



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT
RALEIGH FIELD OFFICE
3331 HERITAGE TRADE DRIVE SUITE 105
WAKE FOREST NORTH CAROLINA 27587

October 6, 2025

Regulatory Program

Sent Via Email: ajkamal@sandec.com

AJ Kamal
Soil and Environmental Consultants, PA
8412 Falls of Neuse Road
Raleigh, NC 27615

Dear Mr. Kamal:

This letter is in response to your request to the Wilmington District, Raleigh Field Office for a preliminary and approved jurisdictional determination. The review area is located directly east of the intersection of East Jewett Ave and Nash Street, at Latitude 35.961350 and Longitude -78.247940; in Bunn, Franklin County, North Carolina. The review area for this determination is limited to the area identified in the enclosed site maps, Wetland Sketch Map dated October 24, 2022. This project has been assigned the file number SAW-2022-02427. This file number should be referenced in all correspondence with this office concerning this project.

APPROVED DETERMINATION:

Based on our review of the information you furnished and other information available to our office, we have determined the yellow outlined "AJD Area" contains no waters of the United States under U.S. Army Corps of Engineers (Corps) regulatory jurisdiction. This determination was made in accordance with the Corps regulatory authority pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and based upon criteria contained in the 1987 Corps of Engineers Wetland Delineation Manual and the Eastern Mountains and Piedmont. This determination is valid for a period of **five years** from the date of the letter, unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this

determination you must submit a completed RFA form to the Division Appeals Officer at the address listed on the RFA form. In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received by the Corps by December 5, 2025. **It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.**

PRELIMINARY DETERMINATION:

Based on our review of the information you furnished and other information available to our office, we have preliminarily determined the above-referenced area may contain approximately 1.6 acre(s) of waters of the United States under the Corps regulatory jurisdiction. The potential waters of the U.S. on the site include five wetlands, two streams and one pond. This determination was made in accordance with the Corps regulatory authority pursuant to Section 404 of the Clean Water Act, and based upon criteria contained in the 1987 Corps of Engineers Wetland Delineation Manual and the Eastern Mountains and Piedmont.

Section 404 of the Clean Water Act requires a Department of the Army (DA) permit be obtained prior to the discharge of dredged or fill material into waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act of 1899 requires a DA permit be obtained for any work in, on, over or under navigable waters of the United States.

For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made based on a preliminary jurisdictional determination will treat all waters including wetlands that would be affected in any way by the permitted activity on the site as if they are jurisdictional waters of the U.S. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). However, you may request an approved jurisdictional determination, which is an appealable action, by contacting the Corps district for further instructions. Please **sign and return** the attached PJD form within 30 days of receipt. If a signed PJD form is not received within 30 days of the date of this letter, the Corps will presume concurrence.

This determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the review area identified in this request. The determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

If you have any questions concerning this correspondence, please contact Matthew Martin, Regulatory Project Manager of the Raleigh Field Office at (984) 800-3741, by mail at the above address, or by email at matthew.k.martin@usace.army.mil. Please

take a moment to complete our customer satisfaction survey located at
<https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. K. Martin', with a horizontal line above the name.

Matthew K. Martin
Regulatory Project Manager

Enclosures

U.S. Army Corps of Engineers (USACE) PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) For use of this form, see Sec 404 CWA, Sec 10 RHA, Sec 103 MPRSA; the proponent agency is CECW-COR.				Form Approved - OMB No. 0710-0024 Expires 2024-04-30	
DATA REQUIRED BY THE PRIVACY ACT OF 1974					
Authority	Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.				
Principal Purpose	The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the review area that may be subject to federal jurisdiction under the regulatory authorities referenced above.				
Routine Uses	This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice or FOIA request as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in any resulting jurisdictional determination (JD), which may be made available to the public on the District's website and/or on the Headquarters USACE website.				
Disclosure	Submission of requested information is voluntary; however, if information is not provided, the request for a JD cannot be evaluated nor can a PJD be issued.				
The Agency Disclosure Notice (ADN)					
The public reporting burden for this collection of information, 0710-0024, is estimated to average 25 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil . Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.					
SECTION I - BACKGROUND INFORMATION					
A. REPORT COMPLETION DATE FOR PJD: 10/6/2025					
B. NAME AND ADDRESS OF PERSON REQUESTING PJD: AJ Kamal 8412 Falls of Neuse Road, Raleigh, NC 27615					
C. DISTRICT OFFICE, FILE NAME, AND NUMBER: Wilmington, 0 East Jewett Avenue / Bunn / Franklin County, SAW-2022-02427					
D. PROJECT LOCATION AND BACKGROUND INFORMATION: (USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES) State: <u>North Carolina</u> County/Parish/Borough: <u>Franklin</u> City: <u>Bunn</u> Center coordinates of site (lat/long in degree decimal format): Latitude: 35.961350° Longitude: -78.247940° Universal Transverse Mercator: _____ Name of nearest waterbody: <u>Tar River</u>					
E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY): ☒ Office (Desk) Determination. Date: 10/6/2025 ☐ Field Determination Date(s): _____					
TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.					
Site Number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resources in review area (acreage and linear feet, if applicable)	Type of aquatic resources (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
W1	35.960841	-78.247577	0.232 Acre	Wetland	Section 404
W2	35.961763	-78.248625	0.191 Acre	Wetland	Section 404
W3	35.960825	-78.249841	0.206 Acre	Wetland	Section 404
Pond 1	35.961379	-78.248172	0.915 Acre	Non-Wetland Water	Section 404

