



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

SAS-RD-C

13 June 2025

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-2019-00302 (MFR 1 of 1)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.

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amended on 8 September 2023 (Amended 2023 Rule) because, as of the date of this decision, the Amended 2023 Rule is not applicable in this state 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).

Name of Aquatic Resource	JD or Non-JD	Section 404/Section 10
Storm Water Pond	Non-JD	N/A
Wetland A	JD	Section 404
Wetland B	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. 651, 143 S. Ct. 1322 (2023)

3. REVIEW AREA.

- a. Project Are Size (in acres): +/- 28
- b. Center Coordinates of the Project Site (in decimal degrees)
Latitude: 31.974159 Longitude: -81.258503
- c. Nearest City or Town: Savannah
- d. County: Chatham
- e. State: Georgia
- f. Other associated Jurisdictional Determinations (including outcomes)

Regulatory File No.	Type	Outcome
SAS-2019-00302	ARDR	An ARDR from July 18, 2019, identifies the delineation limits of all aquatic resources within a 10.669-acre site located on Ogeechee Road, in Chatham County, Georgia (Latitude 31.9718, Longitude -81.2627).

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 Ogeechee River, which is a TNW, is approximately 1.50 miles west of the review site.
 - b. Determination based on: This determination was made based on a review of desktop data resources listed in Section 9 of this memorandum), 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)), and documented (include in AR) occurrences of boating traffic on the identified water.
5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS. The wetlands meet the hydrophytic vegetation, wetland hydrology, and hydric soil criteria of the 1987 Corps of Engineers Wetland Delineation Manual and the Eastern Mountains and Piedmont Regional Supplement. Wetlands A and B continue offsite to the west and are functioning as a wetland. This wetland continues south/southwest and meets the Ogeechee River.
6. SECTION 10 JURISDICTIONAL WATERS⁶: 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 N/A
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,

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.

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.

- a. TNWs (a)(1): N/A
- b. Interstate Waters (a)(2): N/A
- c. Other Waters (a)(3): N/A
- d. Impoundments (a)(4): N/A
- e. Tributaries (a)(5): N/A
- f. The territorial seas (a)(6): N/A
- g. Adjacent wetlands (a)(7):

Name of Aquatic Resource	Size (in acres)	Contiguous with or abutting? If so, list water	Describe continuous surface connection
Wetland A, Wetland B	10.403, 4.526	Yes, Ogeechee River	Wetlands A and B are connected offsite as part of a larger wetland system. The wetland continues south/southwest where they meet the Ogeechee River.

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. N/A
- b. Describe aquatic resources and features within the review area identified as “generally not jurisdictional” in the *Rapanos* guidance. Include size of the aquatic

⁸ 51 FR 41217, November 13, 1986.

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.

N/A

- 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 the review area and describe how it was determined to be a waste treatment system. N/A
- 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. N/A
- 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*. N/A
- 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
Storm Water Pond	0.654	Pond is surrounded by uplands and lacks a continuous surface connection to any water of the US. Desktop verification of the review area was assessed using available resources from the National Regulatory Viewer (NRV) and ArcGIS Pro 3.3, including topographic contours, digital elevation models, national hydrography datasets, and national wetland inventory layers. Based on lack of connectivity, this pond is non-jurisdictional.

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.

