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

SAS-OD-RD June 18, 2024

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023) ,[1]SAS-2024-00136[2]

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.[3] AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.[4] For the purposes of this AJD, we have relied on section 10 of the Rivers and Harbors Act of 1899 (RHA),[5] the Clean Water Act (CWA) implementing regulations published by the Department of the Army in 1986 and amended in 1993 (references 2.a. and 2.b. respectively), the 2008 *Rapanos-Carabell* guidance (reference 2.c.), and other applicable guidance, relevant case law and longstanding practice, (collectively the pre-2015 regulatory regime), and the *Sackett* decision (reference 2.d.) in evaluating jurisdiction.

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. The features addressed in this AJD were evaluated consistent with the definition of “waters of the United States” found in the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. This AJD did not rely on the 2023 “Revised Definition of ‘Waters of the United States,’” as

[1] While the Supreme Court’s decision in *Sackett* had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.
[2] When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, interstate water, or territorial seas that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).
[3] 33 CFR 331.2.
[4] Regulatory Guidance Letter 05-02.
[5] USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

amended on 8 September 2023 (Amended 2023 Rule) because, as of the date of this decision, the Amended 2023 Rule is not applicable Georgia due to litigation.

1. SUMMARY OF CONCLUSIONS.

   a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).

Aquatic Resource Name	Jurisdictional Status	Section 404/Section 10 or None
Stream 1	JD	Section 404
Stream 2	JD	Section 404
Stream 3	JD	Section 404
Stream 4	JD	Section 404
Stream 5	Non-JD	N/a
Wetland 1	JD	Section 404
Wetland 2	JD	Section 404
Wetland 3	Non-JD	None
Wetland 4	JD	Section 404
Wetland 5	Non-JD	None
Wetland 6	Non-JD	None
Wetland 7	JD	Section 404
Wetland 8	JD	Section 404
Wetland 9	JD	Section 404
Wetland 10	Non-JD	None
Wetland 11	JD	Section 404
Wetland 12	Non-JD	None
Wetland 13	Non-JD	None
Wetland 14	Non-JD	None
Wetland 15	Non-JD	None
Wetland 16	Non-JD	None
Wetland 17	Non-JD	None
Wetland 18	Non-JD	None
Wetland 19	Non-JD	None
Wetland 20	Non-JD	None
Wetland 21	Non-JD	None

Wetland 22	Non-JD	None
Wetland 23	Non-JD	None
Wetland 24	Non-JD	None
Wetland 25	Non-JD	None
Wetland 26	Non-JD	None
Wetland 27	Non-JD	None
Wetland 28	Non-JD	None
Wetland 29	Non-JD	None
Wetland 30	Non-JD	None
Wetland 31	Non-JD	None
Wetland 32	Non-JD	None
Wetland 33	Non-JD	None
Wetland 34	Non-JD	None
Wetland 35	Non-JD	None
Wetland 36	Non-JD	None
Wetland 37	JD	Section 404
Wetland 38	JD	Section 404
Wetland 39	Non-JD	None
Wetland 40	JD	Section 404
Wetland 41	JD	Section 404
Wetland 42	Non-JD	None
Wetland 43	Non-JD	None
Wetland 44	Non-JD	None
Wetland 45	Non-JD	None
Wetland 46	Non-JD	None
Wetland 47	JD	Section 404
Wetland 48	JD	Section 404
Ditch 1	JD	Section 404
Ditch 2	JD	Section 404
Open Water 1	JD	Section 404

2. REFERENCES.

   a. Final Rule for Regulatory Programs of the Corps of Engineers, 51 FR 41206 (November 13, 1986).

   b. Clean Water Act Regulatory Programs, 58 FR 45008 (August 25, 1993).

c. U.S. EPA & U.S. Army Corps of Engineers, Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States & Carabell v. United States* (December 2, 2008)

d. *Sackett v. EPA*, 598 U.S. _, 143 S. Ct. 1322 (2023)

3. REVIEW AREA.
A. Project Are Size (in acres): 2,457
B. Center Coordinates of the Project Site (in decimal degrees)
Latitude: 31.706064 Longitude:-81.659445
C. Nearest City or Town: Ludowici
D. County: Long
E. State: Georgia

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), INTERSTATE WATER, OR THE TERRITORIAL SEAS TO WHICH THE AQUATIC RESOURCE IS CONNECTED.

A. Name of nearest downstream TNW, Territorial Sea or interstate water:

The nearest TNW to the project area is the Altamaha River, which is ~8.63 miles southwest of the site.

Another TNW that waters from the project area flow to is the South Newport River, which is ~13.95 miles south east of the site.

B. Determination based on: This determination was made based on a review of desktop data resources listed in Section 9 of this memorandum and a field visit conducted on May 7, 2024, a review of the SAS Section 10 list (for a water body that is navigable-in-fact under federal law for any purpose (such as Section 10, RHA), that water body categorically qualifies as a Section 404 "traditional navigable water" subject to CWA jurisdiction under 33 CFR 328.3(a)(1)).

5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS

Streams 1 is a relatively permanent water (RPW) and is an unnamed tributary to Doctors Creek, an RPW. Doctors Creek is a tributary to the Altamaha River, a traditionally navigable water (TNW). The Ordinary High Water Mark (OHWM) of

Stream 1 was indicated by the following physical characteristics: natural line impressed on the bank, shelving, absence of vegetation, scour, and bed and banks.

Stream 2 is a RPW and is a tributary to Stream 1. Stream 2's flow path would follow the same aforementioned flow path to the Altamaha River for Stream 1. The Ordinary High Water Mark (OHWM) of Stream 2 was indicated by the following physical characteristics: natural line impressed on the bank, shelving, absence of vegetation, scour, and bed and banks.

Stream 3 is a RPW that flows through Wetland 2 and loses channelization and disperses through Wetland 2. Wetland 2 abuts and is contiguous with Stream 4. The flowpath would follow Stream 4's flowpath (described below) connecting Stream 3 to the Altamaha River. The Ordinary High Water Mark (OHWM) of Stream 3 was indicated by the following physical characteristics: natural line impressed on the bank, shelving, absence of vegetation, scour, and bed and banks.

Streams 4 is a relatively permanent water (RPW) and is an unnamed tributary to Goose Run Creek (RPW), which is a tributary to Doctors Creek, an RPW. Doctors Creek is a tributary to the Altamaha River, a traditionally navigable water (TNW). The Ordinary High Water Mark (OHWM) of Stream 4 was indicated by the following physical characteristics: natural line impressed on the bank, shelving, absence of vegetation, scour, and bed and banks.

All wetlands onsite meet the hydrophytic vegetation, wetland hydrology, and hydric soil criteria of the 1987 Corps of Engineers Wetland Delineation Manual and the Coastal and Gulf Plains Regional Supplement and are contiguous with the unnamed tributary.

Wetland 1 abuts and is contiguous with Stream 1(an RPW), which is an unnamed tributary (UNT) to Doctors Creek, an RPW. Doctors Creek is a tributary to the Altamaha River, a traditionally navigable water (TNW).

Wetland 2 abuts and is contiguous with Stream 3, and Stream 4 (RPW) and is an unnamed tributary to Goose Run Creek (RPW), which is a tributary to Doctors Creek, an RPW. Doctors Creek is a tributary to the Altamaha River, a traditionally navigable water (TNW). thus the wetland has a CSC to the Altamaha River.

Wetland 4 is part of a larger wetland system that continues to the west outside of the review area and abuts Doctors Creek, an RPW. Doctors Creek is a tributary to the Altamaha River, a traditionally navigable water (TNW).

Wetlands 7, 8 and 9 abut and are contiguous with an UNT to the Southport River (outside of the review area), an RPW, which is a tributary to the Southport River a TNW.

Wetlands 37 and 38 are contiguous and abut to Ditch 1, an RPW, that flows and is contiguous with Wetland 2. Wetland 2 abuts and is contiguous with Stream 4, an RPW, which is a tributary to Goose Run Creek a RPW, which is tributary to the Altamaha River a TNW.

