



**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): 8/24/2020

ORM Number: SAS-2004-14970

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 32.100982 Longitude -81.198331

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.	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.	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.	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.	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
Area A	2.95	acre(s)	(b)(1) Non-adjacent wetland.	Area A is not adjacent to any (a)(1)-(a)(3) waters. Area A 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.
Area B	0.18	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Area B is a ditch that was constructed through uplands based on a previous jurisdictional determination issued on 5/19/2005 by the Corps under the same Action ID SAS-2004-14970. The previous jurisdictional determination concluded that the Approved JD review area, displayed on the attached "GPS Exhibit" as a bold red polygon labeled "Project Area," was all uplands. The property was heavily developed after the jurisdictional determination was issued resulting in the construction of a large industrial development with a ditch network and stormwater control measure. There is no clear evidence to support that Area B modified or relocated a tributary nor is there clear evidence to support that it was constructed through adjacent wetlands.
Area C	1.78	acre(s)	(b)(1) Non-adjacent wetland.	Area C is not adjacent to any (a)(1)-(a)(3) waters. Area C 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 7/15/2020

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: Select. Title(s) and/or date(s).

☒ Corps site visit(s) conducted on: July 2, 2020

☒ Previous Jurisdictional Determinations (AJDs or PJDs): SAS-2004-14970

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

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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- ☒ USDA NRCS Soil Survey: [Figure 3 dated 7/15/2020](#)
- ☒ USFWS NWI maps: [Figure 4 dated 7/15/2020](#)
- ☒ USGS topographic maps: [Figure 2 dated 7/15/2020](#)

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	Figure 7 dated 7/15/2020
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): The data forms provided by Resource Land Consultants indicate that a they performed a wetland delineation of the project area on 12/16/2019. 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 "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: Area A is a depressional feature bordered to the north and west by an existing road associated with industrial development. This area is bordered to the south by small upland areas (spoil deposits from ditch excavation) and an existing ditch (Area B). Area B, as indicated above, consists of man-made ditch dug through areas previously verified as upland. Area C is a depressional feature bordered to the south by existing industrial development and to the west by an existing road associated with industrial development. This area is bordered to the north by small upland areas (spoil deposits from ditch excavation) and an existing ditch (Area B).

The entire "Project Area" containing Areas A-C was previously verified by the Corps as upland via a jurisdictional determination letter dated 5/19/2005, and there is no clear evidence to support that this area previously contained wetlands or any other potential waters. The land surrounding the "Project Area" was heavily manipulated through the construction of a large industrial facility following the issuance of the jurisdictional determination referenced above. These construction activities have likely altered hydrologic regimes within the "Project Area." Further, numerous beaver dams were noted on the 7/2/2020 site visit within an offsite ditch network. These beaver dams were impounding water in the constructed stormwater control network on site resulting in inundation backing into the "Project Area" from the stormwater control measure immediately west of the "Project Area." The USACE has determined that based on the previous jurisdictional determination, historic aerials and subsequent development activities that there is no clear evidence to support that the wetlands within the Project Area were ever adjacent wetlands. Further, the ditch network that originates in the Project Area does not relocate or modify a tributary nor was it constructed through any potential (a)(3) or (a)(4) waters. Based on the available information and the previous jurisdictional determination, the ditch was constructed in uplands and the wetlands do not meet the definition of an adjacent wetland.