



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): 21-DEC-2020

ORM Number: SAS-2020-00648

Associated JDs: N/A

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

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

Center Coordinates of Review Area: Latitude 33.764955 Longitude -84.569825

**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  |
|----------------|----------------|-----------------------------|--|
| Wetland        | 0.03 acres     | (b)(1) Non-adjacent wetland | The wetland is not adjacent to and does not contribute to downstream flows of any (a)(1) –(a)(3) waters. |

**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)*. This information *is*) sufficient for purposes of this AJD. Lake Careca PCN Submittal, PDF page 15, Figure 1, Site Location; PDF page 19, Aquatic Features Aerial Map [aerial delineation figure];  
Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency)*.
- Data sheets prepared by the agent for the applicant: *Title(s) and/or date(s)*. Lake Careca PCN Submittal, PDF pages 23-28, Wetland Determination Data Forms, dated June 17, 2020; PDF page 29, North Carolina Stream Identification Form, dated June 17, 2020.
- Photographs: (*NA, aerial, other, aerial and other*) *Title(s) and/or date(s)*. Lake Careca PCN Submittal, PDF pages 21-22, Site Photographs [8 photographs]; AJD Request, Site Photos, Valley and Wetland PDF, pages 1-7, Photos 1 – 14.
- \_\_\_\_\_ Corps Site visit(s) conducted on: *Date(s)*.
- \_\_\_\_\_ 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)*. Lake Careca PCN Submittal, PDF page 18, Figure 4, Soils Map.
- USFWS NWI maps: *Title(s) and/or date(s)*. Lake Careca PCN Submittal, PDF page 17, Figure 3, USFWS Wetland Inventory.
- USGS topographic maps: *Title(s) and/or date(s)*. Lake Careca PCN Submittal, PDF page 16, Figure 2, USGS Topographic Map.

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

| Data Source (select)       | Name and/or date and other relevant information |
|----------------------------|---|
| USGS Sources               | N/A.  |
| USDA Sources               | N/A.  |
| NOAA Sources               | N/A.  |
| USACE Sources              | N/A.  |
| State/Local/Tribal Sources | N/A.  |
| Other Sources              | N/A.  |

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- B. Typical year assessment(s):** According to the Antecedent Precipitation Tool, which used data available from the GA Weather Stations within proximity of the review area, the conditions in Cobb County, on June 17, 2020, were wetter than normal. The site delineation was conducted on June 17, 2020, by United Consulting staff. Therefore, there is a high level of confidence that excluded features are not jurisdictional. There are no jurisdictional features located within the review area.
- C. Additional comments to support AJD:** The wetland area identified within the review area of the site is best characterized as a (b)(1) feature, per 33 CFR 328.3 Definitions. While the feature does 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, 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. None of these criteria are satisfied for the subject wetland.

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