



**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): 1/15/2021

ORM Number: N/A

Associated JDs: SAS-2018-00687

Review Area Location<sup>1</sup>: State/Territory: GA City: Bloomingdale County/Parish/Borough: Chatham

Center Coordinates of Review Area: Latitude 32.0830 Longitude -81.3132

**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
- 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)<sup>2</sup>**

§ 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): <sup>3</sup>			
(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.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Non-Adjacent Wetland 2, 3, 4, 5, 6, 7 and 9	3.997	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2, 3, 4, 5, 6, 7 and 9 are not adjacent to any (a)(1)-(a)(3) waters as defined by the NWPR. These wetlands do not abut any (a)(1)-(a)(3) waters, are not inundated by any (a)(1)-(a)(3) waters, are physically separated from all (a)(1)-(a)(3) waters and do not have a direct hydrologic surface connection to any (a)(1)-(a)(3) waters in a typical year.
Ephemeral Canal "1"	.295	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).	Ephemeral stream "1" flows only in direct response to precipitation, is not a tributary, and does not experience perennial or intermittent flow in a typical year.
Borrow Pits 1, 2, and 3	15.660	acre(s)	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel.	Borrow pits 1, 2, & 3 are (b)(9) waters which were excavated entirely in upland. Their boundaries have been field verified and jurisdiction has been determined in a letter dated January 22, 2019 (SAS-2018-00687)

**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: **Title(s) and date(s)**  
This information **Select.** 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).**

<sup>4</sup> 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.

<sup>5</sup> 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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- Photographs: [Select. Title\(s\) and/or date\(s\).](#)
- Corps site visit(s) conducted on: [09/24/2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [SAS-2018-00687; 22 January 2019](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [See exhibit 3; Chatham County, GA](#)
- USFWS NWI maps: [See exhibit 4; Chatham County, GA](#)
- USGS topographic maps: [See exhibit 2; Chatham County, GA](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">08/30/2018</a>
<a href="#">USDA Sources</a>	<a href="#">08/30/2018</a>
<a href="#">NOAA Sources</a>	<a href="#">08/22/2018</a>
<a href="#">USACE Sources</a>	<a href="#">Antecedent Precipitation Tool</a>
<a href="#">LiDAR data/maps</a>	<a href="#">See figure 7; Chatham County, GA</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

**B. Typical year assessment(s):** The wetland delineation was conducted in December of 2016. The USACE. Based on the Atecedent Precipitation Tool Version 1.0, which used rainfall data from the Savannah International Airport weather station, we have determined that wetter than normal conditions were present for the nearest weather station during the delineation of December, 2016.

**C. Additional comments to support AJD:**

Non-adjacent Wetland 2 is surrounded by upland to the north, east, and west and an ephemeral ditch to the south. Non-adjacent Wetland 3 is surrounded by upland to the north, east, and south and drains west through an ephemeral ditch. Non-adjacent wetland 4 is surrounded to the north, east, and west by upland and drains south through an ephemeral ditch. Non-adjacent wetland 5 is surrounded on all sides by upland. Non-adjacent wetland 6 is surrounded on all sides by upland. Non-adjacent wetland 7 is surrounded to the east, west, and south and drains to the north through an ephemeral ditch. Non-adjacent wetland 9 is surrounded to the north, west, and south by upland and to the east by Borrow Pit 3. These ephemeral ditches down gradient of the wetlands do not allow for a direct hydrologic surface connection to an (a)(1) - (3) water during a typical year. There is no direct hydrologic surface connection between Wetlands 2, 3, 4, 5, 6, 7 and an (a)(1)-(3) water. Wetland 2, 3, 4, 5, 6, 7 and 9 are 0.25 mile from the nearest TNW, Little Ogeechee River.

The ephemeral canal "1" on the site was verified by the USACE in a letter dated January 22, 2018. Per the NWPR, " Surface features that flow only in direct response to precipitation, such as ephemeral streams, swales, gullies and rills, are not tributaries. These features lack the required perennial or intermittent flow to satisfy the "tributary" definition and therefore are not jurisdictional." Therefore ephemeral streams as previously verified by the USACE, are non-jurisdictional features.

Ditches were constructed within upland to convey stormwater. These ditches were not constructed within tributaries or adjacent wetlands and are therefore not jurisdictional.