



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): July 29, 2021

ORM Number: SAS-2021-00294

Associated JDs: N/A

Review Area Location¹:

State/Territory: GA City: Atlanta County/Parish/Borough: Fulton County

Center Coordinates of Review Area: latitude: 33.618457, longitude: -84.51953

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
Intermittent Stream 1	118 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.
Intermittent Stream 2	1044 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.
Intermittent Stream 3	132 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.

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 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.

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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Intermittent Stream 4	170 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.
Intermittent Stream 5	488 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.
Perennial Stream 1	1191 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.
Perennial Stream 2	323 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
Open Water 1	0.28 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water inundated by flooding from an (a)(1)-(a)(3) 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 1	1.55 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III B below.
Wetland 2	0.67 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III B below.
Wetland 3	0.15 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	See Section III B below.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
N/A	N/A	N/A	N/A

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: *Southwest Atlanta Battery Storage AJD request, dated March 5, 2021, PDF page 2, Table 1: Wetlands Identified on South Atlanta Battery Storage Site; PDF page 3, Table 2: Waters Identified on the South Atlanta Battery Storage site; PDF pages 20-29, Delineation Report, dated March 2, 2021; PDF page 36, Figure 6: Wetland Delineation Map, dated December 16-17, 2020.*

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U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
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This information is sufficient for purposes of this AJD.

Rationale: *N/A*

- Data sheets prepared by the agent for the applicant: *Southwest Atlanta Battery Storage AJD request, PDF pages 43-60, Wetland Determination Data Forms, six sets, one each upland and wetland data point for each Wetland 1-3, dated December 16-17, 2020.*
- Photographs: *aerial and site photographs: Southwest Atlanta Battery Storage AJD request, dated March 5, 2021, PDF page 31, Figure 1: Site Aerial Map; PDF pages 38-41, Appendix B: Southwest Atlanta Battery Storage, Site Photographs, Images 1-8.*
- Corps Site visit(s) conducted on: *July 22, 2021*
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *Southwest Atlanta Battery Storage AJD request, dated March 5, 2021, PDF page 33, Figure 3: USDA Soils Map.*
- USFWS NWI maps: *Southwest Atlanta Battery Storage AJD request, dated March 5, 2021, PDF page 34, Figure 4: NWI and NHD Map.*
- USGS topographic maps: *Southwest Atlanta Battery Storage AJD request, dated March 5, 2021, PDF page 32, Figure 2: USGS Topographic Map.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	StreamStats
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
FEMA	Southwest Atlanta Battery Storage AJD request, dated March 5, 2021, PDF page 35, Figure 5: FEMA Floodzone Map.

B. Typical year assessment(s): According to the APT conditions in Fulton County were normal during the site delineation performed on December 16 and 17, 2020. Therefore, there is a high probability that included features are jurisdictional. The nearest Traditionally Navigable Water (TNW) is the Chattahoochee River, a Rivers and Harbors Act, Section 10 water. The waters on the site flow north toward Camp Creek, which is located off-site. Camp Creek flows into the Chattahoochee River farther northwest of the site. Perennial Streams 1 and 2 exhibit perennial flow. Intermittent Streams 1-5 exhibit intermittent flow. All streams within the review area have the physical characteristics of an Ordinary High-Water Mark (OHWM), per Regulatory Guidance Letter (RGL) 05-05, and do not 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. Therefore, Perennial Streams 1 and 2 and Intermittent Stream 1-5 are best characterized as (a)(2) features, per 33 CFR 328.3, Definitions. Open Water 1 is an impoundment of Intermittent Stream 3 and is therefore best

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characterized as an (a)(3) feature, per 33 CFR 328.3, Definitions. Wetlands 1-3 meet the three parameters of a wetland, per the 1987 Corps of Engineers Wetland Delineation Manual and the Eastern Mountains and Piedmont Regional Supplement to this manual. . Therefore, wetlands 1-3 are best characterized as (a)(4) features, per 33 CFR 328.3, Definitions. All the waters on site contribute flow to an (a)(1) – (a)(3) water in a typical year.

- C. Additional comments to support AJD:** N/A; there were no aquatic resources identified on the project site that would not be under the jurisdiction of the U.S. Army Corps of Engineers.

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