Wetlands 40 and 41 are contiguous and abut Ditch 2, an RPW, which flows into and is contiguous with Wetland 2. Wetland 2 is contiguous and abuts Stream 4, an RPW, which is a tributary to Goose Run Creek a RPW/wetland complex, which is tributary to the Altamaha River a TNW.

6. SECTION 10 JURISDICTIONAL WATERS[6]: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.[7]

7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the pre-2015 regulatory regime. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

[6] 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.
[7] This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

a. TNWs (a)(1):
b. Interstate Waters (a)(2):
c. Other Waters (a)(3):
d. Impoundments (a)(4):

e. Tributaries (a)(5):

Name of Aquatic Resource	**Size (in Linear Feet)**	**Flow Regime and additional description of the tributary**	**Method for determining flow regime**
Stream 1	174	See attached delineation map	observed flow during site visit during normal precipitation conditions, an Ordinary High Water Mark (OHWM), NCDWR stream identification form
Stream 2		See attached delineation map	observed flow during site visit during normal precipitation conditions, an Ordinary High Water Mark (OHWM), NCDWR stream identification form
Stream 3	1,543	See attached delineation map	observed flow during site visit during normal precipitation conditions, an Ordinary High Water Mark (OHWM), NCDWR stream identification form
Stream 4	1,898	See attached delineation map	observed flow during site visit during normal precipitation conditions, an Ordinary High Water

			Mark (OHWM), NCDWR stream identification form
Stream 5	86	See attached delineation map	observed flow during site visit during normal precipitation conditions, an Ordinary High Water Mark (OHWM), NCDWR stream identification form

f. The territorial seas (a)(6):

g. Adjacent wetlands (a)(7):

Name of Aquatic Resource	**Size (in acres)**	**Describe continuous surface connection**
Wetland 1	98.23	This wetland flows west and continues through a culvert under (flowing surface water observed) Concord Road outside of the project review area and continues west where it abuts Doctors Creek (a Relatively Permanent Water (RPW) which is a tributary to Jones Creek a RPW, which is a tributary to the Altamaha River a TNW. Wetland 1 also appears to be part of wetland 47 to the north within the project area and also is continuous and abutting the UNT to Doctors Creek.
Wetland 47	43.58	This wetland flows southwest offsite and abuts and connects to a ditch, with relatively permanent flow that flows into Doctors Creek (a Relatively Permanent Water (RPW) which is a tributary to Jones Creek a RPW, which is a tributary to the Altamaha River a TNW. This wetland also appears to continue offsite where it connects to Wetland 1 and is also connected to Doctors Creek via Wetland 1's flowpath.
Wetland 2	430.76	Wetland 2 is located at the center of the project review area and flows east where it abuts Stream 4 an RPW, which is tributary to Goose Run Creek a RPW/wetland complex, which is tributary to the Altamaha River a TNW.
Wetland 48	0.22	Wetland 48 is located in northern portion of the project review area. Wetland 48 continues offsite to the east and is part of wetland 2. Based on desktop analysis of acquired lidar there is continuing signature that indicates there two areas are one wetland. Additionally, to support that the two wetlands are part of the same system they both share the same soil type (mandarin) as well.
Wetland 4	0.25	Wetland 4 is part of a larger wetland system that continues to the west outside of the review area and abuts Doctors Creek, an RPW. Doctors Creek is a tributary to the Altamaha River, a traditionally navigable water (TNW).
Wetland 7	6.62	Wetland 7 is located at southeastern portion of the project review area and flows east outside of the review area where it abuts an UNT to South Newport River an RPW, which is tributary to the South Newport River a TNW.
Wetland 8	7.14	Wetland 7 is located at southeastern portion of the project review area and flows east outside of the review area where it abuts an UNT to South Newport River an RPW, which is tributary to the South Newport River a TNW.
Wetland 9	6.75	Wetland 9 is located at northeastern portion of the project review area and flows northeast outside of the review area where it abuts an UNT to South Newport River an RPW, which is tributary to the South Newport River a TNW.

Wetland 11	0.04	Wetland 11 abuts an offsite ditch that connects the wetland to Wetland 2 which abuts Goose Run Creek. Goose Run Creek is a RPW, and a tributary to the Altamaha River a TNW
Wetland 37	1.09	Wetland 37 flows through a culvert under an existing logging road and is contiguous and abuts Ditch 1, an RPW, that flows south/southeast and is contiguous with Wetland 2. Wetland 2 continues to flow south and is contiguous and abuts Stream 4, an RPW, which is a tributary to Goose Run Creek a RPW/wetland complex, which is tributary to the Altamaha River a TNW.
Wetland 38	0.53	Wetland 38 is contiguous and abuts Ditch 1, an RPW, that flows south/southeast and is contiguous with Wetland 2. Wetland 2 continues to flow south and is contiguous and abuts Stream 4, an RPW, which is a tributary to Goose Run Creek a RPW/wetland complex, which is tributary to the Altamaha River a TNW.
Wetland 40	36.24	Wetland 40 is contiguous and abuts Ditch 2, an RPW, that flows east and is contiguous with Wetland 2. Wetland 2 continues to flow south and is contiguous and abuts Stream 4, an RPW, which is a tributary to Goose Run Creek a RPW/wetland complex, which is tributary to the Altamaha River a TNW.
Wetland 41	0.95	Wetland 41 is contiguous and abuts Ditch 2, an RPW, that flows east and is contiguous with Wetland 2. Wetland 2 continues to flow south and is contiguous and abuts Stream 4, an RPW, which is a tributary to Goose Run Creek a RPW/wetland complex, which is tributary to the Altamaha River a TNW.
Open Water 1	0.09	Discharges directly into Wetland 1 and follows wetland 1's flowpath.
Stream 5	86	This stream did not have an OHWM and only flows in response to rain and storm events and does not meet the definition under tributaries a(5)

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

   a. Describe aquatic resources and other features within the review area identified as "generally non-jurisdictional" in the preamble to the 1986 regulations (referred to as "preamble waters").[8] Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA as a preamble water.

   b. Describe aquatic resources and features within the review area identified as "generally not jurisdictional" in the *Rapanos* guidance. Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA based on the criteria listed in the guidance.

   c. Describe aquatic resources and features identified within the review area as waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA. Include the size of the waste treatment system within

[8] 51 FR 41217, November 13, 1986.

the review area and describe how it was determined to be a waste treatment system.

d. Describe aquatic resources and features within the review area determined to be prior converted cropland in accordance with the 1993 regulations (reference 2.b.). Include the size of the aquatic resource or feature within the review area and describe how it was determined to be prior converted cropland.

e. Describe aquatic resources (i.e. lakes and ponds) within the review area, which do not have a nexus to interstate or foreign commerce, and prior to the January 2001 Supreme Court decision in "*SWANCC*," would have been jurisdictional based solely on the "Migratory Bird Rule." Include the size of the aquatic resource or feature, and how it was determined to be an "isolated water" in accordance with *SWANCC*

f. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the pre-2015 regulatory regime consistent with the Supreme Court's decision in *Sackett* (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).

