



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): March 31, 2021

ORM Number: SAS-2020-00557

Associated JDs: N/A

Review Area Location¹:

State/Territory: GA City: Concord County/Parish/Borough: Pike County

Center Coordinates of Review Area: Latitude 33.051344 Longitude -84.467693

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
SA	4579 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III B below.
SC	3232 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III B below.
SD	4237 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III B below.

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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 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.

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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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SE	4747 feet	(a)(2) Intermittent tributary contr butes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III B below.
SF	7560 feet	(a)(2) Perennial tributary contr butes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III B below.
SG	561 feet	(a)(2) Perennial tributary contr butes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III B below.
SH	600 feet	(a)(2) Intermittent tributary contr butes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III B below.
SI	1167 feet	(a)(2) Intermittent tributary contr butes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III B below.
SJ	721 feet	(a)(2) Intermittent tributary contr butes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III B below.
SK	1650 feet	(a)(2) Intermittent tributary contr butes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III B below.
SL	638 feet	(a)(2) Intermittent tributary contr butes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III B below.
SM	750 feet	(a)(2) Intermittent tributary contr butes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III B below.
SN	3465 feet	(a)(2) Intermittent tributary contr butes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III B below.
SO	710 feet	(a)(2) Intermittent tributary contr butes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III B below.

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):

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(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
WA	78.6199 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III B below.
WB	246.9998 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III B below.
WE	2.76 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III B below.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
PA	1.09 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)	See Section III C below.
WC	1.78 acres	(b)(1) Non-adjacent wetland	See Section III C below.
WD	0.71 acres	(b)(1) Non-adjacent wetland	See Section III C below.

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: *AJD Submittal, PDF page 23, Exhibit 5: FEMA Flood Insurance Rae Map (FIRM), Madden Solar Center Site, dated June 5, 2020; PDF pages 41-45, Appendix D, Delineator Credentials..*

This information is sufficient for purposes of this AJD.

Rationale: N/A

Data sheets prepared by the agent for the applicant: *AJD Submittal, PDF pages 29-34 Wetland Determination Data Forms – Eastern Mountains and Piedmont, 12 sets, Wetlands: A-F, dated May 8, 2021, May 28, 2020, and June 1, 2020.*

Photographs: *(aerial and other) AJD Submittal, PDF page 20, Exhibit 2: Aerial Image (2019), Madden Solar Center Site, dated June 5, 2020; PDF pages 36-40, Site Photographs, Photos 1 -10, taken June 2020.*

Corps Site visit(s) conducted on: *Date(s). N/A*

Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*

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

USDA NRCS Soil Survey: *AJD Submittal, PDF page 22, Exhibit 4: USDA NRCS SSURGO Soils Map, Madden Solar Center Site, dated June 5, 2020; Custom Soil Resource Report for Lama, Pike, and Upson Counties, Georgia.*

USFWS NWI maps: *AJD Submittal, PDF page 21, Exhibit 3: National Wetland Inventory Map, Madden Solar Center Site, dated June 5, 2020.*

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X USGS topographic maps: *AJD Submittal, PDF page 19, Exhibit 1: USGS Topographic Vicinity Map, Madden Solar Center Site, dated June 5, 2020.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	https://streamstats.usgs.gov/ss/
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	USDA, NRCS, Soil Survey and Hydric soils

B. Typical year assessment(s): According to the APT, which used data available from GA Weather Stations within proximity of the review area the conditions in Pike County were wetter than normal. Therefore, there is a high level of confidence that excluded features are not jurisdictional. The nearest Traditionally Navigable Water is the Flint River, a Rivers and Harbors Action Section 10 Water. All resources located on the project site flow into Elkins Creek, which is located off-site to the east. Elkins Creek flows into the Flint River downstream, at a location that is off-site. Streams SA, SF and SG have perennial flow within the channels, connections to ground water, and physical characteristics of an Ordinary High Water Mark. Streams SC, SD, SE, SH, SI, SJ, SK, SL, SM, SN, and SO have intermittent flows, connections to ground water, and physical characteristics of an Ordinary High Water Mark. Streams SA, SC, SD, SE, SF, SH, SI, SJ, SK, SL, SM, SN, and SO are best characterized as (a)(2) features, per 33 CFR 328.3 Definitions. Wetlands WA, WB, and WE meet the three parameters for wetlands, per the 1987 Corps of Engineers Wetland Delineation Manual and/ or the Eastern Mountains and Piedmont Regional Supplement to this manual. Wetlands WA, WB, and WE are best characterized as (a)(4) features, per 33 CFR 328.3 Definitions. Stream SA flows into Elkins Creek to the east off-site. Stream SC flows into stream SA. Wetland WA directly abuts stream SA and Stream SC. Stream SH flows directly into stream SA. Stream SE flows into Stream SG. Stream SG flows into Elkins Creek to the east off-site. Wetland WB abuts stream SE and stream SG. Stream SD flows into Elkins Creek to the east off-site. Wetland WF abuts stream SD. Streams SJ, SI SK, SL, SM, and SN all flow into stream SF. Wetland WE and Wetland WB abut stream SF. Stream SO flows into stream SN. Stream SF flows into Elkins Creek to the south off-site.

C. Additional comments to support AJD: Wetlands WC and WD meet the three parameters for wetlands, per the 1987 Corps of Engineers Wetland Delineation Manual and/ or the Eastern Mountains and Piedmont Regional Supplement to this manual. However, wetlands WC and WD do not have a direct hydrological connection to and/ or are not inundated by flooding from any a(1) – a(3) resources and therefore are best characterized as a b(1) feature, per 33 CFR 328.3 Definitions. Pond PA is not an impoundment of any a(1) – a(3) resources, this feature does not have a direct

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hydrological connection to any a(1) – a(3) resources, and appears to have been constructed in uplands. Pond PA is best characterized as a b(8) feature, per 33 CFR 328.3 Definitions.

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