach) and its adjacent wetlands have a significant nexus with that TNW (provide data supporting this conclusion in Section III.D.)

Impoundments of jurisdictional waters (As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional).

Demonstrate that impoundment was created from "waters of the U.S."

Demonstrate that water meets the criteria for one of the categories presented above

Demonstrate that water is isolated with a nexus to commerce (see below).

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

- 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

(3) 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) (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

**3. Uplands and Non-waters/wetlands features (check if applicable):**

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.

If potential waters were assessed within the review area, these areas display no indicators of an Ordinary High Water Mark (OHWM) and thus do not meet the criteria for non-wetland waters (See 33 CFR 328.3(c) and RGL 05-05).

Uplands and/or no potential jurisdictional waters or wetlands were identified and assessed within the review. Explain:  
Project site was assessed and found to have no indicators of wetland hydrology or hydric soil, as indicated on the attached data form.

**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 only, then skip to Sec IV; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2, then skip to Sec IV; otherwise, see Section III.B below.

**1. TNW**

Identify TNW:

Summarize rationale supporting determination:

- Waters of the State
- Waters Covered Under a Court Case
- Navigable in Fact Waters (if selected explain below)

Basis for Decision:

Tributary has (check all that apply):

- Bed and banks
- OHWM3 (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	

Discontinuous OHWM.4 Explain:.

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

- High Tide Line indicated by:
 

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

**2. Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is "adjacent":

<sup>3</sup>A 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.

<sup>4</sup>Ibid.

**C. Characteristics of Tributary and Its Adjacent Wetlands (If Any):**

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any. If the JD covers only the waterbody<sup>8</sup> (and no adjacent wetlands), complete Sections III.C.1, III.D and IV. If the JD covers a tributary with adjacent wetlands, complete Section III.C.1 for the tributary, Section III.C.2 for any onsite wetlands, and Section III.C.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.D below, then complete Sec IV.

**1. Characteristics of the waterbody that flows directly or indirectly into a TNW**

**a. General Area Conditions:**

Watershed size:

Drainage area:

Average annual rainfall: inches

Average annual snowfall: inches

**b. Physical Characteristics:**

**(1) Relationship with TNW:**

Tributary flows directly into TNW.

Tributary flows through tributaries before entering TNW.

Identify flow route to TNW<sup>9</sup>:

Tributary stream order, if known:

Project waters are river miles from TNW.

Project waters are aerial (straight) miles from TNW

**(2) 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:.

Primary tributary substrate composition (check all that apply):

Silts

Sands

Concrete

Cobbles

Gravel

Muck

Bedrock

Vegetation. Type/% cover:

Other. Explain:

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

Presence of run/riffle/pool complexes. Explain:

Tributary geometry:

Tributary gradient (approximate average slope): %

**(3) Flow:**

Tributary provides for:

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

Rationale to support flow regime:

Other information on duration and volume:

Surface flow is: Characteristics:

Subsurface flow: Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks

OHWM<sup>10</sup> (check all indicators that apply):

<sup>8</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

<sup>9</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, flows into tributary b, which then flows into TNW.

<sup>10</sup> A 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.

(4) Proximity (Relationship) to TNW

Project wetlands are \_\_\_\_\_ river miles from TNW.

Project waters are \_\_\_\_\_ aerial (straight) miles from TNW.

Flow is from:

Estimate approximate location of wetland as within the 500-yr floodplain.

b. 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:

c. 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:

d. Other Ecological Characteristics. Explain:

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

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

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:

#### D. 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. 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. 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 water 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 IV:

2. Significant nexus findings for water and its adjacent wetlands, where the water 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 IV:

**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:
- 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):  
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:**