



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):

ORM Number: SAS-2020-00778

Associated JDs: N/A

Review Area Location¹:

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

Center Coordinates of Review Area: latitude: 33.893417 longitude: -84.502016

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
Feature 3- Intermittent Stream	43 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III.B. below.

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):

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide and included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A	N/A	N/A	N/A

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Feature 1 - Ephemeral Stream	171 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III.C. below.
Feature 2 - Wetland 1	0.229 acres	(b)(1) Non-adjacent wetland	See Section III.C. below.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

X Information submitted by, or on behalf of, the applicant/consultant: *PCN Submittal, PDF Page 5, Figure 1-1. Project Location Map; PDF Page 13, Figure 2-1. FEMA FIRM Panels 13067CO119H and 13067O138G; PDF Page 14, Figure 2-2. Aerial Map of the Site; PDF Page 16, Figure 2-4. HUC 12 Map. Supplemental information received via email on November 20, 2020, Ditch 3 and Ditch 4 images, (2 each); Sampling Map PDF; Supplemental information received via email on November 24, 2020, update: 172500B – Stream Wetland Delineation Figure.*

This information is sufficient for purposes of this AJD.

Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency).*

X Data sheets prepared by the agent for the applicant: *PCN Submittal, PDF Pages 90-94, North Carolina Stream Identification Forms, dated August 6, 2020; PDF Pages 95-104, Wetland Determination Forms and Survey with Data Points, dated August 6, 2020.*

X Photographs: *PCN Submittal, PDF Page 17, Site Photographs, Figure 2-5. Intermittent Stream at North East Corner of Property, and Figure 2-6. Wetland at Bottom of Existing Pond; RAI folder, Supplemental Site Photos for Ditch 3 and Ditch 4 (two each feature).*

Corps Site visit(s) conducted on: *Date(s). N/A*

Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*

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

X USDA NRCS Soil Survey: *PCN Submittal, Roswell St @ Windy Hill Rd, PDF pages 43-67, Custom Soil Resource Report for Cobb County, Georgia, received October 21, 2020.*

X USFWS NWI maps: *PCN Submittal, PDF Page 69, National Wetland Inventory Roswell St @ Windy Hill Rd.*

X USGS topographic maps: *PCN Submittal, PDF Page 15, Figure 2-3. USGS Topographic Map.*

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Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Stream Stats Accessed on January 20, 2021, at: https://streamstats.usgs.gov/ss/
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):** According to the Antecedent Precipitation Tool, which used data available from the GA Weather Stations within proximity of the review area, the conditions in Cobb County on August 6, 2020, were normal. Therefore, there is a high level of confidence that excluded features are non-jurisdictional. The nearest TNW is the Chattahoochee River (a RHA Section 10 water), located off-site. The on-site stream Feature 3- intermittent stream has intermittent base flow, an ordinary high-water mark, sinuosity, medium-sized stream substrate, and a groundwater connection. The on-site intermittent stream flows into Poorhouse Creek, which flows into Rottenwood Creek. Rottenwood Creek flows into the Chattahoochee River.
- C. Additional comments to support AJD:** Feature 1 does not meet the three parameters for a wetland, per the 1987 Corps of Engineers wetland Delineation Manual and/ or the Eastern Mountains and Piedmont Regional Supplement to this manual. Feature 1 – ephemeral stream has a defined bed and banks, per RGL 05-05, and therefore has an Ordinary High-Water Mark. However, Feature 1 does not exhibit base flows, and there is no groundwater connection. Therefore, Feature 1 is best characterized as a (b)(3) feature, per 33 CFR 328.3 Definitions. Feature 2 – Wetland 1 was originally constructed in an upland location as a stormwater detention basin. The basin was not maintained, and the dam breached, reducing the stormwater storage capacity of the feature. The on-site wetland emerged progressively over the past five years in the bottom of the abandoned detention basin. Feature 2 meets the three parameters for a wetland, per the 1987 Corps of Engineers wetland Delineation Manual and/ or the Eastern Mountains and Piedmont Regional Supplement to this manual, per 33 CFR 328.3(b)(1), wetlands that meet the definition of paragraph (c)(16) and are not (a)(4) waters, are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. Adjacency must be established under four allowable criteria relative to their relationship to an (a)(1)-(a)(3) water: abuts such a water, inundated by flooding from such a water in a typical year, separated from such a water only by a natural feature, or separated from such a water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and such a water in a typical year. None of these criteria are satisfied for the subject wetland.

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