LW1	35.960782	-78.250373	149 Square feet	Wetland	Section 404
LW2	35.961948	-78.248905	107 Square feet	Wetland	Section 404
A	35.961194	-78.250300	365 Linear feet	Non-Wetland Water	Section 404
C	35.960935	-78.250353	43 Linear feet	Non-Wetland Water	Section 404

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has selected to seek a permit authorization based on a PJD or no JD whatsoever, which do not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the USACE has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD or reliance on no JD whatsoever; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of USACE permit authorization based on a PJD or no JD whatsoever constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the USACE will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "may be" waters of the U.S. and/or that there "may be" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

F. SUPPORTING DATA. Data reviewed for PJD (*check all that apply*)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:

Map: Wetland Sketch Map dated 10/24/2022

☐ Data sheets prepared/submitted by or on behalf of the PJD requestor.

☒ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

Rationale: _____

☐ Data sheets prepared by the USACE:

☐ Corps navigable waters' study:

☐ U.S. Geological Survey Hydrologic Atlas:

☐ USGS NHD data.

☐ USGS 8 and 12 digit HUC maps.

☐ U.S. Geological Survey map(s). Cite scale & quad name:

☐ USDA Natural Resources Conservation Service Soil Survey.
Citation:

☐ National Wetlands Inventory map(s).
Cite Name:

☐ State/Local Wetland Inventory map(s):

☐ FEMA/FIRM maps:

☐ Photographs:
 ☐ Aerial (Name & Date): _____

or
 ☐ Other (Name & Date): _____

☐ Previous determination(s). File no. and date of response letter:

☐ Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the USACE and should not be relied upon for later jurisdictional determinations.

Name of Regulatory Staff Member Completing PJD Matthew Martin	Date 10/6/2025	Signature of Regulatory Staff Member Completing PJD 
Name of Person Requesting PJD	Date	Signature of Person Requesting PJD (REQUIRED, unless obtaining the Signature is Impracticable)

¹ Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

U.S. Army Corps of Engineers (USACE) NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL For use of this form, see Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act of 1899, and Section 103 of the Marine Protection, Research, and Sanctuaries Act; the proponent agency is CECW-COR.		<i>Form Approved –</i> OMB No. 0710-0003 Expires 2027-10-31
DATA REQUIRED BY THE PRIVACY ACT OF 1974		
Authority	The authorities for requesting this information are Sections 9, 10, 13, and 14, Rivers and Harbors Act of March 3, 1899; Section 404, Clean Water Act; and Section 103 Marine Protection Research and Sanctuaries Act of 1972.	
Principal Purpose	This information serves as notification to affected parties regarding the USACE administrative appeal options and process, as well as to facilitate requests for appeal of USACE decisions with which they disagree.	
Routine Uses	Routine uses will include: (a) To serve as notification to affected parties of the Corps administrative appeal options and process and to facilitate requests for appeal of Corps decisions with which they disagree. (b) Records may be referred to the Department of Justice for possible criminal prosecution. (c) Records may be referred to other Federal, State, and local agencies for evaluation and enforcement purposes.	
Disclosure	Disclosure of this information is voluntary on your part. However, failure of individual to provide requested information could result in inability to determine all pertinent information regarding a Department of the Army permit matter.	
The Agency Disclosure Notice (ADN) The Public reporting burden for this collection of information, 0710-0003, is estimated to average 1 hour per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil . Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.		
PURPOSE: This form is used to facilitate the initiation of the administrative appeals process. The appeals process allows an affected party to pursue an administrative appeal of certain Corps of Engineers decisions with which they disagree.		
Upon release, this form will also be available on the Corps website https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/		
Applicant: AJ Kamal	File Number: SAW-2022-02427	Date: 10/6/2025
Documents Attached (<i>select all that apply</i>):		Form Reference Section:
☐	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
☐	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
☐	PERMIT DENIAL WITHOUT PREJUDICE	C
☐	PERMIT DENIAL WITH PREJUDICE	D
☒	APPROVED JURISDICTIONAL DETERMINATION	E
☒	PRELIMINARY JURISDICTIONAL DETERMINATION	F
SECTION I		
The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/ or Corps regulations at 33 CFR Part 331.		
A: INITIAL PROFFERED PERMIT: You may accept or object to the permit - ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit. - OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.		

