APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

12	CTION I: BACKGROUND INFORMATION REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): November 5, 2021
A.	REPORT COMPLETION DATE FOR AFPROVED JURISDICTIONAL DETERMINATION (JD): November 5, 2021
B.	DISTRICT OFFICE, FILE NAME, AND NUMBER: SAS-2021-00625
C.	PROJECT LOCATION AND BACKGROUND INFORMATION: State:GA County/parish/borough: Bryan City: Richmond Hill Center coordinates of site (lat/long in degree decimal format): Lat. 31.9306° N, Long81.3302° W. Universal Transverse Mercator: NAD 83 Name of nearest waterbody: Sterling Creek Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Ogeechee River Name of watershed or Hydrologic Unit Code (HUC): 0306020403 ☐ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
	Check if other sites (e.g., offsite mitigation sites, disposal sites, etc) are associated with this action and are recorded on a different JD form.
D.	REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY): Office (Desk) Determination. Date: Field Determination. Date(s): 10/18/2021
SE A.	CTION II: SUMMARY OF FINDINGS RHA SECTION 10 DETERMINATION OF JURISDICTION.
	re Are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the lew area. [Required] Waters subject to the ebb and flow of the tide. Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain:
B.	CWA SECTION 404 DETERMINATION OF JURISDICTION.
The	ere Are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]
	1. Waters of the U.S.
	a. Indicate presence of waters of U.S. in review area (check all that apply): TNWs, including territorial seas Wetlands adjacent to TNWs Relatively permanent waters ² (RPWs) that flow directly or indirectly into TNWs Non-RPWs that flow directly or indirectly into TNWs Wetlands directly abutting RPWs that flow directly or indirectly into TNWs Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs Impoundments of jurisdictional waters Isolated (interstate or intrastate) waters, including isolated wetlands
	b. Identify (estimate) size of waters of the U.S. in the review area: Non-wetland waters: linear feet: width (ft) and/or acres. Wetlands: acres.

Elevation of established OHWM (if known):

c. Limits (boundaries) of jurisdiction based on: Not Applicable.

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: (See Section IV.B for more information).

^{2.} Non-regulated waters/wetlands (check if applicable):³

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

TNW

Identify TNW: n/a.

Summarize rationale supporting determination: n/a.

Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": n/a.

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 0 acres Drainage area: 0 acres Average annual rainfall:

inches Average annual snowfall: 0 inches

(ii) Physical Characteristics:

1	(a)	Relationship with TNW:

☐ Tributary flows directly into TNW. ☐ Tributary flows through Pick List tributaries before entering TNW. Project waters are Pick List river miles from TNW. Project waters are Pick List river miles from RPW. Project waters are Pick List aerial (straight) miles from TNW. Project waters are Pick List aerial (straight) miles from RPW. Project waters cross or serve as state boundaries. Explain: Identify flow route to TNW5: Tributary stream order, if known:

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b)	General Tributary Characteristics (check all that apply): Tributary is: Natural Artificial (man-made). Explain: Manipulated (man-altered). Explain:
	Tributary properties with respect to top of bank (estimate): Average width: feet Average depth: feet Average side slopes: Pick List.
	Primary tributary substrate composition (check all that apply): Silts Sands Concrete Cobbles Gravel Muck Bedrock Vegetation. Type/% cover: Other. Explain:
	Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Presence of run/riffle/pool complexes. Explain: Tributary geometry: Pick List Tributary gradient (approximate average slope):
(c)	Flow: Tributary provides for: Pick List Estimate average number of flow events in review area/year: Pick List Describe flow regime: Other information on duration and volume: Surface flow is: Pick List. Characteristics:
	Subsurface flow: Pick List. Explain findings: Dye (or other) test performed:
	Tributary has (check all that apply): Bed and banks OHWM ⁶ (check all indicators that apply): clear, natural line impressed on the bank changes in the character of soil shelving vegetation matted down, bent, or absent leaf litter disturbed or washed away sediment deposition water staining other (list): Discontinuous OHWM. ⁷ Explain:
	If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply): High Tide Line indicated by:
Cha	emical Characteristics: racterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain: https://example.com/racteristics/racte

(iii)

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

	(iv)		ogical Characteristics. Channel supports (check all that apply): Riparian corridor. Characteristics (type, average width): Wetland fringe. Characteristics:
			Habitat for: ☐ Federally Listed species. Explain findings:
			Fish/spawn areas. Explain findings:
			Other environmentally-sensitive species. Explain findings:
			Aquatic/wildlife diversity. Explain findings:
2.	Cha	racte	ristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW
	(i)	Phys	ical Characteristics:
			General Wetland Characteristics:
		Declaration of the	Properties:
			Wetland size: acres
			Wetland type. Explain:
		,	Wetland quality. Explain:
		3	Project wetlands cross or serve as state boundaries. Explain:
		(b)	General Flow Relationship with Non-TNW:
		S S S	Flow is: Pick List. Explain:
			Surface flow is: Pick List
			Characteristics: .
			Subsurface flow: Pick List. Explain findings: .
			Dye (or other) test performed:
		(c)	Wetland Adjacency Determination with Non-TNW:
			Directly abutting
			☐ Not directly abutting
			Discrete wetland hydrologic connection. Explain:
			Ecological connection. Explain:
			Separated by berm/barrier. Explain:
			Proximity (Relationship) to TNW
			Project wetlands are Pick List river miles from TNW.
			Project waters are Pick List aerial (straight) miles from TNW. Flow is from: Pick List.
			Estimate approximate location of wetland as within the Pick List floodplain.
			wayy = man :
	(ii)		nical Characteristics:
			acterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:
			ify specific pollutants, if known:
	(iii)	Biolo	ogical Characteristics. Wetland supports (check all that apply):
	()		Riparian buffer. Characteristics (type, average width):
			Vegetation type/percent cover. Explain:
			Habitat for:
			Federally Listed species. Explain findings:
			Fish/spawn areas. Explain findings:
			Other environmentally-sensitive species. Explain findings:
			Aquatic/wildlife diversity. Explain findings:
3.	Cha	racte	ristics of all wetlands adjacent to the tributary (if any)
			vetland(s) being considered in the cumulative analysis: Pick List
		Appr	oximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N) Size (in acres) Directly abuts? (Y/N) Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1.	TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:		
	TNWs: linear feet width (ft), Or, acres.		
	☐ Wetlands adjacent to TNWs: acres.		
2.	RPWs that flow directly or indirectly into TNWs.		
	Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:		
	Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows		
	seasonally: .		

