



**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): [7/27/2021](#)

ORM Number: [SAS-2019-00362](#)

Associated JDs: [N/A](#)

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

Center Coordinates of Review Area: Latitude [32.957019](#) Longitude [-83.036575](#)

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
SMB	289	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
MB2	5.70	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
MA2	0.98	acre(s)	(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.

Information submitted by, or on behalf of, the applicant/consultant: *AJD Request Received November 2, 2020, as prepared by Hodges, Harbin, Newberry & Tribble, Incorporated, PDF page 13, Figure 1: Vicinity Map, dated April 26, 2019; PDF page 17, Figure 5: FEMA Map, dated April 26, 2019; PDF page 18, Figure 6: Delineation Map, dated April 26, 2019; PDF page 20, Figure 8: Combined Delineation Map, dated April 26, 2019; PDF pages 21-27, Appendix B: Wetland Data Forms, dated March 26, 2019; PDF pages 28-34, Appendix C: Upland Data Forms, dated March 26, 2019; and PDF pages 35-36, Appendix D: Stream Data Forms, dated March 26, 2019.*

This information is sufficient for purposes of this AJD.

Rationale: *N/A*

Data sheets prepared by the Corps: *N/A*

Photographs: *Aerial and Other: AJD Request Received November 2, 2020, as prepared by Hodges, Harbin, Newberry & Tribble, Incorporated, PDF page 19, Figure 7: Photo Location Map, dated April 26, 2019; and Appendix E: PDF pages 37-45, Site Photographs, dated May 2019.*

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 November 2, 2020, as prepared by Hodges, Harbin, Newberry & Tribble, Incorporated, PDF page 15, Figure 3: Soils Map, dated April 26, 2019.*

USFWS NWI maps: *AJD Request Received November 2, 2020, as prepared by Hodges, Harbin, Newberry & Tribble, Incorporated, PDF page 16, Figure 4: NWI Map, dated April 26, 2019.*

USGS topographic maps: *AJD Request Received November 2, 2020, as prepared by Hodges, Harbin, Newberry & Tribble, Incorporated, PDF page 14, Figure 2: USGS Topo Map, dated April 26, 2019.*

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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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, Bing Maps

B. Typical year assessment(s): Site conditions (during the consultant's 3/26/2019 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 Oconee River. SMB is a tributary of Bluff Creek which flows into the Oconee River. SMB 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. MB2 is a wetland that abuts SMB, 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: MA2 is surrounded by uplands, isolating it from SMB and MB2 to the east and from wetlands adjacent to Bluff Creek, located in the property to the south, delineated by Hodges, Harbin, Newberry & Tribble, Incorporated in 2016 (SAS-2006-00443). Therefore, MA2 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, as it does not meet any of the definitions for adjacency established under 33 CFR 328.3(c)(1).