Name of excluded feature	**Size (in acres)**	**Type of resource generally not jurisdictional**
Wetland 3	16.53	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water. Based on desktop lidar review there was a possible discrete feature from Wetland 3 that may connect it to Wetland 2. In field observations confirmed this feature as an existing access road/fire break along the property line and was not a discrete feature that would constitute a CSC.
Wetland 5	0.94	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 6	7.16	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 10	0.04	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher

		elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 12	4.88	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 13	0.53	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water. Review of lidar showed the potential of a possible discrete feature along the access road being connected to Wetland 13 and continuing west to intermittent stream 2. In the field observation confirmed that the possible feature was not connected to Wetland 13 as there was verified uplands between the wetland and the feature. The feature itself was a roadside ditch that lost channelization sporadically and did not have RPW flow. The feature did meet characteristics of an aquatic resource.
Wetland 14	0.17	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 15	0.30	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 16	1.47	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 17	0.03	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 18	1.25	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 19	0.38	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this

		wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 20	1.92	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 21	2.99	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 22	0.73	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 23	0.01	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 24	1.91	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 25	0.92	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 26	1.14	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 27	0.98	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 28	0.94	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 29	2.66	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this

		wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 30	2.00	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 31	2.05	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 32	2.59	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 33	0.92	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 34	0.97	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 35	0.02	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 36	1.44	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 39	0.44	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 42	1.12	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 43	2.09	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this

		wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 44	1.46	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 45	1.86	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Wetland 46	1.14	This is a closed depressional wetland surrounded by uplands. Surrounding lidar and contours indicate higher elevations and there is no discrete feature from this wetland that would constitute a CSC to a potentially jurisdictional water.
Ditch 1	1,389 LF	Ditch 1 did not have relatively permanent flow or an observable ordinary high water mark (OHWM) making the feature a non-tributary (a(5)) feature. Additionally, the ditch lacked all 3 wetland characteristics so it was considered a wetland feature as well.
Ditch 2	994 LF	Ditch 1 did not have relatively permanent flow or an observable ordinary high water mark (OHWM) making the feature a non-tributary (a(5)) feature. Additionally, the ditch lack all 3 wetland characteristics so it was considered a wetland feature as well.

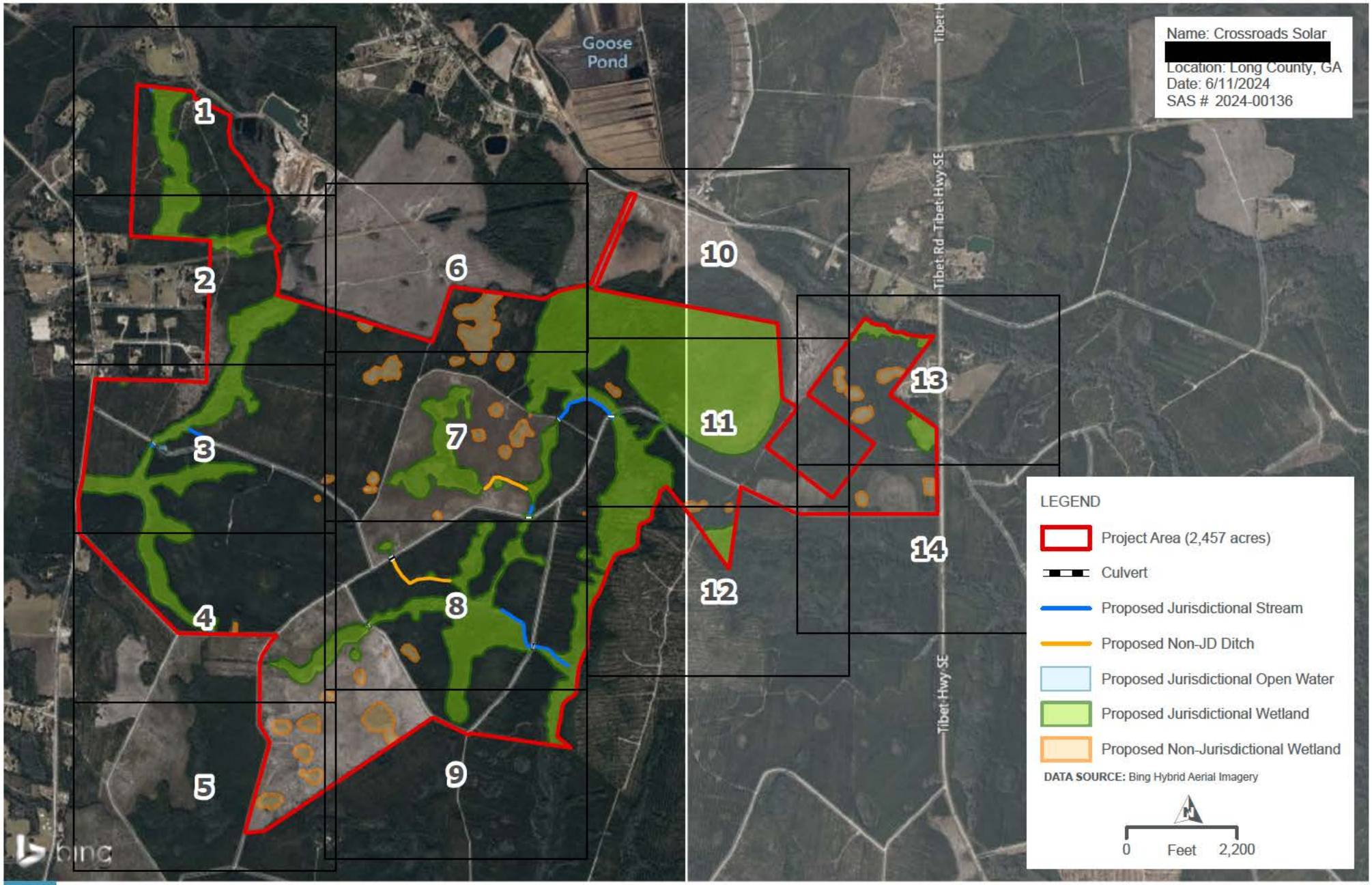
9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

a. 1. Date of Office (desktop review): April 2024
   2. Date(s) of Field Review (if applicable): May 7, 2024
b. Data sources used to support this determination (included in the administrative record).
   ☒ Aquatic Resources delineation submitted by, or on behalf of, the requestor: Crossroads Solar Delineated Features Overview 6/11/2024, provided by applicant
   ☒ Aquatic Resources delineation prepared by the USACE: Data forms submitted by applicant. Dated 8/21/2023 – 11/28/2023
   ☒ Photographs: Site photographs from applicant; photographs from Corps site visit 5/7/2024
   ☒ Aerial Imagery: Google Earth Imagery 1983, 1993
   ☒ LIDAR: NOAA Lidar, maps made by Corps using NOAA lidar and ArcPro.

☒ USDA NRCS Soil Survey: Crossroads Solar NRCS Soil Survey of Long County, GA dated 12/12/2023
☒ USFWS NWI maps: NWI Map made in Google Earth with USGS data
☒ USGS topographic maps: Crossroads Solar USGS Topographic Quadrangle, dated 12/12/2023
☒ USGS NHD data/maps: NHD Maps showing flowpaths
☒ Section 10 resources used: SAS Section 10 List
☒ NCDWR stream identification forms: submitted by applicant
☒ Antecedent Precipitation Tool Analysis: submitted by applicant 8/21/2023 – 8/25/2023; 9/18/2023-9/22/2023 and 11/28/2023-11/30/2023

10. OTHER SUPPORTING INFORMATION.

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.



