



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): August 19, 2021

ORM Number: SAS-2021-00321

Associated JDs: N/A

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

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

Center Coordinates of Review Area: latitude: 33.777796, longitude: -84.430915

**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
Intermittent Stream 01	530 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 01 (Proctor Creek)	625 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 02	780 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.

<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
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
Wetland 01	0.42 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))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Ephemeral Stream 01	245 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III C below.
Ephemeral Stream 02	123 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.

X Information submitted by, or on behalf of, the applicant/consultant: *Final NW Substation PCN, dated April 16, 2021, PDF page 14, Figure 5: Georgia Power Company, Northwest Substation Expansion, Fulton County, Georgia, FEMA Flood Zones, dated March 2021; PDF page 15, Figure 6: Georgia Power Company, Northwest Substation Expansion, Fulton County, Georgia, Jurisdictional Findings, dated March 2021.*

This information is sufficient for purposes of this AJD.

Rationale: N/A

X Data sheets prepared by the agent for the applicant: *AJD Request Northwest Substation Georgia Power, dated July 6, 2021, PDF pages 17-18, NC DWQ Stream identification Form Version 4.11, Two forms (one for each ephemeral feature), dated December 3, 2020. Northwest SS NC Forms and Datasheets submittal, received August 19, 2021, PDF pages 1-3, NC DWQ Stream Identification Form Version 4.11, Three forms (one for Intermittent Stream 01 and one each for Perennial Streams 01 and 02), dated December 3, 2021; PDF pages 4-9, Wetland Determination Data Forms, two sets (one Wetland 01 and one upland), dated September 29, 2020.*

X Photographs: (aerial and site photographs): *Final NW Substation PCN, dated April 16, 2021, PDF page 10, Figure 1: Georgia Power Company, Northwest Substation Expansion, Fulton County, Georgia, Project Location (aerial), dated March 2021. AJD Request Northwest*

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*Substation Georgia Power, dated July 6, 2021, PDF page 9, Representative Photographs, Photographs 1-2.*

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

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

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

X USDA NRCS Soil Survey: *Final NW Substation PCN, dated April 16, 2021, PDF page 13, Figure 4: Georgia Power Company, Northwest Substation Expansion, Fulton County, Georgia, NRCS Soils, dated March 2021.*

X USFWS NWI maps: *Final NW Substation PCN, dated April 16, 2021, PDF page 12, Figure 3: Georgia Power Company, Northwest Substation Expansion, Fulton County, Georgia, National Wetland Inventory Map, dated March 2021.*

X USGS topographic maps: *Final NW Substation PCN, dated April 16, 2021, PDF page 11, Figure 2: Georgia Power Company, Northwest Substation Expansion, Fulton County, Georgia, USGS Topography, 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	StreamStats
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 information provided by the APT, which uses data available from GA Weather Stations within proximity of the review area, the site conditions in Fulton County on December 3, 2021 were normal. Therefore, there is a high level of confidence that excluded features are not jurisdictional. Perennial Streams 01 and 02 have perennial flow and display the physical characteristics of an Ordinary High-Water Mark (OHWM), per Regulatory Guidance Letter (RGL) 05-05. Perennial Streams 01 and 02 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 01 and 02 are best characterized as (a)(2) features, per 33 CFR 328.3 Definitions. Intermittent Stream 01 has intermittent flow and displays the physical characteristics of an OHWM, per RGL 05-05. Intermittent Stream 01 does not 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, Intermittent Stream 01 is best characterized as an (a)(2) feature, per 33 CFR 328.3 Definitions. Wetland 01 meets 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. Wetland 01 does not have the physical characteristics of an OHWM, per RGL 05-05. Wetland 01

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abuts Intermittent Stream 01. Therefore, Wetland 01 is best characterized as an (a)(4) feature, per 33 CFR 328.3 Definitions. The waters on the site flow to the southwest. Wetland 01 flows into Intermittent Stream 01. Intermittent Stream 01 and Perennial Stream 02 flow into Perennial Stream 01 (Proctor Creek). Perennial Stream 01 (Proctor Creek) flows off-site in the southwest corner of the review area. Proctor Creek flows into the Chattahoochee River, a Rivers and Harbors Act Section 10 Water. The Chattahoochee River is the nearest Traditionally Navigable Water (TNW).

- C. Additional comments to support AJD:** Ephemeral Streams 01 and 02 have the physical characteristics of an OHWM, per RGL 05-05. However, these features 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. These features do not have intermittent or perennial flow and flow only in response to precipitation events, no flow was observed in these channels at the time of the delineation. Therefore, Ephemeral Streams 01 and 02 are best characterized as (b)(3) features, per 33 CFR 328.3 Definitions.

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