Provide estimates for jurisdictional waters in the review area (check all that apply): Tributary waters: linear feet width (ft). Other non-wetland waters: acres. Identify type(s) of waters:
3. Non-RPWs ⁸ that flow directly or indirectly into TNWs. Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.
Provide estimates for jurisdictional waters within the review area (check all that apply): Tributary waters: linear feet width (ft). Other non-wetland waters: acres. Identify type(s) of waters:
4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
Provide acreage estimates for jurisdictional wetlands in the review area: acres.
5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs. Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.
Provide acreage estimates for jurisdictional wetlands in the review area: acres.
6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs. Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.
Provide estimates for jurisdictional wetlands in the review area: acres.
7. Impoundments of jurisdictional waters. As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional. Demonstrate that impoundment was created from "waters of the U.S.," or Demonstrate that water meets the criteria for one of the categories presented above (1-6), or Demonstrate that water is isolated with a nexus to commerce (see E below).
ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY): 10 which are or could be used by interstate or foreign travelers for recreational or other purposes. from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. which are or could be used for industrial purposes by industries in interstate commerce. Interstate isolated waters. Explain: Other factors. Explain:
Identify water body and summarize rationale supporting determination:

E.

 ⁸See Footnote # 3.
 9 To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
 10 Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

	Provide estimates for jurisdictional waters in the review area (check all that apply): Tributary waters: linear feet width (ft). Other non-wetland waters: acres. Identify type(s) of waters: Wetlands: acres.
F.	NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY): ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements. ☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce. ☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR). ☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: ☐ Other: (explain, if not covered above):
	Provide acreage estimates for non-jurisdictional waters in the review area, where the <u>sole</u> potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): Non-wetland waters (i.e., rivers, streams): linear feet width (ft). Lakes/ponds: acres. Other non-wetland waters: acres. List type of aquatic resource: Wetlands: 0.66 acres.
	Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): Non-wetland waters (i.e., rivers, streams): linear feet, width (ft). Lakes/ponds: acres. Other non-wetland waters: acres. List type of aquatic resource: Wetlands: acres.
SEC	CTION IV: DATA SOURCES.
A.	SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Mr. Mike DeMell, Terracon Consultants, Inc. Data sheets prepared/submitted by or on behalf of the applicant/consultant. Office concurs with data sheets/delineation report. Office does not concur with data sheets/delineation report. Data sheets prepared by the Corps: Corps navigable waters' study: U.S. Geological Survey Hydrologic Atlas: National Regulatory Viewer. USGS NHD data. USGS 8 and 12 digit HUC maps. U.S. Geological Survey map(s). Cite scale & quad name: USDA Natural Resources Conservation Service Soil Survey. Citation: National wetlands inventory map(s). Cite name: National Regulatory Viewer. State/Local wetland inventory map(s): FEMA/FIRM maps:National Regulatory Viewer, FEMA flood hazard layer. 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929) Photographs: Aerial (Name & Date): or Other (Name & Date): or Other (Name & Date): Or State/Local wetlands inventory size, 20211018. Previous determination(s). File no. and date of response letter: 990011190, 20030630. Applicable/supporting case law: Applicable/supporting scientific literature:
	Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD: Wetland 1, labeled "1" on the exhibit "National Wetland Inventory (NWI) Data, JACP Properties, LP Isolated Wetlands", is a depressional isolated wetland 0.66-ac in size located at 31.9301, -81.3305. The wetland is 557 linear feet from the nearest potentially jurisdictional water, \geq 2.96 miles from the nearest TNW (Ogeechee River) and \pm 1,735 linear feet from the nearest 100 year flood plain. Therefore, during times of heavy precipitation, there is a very low probability that floodwater would reach

an elevation necessary for water to flow from other jurisdictional waters into this feature. The uplands surrounding the wetland are approximately 1-2 foot higher in elevation than the average surface elevation within the wetland. This wetland does not exhibit a natural or man-made discrete and/or confined surface water connection between the subject feature and any other waters. During the site inspection no surface connection such as ditches or swales were found between this wetland and other potentially jurisdictional waters. Further there is no evidence of surface-water flow to or from the feature. Field inspection did not reveal a depressional surface feature between the isolated wetland to the nearest jurisdictional water, where water might flow during a major rainfall event. The upland soils located between the isolated wetland and the nearest jurisdictional wetland are mapped as Pelham Loamy Sand (PD). A shallow subsurface connection cannot be documented due to the distance from the isolated wetland to the nearest potentially jurisdictional water. Based on observed site conditions, it appears that any subsurface flow would occur from the upland into the wetland. Based on this discussion, it appears that there is no hydrologic connectivity to adjacent hydrologic systems because of natural landscape positions. Wetland 1 (0.66-ac) has no surface or subsurface hydrologic connectivity to other jurisdictional waters and is therefore considered to be isolated and non-jurisdictional.