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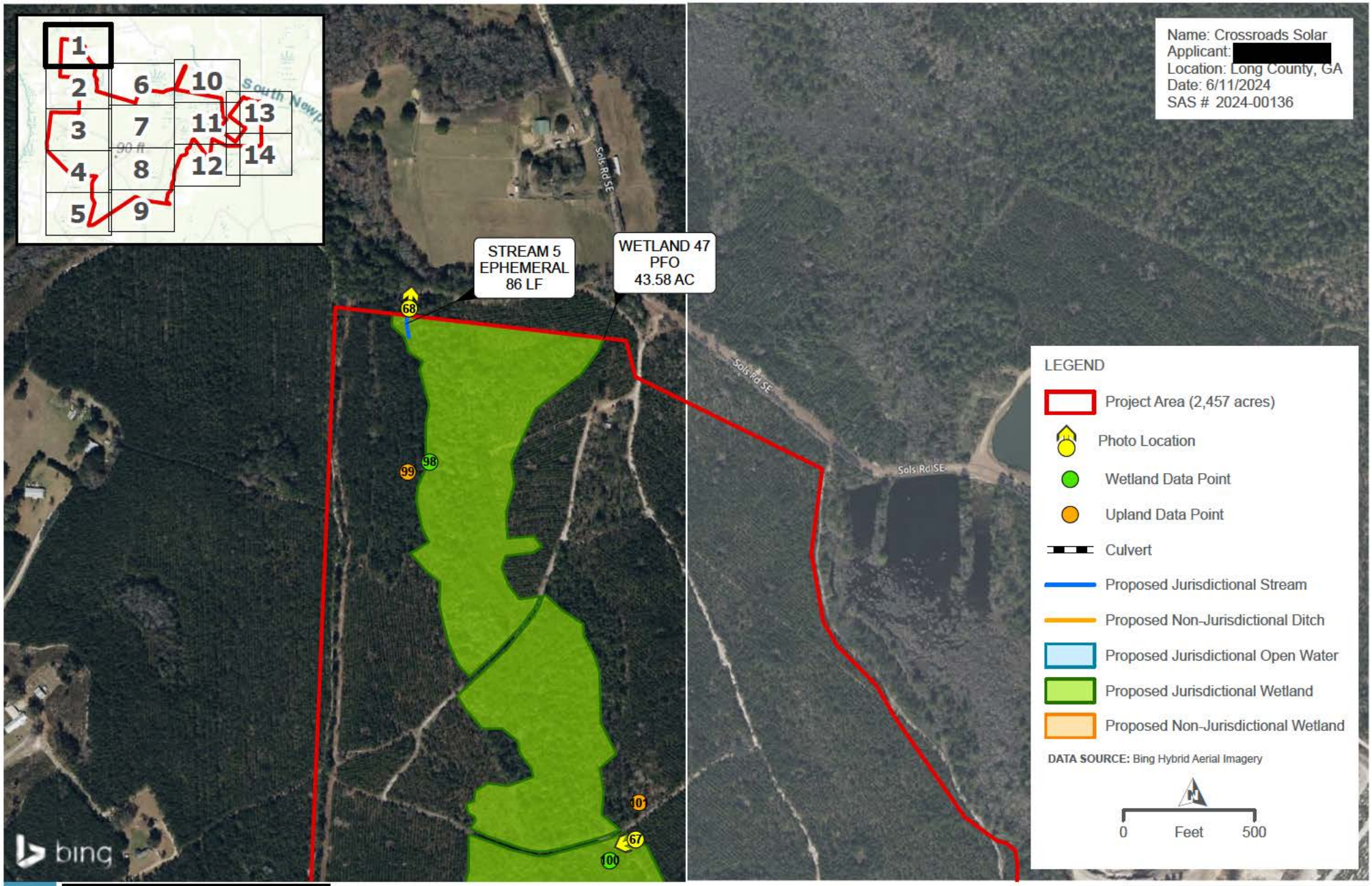
DELINEATED FEATURES OVERVIEW

FIGURE 7



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DELINEATED FEATURES OVERVIEW

FIGURE 7.1

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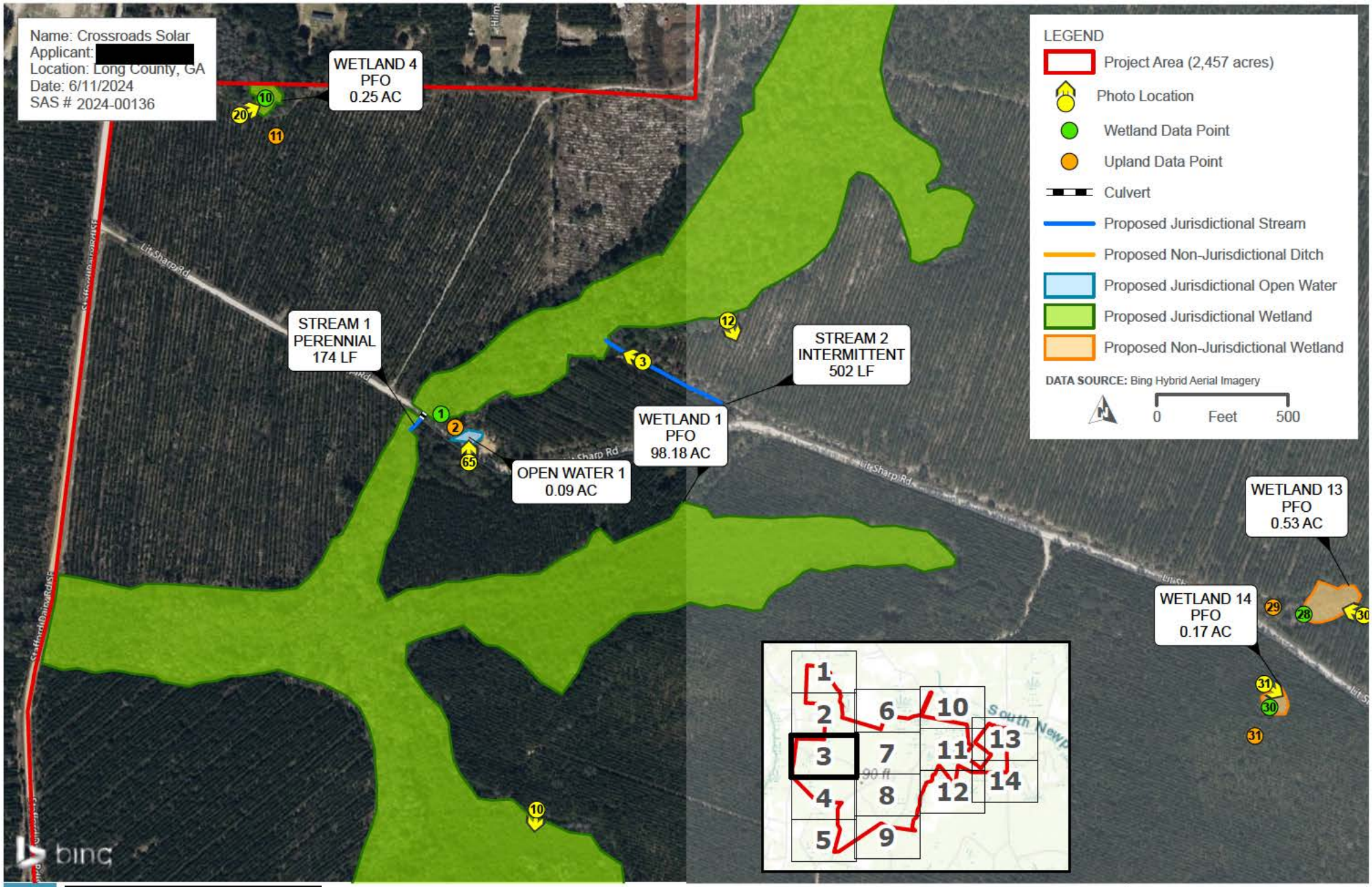
DELINEATED FEATURES OVERVIEW

