



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): November 25, 2020

ORM Number: SAS-2018-00541

Associated JDs: N/A

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

State/Territory: GA City: County/Parish/Borough: Whitfield County

Center Coordinates of Review Area: Latitude 34.831329 Longitude -84.852613

**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
Conasauga River	6130 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	Included on Savannah District's Section 10 waters list

**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
Conasauga River	6130 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act	Included on Savannah District's Section 10 waters list

**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

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

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wet A	2.72 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Wetland is inundated by flooding from the Conasauga River, an (a)(1) water, in a typical year
Wet B	0.64 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Wetland is inundated by flooding from the Conasauga River, an (a)(1) water, in a typical year
Wet C	1.25 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Wetland is inundated by flooding from the Conasauga River, an (a)(1) water, in a typical year
Wet D	1.08 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Wetland is inundated by flooding from the Conasauga River, an (a)(1) water, in a typical year
Wet E	1.44 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Wetland is inundated by flooding from the Conasauga River, an (a)(1) water, in a typical year
Wet F	2.28 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Wetland is inundated by flooding from the Conasauga River, an (a)(1) water, in a typical year
Wet G	0.11 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Wetland is inundated by flooding from the Conasauga River, an (a)(1) water, in a typical year
Wet H	8.15 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Wetland is inundated by flooding from the Conasauga River, an (a)(1) water, in a typical year
Wet I	0.14 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Wetland is inundated by flooding from the Conasauga River, an (a)(1) water, in a typical year
Wet J	0.11 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Wetland is inundated by flooding from the Conasauga River, an (a)(1) water, in a typical year

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

**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.**

X Information submitted by, or on behalf of, the applicant/consultant: *Appendix E - Jurisdictional Area Determination Review Package included within, Conasauga Bend Mitigation Bank, Conasauga Watershed (HUC 03150101), Whitfield County, Georgia - Draft Banking Instrument, USACE Project No: SAS-2018-00541, submitted under cover letter dated October 16, 2020 (DBI).*

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

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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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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: *site photographic documentation included within Appendix E, DBI, delineation dated March 28, 2019; Figure 7 - Aerial Map, DBI; APPENDIX B - Representative Site Photographs, DBI.*
- Corps Site visit(s) conducted on: *November 8, 2018.*
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*
- Antecedent Precipitation Tool (APT): *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *Web Soil Survey. Available online at <http://websoilsurvey.nrcs.usda.gov/>, accessed 8/20/2018.*
- USFWS NWI maps: *Figure 14 - National Wetland Inventory Map, DBI.*
- USGS topographic maps: *Figure 6 - USGS Topographic Map, DBI.*

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

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Flood Frequency Data Analysis from USGS Gage 02384500, Conasauga River near Eton.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Final Hydrologic Modeling Report for Conasauga Bend Wetland Mitigation Bank, dated March 24, 2020, prepared by Tetra Tech; Conasauga Bend Mitigation Bank Soil Report, dated April 2, 2019, prepared by David Myers Soil Consultants, LLC; Project light detection and ranging (LiDAR) study, prepared February 2019; Figure 15 - USEPA Wetness Model, DBI.

- B. Typical year assessment(s):** Site delineation was performed on March 28, 2019. Applying the APT for this date, site climatic conditions appear to be wetter than the range of climatic 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).
- C. Additional comments to support AJD:** *N/A.*

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