



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): July 26, 2021

ORM Number: SAS-2021-00295

Associated JDs: N/A

Review Area Location¹:

State/Territory: GA City: Ringgold County/Parish/Borough: Catoosa County

Center Coordinates of Review Area: latitude: 34.9481, longitude: -85.1812

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 1	733 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.
Stream 2	1723 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III B below.
Stream 3	793 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III B below.

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 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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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
Wetland 1	1.5 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III B below.
Wetland 2	0.93 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III B below.
Wetland 3	0.57 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III B below.
Wetland 4	1.2 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))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
N/A	N/A	N/A	N/A

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: *Hidden Creek JD request submittal, PDF pages 2-9, Surface Waters and Habitat Assessment Information, dated August 26, 2020, with revisions received on June 29, 2021.*

This information is sufficient for purposes of this AJD.

Rationale: *N/A*

Data sheets prepared by the agent for the applicant: *Hidden Creek JD request submittal, PDF pages 41-64, eight sets with four wetland and four upland data points, dated August 26, 2020.*

Photographs: *aerial and other. Hidden Creek JD request submittal, PDF pages 12-13, qPublic.net Catoosa county, GA Parcel Aerial Map, revisions received June 29, 2021; PDF pages 39-40, Google Earth Aerial Imagery Maps with Aquatic Resources, revisions received on June 29, 2021; PDF pages 65-71, Site Photographs 1-14, revisions received June 29, 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: *Hidden Creek JD request submittal, PDF pages 14-37, revisions received on June 29, 2021.*

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- USFWS NWI maps: *Hidden Creek JD request submittal, PDF page 38, National Wetland Inventory Map, revisions received on June 29, 2021.*
- USGS topographic maps: *Hidden Creek JD request submittal, PDF page 10, USGA Watershed Boundary Dataset topographic map, revisions received June 29, 2021; PDF page 11, USGS Watershed Boundary Dataset Floodway map, revisions received June 29, 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	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): According to the APT conditions in Catoosa County were normal on August 26, 2020. Therefore, there is a high probability that included features are jurisdictional. The nearest Traditionally Navigable Water (TNW) is Chickamauga Creek. All of the aquatic resources located on the project site flow to the east into Peavine Creek, which is located off-site. Peavine Creek flows north into South Chickamauga Creek and into Tennessee. South Chickamauga Creek is a River and Harbors Act Section 10 water at the confluence with Peavine Creek. Stream 1 has intermittent flow and the physical characteristics of an Ordinary High Water Mark (OHWM), per Regulatory Guidance Letter (RGL) 05-05. Streams 2 and 3 both have a groundwater connection and perennial flow. Streams 2 and 3 have the physical characteristics of an OHWM, per RGL 05-05. Stream 3 flows into Stream 2 and the confluence of these streams is centrally located within the review area of the subject site. Streams 1-3 contribute flow to downstream (a)(1) – (a)(3) waters in a typical year. Therefore, Stream 1-3 are best characterized as (a)(2) features, per 33 CFR 328.3 Definitions. Wetlands 1-4 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 Ordinary High-Water Mark (OHWM), per RGL 05-05. Wetlands 1-4 abut an (a)(2) tributary and contribute flow to downstream waters in a typical year. Wetland 1 abuts Stream 1 which has a direct hydrological connection to Peavine Creek. Wetlands 2 and 3 abut Stream 2, which has a direct hydrological connection to Peavine Creek. Wetland 4 abuts Peavine Creek. Therefore, wetlands 1-4 are best characterized as (a)(4) features, per 33 CFR 328.3 Definitions.

C. Additional comments to support AJD: N/A; there were no aquatic resources identified on the project site that would not be under the jurisdiction of the U.S. Army Corps of Engineers.

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