FIGURE 7.2



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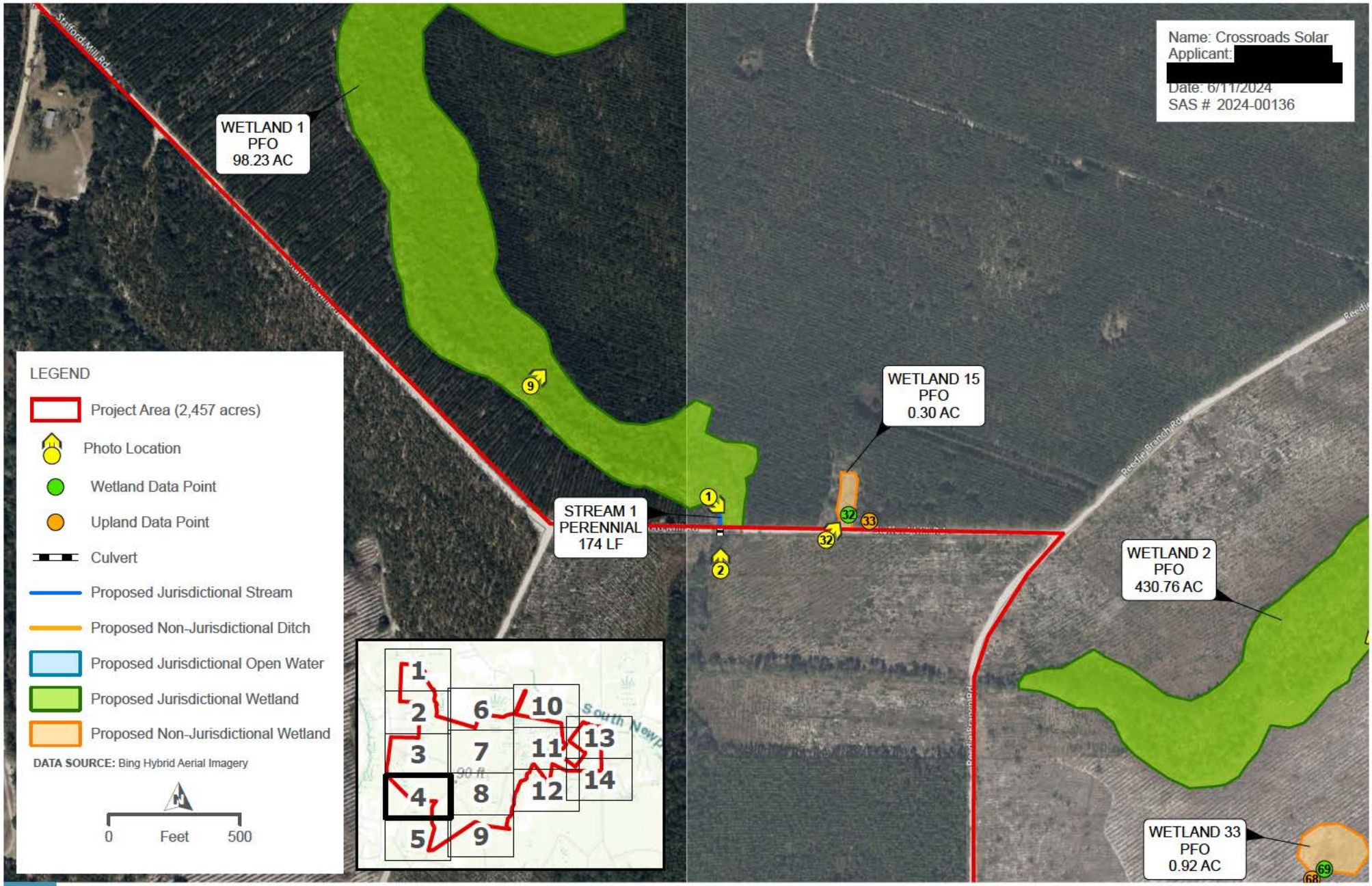
DELINEATED FEATURES OVERVIEW

FIGURE 7.3



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DELINEATED FEATURES OVERVIEW

FIGURE 7.4

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DELINEATED FEATURES OVERVIEW

FIGURE 7.5

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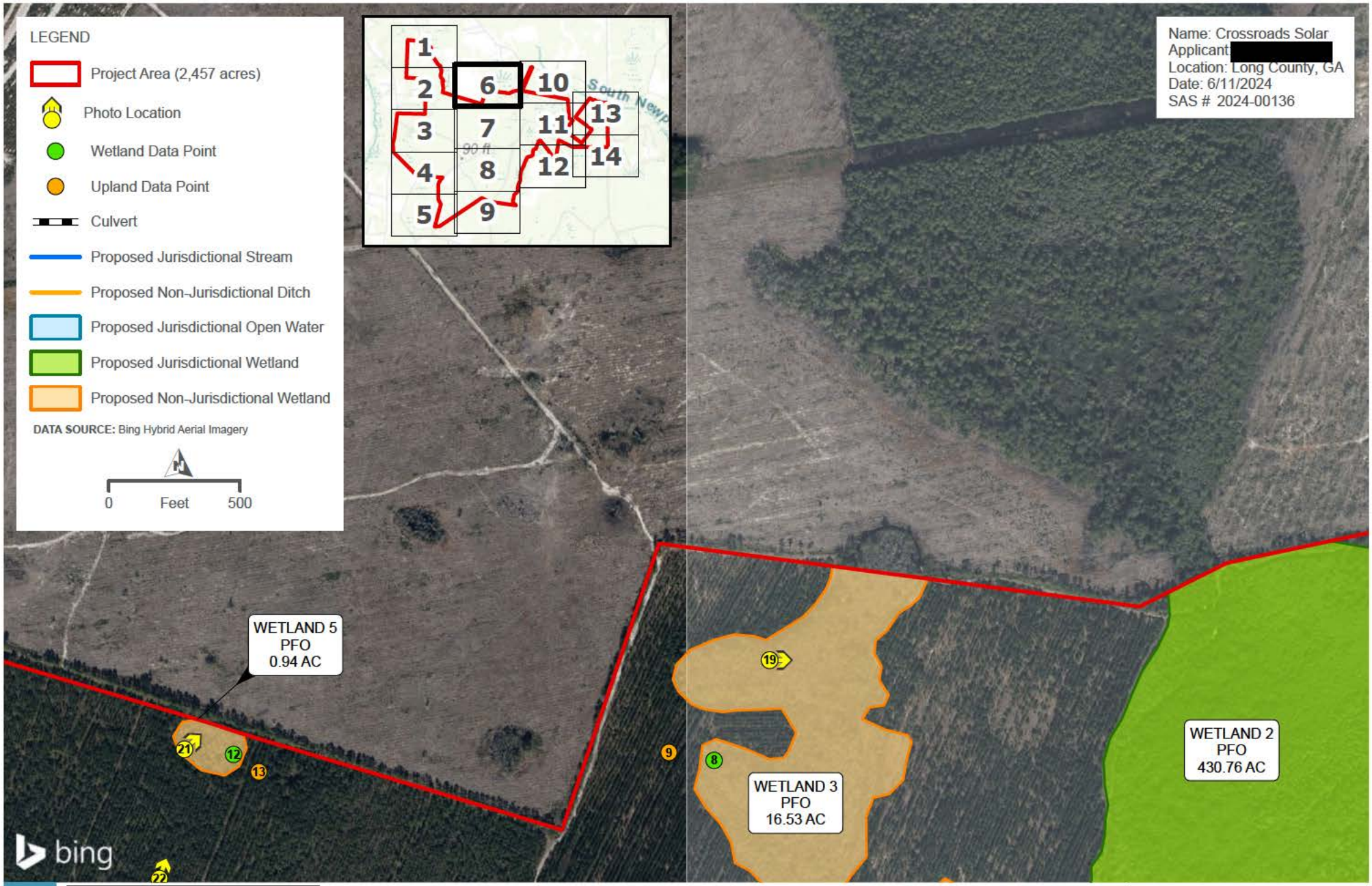

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DELINEATED FEATURES OVERVIEW

FIGURE 7.6

PATH: \\CLTSMAINGIS_DATA\GIS\PROJECTS\16S406S_BRIGHTNIGHT\10376278_CROSSROADS_SOLAR\7.2_WIP\MAP_DOCS\CROSSROADS_SOLAR_AJD_FIGURES2.APRX - USER: GMARCHICA - DATE: 12/5/2023

[redacted]

DELINEATED FEATURES OVERVIEW

FIGURE 7.7

PATH: \\CLTSMAIN\GIS_DATA\GIS\PROJECTS\16S406S_BRIGHTNIGHT\16376278_CROSSROADS_SOLAR\7.2_WIP\MAP_DOCS\CROSSROADS_SOLAR_AJD_FIGURES2.APRX - USER: GMARCHICA - DATE: 12/5/2023

