



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): September 1, 2021

ORM Number: SAS-2021-00482

Associated JDs: N/A

Review Area Location¹:

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

Center Coordinates of Review Area: latitude: 33.72948, longitude: -84.433486

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
Ephemeral Channel 1	600 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III C below.
Ephemeral Channel 2	35 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III C below.
Open Water Feature	0.09 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.

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: *City of Atlanta Outdoor Activity Center AJD Request, PDF page 1, Cover Letter, dated June 23, 2021; PDF pages 4-10, Wetland and Open Waters Report, City of Atlanta Outdoor Activity Center, dated June 2021; PDF page 12, Figure 1: General Location, Wetland Delineation, City of Atlanta Outdoor Activity Center, received June 23, 2021; PDF page 18, Figure 7: Geologic Map, Wetland Delineation, City of Atlanta Outdoor Activity Center, received June 23, 2021;*
This information (is/is not/is and is not) sufficient for purposes of this AJD.

Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency).*

X Data sheets prepared by the agent for the applicant: *City of Atlanta Outdoor Activity Center AJD Request, PDF pages 20-22, Wetland Determination Data Form, one set, upland data point, dated January 27, 2021; PDF pages 23-24 NC DWQ Stream Identification Form Version 4.11, two forms, one for each ephemeral feature (EPH 1 and EPH 2), dated January 27, 2021.*

X Photographs: (aerial and other): *City of Atlanta Outdoor Activity Center AJD Request, PDF page 14, Figure 3: Aerial Imagery, Wetland Delineation, City of Atlanta Outdoor Activity Center, received June 23, 2021; PDF page 17, Figure 6: Wetland Map (aerial with identified on-site features), Wetland Delineation, City of Atlanta Outdoor Activity Center, received June 23, 2021; PDF pages 26-29, Site Photographs, Photos 1-8, received June 23, 2021.*

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: *City of Atlanta Outdoor Activity Center AJD Request, PDF page 15, Figure 4: NRCS Soil Survey (map), Wetland Delineation, City of Atlanta Outdoor Activity*

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Center, received June 23, 2021.

- X USFWS NWI maps: *City of Atlanta Outdoor Activity Center AJD Request, PDF page 16, NWI Wetland Map, Wetland Delineation, City of Atlanta Outdoor Activity Center, received June 23, 2021.*
- X USGS topographic maps: *City of Atlanta Outdoor Activity Center AJD Request, PDF page 13, Figure 2: USGS Quadrangle Map, Wetland Delineation, City of Atlanta Outdoor Activity Center, received June 23, 2021.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	StreamStats, Earth Explorer
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	FEMA Flood Maps, National Regulatory Viewer, Historic Aerials, Google Earth Aerials

- 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 January 27, 2021 were drier than normal. The nearest Traditionally Navigable Water (TNW) is the Chattahoochee River.
- C. Additional comments to support AJD:** Ephemeral Channels 1 and 2 have the physical characteristics of an Ordinary High-Water Mark (OHWM), per Regulatory Guidance Letter (RGL) 05-05. However, these channels do not have intermittent or perennial flow and these features only receive hydrology in direct response to precipitation. Ephemeral Channels 1 and 2 do not meet the three characteristics of a wetland, per the 1987 Corps of Engineers Wetland Delineation Manual and the Eastern Mountains and Piedmont Regional Supplement to this manual. Therefore, ephemeral channels 1 and 2 are best characterized as (b)(3) features, per 33 CFR 328.3 Definitions. The Open Water Feature was not constructed in uplands or as an impoundment of a jurisdictional water. The open water feature collects water in a depressional area that was the former location of the headwaters of North Utoy Creek. North Utoy Creek was rerouted, by the City of Atlanta, approximately 40 years ago, utilizing a concrete pipe and fill material. According to available mapping and review of historic aerial imagery, no channel currently exists along the historic alignment of North Utoy Creek within the review area. The open water feature 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, the open water feature is best characterized as a (b)(1) feature, per 33 CFR 328.3 Definitions. None of the waters identified on the project site contribute flow to any downstream (a)(1) – (a)(3) waters in a typical year.

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