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C. PERMIT DENIAL WITHOUT PREJUDICE: Not appealable

You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

D: PERMIT DENIAL WITH PREJUDICE: You may appeal the permit denial

You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information for reconsideration

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- **RECONSIDERATION:** You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

F: PRELIMINARY JURISDICTIONAL DETERMINATION: Not appealable

You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision you may contact:	If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:
Name: Matthew Martin	Name: Krista Sabin, Regulatory Appeals Review Officer
Street Address, City, State: 3331 Heritage Trade Drive Suite 105 Wake Forest, North Carolina 27587	Street Address, City, State: 60 Forsyth Street Room M9 Atlanta, Georgia 30303
Phone: (984) 800-3741	Phone: (904) 314-9631
Email: matthew.k.martin@usace.army.mil	Email: krista.d.sabin@usace.army.mil

SECTION II – REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. Use additional pages as necessary. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

Email address of appellant and/or agent

Telephone number

Signature of appellant or agent

Date



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403

SAW-RG-R

6 October 2025

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Approved Jurisdictional Determination in accordance with the "Revised Definition of 'Waters of the United States'"; (88 FR 3004 (January 18, 2023) as amended by the "Revised Definition of 'Waters of the United States'; Conforming" (8 September 2023) ,¹ [SAW-2022-02427]²

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.³ AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.⁴

On January 18, 2023, the Environmental Protection Agency (EPA) and the Department of the Army ("the agencies") published the "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule"). On September 8, 2023, the agencies published the "Revised Definition of 'Waters of the United States'; Conforming", which amended the 2023 Rule to conform to the 2023 Supreme Court decision in *Sackett v. EPA*, 598 U.S., 143 S. Ct. 1322 (2023) ("*Sackett*").

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. For the purposes of this AJD, we have relied on Section 10 of the Rivers and Harbors Act of 1899 (RHA),⁵ the 2023 Rule as amended,

¹ While the Revised Definition of "Waters of the United States"; Conforming had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, the territorial seas, or interstate water that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).

³ 33 CFR 331.2.

⁴ Regulatory Guidance Letter 05-02.

⁵ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

[SAW-RG-R]

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), [SAW-2022-02427]

as well as other applicable guidance, relevant case law, and longstanding practice in evaluating jurisdiction.

1. SUMMARY OF CONCLUSIONS.

- a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).

i.

Name of Aquatic Resource	JD or Non-JD	Section 404/Section 10
W4	Non-JD	NA

2. REFERENCES.

- a. "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule")
- b. "Revised Definition of 'Waters of the United States'; Conforming" 88 FR 61964 (September 8, 2023))
- c. *Sackett v. EPA*, 598 U.S. 651, 143 S. Ct. 1322 (2023)
- d. Memorandum to the Field Between the U.S. Department of the Army, U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency Concerning the Proper Implementation of "Continuous Surface Connection" Under the Definition of "Waters of the United States" Under the Clean Water Act (March 12, 2025)

3. REVIEW AREA.

- A. Project Are Size (in acres): 0.45 acre
- B. Center Coordinates of the Project Site (in decimal degrees)
Latitude: 35.962193 Longitude: -78.246064
- C. Nearest City or Town: Bunn
- D. County: Franklin
- E. State: North Carolina
- F. Other associated Jurisdictional Determinations (including outcomes): N/A
- G. Any additional, relevant site-specific information: N/A

[SAW-RG-R]

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), [SAW-2022-02427]

