



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT
100 W. OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31401-3604

February 18, 2022

Regulatory Division
SAS-2022-00163

Mr. Joe Conners
C Core Properties LLC
Post Office Box 9944
Savannah, Georgia 31412

Dear Mr. Conners:

I refer to a letter dated February 17, 2022, submitted on your behalf by Resource & Land Consultants, requesting an approved Jurisdictional Determination (JD) for a 1.45 acre site located east of Chatham Parkway and north of West Chatham Court, in the city of Savannah, Chatham County, Georgia (Latitude 32.08543, Longitude -81.15764). -his project has been assigned number SAS-2022-00163 and it is important that you refer to this number in all communication concerning this matter.

We have completed an approved JD for this site. Any wetlands on-site were delineated in accordance with criteria contained in the 1987 "Corps of Engineers Wetland Delineation Manual," as amended by the most recent regional supplements to the manual. I have enclosed an "Approved JD Form," which details whether aquatic resources present on the site are subject to the jurisdiction of the U.S. Army Corps of Engineers and how the Corps determined jurisdiction.

The review area as depicted on the enclosed exhibit entitled, "Color Ortho Aerial Photography Prepared For: Roberts Oxygen Company, Inc.", dated February 17, 2022 is comprised entirely of dry land. There are no waters or water features, including wetlands, of any kind in the entire review area. The placement of dredged or fill material within the review area would not require prior Department of the Army authorization pursuant to Section 404 of the Clean Water Act (33 United States Code § 1344).

This approved JD will remain valid for a period of 5-years unless new information warrants revision prior to that date. You may request an administrative appeal for any approved JD under the Corps regulations at 33 Code of Federal Regulations (CFR) Part 331. Enclosed you will find a Notification of Administrative Appeal Options and Process and Request for Appeal form.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic

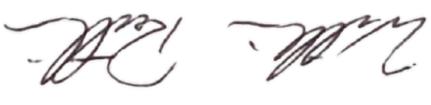
resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, 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 U.S. Army Corps of Engineers (Part 320.3(h) of Title 33 of the CFR). 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 U.S. Army Corps of Engineers has based its determination is later found to be in error, this decision may be revoked.

Thank you in advance for completing our on-line Customer Survey Form located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>. We value your comments and appreciate your taking the time to complete a survey each time you have interaction with our office.

If you have any questions, please contact me by telephone at 912-652-5893, or by email at william.m.rutlin@usace.army.mil.

Sincerely,



William Rutlin
Chief, Coastal Branch

Copy Furnished: Dan Bucey, RLC

Enclosures

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS
AND REQUEST FOR APPEAL**

| | | | |
|-------------------------------------|--|-----------------------------|-------------------------|
| Applicant: Joe Conners | | File Number: SAS-2022-00163 | Date: February 18, 2022 |
| Attached is: | | See Section below | |
| <input type="checkbox"/> | INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) | A | |
| <input type="checkbox"/> | PROFFERED PERMIT (Standard Permit or Letter of permission) | B | |
| <input type="checkbox"/> | PERMIT DENIAL | C | |
| <input checked="" type="checkbox"/> | APPROVED JURISDICTIONAL DETERMINATION | D | |
| <input type="checkbox"/> | PRELIMINARY JURISDICTIONAL DETERMINATION | E | |

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx 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. The division engineer must receive this form 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 II - 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 administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
William Rutlin
U.S. Army Corps of Engineers, Savannah District
100 W. Oglethorpe Avenue, Savannah, Georgia 31401

Phone: (912) 652-5893
Email: william.m.rutlin@usace.army.mil

If you only have questions regarding the appeal process you may also contact:
Mr. Philip Shannin
Administrative Appeal Review Officer
CESAS-PDS-O
60 Forsyth Street Southwest, Floor M9
Atlanta, Georgia 30303-8803

Phone: (404) 562-5136; Fax: (404) 562-5138
Email: philip.a.shannin@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
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.

SECTION I: BACKGROUND INFORMATION

- A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** *February 18, 2022*
- B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Savannah District, SAS-2022-00163C Core Properties LLC Lot 14 W. Chatham Business Park
- C. PROJECT LOCATION AND BACKGROUND INFORMATION:**
State: *Choose an item* County/parish/borough: Chatham City: Savannah
Center coordinates of site (lat/long in degree decimal format): Lat. 32.08543 °, Long. -81.15764 °
Universal Transverse Mercator: *Click here to enter text.*
Name of nearest waterbody: Savannah Ogeechee Canal
Name of watershed or Hydrologic Unit Code (HUC): Lower Savannah 03060109
 Check if map/diagram of review area is 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: *February 18, 2022*
 Field Determination. Date(s): *Click here to enter a date.*

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are **no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

