



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): 13-OCT-2020  
ORM Number: SAS-2020-00459  
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: Tallapoosa County/Parish/Borough: Haralson County  
Center Coordinates of Review Area: Latitude 33.700218 Longitude -85.249933

**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
SFA	1845.5296 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.
SFC	14.5056 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.
SFD	251.7679 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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SFF	2425.439 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.
SFH	411.1844 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.
SFI	307.3788 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.
SFK	381.5894 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.
SFL	213.8038 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.
SFM	2268.4 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.
SFR	386.1603 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.
SFS	312.0737 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.
SFT	2972.1215 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.
SGA	571.8306 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.
SGC	356.7771 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.
SGD	391.7781 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.
SGE	575.2839 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.

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SGF	395.5392 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.
SGG	9331.8195 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.
SMB	1055.0411 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.
SMBI	156.824 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.
SMD	4979.6502 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.
SME	228.0942 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.
SMEI	693.4368 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.
SMF	167.7853 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.
SMG	492.722 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.
SMGI	6.5578 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.
SMH	163.191 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.
SMI	766.4826 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.
SMJ	60.0182 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.

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SRA	474.94 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.
SRD	131.5559 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.
SRE	2465.6562 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.
SRH	519.4247 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.
SRI	839.7159 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.
SRJ/SGB	3994.5694 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.
SRK	110.3022 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.
SRM	466.0634 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.
SRN	1209.4078 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.

**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
EPH	0.135 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III. B, below.
FA	0.28 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III. B, below.
FB	0.2417 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III. B, below.

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FC	0.3798 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III. B, below.
FD	0.1058 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III. B, below.
FE	0.485 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III. B, below.
FF	0.7028 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III. B, below.
FG	0.2762 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III. B, below.
FH	0.2357 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III. B, below.
FI	0.117 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III. B, below.
FV	0.3665 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III. B, below.
FW	0.1619 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III. B, below.
FX	0.4256 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III. B, below.
FZ	2.9325 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III. B, below.
MA	0.1835 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III. B, below.
MY	2.4181 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III. B, below.
WGA	0.1087 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III. B, below.
WGB	0.2765 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III. B, below.
WGC	0.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III. B, below.
WGF	0.9282 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III. B, below.
WRC	10.1802 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III. B, below.
WRF	0.0193 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III. B, below.
WRI	0.1424 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	See Section III. B, below.
WRK	10.5385 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
ECA	287.21 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III. C, below.

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ECB	137.63 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III. C, below.
ECC	190.23 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III. C, below.
ECD	351.97 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III. C, below.
ECF	201.9 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III. C, below.
ECG	133.86 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III. C, below.
ECH	564.36 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III. C, below.
ECI	234.09 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III. C, below.
ECJ	168.18 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III. C, below.
ECK	187.16 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III. C, below.
ECL	301.04 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III. C, below.
ECM	99.45 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III. C, below.
ECN	284.74 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III. C, below.
ECO	260.34 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III. C, below.
ECP	145.16 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III. C, below.
ECQ	683.13 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III. C, below.
ECR	173.13 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III. C, below.
ECS	257.78 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III. C, below.

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EST	109.89 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III. C, below.
WGD	0.1161 acres	(b)(1) Non-adjacent wetland	See Section III. C, below.
WGH	0.1147 acres	(b)(1) Non-adjacent wetland	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.

Information submitted by, or on behalf of, the applicant/consultant: *Title(s) and date(s): AJD Submittal for Solid Solutions One, LLC, Vindicator Environmental Park, Haralson County, Georgia, Figure 1: Vicinity Map, PDF page 9, RAI Info folder, dated June, 17, 2020. Figure 5: FEMA Flood Map, PDF page 13, RAI Info Folder, dated June 17, 2020. Figure 7, Photo Location Map, PDF page 4, 09302020 folder, dated September 8, 2020.*

This information is sufficient for purposes of this AJD.

Rationale: *N/A*

Data sheets prepared by the applicant/ agent: *Title(s) and/or date(s). AJD Submittal for Solid Solutions One, LLC, Vindicator Environmental Park, Haralson County, Georgia, Wetland Data Forms, PDF pages 19 – 54, and Upland Data Forms, PDF pages 56- -91, RAI Info folder, dated April 29, 2020, May 5 and 7, 2020, June 18, 2020, and September 1, 2020. North Carolina Stream Identification Forms, PDF pages 93 – 126, dated April 28, 29, May 4, 5, 12, 13, 14,18, 19, 21, 2020.*

Photographs: *(NA, aerial, other, aerial and other) Title(s) and/or date(s). AJD Submittal for Solid Solutions One, LLC, Vindicator Environmental Park, Haralson County, Georgia, Photos 1-68, PDF pages 128 – 161, RAI Info folder, dated June 2020*

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

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

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: *Title(s) and/or date(s). AJD Submittal for Solid Solutions One, LLC, Vindicator Environmental Park, Haralson County, Georgia, Figure 3: Soil Map, PDF page 11, RAI Info folder, dated June 17, 2020.*

USFWS NWI maps: *Title(s) and/or date(s). AJD Submittal for Solid Solutions One, LLC, Vindicator Environmental Park, Haralson County, Georgia, Figure 4: NWI Wetland Map, PDF page 12, RAI Info folder, dated June 17, 2020.*

USGS topographic maps: *Title(s) and/or date(s). AJD Submittal for Solid Solutions One, LLC, Vindicator Environmental Park, Haralson County, Georgia, Figure 2: USGS Topo Map, PDF page 10, RAI Info folder, dated June 17, 2020.*

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

Data Source (select)	Name and/or date and other relevant information
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<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.