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), THE TERRITORIAL SEAS, OR INTERSTATE WATER TO WHICH THE AQUATIC RESOURCE IS CONNECTED.⁶
 - A. Name of nearest downstream TNW, Territorial Sea or interstate water: Tar River
 - B. Determination based on: This determination was made based on a review of documented occurrences of boating traffic the identified water.
5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, THE TERRITORIAL SEAS, OR INTERSTATE WATER.
W4 -> Upland overland flow -> UT to Tar River -> Tar River
6. SECTION 10 JURISDICTIONAL WATERS⁷: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.⁸ [N/A]
7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the 2023 Rule as amended, consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the 2023 Rule as amended. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

⁶ This MFR should not be used to complete a new stand-alone TNW determination. A stand-alone TNW determination for a water that is not subject to Section 9 or 10 of the Rivers and Harbors Act of 1899 (RHA) 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.

⁷ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁸ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

[SAW-RG-R]

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), [SAW-2022-02427]

- a. Traditional Navigable Waters (TNWs) (a)(1)(i): [N/A]
- b. The Territorial Seas (a)(1)(ii): [N/A.]
- c. Interstate Waters (a)(1)(iii): [N/A]
- d. Impoundments (a)(2): [N/A]
- e. Tributaries (a)(3): [N/A]
- f. Adjacent Wetlands (a)(4): [N/A]
- g. Additional Waters (a)(5): [N/A]

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

- a. Describe aquatic resources and other features within the review area identified in the 2023 Rule as amended as not “waters of the United States” even where they otherwise meet the terms of paragraphs (a)(2) through (5). Include the type of excluded aquatic resource or feature, the size of the aquatic resource or feature within the review area and describe how it was determined to meet one of the exclusions listed in 33 CFR 328.3(b).⁹

N/A

- b. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the 2023 Rule as amended (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).

Aquatic Resource Name	Size (in acres)	Coordinates	Resource Type	Reason the AR is not jurisdictional
W4	0.342	35.962193, -78.246064	Wetland	Non-WOTUS /Negative (a)(4) water – W4 is a wetland as it meets the three wetland parameters. However, this

⁹ 88 FR 3004 (January 18, 2023)

[SAW-RG-R]

SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), [SAW-2022-02427]

				feature is surrounded by uplands. W4 does not directly abut an (a)(1) – (a)(3) water. Based on the Memorandum to the Field dated March 12, 2025, this wetland therefore does not have a continuous surface connection to an (a)(1) – (a)(3) water.
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9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