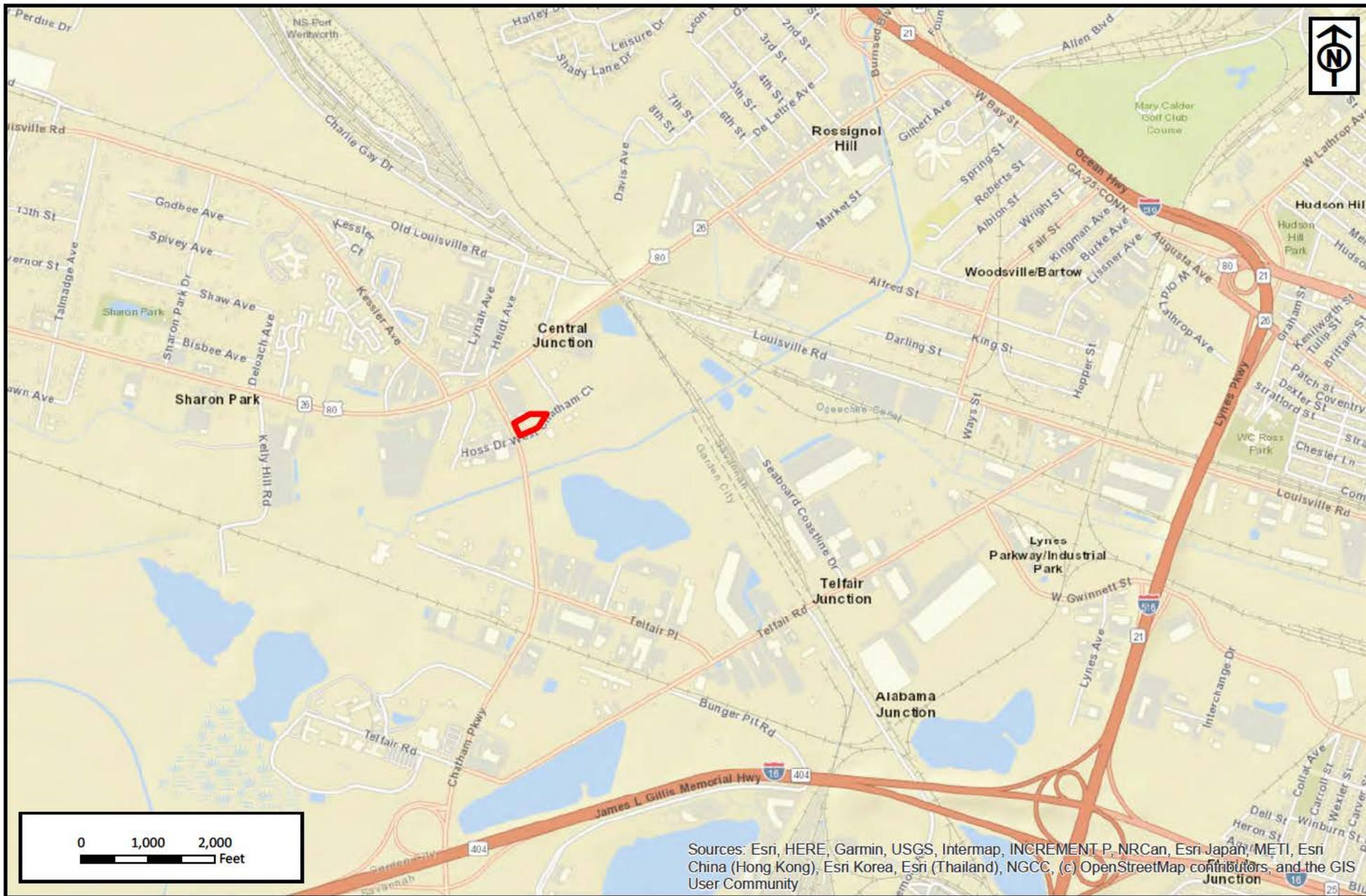
There are **no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: 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: Plat by
 - 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: *Click here to enter text.*
 - U.S. Geological Survey Hydrologic Atlas: Lower Savannah 03060109
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
 - U.S. Geological Survey map(s). Cite scale & quad name: Figure 2, 1:2,000' Chatham County GA
 - USDA Natural Resources Conservation Service Soil Survey. Citation: Figure 3; 1:200' Chatham Co. GA
 - National wetlands inventory map(s). Cite name: Figure 4; 1:200'
 - State/Local wetland inventory map(s): *Click here to enter text.*
 - FEMA/FIRM maps: FIRM Panel 13051C0135F Zone X
 - 100-year Floodplain Elevation is: *Click here to enter text.* (National Geodetic Vertical Datum of 1929)
 - Photographs: Aerial (Name & Date): 1999 CIR & 2015 Ortho (Figure 5 & 6)
 or Other (Name & Date): Site photographs 2/17/22
 - Previous determination(s). File no. and date of response letter: *Click here to enter text.*
 - Applicable/supporting case law: *Click here to enter text.*
 - Applicable/supporting scientific literature: *Click here to enter text.*
 - Other information (please specify): *Click here to enter text.*

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: Subject lot located within existing light industrial complex surrounded by development. Site was cleared and graded during construction of the business park and has been maintained by periodic mowing. No waters of the U.S. or other aquatic resources are present on the subject lot.

¹ This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.



RLC Project No.: 15-095.3
 Figure No.: 1
 Sketch Date: February 17, 2022
 Prepared By: DB
 Map Scale : 1 inch = 2,000 feet

C Core Properties LLC
 Chatham County, Georgia

Location Map

Prepared For: Roberts Oxygen Company, Inc.



**RESOURCE+LAND
 CONSULTANTS**

41 Park of Commerce Way, Ste 101
 Savannah, GA 31405
 tel 912.443.5896 fax 912.443.5898



RLC Project No.: 15-095.3
 Figure No.: 5
 Sketch Date: February 17, 2022
 Prepared By: DB
 Map Scale : 1 inch = 200 feet

C Core Properties LLC
 Chatham County, Georgia

**Color Ortho
 Aerial Photograph**

Prepared For: Roberts Oxygen Company, Inc.



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