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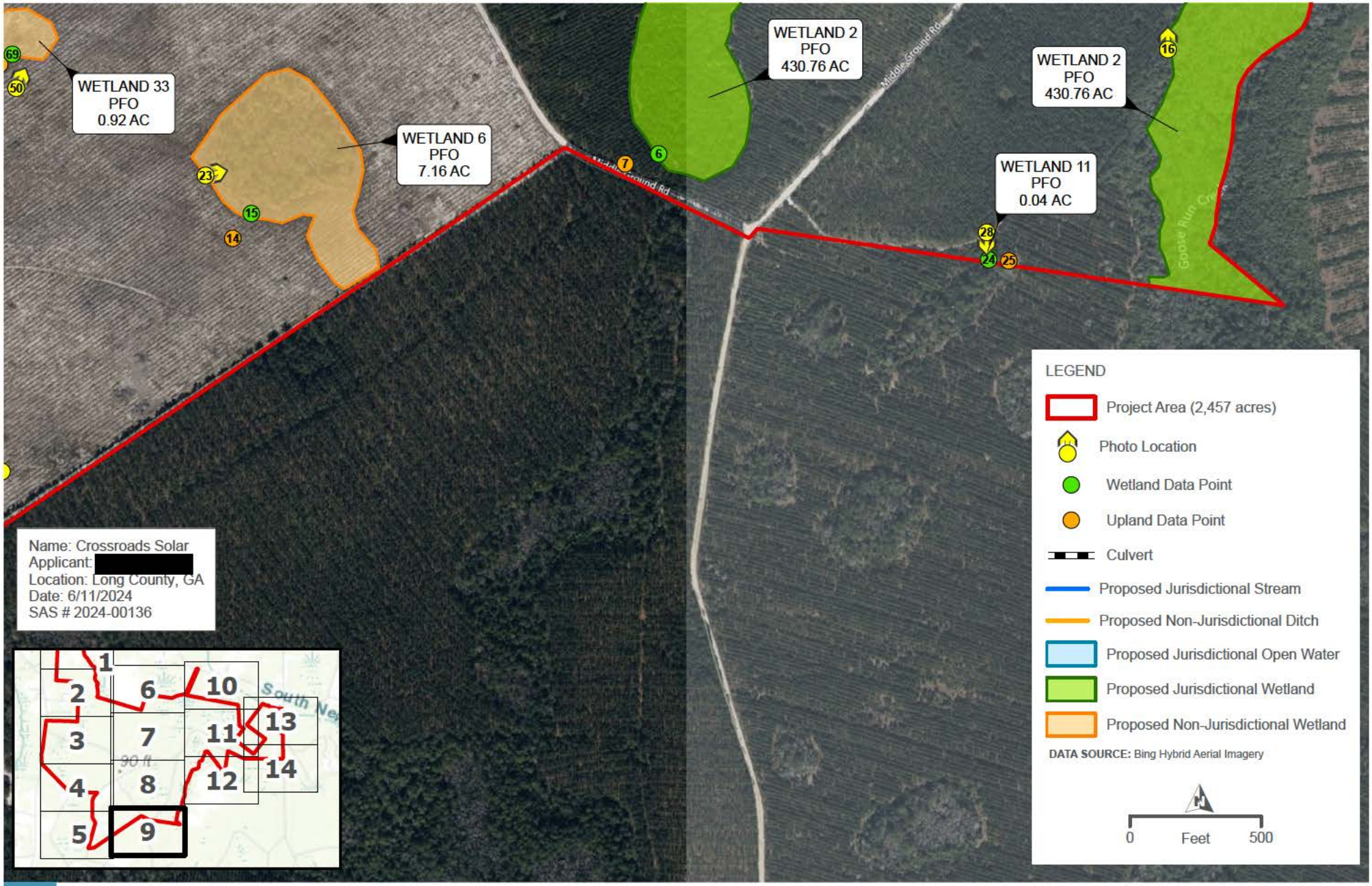
DELINEATED FEATURES OVERVIEW

FIGURE 7.8

PATH: \\CLTSMAIN\GIS_DATA\GIS\PROJECTS\16S406S_BRIGHTNIGHT\16376278_CROSSROADS_SOLAR\7.2_WIP\MAP_DOCS\CROSSROADS_SOLAR_AJD_FIGURES2.APRX - USER: GMARCHICA - DATE: 12/5/2023

APPROVED JURISDICTIONAL DETERMINATION REQUEST



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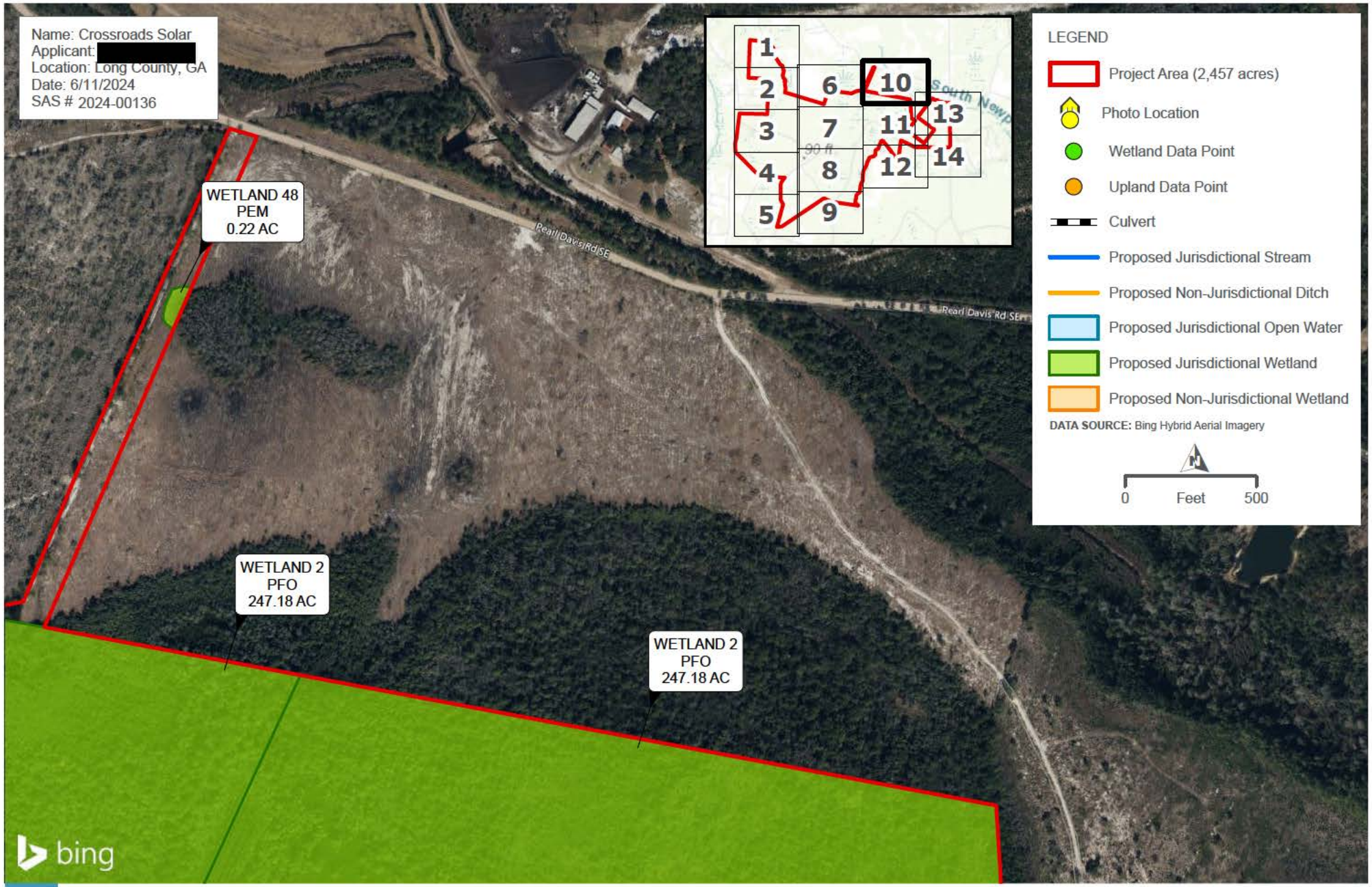
DELINEATED FEATURES OVERVIEW