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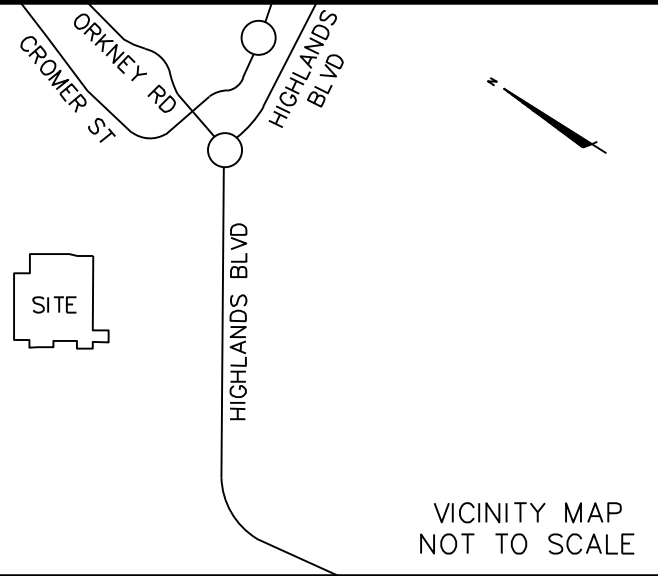
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- a. Date of Office (desktop review): April-May 2025
- b. Data sources used to support this determination (included in the administrative record).
 - ☒ Aquatic Resources delineation submitted by, or on behalf of, the requestor: "A Wetland Exhibit Of Bradley Point Phase 7, Being a Portion of the Vallambrosa Plantation 7th G.M. District, City Of Savannah, Chatham County", sheet 1, dated November 20, 2024
 - ☒ Wetland field data sheets prepared by the Corps: included in application submitted November 20, 2024
 - ☒ Previous JDs (AJD or PJD) addressing the same (or portions of the same) review area: SAS-2019-00302 ARDR, dated July 18, 2019
 - ☒ Aerial Imagery: Aerial imagery of the project area from Google Earth (1993, 2003, 2009, 2012, 2022, 2024).
 - ☒ Site Photos: Provided by agent in application submitted November 20, 2024
 - ☒ LIDAR: "LiDAR of the project area sourced from NOAA.", dated May 27, 2025
 - ☒ USDA NRCS Soil Survey: "NRCS Web Soil Survey Hydric Rating Map.", dated May 27, 2025
 - ☒ USFWS NWI maps: "NWI map of the project area.", dated May 27, 2025
 - ☒ USGS topographic maps: by Agent
 - ☒ USGS NHD data/maps: "NHD map of the project area.", dated May 27, 2025
 - ☒ Section 10 resources used: SAS Section 10 List
 - ☒ Antecedent Precipitation Tool Analysis: November 20, 2024

10. OTHER SUPPORTING INFORMATION. N/A

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.

COLEMAN COMPANY, INC. DATE PLOTTED: 5/17/2025 9:45:44M BY: Coleman Viewer DRAWING PATH: C:\2023\3-702-000\DWG\Survey\3-702 bradley point 7 WETLAND 2024.11.20.dwg



CURVE TABLE				
CURVE #	LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1	36.92'	531.48'	N52°33'52"W	36.91'

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	29.45'	S54°31'44"E
L2	20.77'	S39°39'36"E

LINE TABLE		
LINE #	LENGTH	DIRECTION
W1	144.18'	N74°54'44"W
W2	25.30'	S70°12'26"W
W3	86.27'	S34°37'36"W
W4	108.02'	S22°40'43"W
W5	89.19'	S3°23'42"E
W6	55.08'	S6°50'12"W
W7	104.71'	S5°58'51"W
W8	79.40'	S36°12'52"W
W9	47.37'	N84°45'04"W
W10	33.08'	S59°07'29"W
W11	36.51'	S18°20'49"W
W12	52.19'	S35°33'18"W
W13	106.79'	S17°37'22"W
W14	47.33'	S39°57'52"W
W15	45.02'	S86°44'25"W
W16	28.57'	S86°35'59"W
W17	34.38'	N55°38'13"W
W18	60.57'	N16°31'49"W
W19	34.52'	N72°41'10"W
W20	18.41'	S64°59'47"W

