



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-NOV-2020  
ORM Number: SAS-2018-00568  
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: County/Parish/Borough: Gordon County  
Center Coordinates of Review Area: Latitude 34.457573 Longitude -84.912885

**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
Perennial Stream	511 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Refer to Section III.B

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):

<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

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland Area	0.61 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Refer to Section III.B

**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
Ephemeral Stream	306 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Refer to Section III.C

**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). Chelsea Park Townhomes PCN Report, Revised in September 2020, PDF pages 12-16 and 22-24, Wetland Delineation and Assessment; Figure 2: Location Map: Chelsea Park Townhomes; Figure 3: Aerial Map: Chelsea Park Townhomes; Figure 4: Flood Insurance Rate Map (FIRM), Chelsea Park Townhomes. This information is sufficient for purposes of this AJD.*
- Data sheets prepared by the applicant/ agent: *Title(s) and/or date(s). Chelsea Park Townhomes PCN Report, Revised in September 2020, PDF pages 35-40, Wetland data forms, 2 sets.*
- Photographs: *(NA, aerial, other, aerial and other) Title(s) and/or date(s). Chelsea Park Townhomes PCN Report, Revised in September 2020, PDF pages 44-47, Site Photographs 1-7.*
- Corps Site visit(s) conducted on: *Date(s). August 15, 2018.*
- Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *Title(s) and/or date(s). Chelsea Park Townhomes PCN Report, Revised in September 2020, PDF pages 25-27, Figure 5: Soil Survey, Chelsea Park Townhomes.*
- USFWS NWI maps: *Title(s) and/or date(s). Chelsea Park Townhomes PCN Report, Revised in September 2020, PDF page 28, Figure 6: National Wetland Inventory (NWI) Map, Chelsea Park Townhomes.*
- USGS topographic maps: *Title(s) and/or date(s). Chelsea Park Townhomes PCN Report, Revised in September 2020, PDF page 21, Figure 1: USGS Topographic Map, Chelsea Park Townhomes.*

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

<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

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Stream Stats at: <a href="https://streamstats.usgs.gov/ss/">https://streamstats.usgs.gov/ss/</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):** According to the Antecedent Precipitation Tool the project site conditions were normal on May 1, 2018, the date the delineation was conducted by the agent for the applicant. The Wetland Area abuts the on-site Perennial stream. The perennial stream has constant flow, defined bed and bed, sediment sorting, and aquatic fauna and therefore is best characterized as an (a)(2) feature, per CFR 328.3 Definitions. The wetland area met the three parameters for a wetland per the 1987 Corps of Engineers wetland Delineation Manual and/ or the Eastern Mountains and Piedmont Regional Supplement to this manual and abuts the on-site perennial stream and is therefore best characterized as an (a)(4) feature, per 33 CFR 328.3 Definitions. The closest named TNW is the Coosawattee, a Section 10 water under the Rivers and Harbors Act. The on-site unnamed perennial tributary flows into Blackwood Creek, then into Oothkaloga Creek, then into the Coosawattee River.
- C. Additional comments to support AJD:** The project site was inspected previously in 2018 for a Delineation Concurrence request. The ephemeral channel did not have flow, there was a lack of vegetation in the channel, and the channel had a defined bed and banks per RGL 05-05. However, there was no connection to ground water and no intermittent or perennial flow. The feature did meet the three parameters for a wetland per the 1987 Corps of Engineers wetland Delineation Manual and/ or the Eastern Mountains and Piedmont Regional Supplement to this manual, but is not typical of a wetland feature due to the lack of vegetation and defined bed and bank. The ephemeral channel appears to provide a route for stormwater flow after rain events to enter the Wetland Area and perennial stream. Therefore, this feature would best be characterized as a (b)(3) feature, per 33 CFR 328.3 Definitions.

<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.