



**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): 08/31/2020
 ORM Number: SAW-2020-01047
 Associated JDs: N/A
 Review Area Location¹: State/Territory: NC City: Moncure County/Parish/Borough: Chatham
 Center Coordinates of Review Area: Latitude 35.6321 Longitude -79.0830

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
A (int)	115 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	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 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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
A (per)	2,870	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	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
M	186	sq ft	(a)(3) Lake/pond or impoundment of a jurisdictional water inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
L	0.014	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland L come in direct contact with an a(2) water (Stream A)
N	0.3	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland N comes in direct contact with an a(2) water (stream A)

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
A (eph)	365	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	DWR stream flow methodology indicates ephemeral flow. Indicators of intermittent or perennial flow was not observed during the July 27, 2020 site visit.

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
B (eph)	263	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	DWR stream flow methodology indicates ephemeral flow. Indicators of intermittent or perennial flow was not observed during the July 27, 2020 site visit.
C (eph)	308	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	DWR stream flow methodology indicates ephemeral flow. Indicators of intermittent or perennial flow was not observed during the July 27, 2020 site visit.
D	0.001	acre(s)	(b)(1) Non-adjacent wetland.	Wetland D is not abutting/adjacent to an (a)(1), (a)(2), or (a)(3) water. Wetland W2 is not inundated by flooding from an (a)(1), (a)(2), or (a)(3) water.
E	0.01	acre(s)	(b)(1) Non-adjacent wetland.	Wetland E is not abutting/adjacent to an (a)(1), (a)(2), or (a)(3) water. Wetland W2 is not inundated by flooding from an (a)(1), (a)(2), or (a)(3) water.
F	0.02	acre(s)	(b)(1) Non-adjacent wetland.	Wetland F is not abutting/adjacent to an (a)(1), (a)(2), or (a)(3) water. Wetland W2 is not inundated by flooding from an (a)(1), (a)(2), or (a)(3) water.
G	0.15	acre(s)	(b)(1) Non-adjacent wetland.	Wetland G is not abutting/adjacent to an (a)(1), (a)(2), or (a)(3) water. Wetland W2 is not inundated by flooding from an (a)(1), (a)(2), or (a)(3) water.
H	0.001	acre(s)	(b)(1) Non-adjacent wetland.	Wetland H is not abutting/adjacent to an (a)(1), (a)(2), or (a)(3) water. Wetland W2 is not inundated by flooding from an (a)(1), (a)(2), or (a)(3) water.
I	0.05	acre(s)	(b)(1) Non-adjacent wetland.	Wetland I is not abutting/adjacent to an (a)(1), (a)(2), or (a)(3) water. Wetland W2 is not inundated by flooding from an (a)(1), (a)(2), or (a)(3) water.
J	0.13	acre(s)	(b)(1) Non-adjacent wetland.	Wetland J is not abutting/adjacent to an (a)(1), (a)(2), or (a)(3) water. Wetland W2 is not inundated by flooding from an (a)(1), (a)(2), or (a)(3) water.
K	0.5	acre(s)	(b)(1) Non-adjacent wetland.	Wetland K is not abutting/adjacent to an (a)(1), (a)(2), or (a)(3) water. Wetland W2 is not inundated by flooding from an (a)(1), (a)(2), or (a)(3) water.



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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: [JD request packet](#)
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: [Aerial and Other: 2017 aerial and site photos](#)
- Corps site visit(s) conducted on: [July 27, 2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\)](#).
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Chatham County, 2006](#)
- USFWS NWI maps: [USFWS NWI](#)
- USGS topographic maps: [2016 Merry Oaks Quad](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS 8, 10, 12 digit HUC maps	030300030608 and 030300020705
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): [APT indicates dry season, and wetter than normal conditions during the Corps site visit.](#)

C. Additional comments to support AJD: [N/A](#)