



**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): [7/12/2021](#)

ORM Number: [SAS-2021-00368](#)

Associated JDs: [N/A](#)

Review Area Location¹: State/Territory: [GA](#) City: [Loganville](#) County/Parish/Borough: [Gwinnett County](#)

Center Coordinates of Review Area: Latitude [33.866921](#) Longitude [-83.953455](#)

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](#)
- 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
Perennial Stream 1 (Brushy Fork)	859	linear feet	See Section III B below
		(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	

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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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.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland A	2.34	acre(s)	(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)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Existing Detention Pond	0.70	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	See Section III C below.
Wetland B	0.85	acre(s)	(b)(1) Non-adjacent wetland.	See Section III C below.
Ephemeral Drainage	208	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	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.

Information submitted by, or on behalf of, the applicant/consultant: *AJD Request Received May 6, 2021, as prepared by Tallman Environmental, Incorporated, PDF page 19, Figure OC1: Upper Omulgee Basin with the Metro Water District, dated May 4, 2021; PDF page 20, Delineation Map with Ephemeral Features, dated February 4, 2021; PDF page 32, National Flood Hazard Layer FIRMett, dated May 4, 2021; and PDF pages 39-45, EMP Regional Supplement Manual-Wetland Data Sheets, dated February 3, 2021.*

This information is sufficient for purposes of this AJD.

Rationale: N/A

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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- Data sheets prepared by the Corps: *N/A*
- Photographs: *Aerial and Other: AJD Request Received May 6, 2021, as prepared by Tallman Environmental, Incorporated, PDF page 17, Figure 1: Site Location Map, dated May 4, 2021; PDF pages 34-38, Photographic Log, dated February 3, 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: *AJD Request Received May 6, 2021, as prepared by Tallman Environmental, Incorporated, PDF page 29, Soil Map—Gwinnett County, Georgia, dated February 1, 2021.*
- USFWS NWI maps: *AJD Request Received May 6, 2021, as prepared by Tallman Environmental, Incorporated, PDF page 33, National Wetland Inventory (NWI) Map, dated May 4, 2021.*
- USGS topographic maps: *AJD Request Received May 6, 2021, as prepared by Tallman Environmental, Incorporated, PDF page 15, Figure 2: Topographic Map, dated May 4, 2021.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	StreamStats
USDA Sources	U.S. Drought Monitor
NOAA Sources	U.S. Drought Monitor
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Google Earth Pro; Gwinnett County Tax Map

B. Typical year assessment(s): Site conditions (during the consultant’s 2/3/2021 visit) were drier than normal based on the Antecedent Precipitation Tool’s capability to evaluate the normal range of precipitation in this delineation’s geographic area within a rolling 30-year period. The nearest Traditionally Navigable Water (TNW) is the Ocmulgee River. Perennial Stream 1 (Brushy Fork) flows into Big Haynes Creek which flows into the Yellow River which flows into the Ocmulgee River. Brushy Fork has OHWM, bed and bank and flows continuously year-round, meeting the definition of “perennial” in paragraph (c)(8). It is best characterized as an (a)(2) feature, per 33 CFR 328.3 Definitions. Wetland A is a wetland that abuts Brush Fork, an (a)(2) water, and therefore meets the definition of “Adjacent wetlands” in paragraph (c)(1)(i). Wetland A is best characterized as an (a)(4) feature, per 33 CFR 328.3 Definitions.

C. Additional comments to support AJD: Existing Detention Pond is a stormwater drainage feature constructed in uplands, based on the Gwinnett County Tax Map. It has been maintained as such and is best characterized as a (b)(10) feature, per 33 CFR 328.3 Definitions. Wetland B was originally a stormwater drainage feature constructed in non-jurisdictional waters, based on the Gwinnett County Tax Map. Historical imagery depicts that the feature was not maintained, resulting in its reversion into a wetland. Wetland B has no hydrologic connection to downstream navigable waters in a typical year and is therefore a non-adjacent wetland. It is best characterized as a (b)(1) feature, per 33 CFR 328.3 Definitions. Ephemeral Drainage only flows as a result of heavy precipitation events. Its waters derive from Wetland B. It is best characterized as a (b)(3) feature as it meet the definition of “ephemeral” in paragraph (c)(3), per 33 CFR 328.3 Definitions. Flows conveyed through Ephemeral Drainage has no continuous hydrologic connection to downstream navigable waters in a typical year.