



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): June 21, 2021

ORM Number: SAS-2021-00244

Associated JDs: N/A

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

State/Territory: GA City: White County/Parish/Borough: Bartow County

Center Coordinates of Review Area: latitude: 34.282403, longitude: -84.780822

**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
Stream11	142 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):

<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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(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 1	0.04 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III B below.
Wetland 5	0.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III B below.
Wetland 6	0.003 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature	See Section III B below.
Wetland 7	0.38 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
Feature E1	15 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III C below.
Feature E2	127 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III C below.
Feature E3	48 feet	(b)(4) Diffuse stormwater run-off over upland or directional sheet flow over upland	See Section III C below.
Feature E4	339 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III C below.
Wetland 2	0.04 acres	(b)(1) Non-adjacent wetland	See Section III C below.
Wetland 3	0.02 acres	(b)(1) Non-adjacent wetland	See Section III C below.
Wetland 4	0.02 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: *PCN for Galco Property Warehouse, PDF page 3 and 47, Exhibit 1: Vicinity Map, dated March 19, 2021; PDF pages 38-45, Galco Property Wetland Delineation Report, dated March 19, 2021; PDF page 49, Exhibit 3: Aerial Photo w/ Aquatic Resource Locations, dated March 19, 2021; PDF page 54, Exhibit 8: FEMA Floodplain Map, dated March 19, 2021; PDF page 55, Exhibit 9: Data Point Location Map, dated March 19, 2021; PDF page 56, Exhibit 10: Ground Photo Locations (map), dated March 19, 2021; Ephemeral Feature Assessment PDF, PDF pages 1-6, Ephemeral Feature Descriptions, dated June 16, 2021; Stream Stats Report, PDF pages 1-3, accessed June 11, 2021; Email: Description of Ephemerals, dated April 20, 2021. Meeting on June 16, 2021 with the agent for the applicant, site delineators, and the Corps.*  
This information is sufficient for purposes of this AJD.  
Rationale: N/A

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- Data sheets prepared by the agent for the applicant: *PCN for Galco Property Warehouse, PDF pages 58-62, NC DWQ Stream Identification Forms, five forms (E1, E2, E3, E4, and I1), dated February 10, 2021; PDF pages 63-86, Wetland Determination Data Form, eight sets, four wetland points, four upland points, dated February 10, 2021.*
- Photographs: *aerial and site photographs: PCN for Galco Property Warehouse, PDF page 50, Exhibit 4: Aerial Photograph, dated March 19, 2021; PDF page 57, Exhibit 11: Site Photos, Photos 1-4, dated March 19, 2021; Ephemeral Feature Assessment PDF, PDF pages 7-9, Site Photographs, Photos 1-11, dated June 16, 2021. Historic Aerials from Google Earth and Historic Aerials .com, Years 1945-2021, Selected images saved in file SAS-2021-00244 Historic Aerials, Years saved 2018, 2017, 2015, 2012, and 2002. Stream Stats Site images, May 4, 2021, June 11, 2021, and June 17, 2021. Bartow County Topographic Map, accessed June 17, 2021. Galco Property Ephemeral Photos, PDF page 1, Exhibit 1: Ephemeral Feature Photos, dated April 15, 2021.*
- 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: *PCN for Galco Property Warehouse, PDF page 51-52, Exhibit 5: USDA Soils Survey Map, dated March 19, 2021.*
- USFWS NWI maps: *PCN for Galco Property Warehouse, PDF page 53, Exhibit 7: USFWS NWI Map, dated march 19, 2021.*
- USGS topographic maps: *PCN for Galco Property Warehouse, PDF page 48, Exhibit 2: USGS Quadrangle Map, dated March 19, 2021.*

**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 4, 2021, June 11, 2021, and June 17, 2021
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Google Earth, accessed June 17, 2021. Historic Aerials, accessed June 17, 2021, Bartow County Topographic Maps, accessed June 17, 2021.

**B. Typical year assessment(s):** According to the APT conditions in Bartow County were drier than normal on February 10, 2021. The nearest Traditionally Navigable Water is the Coosa River, a Rivers and Harbors Act (RHA), Section 10 water. The waters on the site all flow in a southwest direction into an unnamed tributary of Pettit creek located off-site. Pettit creek flows into the Etowah River. The Etowah River flows into the Coosa River. Wetlands 1-7 meet the three parameters of a wetland, per the 1987 Corps of Engineers Wetland Delineation Manual and the Eastern Mountains and Piedmont Regional Supplement to this manual. These wetlands do not have the physical characteristics of an

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Ordinary High-Water Mark (OHWM), per Regulatory Guidance Letter (RGL) 05-05. Wetland 1 abuts an unnamed tributary located off-site to the west and contributes flow to this tributary in a typical year. There is a confluence of the western tributary and the unnamed tributary located to the south of the site. Wetland 7 abuts an unnamed tributary located off-site to the south and contributes flow to this tributary in a typical year. Stream I1 has intermittent flow, a groundwater connection, and the physical characteristics of an OHWM, per RGL 05-05. Stream I1 is best characterized as an (a)(2) feature, per 33 CFR 328.3 Definitions. Wetland 5 abuts Stream I1 and contributes flow to downstream waters in a typical year. Features E1, E2, and E4 have the physical characteristics of an OHWM including a defined channel and leaf litter disturbance within the channel, per RGL 05-05. Features E1, E2, E3, and E4 do not meet the three parameters for a wetland, per the 1987 Corps of Engineers Wetland Delineation Manual and the Eastern Mountains and Piedmont Regional Supplement to this manual. Wetlands 1, 5, and 7 are best characterized as (a)(4) features, per 33 CFR 328.3 Definitions. Wetland 6 is separated from Stream I1 and the unnamed tributary located to the south of the site by a single natural feature and contributes flow to downstream waters in a typical year. Therefore, Wetland 6 is best characterized as an (a)(4) feature, per 33 CFR 328.3 Definitions.

- C. Additional comments to support AJD:** Features E1, E2, and E4 have the physical characteristics of an OHWM and contribute to the downstream flow of (a)(1) – (a)(3) waters in a typical year. Therefore, E1, E2, and E4 are best characterized as (b)(3) features, per 33 CFR 328.3 Definitions. However, Feature E3 lacks any indicators of an OHWM, per RGL 05-05, and does not contribute flow to any downstream (a)(1) – (a)(3) waters in a typical year. Therefore, Feature E3 is best characterized as a (b)(4) feature, per 33 CFR 328.3 Definitions. Further, E3 and all aquatic features upstream of this feature are excluded from jurisdiction due to no contribution to downstream (a)(1) – (a)(3) waters in a typical year. Due to the location, upstream of E3, of Wetlands 2, 3, and 4, these features do not contribute flow to any downstream (a)(1) – (a)(3) waters in a typical year. Therefore, Wetlands 2, 3, and 4 are best characterized as (b)(1) features, per 33 CFR 328.3 Definitions.

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