Photo 1: AA-6 Wetland Data Form Location



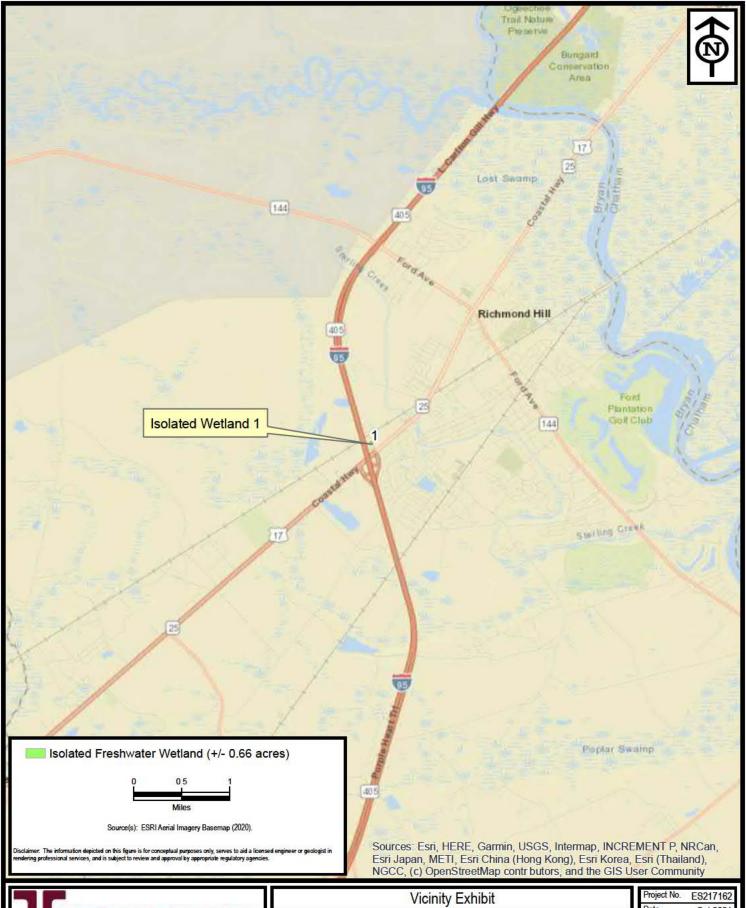
Photo 2: AA-6 Upland Data Form Location



Isolated Wetland Photos

JACP Properties, LP - Isolated Wetland

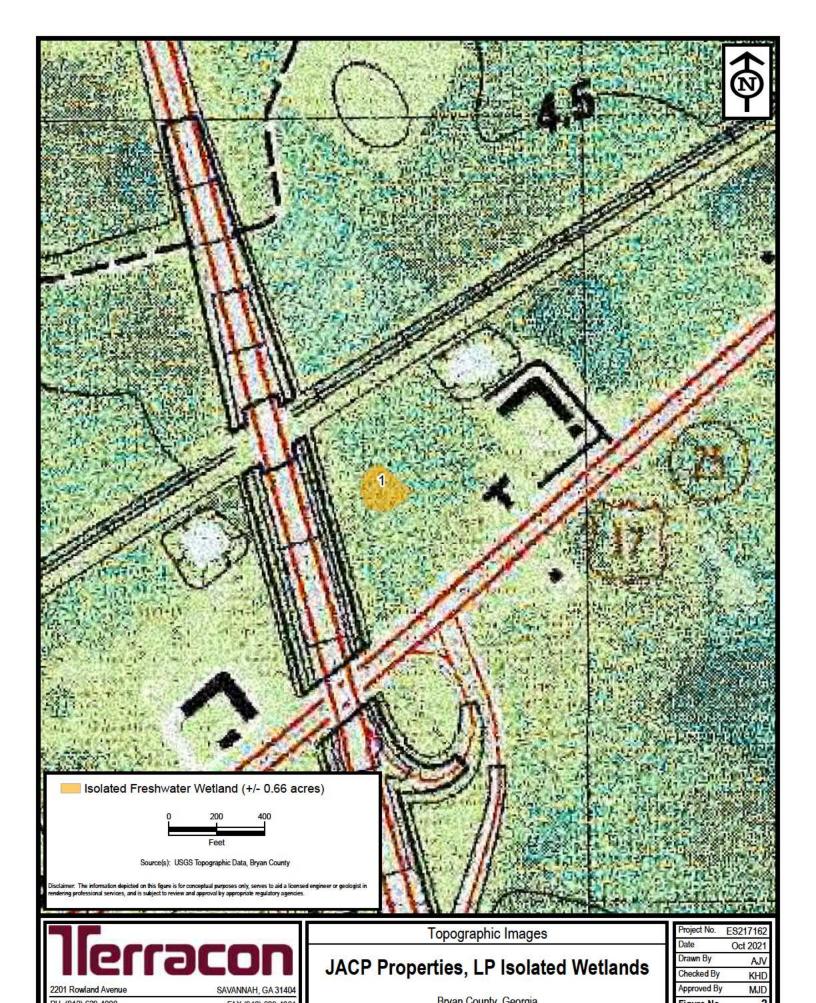
Figure No.	PS-1
Checked By	KHD
Drawn By	AJV
Date	Oct 2021
Project No.	ES217162

