



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): August 2, 2021

ORM Number: SAS-2021-00380

Associated JDs: N/A

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

State/Territory: GA City: County/Parish/Borough: Spalding County

Center Coordinates of Review Area: Latitude 33.297765 Longitude -84.22505

**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
Stream 1	579.3 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The feature is a naturally occurring tributary that contributes surface water flow indirectly to an (a)(1) water in a typical year.
Stream 2	467 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The feature is a naturally occurring tributary that contributes surface water flow indirectly to an (a)(1) water in a typical year.
Stream 3	1802 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The feature is a naturally occurring tributary that contributes surface water flow indirectly to an (a)(1) water in a typical year.

<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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Stream 4	4441 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The feature is a naturally occurring tributary that contributes surface water flow indirectly to an (a)(1) water in a typical year.
Stream 5	691 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The feature is a naturally occurring tributary that contributes surface water flow indirectly to an (a)(1) water in a typical year.
Stream 6	1383 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The feature is a naturally occurring tributary that contributes surface water flow indirectly to an (a)(1) water in a typical year.
Stream 7	274 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The feature is a naturally occurring tributary that contributes surface water flow indirectly to an (a)(1) water in a typical year.
Stream 8	183 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The feature is a naturally occurring tributary that contributes surface water flow indirectly to an (a)(1) water in a typical year.

**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
Open Water Pond	1.379 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The pond is an impoundment of an (a)(2) tributary and contributes surface water flow indirectly to an (a)(1) water in a typical year.
Open Water Pond 2	2.43 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The pond is an impoundment of an (a)(2) tributary and contributes surface water flow indirectly to an (a)(1) water in a typical year.

**Adjacent wetlands ((a)(4) waters):**

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 1	0.653 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland abuts an (a)(2) tributary.
Wetland 2	1.832 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland abuts an (a)(2) tributary.
Wetland 3	0.228 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland abuts an (a)(2) and (a)(3) water.
Wetland 4	0.0042 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	The wetland is located within the 100 year floodplain and very near to an (a)(2) tributary. It is inundated by flooding in a typical year.
Wetland 5	0.126 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland abuts an (a)(2) and (a)(3) water.

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**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
Open Water Pond 3	0.832 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	The feature is a pond excavated in upland and lacks a hydrologic connection to an (a)(1,2, or 3) water.

**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: *Big Pines Farm PCN submittal dated May 17, 2021.*

This information is sufficient for purposes of this AJD.

Rationale: *N/A*

Data sheets prepared by the Corps: *Title(s) and/or date(s).*

Photographs: *Google Earth Aerial, 2021 and Site Photographs 2-4-2021 and 6-23-2021.*

Corps Site visit(s) conducted on: *June 23, 2021.*

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

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

USDA NRCS Soil Survey: *Soil Map Spalding County, GA, 2-17-2021.*

USFWS NWI maps: *Regulatory Viewer accessed 6-22-2021.*

USGS topographic maps: *Online Topo accessed 2-4-2021.*

**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	N/A.
NOAA Sources	Lidar
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	FEMA FIRM panel

**B. Typical year assessment(s):** The APT for February 4, 2021 indicated drier than normal conditions and the APT on June 23, 2021 indicated normal conditions thus providing a high level of confidence in the AJD since the site was observed during two different types of climatic conditions.

**C. Additional comments to support AJD:** The Corps field visit on June 23, 2021 confirmed that only one pond should be an excluded feature. The excluded feature is a pond excavated in uplands and it was observed to be lacking a contribution of surface water flow to an a(1) water directly or indirectly in

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a typical year. FEMA FIRM mapping confirmed the feature is not inundated by flooding in a typical year. The remaining features on the site are jurisdictional.

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