



**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 15, 2021](#)
 ORM Number: [SAS-2016-00047](#)
 Associated JDs: [ARDR dated September 5, 2018](#)
 Review Area Location¹: State/Territory: [GA](#) City: [Canton](#) County/Parish/Borough: [Cherokee](#)
 Center Coordinates of Review Area: Latitude [34.240170](#) Longitude [-84.428570](#)

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:
- 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
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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Ephemeral Stream (ES) AF	373	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Stream (ES) AF is a channelized ephemeral feature and exhibits ephemeral flow and meets the definition in paragraph (b) (3) for an ephemeral flow regime. This channelized feature flows in direct response to precipitation.

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: [GDOT PI 0014131/SR 20, NCDWQ Stream ID Dataform, 09/06/2017](#) and [OMBIL Regulatory Module Aquatic Resource Table](#).

This information is sufficient for purposes of this AJD. Rationale: [Yes](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

Photographs: [Other: Photographs of Ephemeral Stream AF](#)

Corps site visit(s) conducted on:

Previous Jurisdictional Determinations (AJDs or PJDs): [SAS-2016-00047, Aquatic Resource Delineation Verification, dated 09/05/2018](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Soils Map, PI 0014131/SR 20 \(Figure 6\), 2/9/2021](#)

USFWS NWI maps: [NWI Map, PI 0014131/SR 20 \(Figure 5\), 2/9/2021](#)

USGS topographic maps: [Topographic Aquatic Resource Map \(Figure 2\), PI 0014131/SR 20, 2/9/2021](#)

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	Antecedent Precipitation Tool; SAS -2016-00047 Delineation Review of Aquatic Resources 09/05/2018
State/Local/Tribal Sources	N/A.
Other Sources	NCDWQ Stream ID Form for ES AF

B. Typical year assessment(s):

[Using the Antecedent Precipitation Tool Version 1.0, it was determined that normal conditions were present during the field assessment.](#)

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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C. Additional comments to support AJD:

ES AF flows in response to precipitation following wet weather events in a typical year. It provides a channelized surface water connection from the SR 20 roadway. The project site experienced average precipitation in the 30 days prior to assessment resulting in normal conditions on site. As a result, no water was observed within the channel of ES AF. Per the NCDWQ Stream ID, ES AF was given a score of 15.5. Stream determination scoring is as follows: less than 19 is an ephemeral, greater than or equal to 19 is intermittent, and greater than or equal to 30 is perennial. No evidence of intermittent or perennial flow characteristics (such as soil based evidence of a high water table, ordinary high water mark, etc.) were observed within the boundaries of ES AF that would classify this resource as a tributary. ES AF meets the definition of a b(3) water and the ephemeral flow definition in paragraph (c)(3) of the NWPR. Therefore, ES AF would be excluded under NWPR jurisdiction.