



**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): 1/12/2021

ORM Number: SAS-2020-00453

Associated JDs: N/A

Review Area Location¹: State/Territory: Georgia City: Hephzibah County/Parish/Borough: Burke

Center Coordinates of Review Area: Latitude 33.265869 Longitude -82.173435

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)²

§ 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): ³			
(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
SBA	1,386 acre(s)	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This tributary is named Tarvers branch. Based on a site visit dated 8/13/20, we applied methodology in the “North Carolina DWQ Methodology for Identification of Intermittent and Perennial Streams and Their Origins” to determine that Tarvers Branch has perennial flow in a typical year. Furthermore, Tarvers Branch flows directly into Brier Creek which is an (a)(1) water, to which it contributes flow in a typical year.
SBB	887 acre(s)	(a)(2) Perennial tributary	This feature is an unnamed tributary to Tarvers Branch. Based on a site visit dated 8/13/20, we

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² 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.

³ 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 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.



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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	applied methodology in the "North Carolina DWQ Methodology for Identification of Intermittent and Perennial Streams and Their Origins" to determine that this tributary has perennial flow in a typical year. Furthermore, as this is a perennial feature, we determined that this tributary contributes surface water flow in a typical year to an (a)(1) water, Brier Creek, through Tarvers Branch.

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.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
WBA	1.18	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This wetland meets the definition of an adjacent wetland as it directly abuts an a2 water, SBB
WBB	0.08	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This wetland meets the definition of an adjacent wetland as it directly abuts an a2 water off-site
WRA	3.50	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This wetland meets the definition of an adjacent wetland as it directly abuts an a2 water, SBA
WRB	1.91	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This wetland meets the definition of an adjacent wetland as it directly abuts an a2 water, SBA
WRC	0.45	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This wetland meets the definition of an adjacent wetland as it directly abuts an a2 water SBA

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
EMA	150	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on a site visit dated 8/13/20, we applied methodology in the "North Carolina DWQ Methodology for Identification of Intermittent and Perennial Streams and Their Origins" to determine that this feature has ephemeral flow in a typical year.

⁴ 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.

⁵ 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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
WRD	4.33	acre(s)	(b)(1) Non-adjacent wetland.	WRD is not adjacent to any (a)(1)-(a)(3) waters as defined by the NWPR. This wetland does not abut any (a)(1)-(a)(3) waters, is not inundated by any (a)(1)-(a)(3) waters, is physically separated from all (a)(1)-(a)(3) waters and does not have a directed hydrologic surface connection to any (a)(1)-(a)(3) waters in a typical year. WRD is connected to an a2 water only by an ephemeral (b3) water, which is not sufficient to establish this feature as an adjacent wetland.
SW1	0.90	acre(s)	(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).	Based on a site visit dated 8/13/20, it appears this feature was excavated in upland or a non-jurisdictional water (this feature is currently surrounded by (b)(1) non-adjacent wetland). This feature is also not an impoundment of a jurisdictional water, they appear to have been simply excavated in an area of low topography with no defined tributary evident. This feature is connected to downstream waters through an ephemeral channel. Any overflow would go downhill only connecting to SW2 or WRD.
SW2	2.50	acre(s)	(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).	Based on a site visit dated 8/13/20, it appears this feature was excavated in upland or a non-jurisdictional water (this feature is currently surrounded by (b)(1) non-adjacent wetland). This feature is also not an impoundment of a jurisdictional water, they appear to have been simply excavated in an area of low topography with no defined tributary evident. This feature is connected to downstream waters through an ephemeral channel. Any overflow would go downhill only connecting to SW2 or WRD.
SBC	202	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on a site visit dated 8/13/20, we applied methodology in the “North Carolina DWQ Methodology for Identification of Intermittent and Perennial Streams and Their Origins” to determine that this feature has ephemeral flow in a typical year.
SBE	1,425	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on a site visit dated 8/13/20, we applied methodology in the “North Carolina DWQ Methodology for Identification of Intermittent and Perennial Streams and Their Origins” to determine that this feature has ephemeral flow in a typical year.



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
EMA2	925 linear feet	(b)(4) Diffuse stormwater run- off over upland or directional sheet flow over upland.	EMA2 is located completely inside the JD review area and based on the field investigation of this property, this system is classified as overland wash with no defined channel or indications of intermittent or perennial flow.

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.
Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial: Google Earth Imagery 11/2/2019](#)
- 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: [From USDA Web Soil Survey for Burke County](#)
- USFWS NWI maps: [From USFWS National Wetland Mapper for Georgia](#)
- USGS topographic maps: [Blythe Quadrangle](#)

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	Historical Aerial from Georgia Aerial Photographs from the University of Georgia

B. Typical year assessment(s): The data forms provided by HHNT indicate that a they performed a wetland delineation of the project area on 5/1/2020. Using the Antecedent Precipitation Tool Version 1.0, which used rainfall data from nearby weather stations, we have determined the delineation was conducted during the dry season (WebWIMP H2O Balance) and that “Wetter than Normal” rainfall conditions were present for the nearest weather stations on the date of the wetland delineation. With regards to the site visit on 8/13/2020, the Antecedent Precipitation Tool results, which used rainfall data from nearby weather stations, indicated that the site visit was conducted during the dry season (WebWIMP H2O Balance) and that “Wetter than Normal” rainfall conditions were present for the nearest weather stations on the date of the wetland delineation.

C. Additional comments to support AJD: [N/A or provide additional discussion as appropriate.](#)