



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): 26-OCT-2020

ORM Number: SAS-2020-00136

Associated JDs: N/A

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

State/Territory: GA City: Montezuma County/Parish/Borough: Macon County

Center Coordinates of Review Area: Latitude 32.299379 Longitude -83.914599

**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
N/A	N/A	N/A	N/A

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
N/A	N/A	N/A	N/A

<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 and 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.



U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

**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
Upland Drainage 1_AJD_B3	2199 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	flows only in direct response to precipitation, does not exhibit perennial or intermittent flow in a typical year, and this is not a tributary.
Upland Drainage 2_AJD_B3	421 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	flows only in direct response to precipitation, does not exhibit perennial or intermittent flow in a typical year, and this is not a tributary.
Upland Drainage 3_AJD_B3	672 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	flows only in direct response to precipitation, does not exhibit perennial or intermittent flow in a typical year, and this is not a tributary.
Upland Drainage 4_AJD_B3	1248 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	flows only in direct response to precipitation, does not exhibit perennial or intermittent flow in a typical year, and this is not a tributary.
Wetland 12_AJD_B1	0.27 acres	(b)(1) Non-adjacent wetland	meets the three parameters per the 1987 Corps Wetland Delineation Manual and the Piedmont and Eastern Mountain Regional Supplement. wetland does not abut an (a)(1) – (a)(3) water, is inundated by flooding from an (a)(1) – (a)(3) water in a typical year, is not separated from another water only by a natural feature, and is separated from an (a)(1) – (a)(3) water only by an artificial structure which still allows a direct hydrologic surface connection between the wetland and that water in a typical year.
Wetland 16_AJD_B1	1.83 acres	(b)(1) Non-adjacent wetland	meets the three parameters per the 1987 Corps Wetland Delineation Manual and the Piedmont and Eastern Mountain Regional Supplement. wetland does not abut an (a)(1) – (a)(3) water, is inundated by flooding from an (a)(1) – (a)(3) water in a typical year, is not separated from another water only by a natural feature, and is separated from an (a)(1) – (a)(3) water only by an artificial structure which still allows a direct hydrologic surface connection between the wetland and that water in a typical year.
Wetland 4_AJD_B1	0.12 acres	(b)(1) Non-adjacent wetland	meets the three parameters per the 1987 Corps Wetland Delineation Manual and the Piedmont and Eastern Mountain Regional Supplement. wetland does not abut an (a)(1) – (a)(3) water, is inundated by flooding from an (a)(1) – (a)(3) water in a typical year, is not separated from another water only by a natural feature, and is separated from an (a)(1) – (a)(3) water only by an artificial structure which still allows a direct hydrologic surface connection between the wetland and that water in a typical year.

<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.



U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

**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). Approved and Preliminary Jurisdictional Determination Request, dated 02/06/2020*

This information is sufficient for purposes of this AJD.

Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency).*

Data sheets prepared by the Corps: *Title(s) and/or date(s).*

Photographs: *(NA, aerial, other, aerial and other) Title(s) and/or date(s). Aerial Map, Fig. 2 (02/06/2020); Site Photographs, Plate 1-18 (02/06/2020)*

Corps Site visit(s) conducted on: *Date(s). 09/29/2020*

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). Soil Map, Fig. 4 (02/06/2020)*

USFWS NWI maps: *Title(s) and/or date(s). National Wetlands Inventory Map, Fig. 6 (02/06/2020)*

USGS topographic maps: *Title(s) and/or date(s). Topographic Map, Fig. 3 (02/06/2020)*

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

Data Source (select)	Name and/or date and other relevant information
USGS Sources	National Hydrography Dataset, accessed 02/13/2020
USDA Sources	NRCS Web Soil Survey, Hydric Soil by Map Rating, accessed 02/13/2020.
NOAA Sources	N/A.
USACE Sources	CESAS-RD Regulatory Viewer LiDAR dataset, accessed 02/12/2020
State/Local/Tribal Sources	N/A.
Other Sources	Climatic Information for Spring and Fall Frost, <a href="mailto:wrc@cornell.edu">wrc@cornell.edu</a> , <a href="http://climod2.nrcc.cornell.edu">climod2.nrcc.cornell.edu</a> , accessed 02/12/2020.

**B. Typical year assessment(s):** Site delineation was performed on June 10, 2019. Applying the APT for this date, site climatic conditions appear to be within the range of normality (based on a projected 30-day rolling average of precipitation documented within the 30th to 70th percentile of the 30-year record for available weather station data within the proximity of the review area). The field verification was conducted on September 29, 2020. Applying the APT for this date, site climatic conditions were wetter than normal, thus conferring a high level of confidence that excluded features are not jurisdictional, based on the rationale detailed in Section II(d), above.

**C. Additional comments to support AJD:** Per 33 CFR 328.3(b)(3), surface features that flow only in direct response to precipitation, such as ephemeral streams, swales, gullies and rills, are not tributaries. These features lack the required perennial or intermittent flow to satisfy the “tributary” definition and therefore are not jurisdictional. Further, the presence of such features alone represents

<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.



U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

an insufficient basis for establishing connectivity, and therefore asserting jurisdiction based on adjacency for Wetlands 12, 16, and 4, thus demonstrating that these waters meet the definition as described in 33 CFR 328.3(b)(1).

<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.