



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 9, 2021

ORM Number: SAC-2020-00908

Associated JDs: SAC 2017-00515; SAC 2002-15428; SAC 1996-37328; SAC 2014-01474; SAC 2020-01054; SAC 2020-01395

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

State: SC City: Bluffton County: Beaufort County

Center Coordinates of Review Area: Latitude 32.187275 Longitude -80.922639

**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)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
OCRM Critical Area/TNW AA	30.06 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	OCRM Critical Area/TNW AA is subject to the ebb and flow of the tide and is part of the TNW New River.

**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
OCRM Critical Area/TNW AA	30.06 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	OCRM Critical Area/TNW AA is subject to the ebb and flow of the tide and is part of the TNW New River.

**Tributaries ((a)(2) waters):**

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
Other Jurisdictional	1,220.03 feet	(a)(2) Intermittent tributary contributes surface water flow	Other Jurisdictional WOUS A is an intermittent tributary with seasonal flow regime that is the lower reach of a

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<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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WOUS A		directly or indirectly to an (a)(1) water in a typical year	stream which extends across the site and constitutes a series of reaches between a network of contiguous wetlands. The OHWM of this tributary extends from Jurisdictional Wetland G to Jurisdictional Wetland H. Flow from this tributary reaches the TNW New River as flow moves through Jurisdictional Wetland H to OCRM Critical Area/TNW AA. Additional information regarding typical year in support of seasonal flow regime is provided below in Section III. B.
Other Jurisdictional WOUS AA	2,821.28 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Other Jurisdictional WOUS AA is an intermittent tributary with seasonal flow regime that is one of eight reaches of a stream which extends across the site and constitutes a series of reaches between a network of contiguous wetlands, ultimately carrying flow to the TNW New River via flow through Jurisdictional Wetland H to OCRM Critical Area/TNW AA. The OHWM of this tributary emerges from Jurisdictional Wetland E and flows off the site to the adjoining parcel, ultimately re-entering the site again as Other Jurisdictional WOUS F (see below). The path of this tributary includes uninterrupted flow via two concrete culverts beneath two unpaved roads on the site. Additional information regarding typical year in support of seasonal flow regime is provided below in Section III. B.
Other Jurisdictional WOUS B	407.69 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Other Jurisdictional WOUS B is an intermittent tributary with seasonal flow regime that is one of eight reaches of a stream which extends across the site and constitutes a series of reaches between a network of contiguous wetlands, ultimately carrying flow to the TNW New River via flow through Jurisdictional Wetland H to OCRM Critical Area/TNW AA. The OHWM of this tributary extends from Jurisdictional Wetland F to Jurisdictional Wetland G, including one hydrologically active culvert beneath an unpaved road on the site. Additional information regarding typical year in support of seasonal flow regime and culvert hydrologic activity is provided below in Section III. B.
Other Jurisdictional WOUS D	173.38 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Other Jurisdictional WOUS D is an intermittent tributary with seasonal flow regime that carries flow from Jurisdictional Wetland Q to Jurisdictional Wetland P. Flow from this tributary reaches the TNW New River as flow moves through Other Jurisdictional WOUS V, Jurisdictional Wetland O and Jurisdictional Wetland N to OCRM Critical Area/TNW AA. Additional information regarding typical year in support of seasonal flow regime is provided below in Section III. B.
Other Jurisdictional WOUS F	130.42 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Other Jurisdictional WOUS F is an intermittent tributary with seasonal flow regime that is one of eight reaches of a stream which extends across the site and constitutes a series of reaches between a network of contiguous wetlands, ultimately carrying flow to the TNW New River via flow through Jurisdictional Wetland H to OCRM Critical Area/TNW AA. This tributary flows

