



**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): 11/24/2020

ORM Number: SAS-2020-00489

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 32.0961 Longitude -81.1898

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
Area A	3.5	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	0.2	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Area B is a pond that was constructed in uplands and now connects to Area C (a non-adjacent wetland) through a direct surface connection. There is no clear evidence to support that Area B was constructed through adjacent wetlands.
Area C	1.78	acre(s)	(b)(1) Non-adjacent wetland.	Area B is not adjacent to any (a)(1)-(a)(3) waters. Area B 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: [September 10, 2020](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [SAS-2007-01136](#)

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

USDA NRCS Soil Survey: [Figure 3 dated 4/17/2020](#)

USFWS NWI maps: [Figure 4 dated 4/17/2020](#)

USGS topographic maps: [Figure 2 dated 4/17/2020](#)

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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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 7/9/2020
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 they performed a wetland delineation of the project area on 7/10/2020. 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 dry 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 9/10/2020, 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 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.

C. Additional comments to support AJD: Area A is a depressional feature bordered to the north by an existing road and to the south by forested uplands. This area to the east is bordered by commercial development and drains under a culvert to an existing network of stormwater ditches off the property. Area B, as indicated above, is a pond that was constructed in uplands and now connects to Area C (a non-adjacent wetland) through a direct surface connection. Area C is a depressional feature bordered to the south by forested wetlands which extend off property, and to the east by existing industrial development, and to the north and west by Area B and forested uplands.

There is no clear evidence to support that the “Project Area” containing Areas A-C previously contained historically adjacent wetlands or any other potential waters. The land surrounding the “Project Area” was heavily manipulated through the construction of multiple small commercial facilities and county stormwater ditches as far back as the 1950s. These construction activities have likely altered hydrologic regimes within the “Project Area.” The USACE has determined that based on 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.