



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): 26-AUG-2021

ORM Number: SAS-2017-00724

Associated JDs: N/A

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 33.33239, Longitude -84.763396

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
N/A	N/A	N/A	N/A

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
N/A	N/A	N/A	N/A

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 and 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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Open Water 2 (OW2)	0.69 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)	Refer to Section II.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: *Materials submitted in conjunction with, "Request for an Approved Jurisdictional Determination (AJD) Orchard Hills - OW2 (±0.69-acre Pond) - Newnan, Coweta County, Georgia", dated August 23, 2021, as prepared by Contour Environmental, LLC.*

This information *is and is not* sufficient for purposes of this AJD.

Rationale: Insufficient to establish that the existing condition of the drainage structure(s) below the subject feature at the SR-16 road frontage are currently unserviceable and do not provide for a hydrologic connection in a typical year.

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

X Photographs: *Site photographs included within the August 23, 2021, AJD Request; Site photographs provided by Vaughn & Melton Consulting Engineers, via email on July 16, 2021.*

X Corps Site visit(s) conducted on: *Corps site inspection photographs, dated July 21, 2021.*

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

X Antecedent Precipitation Tool (APT): *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: *Included within the August 23, 2021, AJD Request.*

USFWS NWI maps: *Included within the August 23, 2021, AJD Request.*

USGS topographic maps: *Included within the August 23, 2021, AJD Request.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS StreamStats NHD mapping, accessed 07/15/2021
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Corps Regulatory Viewer, including LiDAR and Hillshade data layers, accessed 07/15/2021
State/Local/Tribal Sources	N/A.
Other Sources	https://historicaerials.com/viewer (imagery: 1981, 1993), accessed 07/15/2021

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- B. Typical year assessment(s):** Site conditions during the project engineer's (July 16, 2021) and the Corps' (July 21, 2021) site inspections were wetter than normal based on the APT's capability to evaluate the normal range of precipitation within the geographic extent for this review area. These data are based on a projected 30-day rolling average of precipitation documented within the 30th and 70th percentile of the 30-year record for average precipitation. Therefore, there is a high level of confidence that excluded features are not jurisdictional. The nearest Traditionally Navigable Water is the Flint River. The named waterbody closest to the subject review area is Turkey Creek, which flows east into White Oak Creek. White Oak Creek is a direct tributary to the Flint River.
- C. Additional comments to support AJD:** Open Water (OW2) does 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, though it does exhibit indicators of ordinary high-water mark, per 33 CFR 328.3(c)(7), and as clarified within Regulatory Guidance Letter 05-05. Historic aerial imagery indicates that the subject feature was established contemporary with the former Orchard Hills Golf Course and was not present when the site was in agricultural production prior to this time. The August 23, 2021, approved jurisdictional determination request explains that OW2 was historically constructed on the Orchard Hills Golf Course to provide for irrigation of the grounds. The available mapping and data sets support a determination that no jurisdictional waters were likely to be present within the current footprint of OW2. The Corps' July 21, 2021, site inspection confirmed the presence of two potential drainage structures servicing the embankment to the south of OW2 – a PVC siphon pipe that was documented as having been previously damaged and now no longer retains the capacity to convey downstream flows, and an older corrugated metal pipe which appears to have become entirely filled with sediment at its outlet and is no longer readily visible at the inlet. There is a newer concrete headwall located generally to the southwest of the review area, which was conveying some minor surface flow at the time of the July 21, 2021, inspection. However, after inspecting areas opposite the site, to the south of SR-16, it appears that these observed flows are a conveyance of construction-phase stormwater from elsewhere on the larger Orchard Hills site and/or are a part of the existing roadway drainage system and are not associated with OW2 itself. As a result, OW2 is best defined as a 33 CFR 328.3(b)(8) excluded water, as the drainage structure(s) to the south are no longer serviceable to provide hydrologic connectivity in a typical year (per the provisions of 33 CFR 328.3(c)(6)).

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