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<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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USGS Sources	StreamStats.usgs.gov
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 wetland and stream data forms provided by HHNT indicate that the delineation was performed on the following date in 2020: April 29, May 5 and 7, and June 18; with supplemental data collection performed on September 1, 2020. According to the Antecedent Precipitation Tool Version 1.0 (APT), which used rainfall data from Carrollton, Bremen 2.8WNW, Carrollton 3.2 SW, Hightower, and Heflin weather stations, the dates of the delineation in April and May were wetter than normal and normal, respectively. Additionally, according to the APT data, during the period in September when supplemental data was collected the conditions were wetter than normal. Therefore, there is a high level of confidence that excluded features are not jurisdictional. The nearest downstream TNW is the Tallapoosa River, a River and Harbors Act, Section 10 water. The named tributaries on-site are Limestone Creek (SRJ/ SGB), a perennial stream, Blalock Creek (SFF), a perennial stream, and Walker Creek (SGG), a perennial steam. Limestone Creek and Blalock Creek flow into Walker Creek. Walker Creek flows into the Tallapoosa River, a TNW, off-site. Other (a)(2) tributaries on the project site flow as follows. SRE is the label used at the confluence of Limestone Creek (SRJ/SGB) and Walker Creek (SGG). SRE is a perennial stream. Intermittent streams: SGD, SRI, SRH, and SRK flow into Limestone Creek (SRJ/SGB). The confluence of SGD and SRJ/SGB is located off-site. Perennial streams: SGC, SGA, and SMH flow into Limestone Creek (SRJ/SGB). The confluence of stream SMH and Limestone Creek is located off-site to the north. Intermittent streams: SRD and SRA flow into SRE. Portions of stream SRA are located off-site. Intermittent streams: SRM, SRN, SMI, SMJ, SFL, and SFK flow directly into Walker Creek (SGG). Perennial Streams: SMD, SFM, and SMB flow directly into Walker Creek (SGG). Intermittent Streams: SMBI and SMF flow directly into SMD. Perennial streams: SMG, and SME flow directly into SMD. SMGI, an intermittent stream flows into SMG. SMEI, an intermittent stream, flows into SME. Intermittent streams: SFH, and SFI flow directly into SMB. Perennial stream SFT flows directly into SMB. Intermittent streams: SFS, and SFR flow directly into SFT. Intermittent streams SFA, and SFD, and perennial stream SFC flow directly into Blalock Creek (SFF). Portions of Blalock Creek are located off-site. All of these (a)(2) waters contribute flow to the Tallapoosa River during a typical year. The (a)(4) wetlands are outlined next. Wetland FI abuts stream SMH. Wetland WGC abuts stream SGD. Wetland WGB abuts stream SGA. Wetland WGF abuts SGE. Wetland WRK abuts streams SGF and SRN. Wetland EPH abuts stream SMI. Wetland MY abuts stream SMJ. Wetland FH abuts stream SMG. Wetland FG abuts stream SMD. Wetland FZ abuts stream SGG. Wetlands FD, FE, and FF abut stream SFM. Wetlands FX, FW, and FV abut stream SFT. Wetlands MA and FB abut stream SFA. Wetland FA abuts streams SFD and SFC. Wetland FC abuts stream SFF. Wetland WRC abuts streams SRA and SRD. Wetland WRF abuts stream SRA. Wetland WRI abuts stream

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SRE off-site. All of these (a)(4) waters directly abut an (a)(2) tributary and contribute flow to the Tallapoosa River in a typical year. An exhibit showing the flow path is saved in the file for this project for reference.

- C. Additional comments to support AJD:** The wetlands labelled WGD and WGH on the exhibit entitled “Figure 6B: Delineation Map, (Wetland Labels)”, meet the three parameters for a wetland under the 1987 Corps Wetland Delineation Manual and the Piedmont and Eastern Mountain Regional Supplement. However, wetland WGD and WGH do not abut, and is not adjacent to any (a)(1) – (a)(3) waters. Wetlands WGD and WGH is not inundated by any (a)(1) - (a)(3) waters in a typical year and is physically separated from all (a)(1)-(a)(3) waters. Therefore, wetlands WGD and WGH are considered non-adjacent (b)(1) wetlands, per 33 CFR 328.3 Definitions. Excluded ephemeral features labelled ECA, ECB, ECC, ECD, ECF, ECG, ECH, ECI, ECJ, ECK, ECL, ECM, ECO, ECP, ECQ, ECR, ECS, and EST were delineated on the project site and are shown on the exhibit entitled “Figure 6A: Delineation Map (Stream Labels)” have the physical characteristics of a shallow or marginal ordinary high water mark (OHWM), but lack intermittent or perennial flow and a ground water connection. These features likely only receive water during or immediately after storm events. Therefore, ECA, ECB, ECC, ECD, ECF, ECG, ECH, ECI, ECJ, ECK, ECL, ECM, ECO, ECP, ECQ, ECR, ECS, and EST are (b)(3) features under 33 CFR 328.3 Definitions.

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