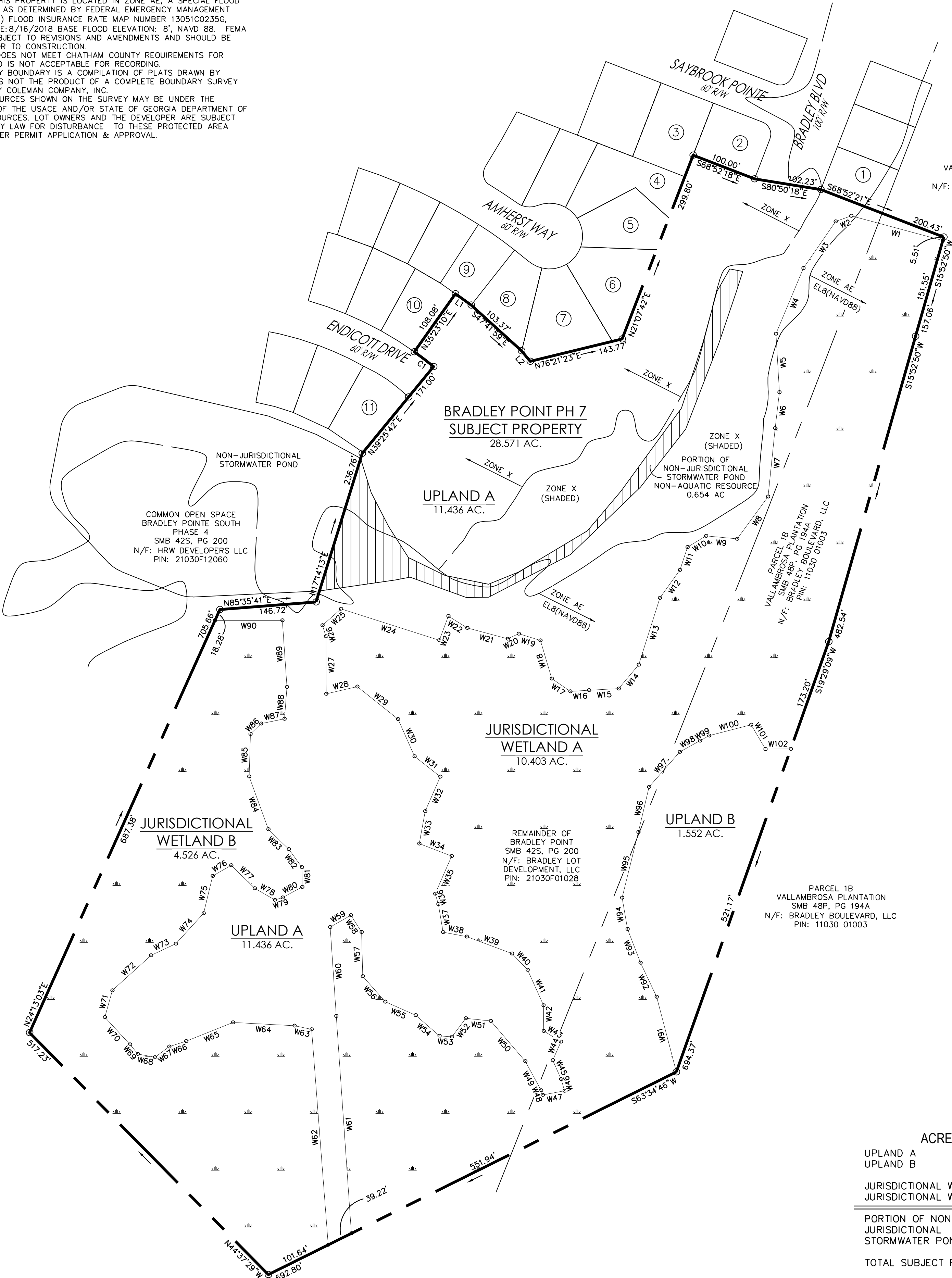
LINE TABLE		
LINE #	LENGTH	DIRECTION
W61	331.40'	S3°57'59"E
W62	328.74'	N4°25'37"W
W63	26.54'	N77°37'47"W
W64	93.67'	N86°58'19"W
W65	76.82'	S68°07'31"W
W66	27.05'	S72°16'23"W
W67	27.05'	S53°20'54"W
W68	26.48'	N79°19'45"W
W69	18.72'	N39°28'48"W
W70	56.41'	N42°36'10"W
W71	42.42'	N15°39'06"E
W72	79.32'	N47°49'59"E
W73	41.67'	N64°44'41"E
W74	62.50'	N42°20'47"E
W75	58.52'	N13°37'48"E
W76	32.71'	N60°13'32"E
W77	49.95'	S45°31'54"E
W78	35.68'	S59°50'00"E
W79	12.33'	N72°21'51"E
W80	33.71'	N61°20'39"E

