



**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): 5/17/2021

ORM Number: SAS-2020-00847

Associated JDs: SAS-2001-06610 (NWPR AJD issued on 2/3/2021) & SAS-2020-00527 (NWPR AJD issued on 10/5/2020)

Review Area Location¹: State/Territory: GA City: Rincon County/Parish/Borough: Effingham

Center Coordinates of Review Area: Latitude 32.256826 Longitude -81.210597

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
Wetland A	15.1	acre(s)	(b)(1) Non-adjacent wetland.	Wetland A 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, 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.
Wetland B	2.2	acre(s)	(b)(1) Non-adjacent wetland.	Wetland B 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, 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.
Pond 1	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).	Based on review of available information and field observations, the pond was constructed in upland for recreational use.

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 submitted on 11/16/20](#)
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: 1999 & 2018](#)
- ☒ Corps site visit(s) conducted on: [8/18/2020](#)

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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- ☒ Previous Jurisdictional Determinations (AJDs or PJDs): SAS-2001-06610 (NWPR AJD issued on 2/3/2021) & SAS-2020-00527 (NWPR AJD issued on 10/5/2020)
- ☒ Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- ☒ USDA NRCS Soil Survey: 1"=300'; Effingham County, GA
- ☒ USFWS NWI maps: 1"=300'; Rincon, GA Quad
- ☒ USGS topographic maps: 1"=2000'; Rincon, GA quad

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	1"=2000' Rincon quad USGS Topographic Survey 11/12/2020
USDA Sources	1"=300' Effingham County USDA Soil Survey 11/12/2020
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 and the USACE conducted a site visit on 8/18/2020. Using the Atecedent Precipitation Tool Version 1.0, which used rainfall data from the Savannah International Airport weather station, we have determined that normal rainfall conditions were present for the nearest weather station on the date of the site visit as published data was within 30% of the 30 year average.

C. Additional comments to support AJD: The depressional wetlands displayed on the attached map entitled "Approximate Aquatic Resources Sketch" and dated 11/16/2020 are non-adjacent wetlands that meet exclusion (b)(1) of the Navigable Waters Protection Rule (NWPR). This wetlands are >3.3 mile from the nearest TNW (Abercorn Creek) and >3,000 linear feet from the FEMA mapped 100-year flood plain. These wetlands are completely surrounded by uplands or other non-regulated features. Adjacent uplands are approximately 1-3 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.

Non-jurisdictional upland dug Pond 1 is surrounded entirely by upland. The pond was constructed in upland for recreational use. This pond does not contribute surface directly or indirectly to any (a)(1)-(a)(3) waters.