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			<p>onto the site from the adjoining parcel (fed by onsite Other Jurisdictional WOUS AA) and flows to Jurisdictional Wetland F where the OHWM transitions to wetland, exhibiting uninterrupted flow via a concrete culvert beneath an unpaved road on the site. Additional information regarding typical year in support of seasonal flow regime is provided below in Section III. B.</p>
Other Jurisdictional WOUS G	3,949.86 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	<p>Other Jurisdictional WOUS G is an intermittent tributary with seasonal flow regime that carries flow from Jurisdictional Wetland F to Jurisdictional Wetland J. Flow from this tributary reaches the TNW New River as flow moves through Jurisdictional Wetland J to OCRM Critical Area/TNW AA. Additional information regarding typical year in support of seasonal flow regime is provided below in Section III. B.</p>
Other Jurisdictional WOUS H	1,040.61 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	<p>Other Jurisdictional WOUS H is an intermittent tributary with seasonal flow regime that is one of eight reaches of a stream which extends across the site and constitutes a series of reaches between a network of contiguous wetlands, ultimately carrying flow to the TNW New River via flow through Jurisdictional Wetland H to OCRM Critical Area/TNW AA. The OHWM of this tributary emerges from Jurisdictional Wetland F for 1,040.61 feet and then returns to the same wetland. Additional information regarding typical year in support of seasonal flow regime is provided below in Section III. B.</p>
Other Jurisdictional WOUS I	209.3 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	<p>Other Jurisdictional WOUS I is an intermittent tributary with seasonal flow regime that is one of eight reaches of a stream which extends across the site and constitutes a series of reaches between a network of contiguous wetlands, ultimately carrying flow to the TNW New River via flow through Jurisdictional Wetland H to OCRM Critical Area/TNW AA. The OHWM of this tributary emerges from Jurisdictional Wetland F for 209.3 feet and then returns to the same wetland. Additional information regarding typical year in support of seasonal flow regime is provided below in Section III. B.</p>
Other Jurisdictional WOUS L	132.89 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	<p>Other Jurisdictional WOUS L is an intermittent tributary with seasonal flow regime that carries flow from Jurisdictional Wetland D and then joins the flow pathway of Other Jurisdictional WOUS AA, sharing the same jurisdictional connectivity documented for Other Jurisdictional WOUS AA (described above). Additional information regarding typical year in support of seasonal flow regime is provided below in Section III. B.</p>
Other Jurisdictional WOUS M	3,456.3 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	<p>Other Jurisdictional WOUS M is an intermittent tributary with seasonal flow regime that is one of eight reaches of a stream which extends across the site and constitutes a series of reaches between a network of contiguous wetlands, ultimately carrying flow to the</p>

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			TNW New River via flow through Jurisdictional Wetland H to OCRM Critical Area/TNW AA. The OHWM of this tributary extends from Jurisdictional Wetland GG to Jurisdictional Wetland E. Additional information regarding typical year in support of seasonal flow regime is provided below in Section III. B.
Other Jurisdictional WOUS N	63.39 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Other Jurisdictional WOUS N is an intermittent tributary with seasonal flow regime that is one of eight reaches of a stream which extends across the site and constitutes a series of reaches between a network of contiguous wetlands, ultimately carrying flow to the TNW New River via flow through Jurisdictional Wetland H to OCRM Critical Area/TNW AA. This tributary flows onto the site from the adjoining parcel and flows to Jurisdictional Wetland GG where the OHWM transitions to wetland. Additional information regarding typical year in support of seasonal flow regime is provided below in Section III. B.
Other Jurisdictional WOUS O	251.64 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Other Jurisdictional WOUS O is an intermittent tributary with seasonal flow regime that carries flow from Jurisdictional Wetland T to Jurisdictional Wetland U, which continues off the site where it remains contiguous to Jurisdictional Wetland V (described below). Flow from this tributary reaches the TNW New River as flow moves through offsite wetlands that continue to New River from the point where Jurisdictional Wetland V continues off the project site. Additional information regarding typical year in support of seasonal flow regime is provided below in Section III. B.
Other Jurisdictional WOUS P	248.75 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Other Jurisdictional WOUS P is an intermittent tributary with seasonal flow regime that carries flow from Jurisdictional Wetland R to Jurisdictional Wetland T, Other Jurisdictional WOUS O, and then through Jurisdictional Wetland U which continues off the site where it remains contiguous to Jurisdictional Wetland V (described below). Flow from this tributary reaches the TNW New River as flow moves through offsite wetlands that continue to New River from the point where Jurisdictional Wetland V continues off the project site. Additional information regarding typical year in support of seasonal flow regime is provided below in Section III. B.
Other Jurisdictional WOUS R	64.86 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Other Jurisdictional WOUS R is an intermittent tributary with seasonal flow regime that carries flow from Jurisdictional Wetland S to Jurisdictional Wetland V (described below). Flow from this tributary reaches the TNW New River as flow moves through offsite wetlands that continue to New River from the point where Jurisdictional Wetland V continues off the project site. Additional information regarding typical year in support of seasonal flow regime is provided below in Section III. B.