LINE TABLE		
LINE #	LENGTH	DIRECTION
W81	29.83'	N0°37'27"W
W82	34.22'	N36°09'43"W
W83	43.32'	N45°43'58"W
W84	85.31'	N20°01'01"W
W85	64.80'	N1°42'52"E
W86	22.69'	N45°56'08"E
W87	36.33'	N78°33'05"E
W88	48.59'	N4°21'30"E
W89	101.61'	N3°59'27"W
W90	102.46'	S89°58'06"W
W91	118.12'	N14°49'26"W
W92	57.35'	N25°10'31"W
W93	54.79'	N21°10'54"W
W94	48.67'	N9°42'31"W
W95	102.60'	N14°02'56"E
W96	70.77'	N13°12'26"E
W97	70.74'	N41°18'09"E
W98	35.24'	N61°03'31"E
W99	15.91'	N61°03'31"E
W100	65.86'	N75°27'08"E

LINE TABLE		
LINE #	LENGTH	DIRECTION
W41	59.11'	S23°58'46"E
W42	38.93'	S0°28'49"E
W43	30.77'	S58°19'58"E
W44	30.97'	S23°32'19"W
W45	31.46'	S24°05'47"E
W46	18.50'	S16°02'05"E
W47	33.69'	S79°34'13"W
W48	7.34'	N20°13'28"W
W49	50.25'	N28°26'59"W
W50	80.86'	N40°35'28"W
W51	38.08'	N83°53'53"W
W52	35.25'	S36°53'42"W
W53	18.97'	N86°04'52"W
W54	47.99'	N49°03'06"W
W55	50.61'	N65°53'23"W
W56	51.63'	N41°38'43"W
W57	67.32'	N1°32'03"W
W58	30.36'	N32°13'54"W
W59	36.51'	S60°01'05"W
W60	135.48'	S3°59'27"E

LINE TABLE		
LINE #	LENGTH	DIRECTION
W101	42.83'	S30°27'01"E
W102	38.49'	N89°39'31"E

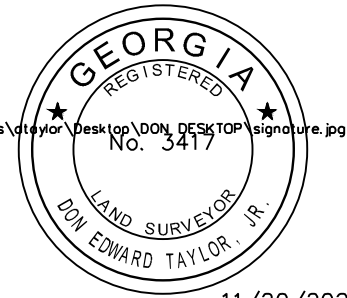
- NOTES:
- THIS EXHIBIT HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.
 - AS OF THE DATE OF THIS SURVEY, BASED ON MY OBSERVATION A PORTION OF THIS PROPERTY IS LOCATED IN ZONE AE, A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP NUMBER 13051C0235G, EFFECTIVE DATE: 8/16/2018 BASE FLOOD ELEVATION: 8', NAVD 88. FEMA MAPS ARE SUBJECT TO REVISIONS AND AMENDMENTS AND SHOULD BE REVIEWED PRIOR TO CONSTRUCTION.
 - THIS EXHIBIT DOES NOT MEET CHATHAM COUNTY REQUIREMENTS FOR APPROVAL AND IS NOT ACCEPTABLE FOR RECORDING.
 - THIS PROPERTY BOUNDARY IS A COMPILATION OF PLATS DRAWN BY OTHERS AND IS NOT THE PRODUCT OF A COMPLETE BOUNDARY SURVEY PERFORMED BY COLEMAN COMPANY, INC.
 - AQUATIC RESOURCES SHOWN ON THE SURVEY MAY BE UNDER THE JURISDICTION OF THE USACE AND/OR STATE OF GEORGIA DEPARTMENT OF NATURAL RESOURCES. LOT OWNERS AND THE DEVELOPER ARE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO THESE PROTECTED AREA WITHOUT PROPER PERMIT APPLICATION & APPROVAL.