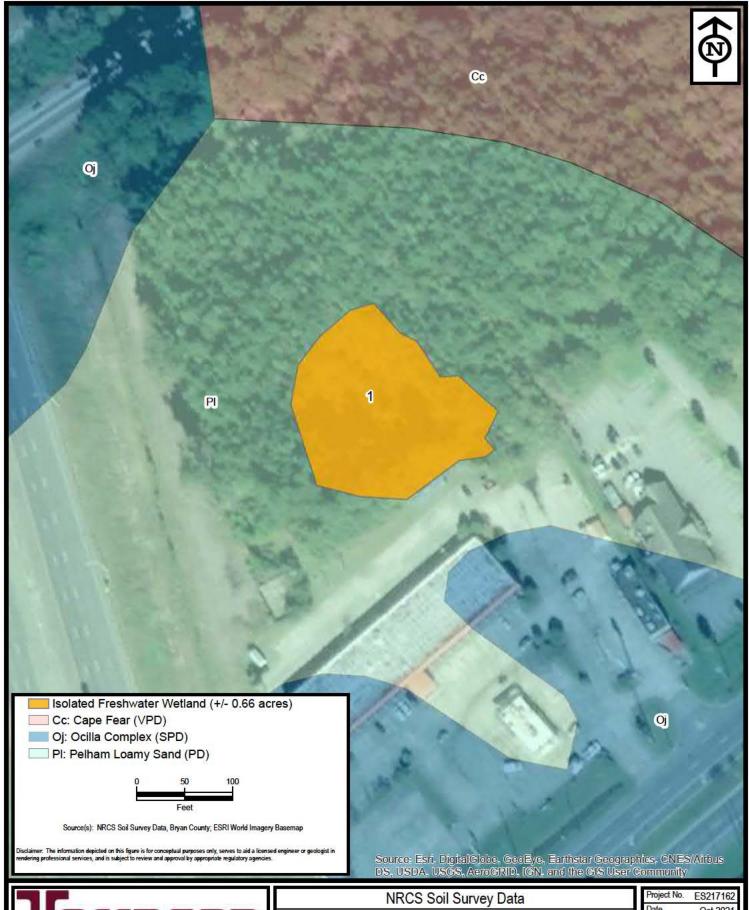


2201 Rowland Avenue SAVANNAH, GA 31404 PH. (912) 629-4000 FAX (912) 629-4001

JACP Properties, LP Isolated Wetlands

Project No.	ES217162
Date	Oct 2021
Drawn By	AJV
Checked By	KHD
Approved By	MJD
Figure No.	1

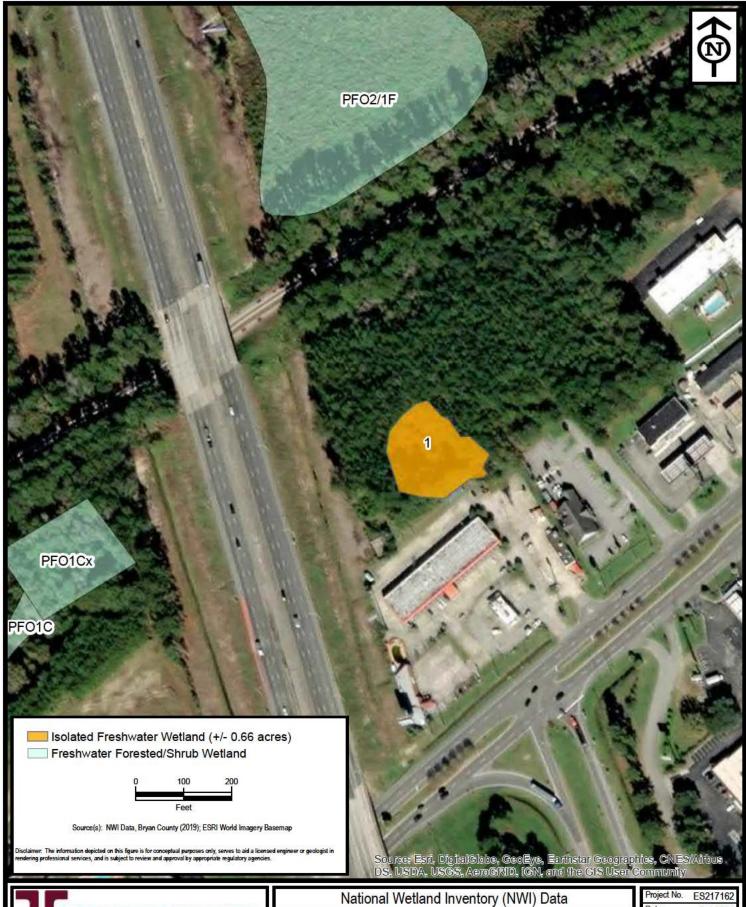






JACP Properties, LP Isolated Wetlands

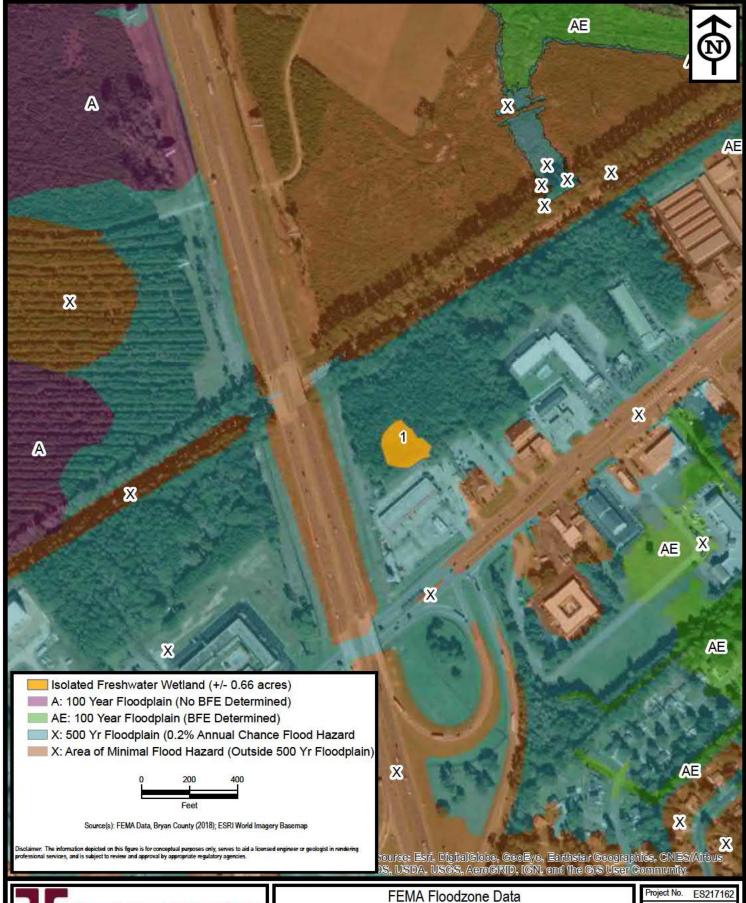
Figure No.	3
Approved By	MJD
Checked By	KHD
Drawn By	AJV
Date	Oct 2021
Project No.	ES217162





