



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): June 2, 2021

ORM Number: SAS-2021-00221

Associated JDs: SAS-2019-00487 (4900 Floyd Road)

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 33.834482 Longitude -84.578301

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
Perennial Stream 1	706 feet	(a)(2) Perennial 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
Relict Channel	197 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	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.

Information submitted by, or on behalf of, the applicant/consultant: *PCN for Prestwick Land Holdings, PDF pages 3-13, Project Description and Current Site Conditions, received March 12, 2021; PDF pages 66-67, WETS data and Antecedent Precipitation Tool (APT) Calculator Data, received March 12, 2021; PDF page 84, National Flood Hazard Layer FIRMette, received March 12, 2021.*

This information is sufficient for purposes of this AJD.

Data sheets prepared by the agent for the applicant: *PCN for Prestwick Land Holdings, PDF pages 68-73, Wetland Determination and NC DWQ Stream Identification Forms, dated December 8, 2020.*

Photographs: *Site Photographs: PCN for Prestwick Land Holdings, PDF pages 87-91, Photo Log, Prestwick Land Holdings, LLC – White Boulevard Mableton, Cobb County, Georgia, Photos 1-16, received March 12, 2021.*

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

Previous Jurisdictional Determinations (AJDs or PJDs): *Delineation Review of Aquatic Resources for SAS-2019-00487 includes this and other neighboring parcels (not a JD request).*

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

USDA NRCS Soil Survey: *PCN for Prestwick Land Holdings, PDF pages 39-41, NRCS Soils Map, dated December 23, 2020.*

USFWS NWI maps: *PCN for Prestwick Land Holdings, PDF page 82, Figure 1: USGS Topographic map, Prestwick Land Holding, LLC, received March 12, 2021.*

USGS topographic maps: *PCN for Prestwick Land Holdings, PDF page 80, National Wetland Inventory Map, White Boulevard (aerial), received March 12, 2021.*

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 May 28, 2021 and June 1, 2021.
USDA Sources	N/A.

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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 APT conditions in Cobb County were normal on December 8, 2020. Therefore, there is a high level of confidence that excluded features are not jurisdictional. The on-site feature labeled perennial stream 1 has perennial flow with substrate material consisting of sand, small gravel and cobble. The feature has a connection to groundwater. Therefore, the feature is best characterized as an (a)(2) feature, per 33 CFR 328.3 Definitions. The feature begins off-site and is an unnamed tributary that flows into another off-site, unnamed tributary which flows into Buttermilk Creek. Buttermilk Creek flows into Sweetwater Creek. Sweetwater Creek flows into the Chattahoochee River. The Chattahoochee River is the nearest TNW, as it is a Rivers and Harbors Act (RHA), Section 10 water.
- C. Additional comments to support AJD:** The relict channel has defined bed and banks and the exhibits sediment sorting, per RGL 05-05, which are both physical characteristics of an Ordinary High Water Mark (OHWM). However, there is not perennial or intermittent flow that would constitute a contribution to downstream (a)(1) – (a)(3) waters in a typical year. The channel does not meet the three characteristics of a wetland, per the 1987 Corps of Engineers wetland Delineation Manual and/or the Eastern Mountains and Piedmont Regional Supplement to this manual, and is not typical of a wetland feature due to the lack of vegetation in the channel and defined bed and bank. Therefore, this feature would best be characterized as a (b)(3) feature, per 33 CFR 328.3 Definitions.

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