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Other Jurisdictional WOUS S	83.77 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Other Jurisdictional WOUS S is an intermittent tributary with seasonal flow regime that carries flow from Jurisdictional Wetland Y to Jurisdictional Wetland Z (described below). Flow from this tributary reaches the TNW New River as flow moves through offsite wetlands that continue to New River from the point where Jurisdictional Wetland Z continues off the project site. Additional information regarding typical year in support of seasonal flow regime is provided below in Section III. B.
Other Jurisdictional WOUS T	660.23 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Other Jurisdictional WOUS T is an intermittent tributary with seasonal flow regime that carries flow from Jurisdictional Wetland I to Jurisdictional Wetland H (described below). Flow from this tributary reaches the TNW New River as flow moves through Jurisdictional Wetland H to OCRM Critical Area/TNW AA. Additional information regarding typical year in support of seasonal flow regime is provided below in Section III. B.
Other Jurisdictional WOUS V	1,208.16 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Other Jurisdictional WOUS V is an intermittent tributary with seasonal flow regime that carries flow from Jurisdictional Wetland P to Jurisdictional Wetland O (described below). Flow from this tributary reaches the TNW New River as flow moves through Jurisdictional Wetland N to OCRM Critical Area/TNW AA. Additional information regarding typical year in support of seasonal flow regime is provided below in Section III. B.
Other Jurisdictional WOUS W	709.53 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Other Jurisdictional WOUS W is an intermittent tributary with seasonal flow regime that carries flow from Jurisdictional Wetland C and then joins the flow pathway of Other Jurisdictional WOUS M, sharing the same jurisdictional connectivity documented for Other Jurisdictional WOUS M (described above). Additional information regarding typical year in support of seasonal flow regime is provided below in Section III. B.

**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
Jurisdictional Wetland A	3.99 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland A is contiguous to, and directly abutting, the (a)(2) intermittent tributary Other Jurisdictional WOUS M.
Jurisdictional Wetland AA	1.46 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland AA is contiguous to, and directly abutting, the TNW New River. Jurisdictional Wetland AA includes Jurisdictional Wetlands BB, CC and DD (described below) by virtue of offsite continuity and onsite connectivity via concrete culverts beneath an unpaved road on the site, and which is hydrologically active during a typical year. Additional information

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			regarding typical year in support of hydrologic connectivity is provided below in Section III. B.
Jurisdictional Wetland B	2.67 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland B was historically part of a single wetland along with Jurisdictional Wetland A. The two wetland portions are separated by an artificial barrier (unpaved road) which includes a connecting concrete culvert which is hydrologically active at least once in a typical year. As such, Jurisdictional Wetland B is a portion of Jurisdictional Wetland A and shares the same contiguous adjacency. Additional information regarding typical year in support of hydrologic connectivity is provided below in Section III. B.
Jurisdictional Wetland BB	1.24 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland BB is a portion of Jurisdictional Wetland AA (described above) by virtue of offsite continuity and onsite connectivity via concrete culverts beneath an unpaved road on the site, and which is hydrologically active during a typical year. As a portion of Jurisdictional Wetland AA, Jurisdictional Wetland BB is also contiguous to, and directly abutting the TNW New River. Additional information regarding typical year in support of hydrologic connectivity is provided below in Section III. B.
Jurisdictional Wetland C	1.49 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland C is contiguous to, and directly abutting, the (a)(2) intermittent tributary Other Jurisdictional WOUS W.
Jurisdictional Wetland CC	0.64 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland CC is a portion of Jurisdictional Wetland AA (described above) by virtue of offsite continuity and onsite connectivity via concrete culverts beneath an unpaved road on the site, and which is hydrologically active during a typical year. As a portion of Jurisdictional Wetland AA, Jurisdictional Wetland CC is also contiguous to, and directly abutting the TNW New River. Additional information regarding typical year in support of hydrologic connectivity is provided below in Section III. B.
Jurisdictional Wetland D	0.44 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland D is contiguous to, and directly abutting, the (a)(2) intermittent tributary Other Jurisdictional WOUS L.
Jurisdictional Wetland DD	0.54 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland DD is a portion of Jurisdictional Wetland AA (described above) by virtue of offsite continuity and onsite connectivity via concrete culverts beneath an unpaved road on the site, and which is hydrologically active during a typical year. As a portion of Jurisdictional Wetland AA, Jurisdictional Wetland DD is also contiguous to, and directly abutting the TNW New River. Additional information regarding typical year in support of hydrologic connectivity is provided below in Section III. B.
Jurisdictional Wetland E	1.66 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland E is contiguous to, and directly abutting, the (a)(2) intermittent tributary Other Jurisdictional WOUS AA.
Jurisdictional	0.02 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3)	Jurisdictional Wetland EE is contiguous to, and directly