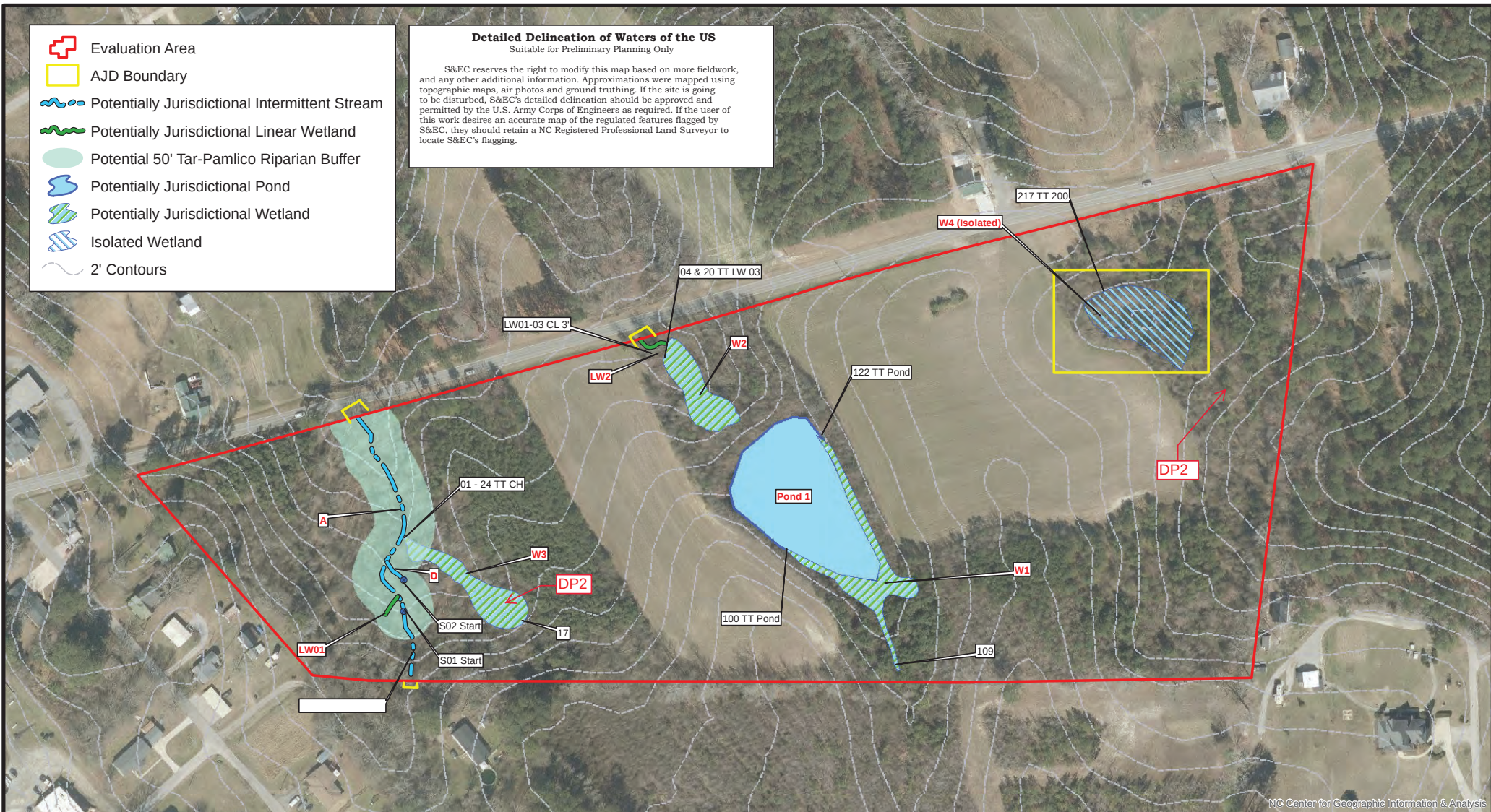
- a. 1. Date of Office (desktop review): October 6, 2025
2. Date(s) of Field Review (if applicable):
- b. Data sources used to support this determination (included in the administrative record).
 - ☒ Aquatic Resources delineation submitted by, or on behalf of, the requestor:
Title and Date: Wetland Sketch Map 10/24/2022
 - ☐ Aquatic Resources delineation prepared by the USACE: Title and Date
 - ☐ Wetland field data sheets prepared by the Corps: Title and Date
 - ☐ OHWM data sheets prepared by the USACE: Title and Date
 - ☐ Previous JDs (AJD or PJD) addressing the same (or portions of the same) review area: ORM Numbers and Dates
 - ☐ Photographs:
 - ☒ Aerial Imagery:
 - ☐ LIDAR:
 - ☒ USDA NRCS Soil Survey:
 - ☐ USFWS NWI maps: Title and Dates
 - ☒ USGS topographic maps:
 - ☐ USGS NHD data/maps: Title and Dates
 - ☐ Section 10 resources used: Title and Dates
 - ☐ NCDWR stream identification forms
 - ☐ North Carolina Stream Assessment Method (NCSAM) forms
 - ☐ North Carolina Wetland Assessment Method (NCWAM) forms
 - ☐ Antecedent Precipitation Tool Analysis:
 - ☐ Other sources of Information:

10. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.

-  Evaluation Area
-  AJD Boundary
-  Potentially Jurisdictional Intermittent Stream
-  Potentially Jurisdictional Linear Wetland
-  Potential 50' Tar-Pamlico Riparian Buffer
-  Potentially Jurisdictional Pond
-  Potentially Jurisdictional Wetland
-  Isolated Wetland
-  2' Contours

Detailed Delineation of Waters of the US
Suitable for Preliminary Planning Only

S&EC reserves the right to modify this map based on more fieldwork, and any other additional information. Approximations were mapped using topographic maps, air photos and ground truthing. If the site is going to be disturbed, S&EC's detailed delineation should be approved and permitted by the U.S. Army Corps of Engineers as required. If the user of this work desires an accurate map of the regulated features flagged by S&EC, they should retain a NC Registered Professional Land Surveyor to locate S&EC's flagging.



NC Center for Geographic Information & Analysis

Project No.
15464.W1

Project Mgr.:
SB

Scale:
1" = 150'

10/24/2022



0 150 300 600
Feet

Wetland Sketch Map

E Jewett Avenue Property
Franklin County, NC

Source:

Aerial Imagery from ESRI

S&EC

Soil & Environmental Consultants, PA

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