



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): 04-AUG-2021

ORM Number: SAS-2008-00047

Associated JDs: N/A or ORM numbers and identifiers: N/A

Review Area Location¹:

State/Territory: GA City: Dunwoody County/Parish/Borough: DeKalb County

Center Coordinates of Review Area: Latitude 33.920292 Longitude -84.347402

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
N/A	N/A	N/A	N/A

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):

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

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland A	0.12 acres	(b)(1) Non-adjacent wetland	Subject feature does not meet any of the definitions for adjacency established under 33 CFR 328.3(c)(1)

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: *Individual Permit Extension Request (SAS-2008-00047); High Street Development Project; DeKalb County, Georgia, dated June 11, 2021, and received via email on July 20, 2021.*
This information is sufficient for purposes of this AJD.
Rationale: *N/A*
- Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- Photographs: *Historic aerial imagery contemporary with the construction of Hammond Drive – Images dated 1968, 1972, & 1978 (accessed: historicaerials.com); site photos submitted February 19, 2021, and photos included in June 11, 2021 Extension Request.*
- Corps Site visit(s) conducted on: *Date(s).*
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A.*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *Title(s) and/or date(s).*
- USFWS NWI maps: *Title(s) and/or date(s).*
- USGS topographic maps: *Title(s) and/or date(s).*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	National Regulatory Viewer, South Atlantic Division, including 3DEP Digital Elevation Model and 3DEP Hillshade data layers.
State/Local/Tribal Sources	N/A.
Other Sources	DeKalb County Parcel Viewer, including flood hazard layers; Fulton County Property map View, including aerial topographic layer

B. Typical year assessment(s): The site delineation was conducted on February 9, 2021. According to the APT, which used data available from GA Weather Stations within proximity of the review area the conditions in DeKalb County were normal at the time of the delineation. These data are based on a projected 30-day rolling average of precipitation documented within the 30th and 70th percentile of the

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30-year record for average precipitation. Therefore, there is a high level of confidence that excluded feature is not jurisdictional.

- C. Additional comments to support AJD:** Although the wetland meets the three parameters detailed in the 1987 Wetland Delineation Manual and Regional Supplement to be considered a wetland, the wetland is not considered adjacent to downstream waters and is therefore not likely to be jurisdictional. Given that historic aerial imagery appears to indicate that the feature formed within a remnant "swale" established as a result of the construction and maintenance of Hammond Drive, could not designate the subject feature as a (b)(9) exclusion because the construction operation with which the feature was associated is no longer ongoing; and because the feature is not "ephemeral", the (b)(1) exclusion seems the most appropriate. An adjacent wetland would be jurisdictional in its entirety when a road or similar artificial structure divides the wetland if the structure allows for a direct hydrologic surface connection through or over that structure in a typical year. The existing, approximately 40 feet of fill and large-grade stone present between the subject wetland and the un-named perennial tributary to Nancy Creek, located along the western edge of the review area, does not allow for hydrologic connectivity between these features in a typical year. The site photographic documentation supports this circumstance. Further, the available digital elevation model dataset depicts the presence of fill located to the west of the subject feature, east of the tributary, thus severing a potential connection.

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