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Wetland EE		water	abutting, the TNW New River.
Jurisdictional Wetland F	50.62 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland F is contiguous to, and directly abutting, the (a)(2) intermittent tributary Other Jurisdictional WOUS G.
Jurisdictional Wetland G	19.03 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland G is contiguous to, and directly abutting, the (a)(2) intermittent tributary Other Jurisdictional WOUS A.
Jurisdictional Wetland GG	0.53 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland GG is contiguous to, and directly abutting, the (a)(2) intermittent tributary Other Jurisdictional WOUS M.
Jurisdictional Wetland H	4.6 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland H is a portion of a single wetland along with Jurisdictional Wetland KK by virtue of a concrete culvert that provides a direct hydrologic connection beneath an artificial separation (unpaved road) which is active during a typical year. As part of Jurisdictional Wetland KK, both wetlands share the same directly abutting, contiguous adjacency to the TNW New River via the tidal OCRM Critical Area/TNW AA. Additional information regarding typical year in support of hydrologic connectivity is provided below in Section III. B.
Jurisdictional Wetland HH	3.45 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland HH is contiguous to, and directly abutting, the TNW New River.
Jurisdictional Wetland I	1.72 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland I is contiguous to, and directly abutting, the (a)(2) intermittent tributary Other Jurisdictional WOUS T.
Jurisdictional Wetland II	0.01 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland II is contiguous to, and directly abutting, the TNW New River.
Jurisdictional Wetland J	14.13 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland J is a portion of a single wetland along with Jurisdictional Wetland N by virtue of a concrete culvert that provides a direct hydrologic connection beneath an artificial separation (unpaved road) which is active during a typical year. As part of Jurisdictional Wetland N, both wetlands share the same directly abutting, contiguous adjacency to the TNW New River via the tidal OCRM Critical Area/TNW AA. Additional information regarding typical year in support of hydrologic connectivity is provided below in Section III. B.
Jurisdictional Wetland JJ	1.44 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland JJ continues off the site where it is contiguous to, and directly abutting, the TNW New River.
Jurisdictional Wetland K	0.47 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland K is a portion of Jurisdictional Wetland J (described above) by virtue of a concrete culvert which constitutes an active direct continuous hydrologic connection with Jurisdictional Wetland J during a typical year. As part of Jurisdictional Wetland J, Jurisdictional Wetland K shares its jurisdictional status as directly abutting the tidal waters of the TNW New River.
Jurisdictional Wetland KK	3.11 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland KK is a portion of a single wetland along with Jurisdictional Wetland H by virtue of

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			a concrete culvert that provides a direct hydrologic connection beneath an artificial separation (unpaved road) which is active during a typical year. Jurisdictional Wetland KK is contiguous and directly abutting the TNW New River via the tidal OCRM Critical Area/TNW AA.
Jurisdictional Wetland L	0.09 acre	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	Jurisdictional Wetland L is separated from the tidal waters of the TNW New River by an artificial berm which includes a concrete culvert that is hydrologically active throughout a typical year. Additional information regarding typical year in support of hydrologic connectivity is provided below in Section III. B.
Jurisdictional Wetland M	1.15 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland M is contiguous to, and directly abutting, the TNW New River via OCRM Critical Area/TNW AA.
Jurisdictional Wetland N	7.99 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland N is contiguous to, and directly abutting, the TNW New River via OCRM Critical Area/TNW AA.
Jurisdictional Wetland O	2.94 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland O is a portion of a single wetland along with Jurisdictional Wetland N by virtue of a concrete culvert that provides a direct hydrologic connection beneath an artificial separation (unpaved road) which is active during a typical year. As part of Jurisdictional Wetland N, both wetlands share the same directly abutting, contiguous adjacency to the TNW New River via the tidal OCRM Critical Area/TNW AA. Additional information regarding typical year in support of hydrologic connectivity is provided below in Section III. B.
Jurisdictional Wetland P	22.1 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland P is contiguous to, and directly abutting, the (a)(2) intermittent tributary Other Jurisdictional WOUS V.
Jurisdictional Wetland Q	12.54 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland Q is contiguous to, and directly abutting, the (a)(2) intermittent tributary Other Jurisdictional WOUS D.
Jurisdictional Wetland R	28.62 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland R is contiguous to, and directly abutting, the (a)(2) intermittent tributary Other Jurisdictional WOUS P.
Jurisdictional Wetland S	26.2 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland S is contiguous to, and directly abutting, the (a)(2) intermittent tributary Other Jurisdictional WOUS R.
Jurisdictional Wetland T	10.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland T is contiguous to, and directly abutting, the (a)(2) intermittent tributary Other Jurisdictional WOUS O.
Jurisdictional Wetland U	0.5 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland U continues off the site where it is contiguous to and continuous with Jurisdictional Wetland V, which ultimately continues off the site to its contiguous connection with the tidal waters of the TNW New River.
Jurisdictional Wetland V	22.52 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland V continues off the site and is contiguous to and directly abutting the tidal waters of the TNW New River.

