



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): October 9, 2020

ORM Number: SAS-2019-00563

Associated JDs: SAS-2019-00563 (PJD issued on 10/9/2019)

Review Area Location¹:

State/Territory: GA City: Waynesboro County/Parish/Borough: Burke County

Center Coordinates of Review Area: Latitude 33.120426 Longitude -82.001123

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)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
Stream 1 (NWPR)	1050 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream 1 exhibits strong hydrology, geomorphology, and biology and has been classified as a perennial stream using the NCDWQ Stream Identification Forms. Stream 1 drains through Wetland A to Brier Creek which eventually intersects with the Savannah River.
Stream 2 (NWPR)	229 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream 2 exhibits moderate hydrology, geomorphology, and biology and has been classified an intermittent stream using the NCDWQ Stream Identification Forms. Stream 2 drains through multiple aquatic resources (Wetland C, Pond 1, Stream 1, and Wetland A) within the review area to Brier Creek which eventually intersects with the Savannah River.

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 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.

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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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
Pond 1 (NWPR)	2.31 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Pond 1 is an impoundment of a tributary. An outflow structure was observed and water was flowing through the outflow structure during the Corps' site visit on 7/29/2020.

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

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland A (NWPR)	228.2198 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland A directly abuts Stream 1 and appears to also directly abut Brier Creek.
Wetland B (NWPR)	0.16 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland A directly abuts Stream 1.
Wetland C (NWPR)	1.12 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland C abuts both Stream 2 and Pond 1.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Stream 3 (NWPR)	4094 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on field review by Kimley-Horn staff between April 25-26, 2019 and Corps field observations on July 29, 2020, Stream 3 is a channelized surface water feature that exhibited only ephemeral flows. Stream 3 was historically straightened and ditched. Soils in the base of the ditch did not exhibit redoximorphic characteristics. Stream 3 scored as an ephemeral channel according to the NCDWQ Stream Identification Form.
Wetland E (NWPR)	0.52 acres	(b)(1) Non-adjacent wetland	This feature is not adjacent to any (a)(1)-(a)(3) waters as defined by the NWPR. This wetland does not abut any (a)(1)-(a)(3) waters, is not inundated by any (a)(1)-(a)(3) waters in a typical year, is physically separated from all (a)(1)-(a)(3) waters and does not have a direct hydrologic surface connection to any (a)(1)-(a)(3) waters in a typical year.
Wetland F (NWPR)	2.01 acres	(b)(1) Non-adjacent wetland	This feature is not adjacent to any (a)(1)-(a)(3) waters as defined by the NWPR. This wetland does not abut any (a)(1)-(a)(3) waters, is not inundated by any (a)(1)-(a)(3) waters in a typical year, is physically separated from all (a)(1)-(a)(3) waters and does not have a direct hydrologic surface connection to any (a)(1)-(a)(3) waters in a typical year.
Wetland D (NWPR)	2.24 acres	(b)(1) Non-adjacent wetland	This feature is not adjacent to any (a)(1)-(a)(3) waters as defined by the NWPR. This wetland does not abut any (a)(1)-(a)(3) waters, is not inundated by any (a)(1)-(a)(3) waters in a typical year, is physically separated

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			from all (a)(1)-(a)(3) waters and does not have a direct hydrologic surface connection to any (a)(1)-(a)(3) waters in a typical year.
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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.

- ☒ Information submitted by, or on behalf of, the applicant/consultant: *Approved Jurisdictional Determination Request Packaged submitted to the Corps on 12/13/2020 and updated information submitted on 8/19/2020.*
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 Title(s) and/or date(s). Figure 8: Aquatic Resources Map and site photographs provided by agent and taken by the Corps.*
- ☒ Corps Site visit(s) conducted on: *Date(s). 7/29/2020*
- ☒ Previous Jurisdictional Determinations (AJDs or PJDs): *a PJD issued for SAS-2019-00563 on 10/9/2019.*
- ☒ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- ☒ USDA NRCS Soil Survey: *Figure B5, December 12, 2019*
- ☒ USFWS NWI maps: *Figure B7, December 12, 2019*
- ☒ USGS topographic maps: *Figure B3, December 12, 2019*

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 Sources	N/A.

- B. Typical year assessment(s):** The data forms provided by Kimley-Horn indicate that they performed a wetland delineation of the project area on 4/25-4/26/2019. Using the Antecedent Precipitation Tool Version 1.0, which used rainfall data from a group of nearby weather stations, we have determined the delineation was conducted during the wet season (WebWIMP H2O Balance) and that "Drier than Normal" rainfall conditions were present on the date of the wetland delineation. With regards to the site visit on 7/29/2020, the Antecedent Precipitation Tool results, which used rainfall data from a group of nearby weather stations, indicated that the site visit was conducted during the dry season (WebWIMP H2O Balance) and that "Normal" rainfall conditions were present for the nearest weather station on the date of the wetland delineation.

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C. Additional comments to support AJD: N/A.

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