FIGURE 7.9



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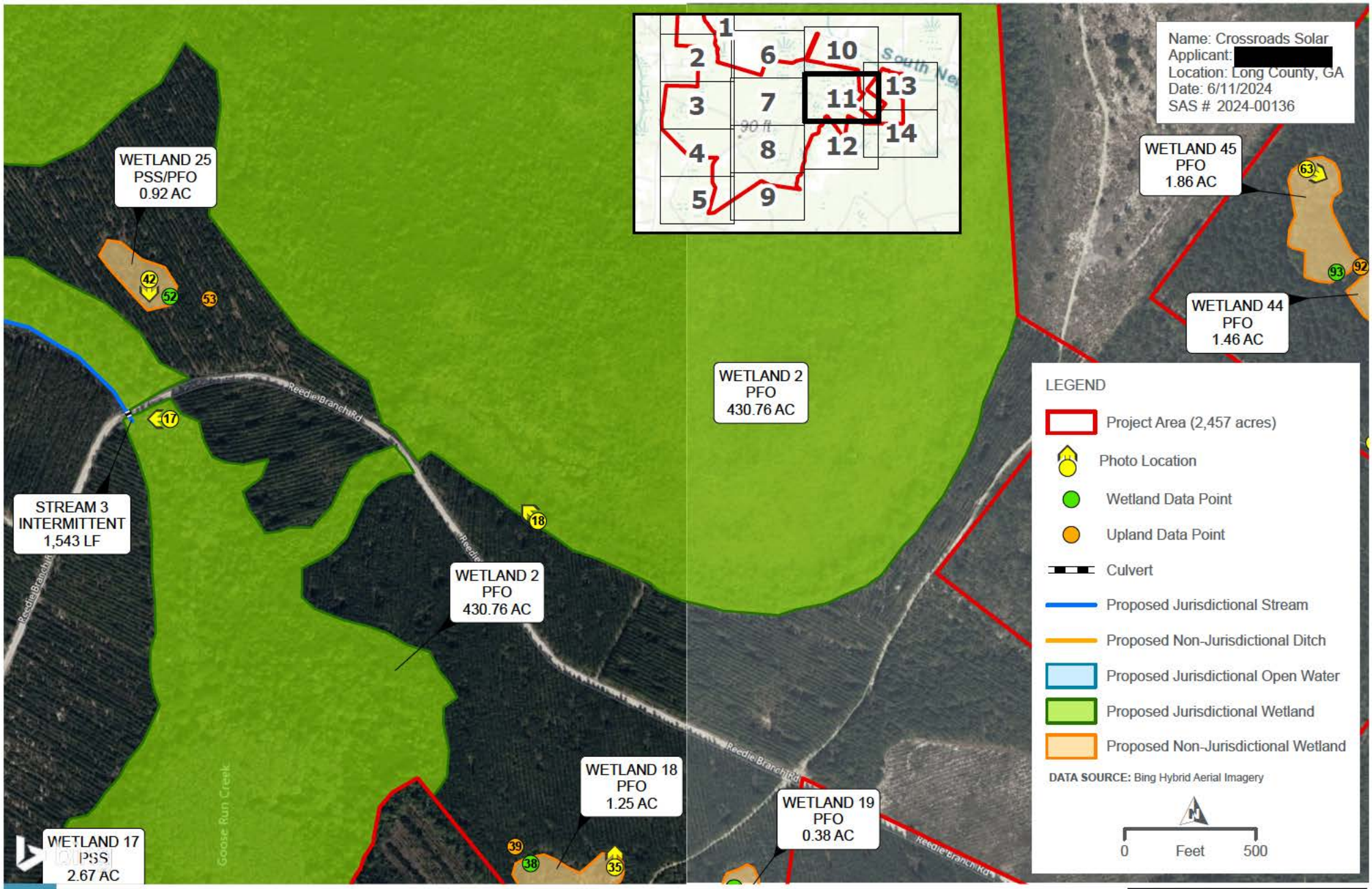
DELINEATED FEATURES OVERVIEW

FIGURE 7.10

PATH: \\CLTSMAIN\GIS_DATA\GIS\PROJECTS\16S406S_BRIGHTNIGHT\16376278_CROSSROADS_SOLAR\7.2_WIP\MAP_DOCS\CROSSROADS_SOLAR_AJD_FIGURES.APRX - USER: GMARCHICA - DATE: 5/23/2024



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DELINEATED FEATURES OVERVIEW

FIGURE 7.11

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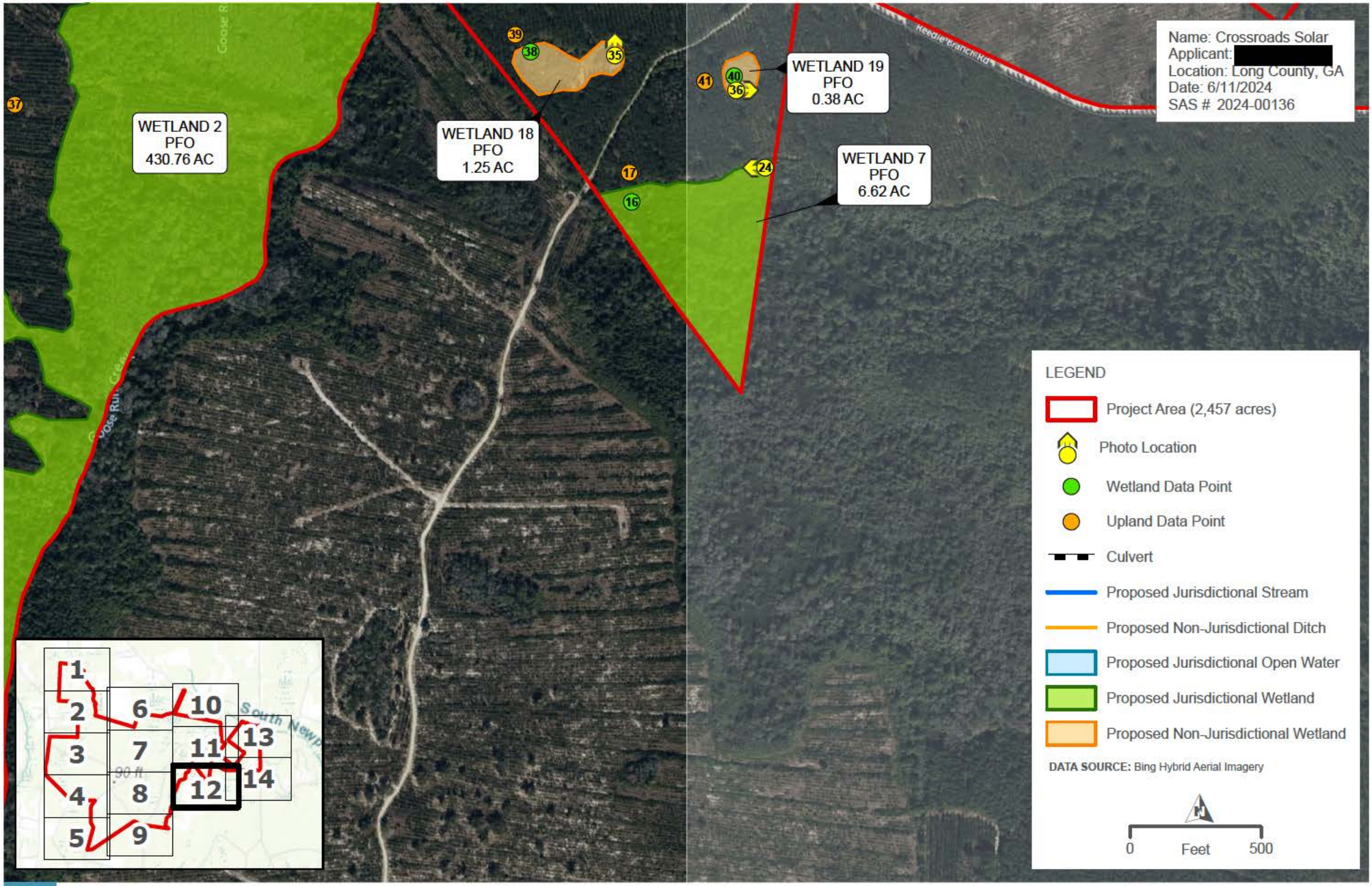