JACP Properties, LP Isolated Wetlands

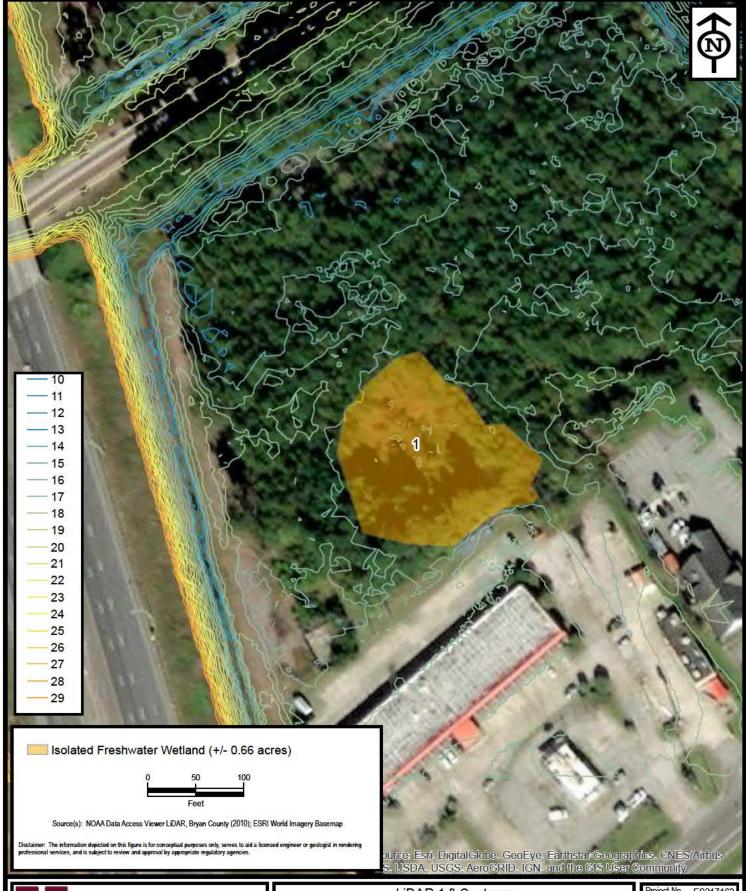
Figure No.	3
Approved By	MJD
Checked By	KHD
Drawn By	AJV
Date	Oct 2021
Project No.	ES217162





JACP Properties, LP Isolated Wetlands

Figure No.	5
Approved By	MJD
Checked By	KHD
Drawn By	AJV
Date	Oct 2021
Project No.	ES217162

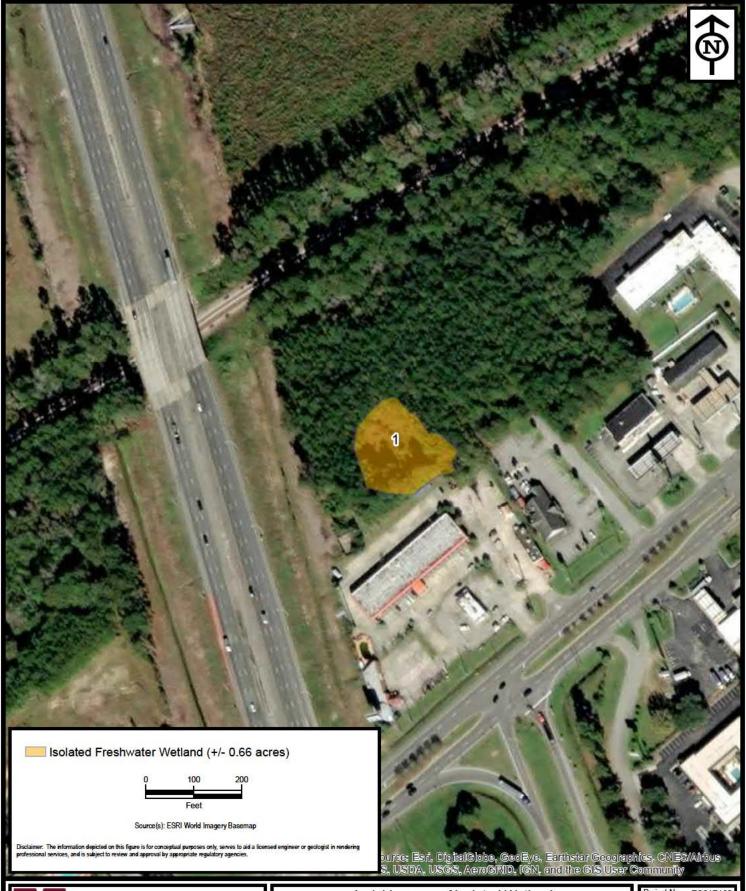




LiDAR 1 ft Contours

JACP Properties, LP Isolated Wetlands

Project No.	ES217162
Date	Oct 2021
Drawn By	AJV
Checked By	KHD
Approved By	MJD
Figure No.	6





Aerial Imagery of Isolated Wetland

JACP Properties, LP Isolated Wetlands

Project No.	ES217162
Date	Oct 2021
Drawn By	AJV
Checked By	KHD
Approved By	MJD
Figure No.	7

Flagging Number	Lat.	Long.		
aa1start=aa18end	31.93000898	-81.3302244		
aa2	31.92989833	-81.3304011		
aa3	31.92990836	-81.3305569		
aa4	31.92994134	-81.3307028		
aa6	31.93017323	-81.3307887		
aa6	31.93028705	-81.330763		
aa7	31.93036887	-81.3306878		
aa8	31.93044267	-81.3305869		
aa9	31.93046216	-81.3305073		
aa10	31.93037539	-81.3304186		
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aa12	31.93024915	-81.3302856		
aa13	31.93025192	-81.3302236		
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aa17	31.93002349	-81.3300886		
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ab6	31.93084256	-81.3306802		
ab7	31.93089497	-81.3306095		
ab8	31.93093765	-81.3304594		
ab9	31.93104247	-81.3304555		
ab10	31.93102102	-81.3306462		
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ac5	31.93069474	-81.3294086		
ac6	31.93063679	-81.3294766		
ac7	31.93066888	-81.3295426		
ac8	31.93075782	-81.3295089		
ac9	31.93077753	-81.3294689		
ac10	31.93082784	-81.3294356		
ac11	31.93089529	-81.3294591		
ac12	31.93096752	-81.329451		

ENVIRONMENTAL SERVICES, INC.

