



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): 17-MAY-2021

ORM Number: SAS-2021-00325

Associated JDs: N/A

Review Area Location¹:

State/Territory: GA City: Villa Rica County/Parish/Borough: Carroll County

Center Coordinates of Review Area: Latitude 33.73605 Longitude -84.955451

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
Stream S1	520 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):

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 and 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 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.

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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(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 1	7.5 acres	(a)(4) Wetland abuts an (a)(1)(a)(3) water	Wetland 1 is a large forested wetland that abuts an (a)(1) water in a typical year.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Stream S2	230 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	
Wetland 2	0.5 acres	(b)(1) Non-adjacent wetland	Wetland does not abut an (a)(1), (2), or (3) water. Wetland 2 is a former irrigation pond with no defined flow ingressing or egressing the feature.

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 NWP 29 Cottages of Villa Rica submittal, PDF 1-13, narrative and descriptions of the proposed project and aquatic resources; PDF pages 52-54, PCN form; PDF page 15, Site location map; PDF pages 17, Site Waters;*

This information is sufficient for purposes of this AJD.

Rationale: *N/A*

Data sheets prepared by the Corps: *PCN NWP29 Cottages of Villa Rica submittal, PDF pages 60-71, Wetland Determination Forms, dated October 10, 2020; PDF pages 73-74, NC SWQ Stream Identification Forms Version 4.11*

Photographs: *PCN NWP 29 Cottages of Villa Rica, Site Photographs, PDF pages 20-22*

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

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

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

USDA NRCS Soil Survey: *Cottages of Villa Rica PCN NWP submittal, PDF page 16, Site Soils.*

USFWS NWI maps: *N/A*

USGS topographic maps: *N/A*

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 May 5, 2021
USDA Sources	
NOAA Sources	N/A.
USACE Sources	
State/Local/Tribal Sources	Carroll County qpublic aerial imagery

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Other Sources	U.S. Drought Monitor, Google Earth, Historical aerial topographic maps
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- B. **Typical year assessment(s):** According to the Antecedent Precipitation Tool (APT), which cross-references and models local weather station outputs within 30-miles of the review area and national climate datasets, including; Palmer Drought Severity Index (NPDSI) and the Web-based Water Budget Interactive Modelling Program (WIMP), the conditions in Carroll County were wetter than normal on October 10, 2020 based on the normal range of precipitation within a 30-year period. All waters on the site flow north northeasterly into an offsite unnamed tributary of Little Tallapoosa River, which flows into the Tallapoosa River, a River and Harbors Act Section 10, Traditionally Navigable Water. Wetland 1 meets the three characteristics of wetland per the 1987 Corps of Engineers Wetland Determination Manual and the Eastern Mountains and Piedmont Regional Supplement to the manual and is best characterized as an (a)(4) feature per 33 CFR 328.3 definitions. Stream 1 flows northerly into an unnamed tributary of Little Tallapoosa River offsite, this feature shows OHWM indicators, per RGL 05-05 including sediment sorting, scouring, wrested vegetation, and defined bed and bank, which is best characterized as an (a)(2) tributary, per 33 CFR 328.3 definitions.
- C. **Additional comments to support AJD:** The onsite channel identified as Stream 2, does not display surface water flow as a direct response to precipitation runoff within a typical year as seen in photos 4-6. The channel flows from the site through a culvert into an adjacent residential development and shows little physical indicators of OHWM, per RGL 05-05. Wetland 2 shows evidence as a former irrigation pond and meets the three parameters for wetlands, per the 1987 Corps of Engineers Wetland Delineation Manual and the Eastern Mountains and Piedmont Regional Supplement to the manual. However, this feature does not have a direct hydrological connection to and/or are not inundated by flooding from any (a)(1) -(a)(3) resources and is best characterized as a (b)(1) feature, per 33 CFR 328.3. Therefore, based on the review of the data compiled, we have determined that the subject (b)(1) and (b)(3) aquatic resources are excluded under NWPR based on the adjacency criteria expressed in paragraph (c)(1) of the rule.

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