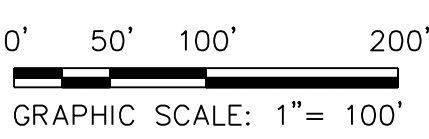
ACREAGE SCHEDULE	
UPLAND A	11.436 AC.
UPLAND B	1.552 AC.
JURISDICTIONAL WETLAND A	10.403 AC.
JURISDICTIONAL WETLAND B	4.526 AC.
PORTION OF NON-JURISDICTIONAL STORMWATER POND	0.654 AC.
TOTAL SUBJECT PROPERTY	28.571 AC.

ADJACENT PROPERTY OWNERS

- LOT 281
BRADLEY POINT SOUTH
PHASE 2A
SMB 365, PG 21B
N/F: STEPHEN LEE MCCARTY
PIN: 21030F10032
- LOT 460
BRADLEY POINT SOUTH
PHASE 2A
SMB 365, PG 21B
N/F: JACK HAUPRICH
PIN: 21030F10001
- LOT 461
BRADLEY POINT SOUTH
PHASE 2A
SMB 385, PG 15A
N/F: JOHN & PEARL SMALLS
PIN: 21030F10002
- COMMON AREA
BRADLEY POINT SOUTH
PHASE 3A
SMB 425, PG 71
N/F: HRW DEVELOPERS LLC
PIN: 21030F12026
- LOT 472
BRADLEY POINT SOUTH
PHASE 3A
SMB 425, PG 71
N/F: LORENA PINEDA
PIN: 21030F12025
- LOT 473
BRADLEY POINT SOUTH
PHASE 3A
SMB 425, PG 71
N/F: ANGEL & MAYRA NAVARRO
PIN: 21030F12024
- LOT 474
BRADLEY POINT SOUTH
PHASE 3A
SMB 425, PG 71
N/F: CARVET DAVIS
PIN: 21030F12023
- LOT 475
BRADLEY POINT SOUTH
PHASE 3A
SMB 425, PG 71
N/F: KRISTOPHER CRAFT
PIN: 21030F12022
- LOT 476
BRADLEY POINT SOUTH
PHASE 3A
SMB 425, PG 71
N/F: SHEKELIA DENEAL LOCKETT
PIN: 21030F12021
- LOT 522
BRADLEY POINT SOUTH
PHASE 4
SMB 425, PG 200
N/F: ERIC LEWIS
PIN: 21030F12047
- LOT 523
BRADLEY POINT SOUTH
PHASE 4
SMB 425, PG 200
N/F: SCHIFFMAN PROPERTIES, LLC
PIN: 21030F12048



11/20/2024
DON EDWARD TAYLOR, JR.
GA REG. LAND SURVEYOR NO. 3417
COLEMAN COMPANY, INC.
CERTIFICATE OF AUTHORIZATION: LSF 1167



- REFERENCE:
- SUBDIVISION MAP BOOK 365, PAGE 21B
 - SUBDIVISION MAP BOOK 385, PAGE 15A
 - SUBDIVISION MAP BOOK 425, PAGE 71
 - SUBDIVISION MAP BOOK 425, PAGE 200

A WETLAND EXHIBIT OF BRADLEY POINT PHASE 7,
BEING A PORTION OF THE VALLAMBROSA PLANTATION
7TH G.M. DISTRICT, CITY OF SAVANNAH, CHATHAM COUNTY,
STATE OF GEORGIA

PREPARED FOR: BRADLEY LOT DEVELOPMENT, LLC

JOB NUMBER: 23-707
DATE: 11/20/2024
DRAWN BY: DET
CHECKED BY:
SCALE: 1" = 100'

WETLAND
EXHIBIT

SHEET:

1/1

COLEMAN COMPANY
ENGINEERS • SURVEYORS
1480 Chatham Parkway, Suite 100
Savannah, Georgia | (912) 200-3041