THIRD FLOOR 204 WEST ST. JULIAN STREET SAVANNAH, GEORGIA 31401

(912) 236-4711

4 July 2004

Coldbrook Properties, Inc. Attention: Mr. Chris Wynn 7130 Hodgeson Memorial Drive Suite 204 Savannah, Georgia 31406

RE: Wetland Jurisdictional Verification for 6.76-ac. Portion of White Oak Plantation Richmond Hill, Bryan County, Georgia
Regulatory Branch No. 990011190
ESI# ES03016.00

Dear Mr. Wynn:

Attached is a copy of the verification letter from the U.S. Army Corps of Engineers (CE), dated June 30, 2003, regarding the above-referenced project site located in Bryan County, Georgia.

CE agrees with the delineation performed by Environmental Services, Inc. (ESI). The wetlands identified as Wetland Areas B and C, as depicted on the survey titled Wetlands Survey, A 6.76 Acre Portion Of White Oak Plantation, 20th G.M. District, Richmond Hill, Bryan County, Georgia, For: First City Properties, dated December 7, 1999, are non-isolated, jurisdictional waters of the U.S. Disturbance to these areas would require prior authorization from CE. This delineation will remain valid for a period of five (5) years, June 30, 2008, unless new information warrants revision prior to that date and would require prior Department of the Army authorization pursuant to section 404.

Additionally, CE also agrees with ESI's delineation that Wetland Area A, as shown on the above-referenced survey, is isolated and non-jurisdictional, and does not require prior authorization.

If you have any questions, please feel free to call.

Sincerely yours,

ENVIRONMENTAL SERVICES, INC.

Michael J. DeMell

Vice President

MD/xa ES03016.00/client/criffo (July 2003)



DEPARTMENT OF THE ARMY

SAVANNAH DISTRICT, CORPS OF ENGINEERS P.O. BOX 889 SAVANNAH, GEORGIA 31402-0889

JUN 3 0 2003

REPLY TO

Regulatory Branch 990011190

Coldbrook Properties, Inc. Attention: Mr. Chris Wynn 7130 Hodgeson Memorial Drive Suite 204 Savannah, Georgia 31406

Dear Sirs:

I refer to the request of April 11, 2003, provided on your behalf by Environmental Services, Inc. concerning a jurisdictional determination for your site located immediately north of US Highway 17 and approximately 100 feet east of Interstate Highway 95, in Richmond Hill, Bryan County, Georgia. I also refer to a site inspection by Kelly Hendricks of this office, on May 7, 2003. This project has been assigned number 990011190 and it is important that you refer to this number in all communication concerning this matter.

As stipulated in the January 9, 2001, United States Supreme Court decision on Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers, the US Army Corps of Engineers cannot assert Clean Water Act jurisdiction over isolated, non-navigable, intrastate waters based solely on their use as habitat for migratory birds. In light of this decision, your consultant provided the opinion that several wetlands located on the subject tract are non-jurisdictional.

We have reviewed the information under criteria contained in the 1987 "Corps of Engineers Wetland Delineation Manual." The survey entitled "WETLANDS SURVEY, A 6.76 ACRE PORTION OF WHITE OAK PLANTATION, 20th G.M. DISTRICT, RICHMOND HILL, BRYAN COUNTY, GEORGIA, FOR: FIRST CITY PROPERTIES", dated December 7, 1999, is still an accurate depiction of the wetland boundaries. Based on our review and my site inspection, we have determined that Wetland Areas B and C, as shown on the referenced survey are non-isolated, jurisdictional waters of the United States and are within the jurisdiction of Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344). The placement of dredged or fill material into jurisdictional waterways and/or their adjacent wetlands or mechanized land clearing of those wetlands would require prior Department of the Army authorization pursuant to section 404.

We also determined that Wetland Area A is isolated and non-jurisdictional. Department of the Army authorization, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), is not required for dredge and/or fill activities in this area.

If you have not already done so, I recommend that you label the wetlands appropriately as either non-jurisdictional or jurisdictional wetlands and place a statement on the final surveyed property plat to the effect that "JURISDICTIONAL WETLANDS SHOWN ON THIS PLAN ARE UNDER THE JURISDICTION OF THE US ARMY CORPS OF ENGINEERS.

OWNERS MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO THESE JURISDICTIONAL WETLAND AREAS WITHOUT PROPER AUTHORIZATION." This delineation will remain valid for a period of 5 years unless new information warrants revision prior to that date.

This delineation/determination has been conducted to identify the limits of the US Army Corps of Engineers' Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are US Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

If you intend to sell property that is part of a project that requires Department of the Army Authorization, it may be subject to the Interstate Land Sales Full Disclosure Act. The Property Report required by Housing and Urban Development Regulation must state whether or not a permit for the development has been applied for, issued or denied by the US Army Corps of Engineers (Part 320.3(h) of Title 33 of the Code of Federal Regulations). You may contact the Department of Housing and Urban Development at the address provided to avoid a possible violation of this act.

This communication does not convey any property rights, either in real estate or material, or any exclusive privileges. It does not authorize any injury to property, invasion of rights, or any infringement of federal, state or local laws, or regulations. It does not obviate your requirement to obtain state or local assent required by law for the development of this property. If the information you have submitted, and on which the US Army Corps of Engineers has based its determination is later found to be in error, this decision may be revoked.