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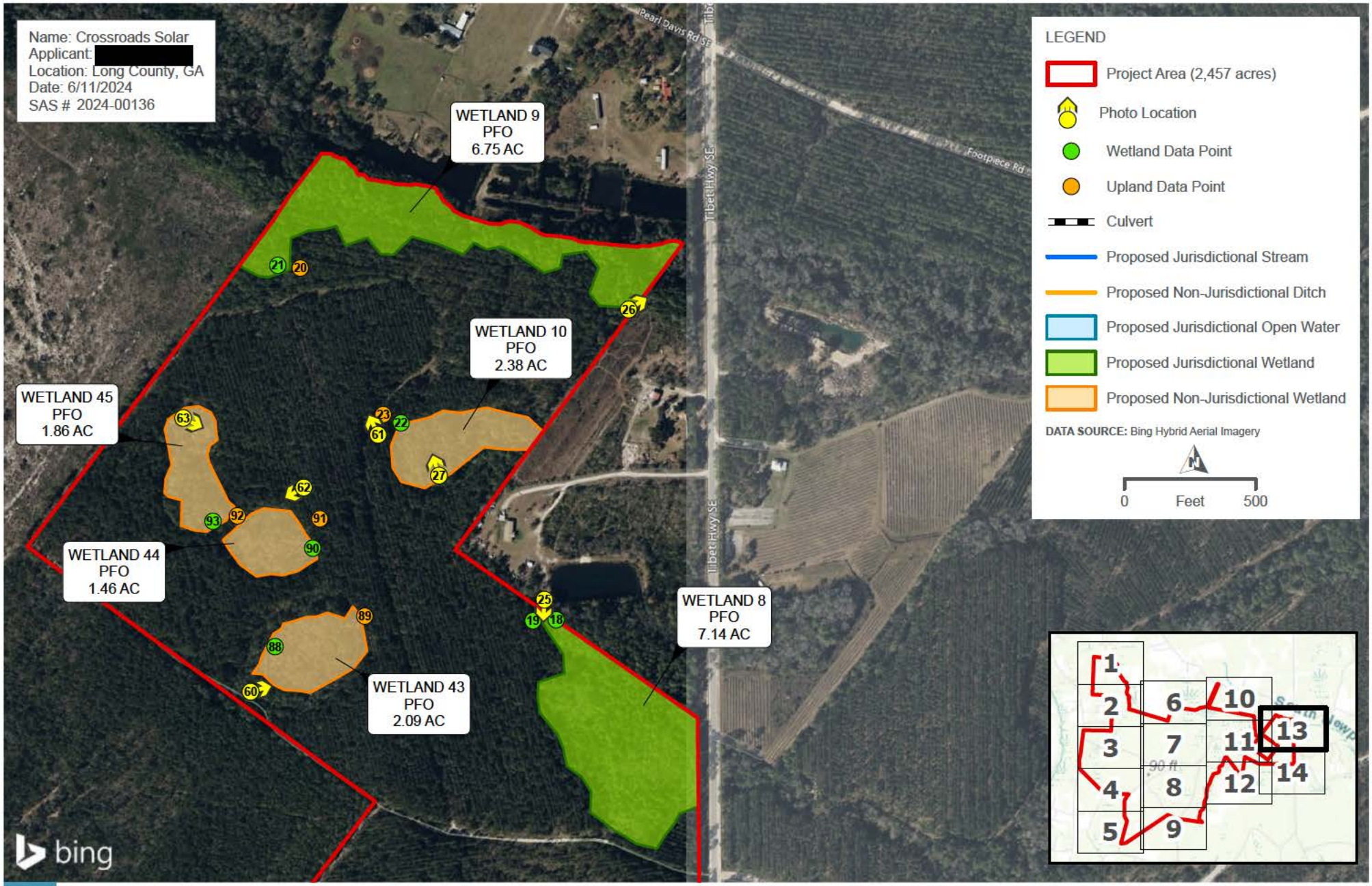
DELINEATED FEATURES OVERVIEW

FIGURE 7.12



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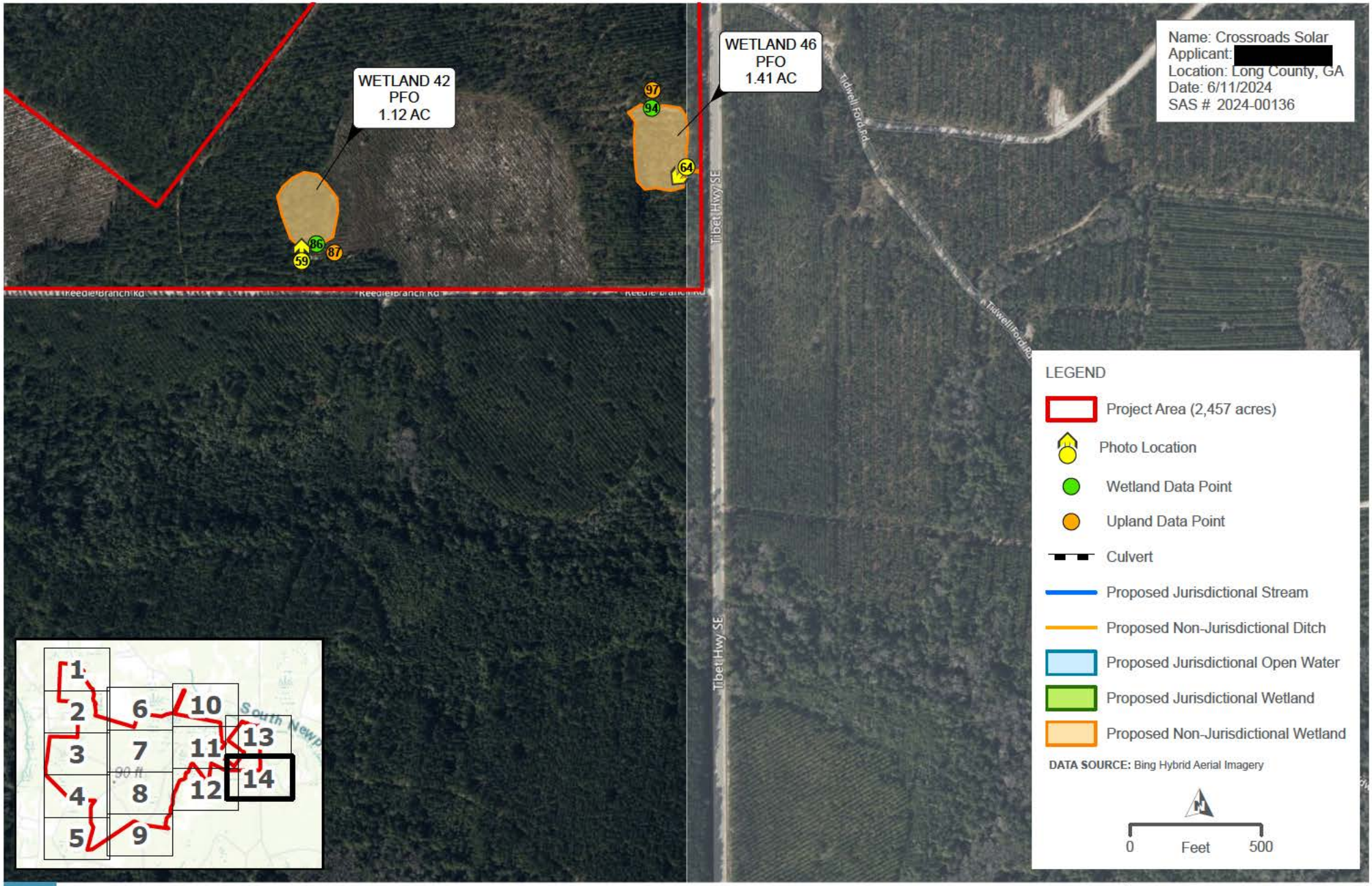
DELINEATED FEATURES OVERVIEW

FIGURE 7.13



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DELINEATED FEATURES OVERVIEW

FIGURE 7.14