



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): April 7, 2021

ORM Number: SAS-2021-00056

Associated JDs: N/A

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

State/Territory: GA City: Cartersville County: Bartow County

Center Coordinates of Review Area: Latitude 34.212272 Longitude -84.707461

**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
Stream S2	730 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	
Stream S3	288 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	

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
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<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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N/A	N/A	N/A	N/A
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Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland W1	1.23 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	

**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
Stream S1	334 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	

**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: *PCN NWP44 Vulcan Bartow Quarry submittal, PDF pages 1-12, narrative and descriptions of the proposed project and aquatic resources, received on January 14, 2021; PDF pages 14-15, PCN form, dated January 14, 2021; PDF page 17, Figure 1: Location and Vicinity Map, dated July 14, 2020; PDF page 20, figure 4: FEMA Floodplain Map, dated July 14, 2020; PDF page 23, Figure 7: Wetland and Surface Water Delineation, dated July 15, 2020; PDF pages 24-25, Pates 8-9, Bartow Quarry Plans, Plan View and Profiles & Cross Sections, dated November 16, 2020 and November 11, 2020, respectively; PDF page 63, Georgia EPD, Drawing Number 5: Ultimate Year Mine & Erosion control Plan for Vulcan Bartow County Quarry, dated February 18, 2015; PDF pages 64-70, Attachment K: Qualitative Assessment Worksheets, dated July 24, 2020.*

This information *is* sufficient for purposes of this AJD.

Data sheets prepared by the applicant’s agent: *PCN NWP44 Vulcan Bartow Quarry submittal, PDF pages 32-38, Wetland Determination Forms, W-1 Wetland and W-1 Upland (3 pages each), dated February 13, 2020; PDF pages 39-41, NC DWQ Stream identification Forms Version 4.11 (2 pages), Stream S1 (1 page) and Stream S2 and S3 (1 page), dated February 13, 2020.*

Photographs: *PCN NWP44 Vulcan Bartow Quarry submittal, PDF page 18, Figure 2: Aerial Photograph – True Color Map, dated July 14, 2020; PDF pages 26-31, Attachment C: Photographic Documentation, Site Photographs, Photos 1-10, received on January 14, 2021.*

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

Previous Jurisdictional Determinations (AJDs or PJDs): *SAS-1991-00801, SAS-2001-00660 (off-site permittee-responsible preservation mitigation associated with Villa Rica Quarry, 3*

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streams in SE portion of property), SAS-2001-10650, SAS-2014-00915, SAS-2013-00102, and SAS-2020-00569.

- Antecedent Precipitation Tool: see detailed discussion in Section III.B.
- USDA NRCS Soil Survey: *PCN NWP44 Vulcan Bartow Quarry submittal, PDF page 21, Figure 5: NRCS Soil Map, dated July 14, 2020.*
- USFWS NWI maps: *PCN NWP44 Vulcan Bartow Quarry submittal, PDF page 22, Figure 6: USFWS National Wetland Inventory (NWI) and National Hydrography Dataset (NHD) Map, dated July 17, 2020.*
- USGS topographic maps: *PCN NWP44 Vulcan Bartow Quarry submittal, PDF page 19, Figure 3: USGS Topographic Map, dated July 14, 2020.*

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

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Stream Stats accessed on March 29, 2021. <a href="https://streamstats.usgs.gov/ss/">https://streamstats.usgs.gov/ss/</a>
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

**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 Bartow 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 Lake Allatoona. All of the aquatic resources located on the project site flow off the site to the east into McKaskey Creek. McKaskey Creek flows into Lake Allatoona. Streams S2 and S3 have ordinary high water marks, per RGL 05-05, and both have intermittent flow and a ground water connection. Stream S2 flows into Stream 3, there is a small gab between S2 and S3, where the wetland W1 area is the dominant drainage feature. Stream S3 flows into McKaskey Creek off-site. Wetland W1 abuts Streams S2 and S3. Wetland W1 meets the three characteristics of a wetland per the 1987 Corps of Engineers Wetland Delineation Manual and/ or the Eastern Mountains and Piedmont Regional Supplement to this manual. Wetland W1 flows into both Streams S2 and S3. Therefore, Streams S2 and S3 are best characterized as (a)(2) features, per 33 CFR 328.3 Definitions. Wetland W1 is best characterized as an (a)(4) feature per 33 CFR 328.3 Definitions.

**C. Additional comments to support AJD:** The feature referred to as Stream S1, has an ordinary high water mark per RGL 05-05, but does not have intermittent or perennial flow or a connection to ground water. Feature S1 does not 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

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this manual. Therefore, Stream S1 is best characterized as a b(3) feature, per 33 CFR 328.3 Definitions.

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