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Jurisdictional Wetland W	0.18 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland W continues off the site and joins Jurisdictional Wetland V (described above). This wetland system is part of a wetland/stream system that flows to and is contiguous and directly abutting the tidal waters of the TNW New River.
Jurisdictional Wetland X	0.39 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland X continues off the site and is contiguous to and directly abutting the tidal waters of the TNW New River.
Jurisdictional Wetland Y	11.67 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland Y is contiguous to, and directly abutting, the (a)(2) intermittent tributary Other Jurisdictional WOUS S.
Jurisdictional Wetland Z	0.84 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland Z continues off the site and is contiguous to and directly abutting the tidal waters of the TNW New River.

**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
Non-jurisdictional Pond A	3.81 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	Non-jurisdictional Pond A is a stormwater control feature that was constructed in upland under a valid state stormwater permit, and as such is an excluded water.
Non-jurisdictional Pond B	8.11 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	Non-jurisdictional Pond B is a stormwater control feature that was constructed in upland under a valid state stormwater permit, and as such is an excluded water.
Non-jurisdictional Pond C	1.83 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	Non-jurisdictional Pond C is a stormwater control feature that was constructed in upland under a valid state stormwater permit, and as such is an excluded water.
Non-jurisdictional Pond D	4.69 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	Non-jurisdictional Pond D is a stormwater control feature that was constructed in upland under a valid state stormwater permit, and as such is an excluded water.
Non-jurisdictional Wetland A	0.31 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland AA	0.15 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland B	1.26 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other

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			(a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland C	15.9 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland CC	0.17 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland D	5.38 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland DD	8.15 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland E	1.11 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland EE	0.09 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland F	1.06 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland FF	1.12 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland G	1.79 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland GG	0.28 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).

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Non-jurisdictional Wetland H	1.55 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland HH	10.32 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland I	3.03 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland II	0.79 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland J	1.37 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland JJ	2.35 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland K	4.15 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland KK	0.5 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland L	0.22 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland LL	3.2 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland M	0.65 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In

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			addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland MM	1.94 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland N	0.13 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland NN	0.5 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland O	0.45 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland OO	0.83 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland P	1.39 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-Jurisdictional Wetland PP	0.2 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland Q	5.1 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland QQ	0.89 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland R	3.16 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded

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			water pursuant to (b)(1).
Non-Jurisdictional Wetland RR	4.42 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland S	0.11 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-Jurisdictional Wetland SS	0.05 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland T	0.72 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-Jurisdictional Wetland TT	0.17 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland U	4.97 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland UU	0.05 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland V	0.37 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland VV	0.28 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland W	0.24 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional	3.34 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not

<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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Wetland X			contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland Y	1.11 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-jurisdictional Wetland Z	0.07 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).

**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 package submitted by Resource and Land Consultants dated May 28, 2020.  
This information is and is not sufficient for purposes of this AJD.  
Rationale: Mapping required revisions and data forms prior to completion.  
Data sheets prepared by the Corps:
- Photographs: 2017 NAIP aerial photo; 2006 color infrared imagery; site photographs.
- Corps Site visit(s) conducted on: February 24, 2021.
- Previous Jurisdictional Determinations (AJDs or PJDs): N/A for exact project area; associated JDs are listed at top of this form.
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: NRCS soils map submitted with the JD Request.
- USFWS NWI maps: NWI mapping submitted with the JD Request.
- USGS topographic maps: USGS 1:24,000 (7.5 Minute) Topographic Quad submitted with the JD Request.

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	National Regulatory Viewer.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

**B. Typical year assessment(s):** Concrete culverts referenced above are present between portions of certain wetlands that were historically single wetlands subsequently separated by artificial barriers,

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<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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specifically low profile unpaved internal onsite roads with the culverts installed to maintain flow. These culverts were actively flowing on numerous site visit dates according to the property owner's consultant Resource and Land Consultants, as well as on the date of the Corps site visit (February 24, 2021). APT results were generated for May 6, 2020 and February 24, 2021. Results from the APT data show that site visits on these dates occurred during normal conditions. These results, combined with on-site observations of stream flow regimes and flow at relevant culvert connection locations, support the wetland adjacency and jurisdictional status determinations made above.

- C. Additional comments to support AJD:** This Approved JD Form documents the jurisdictional status of numerous jurisdictional and excluded waters on the subject site. All APT results, other project mapping, and other resource materials are available for reference in the project file.

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<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.

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