



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 16, 2021

ORM Number: SAS-2021-00092

Associated JDs: N/A

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

State/Territory: GA City: Rossville County/Parish/Borough: Walker County

Center Coordinates of Review Area: latitude: 34.954532, longitude: -85.314841

**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
S1 Intermittent	812 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.
S2 Intermittent	2665 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.
S3 Intermittent	1276 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.

<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 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.

<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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S4 Intermittent	2532 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.
S5 Intermittent	656 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.
S6 Intermittent	1199 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.

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
WA	3.64 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III B. below.
WC	0.11 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))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
S2A Ephemeral	186 feet	(b)(4) Diffuse stormwater run-off over upland or directional sheet flow over upland	See Section III C. below.
S4A Ephemeral	337 feet	(b)(4) Diffuse stormwater run-off over upland or directional sheet flow over upland	See Section III C. below.
S5A Ephemeral	643 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III C. below.
S6A Ephemeral	539 feet	(b)(4) Diffuse stormwater run-off over upland or directional sheet flow over upland	See Section III C. below.
WB	0.36 acres	(b)(1) Non-adjacent wetland	See Section III C. below.
WD	0.28 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.

X Information submitted by, or on behalf of, the applicant/consultant: *Hutchenson Drive AJD submittal, PDF pages 5-11, Jurisdictional Waters Assessment, dated November 10, 2020;*

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

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<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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*PDF page 17, Figure 4: Overview of Findings (delineation map), dated October 30, 2020.*  
This information is sufficient for purposes of this AJD.

- Data sheets prepared by the agent: *Hutchenson Drive AJD submittal, PDF pages*
- Photographs: *Hutchenson Drive AJD submittal, PDF pages 18-26, Appendix II- Representative Photos, Photographs 1-16, dated October 21, 2020.*
- Corps Site visit(s) conducted on: *N/A*
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*
- Antecedent Precipitation Tool: *(see discussion in Section III.B.) Project File Folder, APT folder, APT reports and station data, ran on March 6, 2021 for October 21, 23, and 27, 2020.*
- USDA NRCS Soil Survey: *Hutchenson Drive AJD submittal, PDF page 16, Figure 3: Mapped Soils Exhibit, dated November 20, 2020; Project File Folder, PDF 4 total pages, Hydrological Soil Group: SAS-2021-00092, AJD Review Area, retrieved March 3, 2021.*
- USFWS NWI maps: *Hutchenson Drive AJD submittal, PDF page 15, Figure 2: National Wetlands Inventory Exhibit, dated November 20, 2020.*
- USGS topographic maps: *Hutchenson Drive AJD submittal, PDF page 14, Figure 1: USGS Topographic Map Exhibit, dated November 20, 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: <a href="https://streamstats.usgs.gov/ss/">https://streamstats.usgs.gov/ss/</a>
USDA Sources	Hydrological Soil Group Maps from NRCS Soil Survey website: <a href="https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm">https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm</a>
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	FEMA Flood maps: <a href="https://msc.fema.gov/portal/home">https://msc.fema.gov/portal/home</a> Firmette map retrieved on March 3, 2021.

**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 Walker County were wetter than normal on October 21 and 23, 2020 and were normal on October 27, 2020. Therefore, there is a high level of confidence that excluded features are not jurisdictional. All the waters on the site flow east into Dry Creek. Dry Creek turns into Chattanooga Creek at the Georgia-Tennessee state line. Chattanooga Creek flows into the Tennessee River and the Tennessee River is the nearest Traditionally Navigable Water, a River and Harbors Act Section 10 Water. Streams S1, S2 and S4 all flow off the project site into Dry Creek. Streams S3, S5, and S6 all flow into Stream S4. Stream S1, S2, S3, S4, S5, and S6 all have intermittent base flows, and a line of wrested vegetation, supporting that these features have an Ordinary High Water Mark. Streams S1, S2, S3, S4, S5, and S6 are best characterized as (a)(2) features, per 33 CFR 328.3 Definitions. Wetlands WA and WC 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. Wetland WA abuts Stream S1 and

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<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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Wetland WC abuts Stream S2. Wetland WA and WC are best characterized as (a)(4) features, per 33 CFR 328.3 Definitions.

- C. Additional comments to support AJD:** Wetlands WB 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 b(1) features, per 33 CFR 328.3 Definitions. Features S2A, S4A, and S6A do not have the physical characteristics of an Ordinary High Water Mark, per RGL 05-05 and do not 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. Therefore, Features S2A, S4A, and S6A are best characterized as (b)(4) features with diffuse stormwater run-off over upland or directional sheet flow over upland, per 33 CFR 328.3 Definitions. Feature S5A does have the physical characteristic of an Ordinary High Water Mark, per RGL 05-05 and does not meet the three parameters of a wetland, per the 1987 Corps of Engineers Wetland Delineation Manual and/ or the Eastern Mountains and Piedmont Regional Supplement to this manual. Feature S5A does not have a connection to ground water or intermittent or perennial flow. Therefore, feature S5A is best characterized as a (b)(3) feature, per 33 CFR 328.3 Definitions.

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