



**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): 11/12/2020
 ORM Number: SAS-2012-00647
 Associated JDs: SAS-2012-00647 (ARDR issued with NWP 14 Verification Letter on 2/20/2019, Approved JD issued 4/10/2014 and Preliminary JD issued 7/15/2013)
 Review Area Location¹: State/Territory: GA City: Marlow County/Parish/Borough: Effingham
 Center Coordinates of Review Area: Latitude 32.1219 Longitude -81.3593

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
CC	0.8	acre(s)	(b)(1) Non-adjacent wetland.	This is a depressional wetland that is completely surrounded by uplands and is not adjacent to any (a)(1)-(a)(3) waters as defined by the NWPR. This wetland does not abut any (a)(1)-(a)(3) waters, is not inundated by any (a)(1)-(a)(3) waters in a typical year, is physically separated from all (a)(1)-(a)(3) waters and does not have a direct hydrologic surface connection to any (a)(1)-(a)(3) waters in a typical year.
DD	1.5	acre(s)	(b)(1) Non-adjacent wetland.	This is a depressional wetland that is completely surrounded by uplands and is not adjacent to any (a)(1)-(a)(3) waters as defined by the NWPR. This wetland does not abut any (a)(1)-(a)(3) waters, is not inundated by any (a)(1)-(a)(3) waters in a typical year, is physically separated from all (a)(1)-(a)(3) waters and does not have a direct hydrologic surface connection to any (a)(1)-(a)(3) waters in a typical year.
2C	0.9	acre(s)	(b)(1) Non-adjacent wetland.	This is a depressional wetland that is surrounded by uplands, but a ditch was constructed to drain this wetland. This ditch does not exhibit an OHWM or the three criteria to be considered as a wetland within the review area; therefore, the ditch would not be considered an aquatic resource and was not included in this Approved JD. This wetland does not meet the definition of an adjacent wetland as defined under the NWPR.
2D	0.6	acre(s)	(b)(1) Non-adjacent wetland.	This is a depressional wetland that is surrounded by uplands, but a ditch was constructed to drain this wetland. This ditch does not exhibit an OHWM or the three criteria to be considered as a wetland within the review area; therefore, the ditch would not be considered an aquatic resource and was not included in this Approved JD. This wetland does not meet the definition of an adjacent wetland as defined under the NWPR.

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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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
2E	2.0	acre(s)	(b)(1) Non-adjacent wetland.
			This is a depressional wetland that is surrounded by uplands, but a ditch was constructed to drain this wetland. This ditch does not exhibit an OHWM or the three criteria to be considered as a wetland within the review area; therefore, the ditch would not be considered an aquatic resource and was not included in this Approved JD. This wetland does not meet the definition of an adjacent wetland as defined under the NWPR.

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: [AJD Request 10/22/2020](#)
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: [Aerial: 2018 & 1999](#)
- Corps site visit(s) conducted on: [Date\(s\)](#).
- Previous Jurisdictional Determinations (AJDs or PJDs): [SAS-2017-00263](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Figure 3](#)
- USFWS NWI maps: [Figure 4](#)
- USGS topographic maps: [Figure 2](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	ESRI Base Map
USDA Sources	NRCS
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): [Resource & Land Consultants](#) conducted a site visit on 10/21/2020. Using the Antecedent Precipitation Tool Version 1.0, which used rainfall data from the Savannah International Airport weather station, we have determined that the site visit was conducted during the “wet season” and that “normal” conditions were present.

C. Additional comments to support AJD: The (b)(1) non-adjacent wetlands displayed on the attached map entitled “Aquatic Resources Sketch” and dated 10/22/2020 are non-adjacent wetlands that meet exclusion (b)(1) of the Navigable Waters Protection Rule (NWPR). These wetlands are >12 miles from the nearest



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TNW (lower reaches of Little Ogeechee River) and >400 linear feet from the FEMA mapped 100-year flood plain. These wetlands are completely surrounded by uplands or features constructed in uplands. The adjacent uplands are approximately 2-4 foot higher in elevation than the average surface elevation within the wetlands. The wetlands are not adjacent to any (a)(1)-(a)(3) waters as defined by the NWPR. Further, the wetlands are not within a floodplain of an (a)(1) through (a)(3) water.