



**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): 8/19/2020

ORM Number: SAS-2020-00356

Associated JDs: SAS-2017-00438 and SAS-2018-00886 (Nationwide Permit 14 for road project bisecting JD review area)

Review Area Location¹: State/Territory: Georgia City: Port Wentworth County/Parish/Borough: Chatham

Center Coordinates of Review Area: Latitude 32.190880 Longitude -81.221605

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 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 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.



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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
W1	7.55	acre(s)	(b)(1) Non-adjacent wetland.
			Wetland W1's southern boundary terminates just upslope of the road that is currently under construction (ORM Number SAS-2017-00438 and SAS-2018-00886). The delineation associated with the road crossing did not include a wetland continuing downslope of W1, which matched field observations during site visit on July 2, 2020. Further the northeastern boundary of the wetland was investigated and the wetland terminated in uplands just east and offsite of the review area. W1 is not adjacent to any (a)(1)-(a)(3) waters. W1 does not abut any (a)(1)-(a)(3) waters, is not inundated by any (a)(1)-(a)(3) waters in a typical year and is physically separated from all (a)(1)-(a)(3) waters.

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: [Approved Jurisdictional Determination request submitted to the Corps on 7/6/2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)

☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

☒ Photographs: [Other: Consultant provided photo sheets, 4/23/2020](#)

☒ Corps site visit(s) conducted on: [7/2/2020](#)

☐ Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)

☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

☒ USDA NRCS Soil Survey: [NRCS Soil Map dated 5/6/2020](#)

☒ USFWS NWI maps: [National Wetlands Inventory dated 5/6/2020](#)

☒ USGS topographic maps: [USGS Topographic Map dated 5/6/2020](#)

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	N/A.
State/Local/Tribal Sources	N/A.

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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Data Source (select)	Name and/or date and other relevant information
Other Sources	N/A.

- B. Typical year assessment(s):** The data forms provided by Resource Land Consultants indicate that they performed a wetland delineation of the project area on 4/21/2020. Using the Antecedent Precipitation Tool Version 1.0, which used rainfall data from the Savannah International Airport weather station, we have determined the delineation was conducted during the wet season (WebWIMP H2O Balance) and that "Wetter than Normal" rainfall conditions were present for the nearest weather station on the date of the wetland delineation. With regards to the site visit on 7/2/2020, the Antecedent Precipitation Tool results, which used rainfall data from the Savannah International Airport weather station, indicated that the site visit was conducted during the dry season (WebWIMP H2O Balance) and that "Normal" rainfall conditions were present for the nearest weather station on the date of the wetland delineation.
- C. Additional comments to support AJD:** Wetland W1 displayed within the bold blue polygon labeled "Approved JD Area" on the attached map entitled "Approximate Aquatic Resources Sketch" dated 7/6/2020 is a non-adjacent wetland that meets exclusion (b)(1) of the Navigable Waters Protection Rule (NWPR). This wetland is approximately 3.7 miles from the nearest TNW (Black Creek) and >1,800 linear feet from the FEMA mapped 100-year flood plain. This wetland is completely surrounded by uplands, and the uplands surrounding the wetland are approximately 1-4 foot higher in elevation than the average surface elevation within the wetland. W1 is not adjacent to any (a)(1)-(a)(3) waters. W1 does not abut any (a)(1)-(a)(3) waters, is not inundated by any (a)(1)-(a)(3) waters in a typical year and is physically separated from all (a)(1)-(a)(3) waters.
- Further, the roadway project referenced in Section II.D. above did not propose or construct a culvert near to W1. The lack of culvert in this location impedes the flow of surface water from W1 to the potentially adjacent wetlands and canal located west of the road. Additionally, the elevation of the road fill is unlikely to allow for inundation into W1 from the potential tributary west of the review area.