



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): 08 DEC-2020

ORM Number: SAS-2009-00162

Associated JDs: 20201016-SAS-2009-00162-Floyd-JD (AFW)

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

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

Center Coordinates of Review Area: Latitude 34.36405 Longitude -85.157718

**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.



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**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
DD-E (formerly AR12)	678 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.
Pond AR10	4.91 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	water is an artificially constructed lake or pond and was constructed or excavated in upland or non-jurisdictional waters
Wetland AR11	1.76 acres	(b)(1) Non-adjacent wetland	meets c(16) definition, but is not adjacent per the criteria established under a(4)

**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: *SAS-2009-00162 – Regional Permit 34 and Pre-Construction Notification for the Runway 1/19 Extension and Associated Improvements Projects at the Richard B. Russell Regional Airport – J.H. Towers Field in Floyd County, Georgia, dated October 30, 2020.*

This information is sufficient for purposes of this AJD.

Rationale: *Delineation documents the existing geomorphic and hydrologic flow patterns observed along the length of the subject features.*

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

Photographs: *Site photographic documentation contained within the above-referenced submittal, October 15, 2020 (delineation conducted October 5, 2020).*

Corps Site visit(s) conducted on: *Date(s). August 14, 2017.*

Previous Jurisdictional Determinations (AJDs or PJDs): *SAS-2009-00162, October 16, 2020.*

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

USDA NRCS Soil Survey: *NRCS Web Soil Survey of hydric soils within review area, accessed October 15, 2020.*

USFWS NWI maps: *Title(s) and/or date(s).*

USGS topographic maps: *Title(s) and/or date(s).*

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

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Stream Stats NHD Web Viewer, accessed October 15, 2020
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Savannah District Regulatory Viewer with LiDAR, "hillshade" and contour interpolation overlay for review area, accessed October 15, 2020.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Site delineation was performed on October 5, 2020. 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).
- 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. Per 33 CFR 328.3(b)(8), an artificial lake or pond is excluded according to the (b)(8) exclusion if it was constructed or excavated wholly in upland or in non-jurisdictional waters and it is not an impoundment that meets the conditions of (c)(6). Per 33 CFR 328.3(b)(1), wetlands that meet the definition of paragraph (c)(16) and are not (a)(4) waters are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. Adjacency must be established under four allowable criteria relative to their relationship to an (a)(1)-(a)(3) water: abuts such a water, inundated by flooding from such a water in a typical year, separated from such a water only by a natural feature, or separated from such a water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and such a water in a typical year.

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

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