We have enclosed a form, which explains your right to appeal this decision in accordance with Title 33, Code of Federal Regulations, Part 331, published in the March 28, 2000, Federal Register, Vol. 65, No. 60, Pages 16486-16503. We have also enclosed a document titled, "Basis For Jurisdictional Determination."

If you have any further questions or concerns pertaining to this matter, please feel free to contact Kelly N. Hendricks, of my staff at (912) 652-5130.

Sincerely,

Multiple Addigm Richard C. Morgan Chief, Southern Section

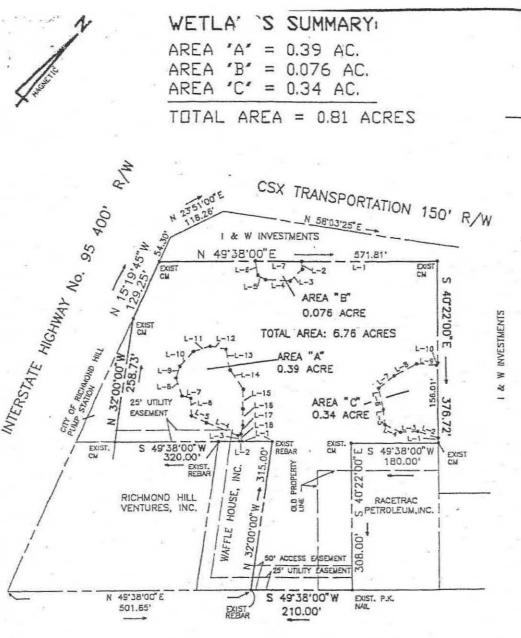
Enclosures

Copy Furnished:

Department of Housing and Urban Development, Regional Office Environmental Branch 75 Spring Street Atlanta, Georgia 30303

Bryan County Board of Commissioners
Department of Planning and Zoning
Attention: Christine Stringer, Planning Director
Post Office Box 1071
Pembroke, Georgia 31321

Mr. Michael J. DeMell, Vice President Environmental Services, Inc. 204 West St. Julian Street, Third Floor Savannah, Georgia 31401

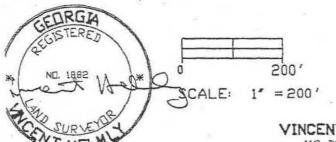


U.S. HIGHWAY NO. 17 200' R/W

WETLANDS SURVEY

A 6.76 ACRE PORTION OF WHITE OAK PLANTATION, 20th G.M. DISTRICT, RICHMOND HILL, BRYAN COUNTY, GEORGIA

FIRST CITY PROPERTIES 'OR:



NOTE:

1. WETLANDS LIMITS DELINEATED BY ENVIRONMENTAL SERVICES, INC. MAY 1999.

BOARD COASTLINE RAILROAD

SITE

50

DISTANCE

61.65

68.28

32.82"

35,95

18.55

38.89

25.82

41.79

34.73

31.98

44.24

48.55

40.72

33.58

18.92"

15.97

DISTANCE

279.96

16.50

34.81'

51.86'

18.22"

29.02"

96.28

DISTANCE

10.68

44.91

35.39"

35.14 32.11

44.70"

41.23

52.22

41.96"

5.10"

5.88 12.87

MAP

VICINITY

N.T.5.

AREA "A"

BEARING

49'38'00"W

49"38'00"W

53'28'05"W

73'05'25"W

76'25'50"W

42'24'10"W

65'54'15"W

58'38'45"W

22'45'35"W

01'47'15"E

31'46'25"E

51'32'45"E

73'36'05" E

39'57'05"E

AREA "B"

49'38'00"W

45'30'30" E

52'04'35"W

79'47'35"W

49'27'45"W

AREA "C"

40°22'00"W

67"59'05"W

46"48"00"W

76'03'00"W

45"49"55"W

11'21'35"E

20"18'00"E

53'57'45"E

N 09'56'05"W

N 49'38'00"E

BEARING

S 06'58'35"W

N 61'03'05"E

S 38'55'20"E

S 26'40'15"E

S 48'42'10"E

BEARING

S

5

S

N

L-2

L-3

L-6

L-8

L-9

L-11

L-12

L-13

L-14

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COURSE .

L-2

L-3

L-4

L-6

COURSE

L-2

1-7

L-9

1-10

5

S

2. THIS SUBJECT PROPERTY CONTAINS WETLANDS UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS. DISTURBANCE TO THESE WETLAND AREAS WITHOUT PROPER AUTHORIZATION MAY RESULT IN PENALTY BY LAW.

VINCENT HELMLY 119 BURTON ROAD SAVANNAH, GEORGIA 31405

DATE: DECEMBER 7, 1999 JOB NO. 99-242

DISC.# 69

BASIS FOR JURISDICTIONAL DETERMINATION 990011190

We reviewed the information provided by the applicant's consultant and all other information available regarding the site and determined that the wetlands were delineated in accordance with 1987 "Corps of Engineers Delineation Manual." Based on this review, as well as a review of aerial photographs, soils maps, etc, in accordance with 33 CFR 328.3 to determine if the wetland areas are subject to our jurisdiction under Section 404 of the Clean Water Act, we determined that the Wetland Areas B and C would be subject to our jurisdiction pursuant to Section 404 of the Clean Water Act since they are adjacent to and/or have a surface connection to a tributary to Sterling Creek. Impacts to these wetlands would have the potential to affect interstate or foreign commerce since these waters eventually flow into a navigable water of the United States. We also determined that Wetland Area A on the plat map is isolated and has no surface connection to any other water of the United States. This area is non-jurisdictional since impacts to the site would not affect interstate or foreign commerce.

NOTHIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

			《美国大学》	
Appl	licant: Coldbrook Properties, Inc.	Date: 30 Jun 2003		
Attached is:			See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) PROFFERED PERMIT (Standard Permit or Letter of permission) PERMIT DENIAL		A	
			В	
			C	
X	APPROVED JURISDICTIONAL DETERMINATION		D	
	PRELIMINARY JURISDICTIONAL DE	TERMINATION	Е	

SECTION 1 - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://usace.army.mil/inet/functions/cw/ceewo/reg or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final
 authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your
 signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights
 to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final
 authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your
 signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights
 to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you
 may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this
 form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the
 date of this notice.
- C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.
- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the
 date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative
 Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received
 by the division engineer within 60 days of the date of this notice.
- E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION III - REQUEST FOR APP	EAL OF OBJECTIO	NS TO AN IN	TIAL PRO					
SECTION III- REQUEST FOR APPEAL or OBJECTIONS, TO AN INITIAL PROFFERED PERMIT REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an								
initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons								
or objections are addressed in the administra	ative record.)							
	BET NOTE OF THE PERSON OF THE				:6:			
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ADDITIONAL INFORMATION: The appe	eal is limited to a review	of the administrati	irra managed tha	Co				
record of the appeal conference or meeting,								
clarify the administrative record. Neither th	e appellant nor the Corp	s may add new inf	formation or a	nalyses to the record.	However,			
you may provide additional information to c			ready in the ac	dministrative record.	The second second			
POINT OF CONTACT FOR QUES	SALIS AND ASSESSMENT OF THE PROPERTY OF THE PARTY OF THE	一日本は日本の日本の日本の日本日本日本日本日本日本日本日本日本日本日本日本日本日本						
If you have questions regarding this decision process you may contact:		If you only have q also contact:	uestions regar	ding the appeal proces	s you may			
Kelly N. Hendricks			eton. Administ	trative Appeal Review	Officer			
		Mr. Arthur Middleton, Administrative Appeal Review Officer CESAD-ET-CO-R						
		U.S. Army Corps of Engineers, South Atlantic Division						
P.O. Box 889 Savannah, Georgia 31402		60 Forsyth Street, Atlanta, Georgia						
Savainian, Georgia 51402		Atlatita, Georgia	00303-8801					
RIGHT OF ENTRY: Your signature below	grants the right of entry	to Corps of Engin	eers personne	l, and any government				
consultants, to conduct investigations of the	project site during the c	ourse of the appea	l process. Yo	u will be provided a 15	day			
notice of any site investigation, and will have			nvestigations.	Theorem 1877 In the Committee of the Com				
		Date:		Telephone number	er:			
Signature of appellant or agent.	_							
DIVISION ENGINEER:								
Commander								
TIC I DILL C								

Commander U.S. Army Engineer Division, South Atlantic 60 Forsyth Street, Room 9M15 Atlanta, Georgia 30303-3490

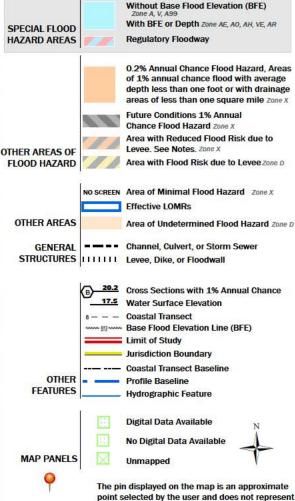
National Flood Hazard Layer FIRMette





Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

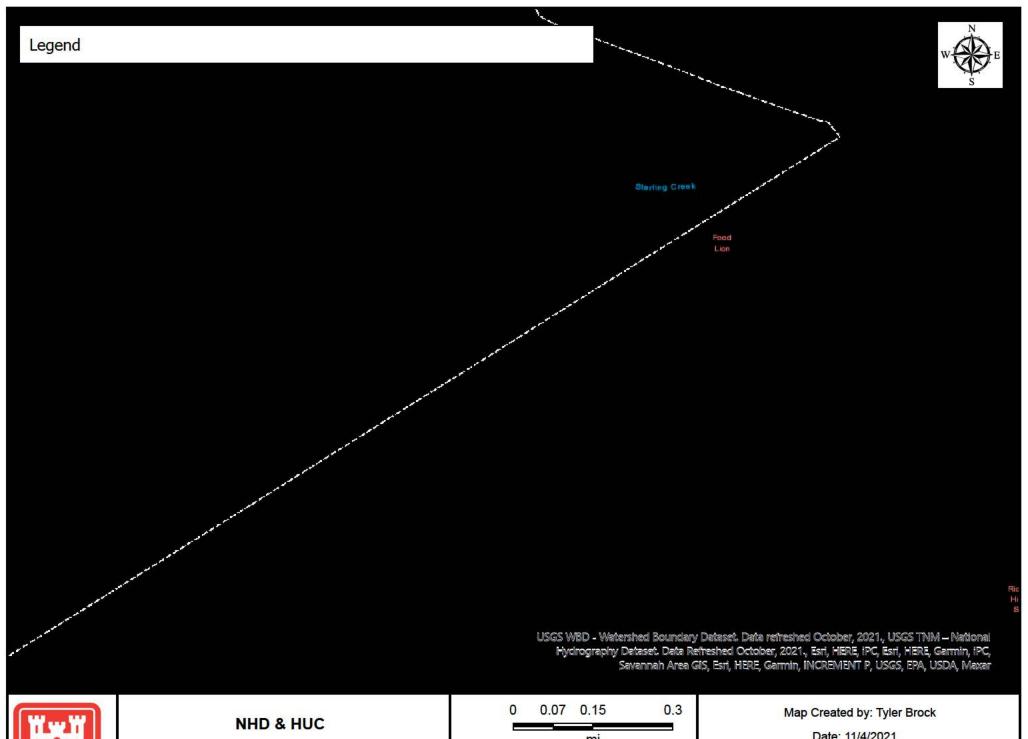


This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 11/3/2021 at 4:30 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

an authoritative property location.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



mi Map Center: 81.330158°W 31.931525°N Date: 11/4/2021

Coordinate System: WGS 1984 Web Mercator Auxiliary

Sphere