



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 14, 2021

ORM Number: SAS-2021-00293

Associated JDs: N/A

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

State/Territory: GA City: Peachtree Corners County/Parish/Borough: Fulton County  
Center Coordinates of Review Area: Latitude 33.99734 Longitude -84.190056

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

§ 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)<sup>3</sup>

(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
Stream 1	1834.1 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.
Stream 2	252 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.
Stream 3	440 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.

<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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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
Pond 1	0.31 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III B below.
Pond 2	2.48 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III B below.
Pond 3	0.09 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III B below.
Pond 4	0.18 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III B below.
Pond 5	0.89 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III B below.
Pond 6	4.8 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III B below.
Pond 7	0.4 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III B below.
Pond 8	1.92 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See Section III B below.

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland B	0.03 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III B below.
Wetland C	0.08 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III B below.

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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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Wetland D1	0.08 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III B below.
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**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
Pond 10	0.71 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	See Section III C below.
Pond 11	0.69 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	See Section III C below.
Pond 9	0.52 acres	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories	See Section III C below.
Wetland A	0.08 acres	(b)(1) Non-adjacent wetland	See Section III C below.
Wetland D2	0.09 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.

Information submitted by, or on behalf of, the applicant/consultant: *AJD Request revised June 1, 2021, PDF page 24, Figure 1: Vicinity Map, dated March 2021; PDF page 28, Figure 5: NRCS Hydric Soils Rating Map, dated March 2021; PDF pages 98-99, APT, dated January 18, 2021.*

This information is sufficient for purposes of this AJD.

Data sheets prepared by the agent for the applicant: *AJD Request revised June 1, 2021, PDF pages 31-60, North Carolina Stream Forms & Wetland Data Forms, 5 Stream forms and 8 sets of wetland determination forms, dated January 18, 2021.*

Photographs: *historic aerials, Site Photographs: AJD Request revised June 1, 2021, PDF pages 13-22, Site Photographs 1-19, taken January 18, 2021; Figure 2: Aerial Map, dated March 2021. AJD Request Received April 12, 2021, PDF pages 23-39, Historic Aerial Images, 2019, 2017, 2015, 2013, 2010, 2009, 2007, 2006, 2005, 1999, 1993, 1982, 1972, 1963, 1959, 1951, and 1938.*

Corps Site visit(s) conducted on: *May 24, 2021.*

Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*

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

<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.

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<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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- USDA NRCS Soil Survey: *AJD Request revised June 1, 2021, PDF page 27, Figure 4: NRCS Soils Map, dated March 2021; PDF pages 61-97, Attachment E: NRCS Soil Report, received June 1, 2021.*
- USFWS NWI maps: *AJD Request revised June 1, 2021, PDF page 29, Figure 6: National Wetland Inventory (NWI), dated March 2021.*
- USGS topographic maps: *AJD Request revised June 1, 2021, PDF page 26, Figure 3: USGS Topographic Map, dated March 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
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 APT site conditions in Fulton County were normal on January 18, 2021. Therefore, there is a high level of confidence that excluded features are not jurisdictional. The nearest Traditionally Navigable Water is the Chattahoochee River located directly to the south and outside of the review area of the site. The Chattahoochee River is a Rivers and Harbors Act (RHA), Section 10 Water. All waters on the site flow southward into the Chattahoochee River. Ponds 1-8 are impoundments of the historic location of Stream 1 and the flow path of the stream appears to have changed over time with development of the golf course, based on review of historic aerials. Ponds 1-8 are hydrologically connected to Stream 1 and contribute to downstream flows of the Chattahoochee River in a typical year. Therefore Ponds 1-8 are best characterized as (a)(3) features, per 33 CFR 328.3 Definitions. Wetlands B, C, and D1 meet the three parameters for a wetland, per the 1987 Corps of Engineers Wetland Delineation Manual and the Eastern Mountains and Piedmont Regional Supplement to this manual. Wetlands B, C, and D1 do not have an Ordinary High-Water Mark (OHWM), per RGL 05-05. Wetland B abuts Pond 3. Wetland C abuts Pond 4 and Wetland D1 abuts Stream 1. Wetlands B, C and D1 contribute flow (a)(1) – (a)(3) waters in a typical year and are therefore best characterized as (a)(4) features, per 33 CFR 328.3 Definitions. Stream 2 has physical characteristics of an OHWM, per RGL 05-05 including intermittent flow and defined bed and banks. Stream 2 flows into Stream 1. Stream 1 has physical characteristics of an OHWM, per RGL 05-05 including perennial flow and defined bed and banks. Stream 1 flows directly into the Chattahoochee River. Stream 3 has physical characteristic of an OHWM including intermittent flow, defined bed and banks. Stream 3 flows directly into the Chattahoochee River. Streams 1, 2, and 3 are best characterized as (a)(2) tributaries, per 33 CFR 328.3 Definitions.

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- C. Additional comments to support AJD:** Ponds 10 and 11 are artificial lakes originally constructed in uplands, based on review of historic aerials. Ponds 10 and 11 lack vegetation and therefore do not meet the three parameters of a wetland, per the 1987 Corps of Engineers Wetland Delineation Manual and/ or the Eastern Mountains and Piedmont Regional Supplement to this manual. Ponds 10 and 11 are best characterized as (b)(8) features, per 33 CFR 328.3 Definitions. Wetlands A and D2 meet the three parameters for a wetland, but do not meet the criteria for adjacency or contribute flow to downstream jurisdictional waters in a typical year. Wetlands A and D2 do not have the physical characteristics of an OHWM, per RGL 05-05. Wetlands A and D2 are best characterized as (b)(1) features, per 33 CFR 328.3 Definitions. Pond 9 is not an impoundment of a jurisdictional water and does not contribute flow to downstream jurisdictional waters in a typical year. Pond 9 lacks vegetation and therefore does not meet the three parameters of a wetland, per the 1987 Corps of Engineers Wetland Delineation Manual and/ or the Eastern Mountains and Piedmont Regional Supplement to this manual. Pond 9 is best characterized as a (b)(1) feature, per 33 CFR 328.3 Definitions.

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

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