



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

SAS-RD-C

14 July 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-2025-00322 (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
Wetland A	Non-JD	N/A

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 Area Size (in acres): 12.40
- b. Center Coordinates of the Project Site (in decimal degrees)
Latitude: 31.79718 Longitude: -81.72755
- c. Nearest City or Town: Ludiwici
- d. County: Long
- e. State: Georgia
- f. Other associated Jurisdictional Determinations. N/A

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), INTERSTATE WATER, OR THE TERRITORIAL SEAS TO WHICH THE AQUATIC RESOURCE IS CONNECTED. N/A. All aquatic resources under review with this MFR are non-jurisdictional.

5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS. N/A. All aquatic resources under review with this MFR are non-jurisdictional.

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, 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): N/A

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.

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 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).

⁸ 51 FR 41217, November 13, 1986.

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Name of excluded feature	Size (in acres)	Type of resource generally not jurisdictional
Wetland A	7.25	This wetland lacks a continuous surface connection to water of the US. The wetland continues outside of the review area, however wetland as a whole is surrounded by uplands and roads on all sides. There are several ditches leading away from this wetland that abut culverts under the roads. None of these ditches exhibited an ordinary high water mark nor have intermittent or perennial flow.

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. Date of Office (desktop review): July 9, 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: Titled "Wetland Plat for Fredrick M. Madison and Elisa M. Odorno-Madison" and dated September 25, 2025

☒ Aerial Imagery: Source: Google Earth

☒ LIDAR: Source: NOAA; Titled "LIDAR" and dated July 9, 2025

☒ USDA NRCS Soil Survey: Titled "Custom Soil Resource Report"

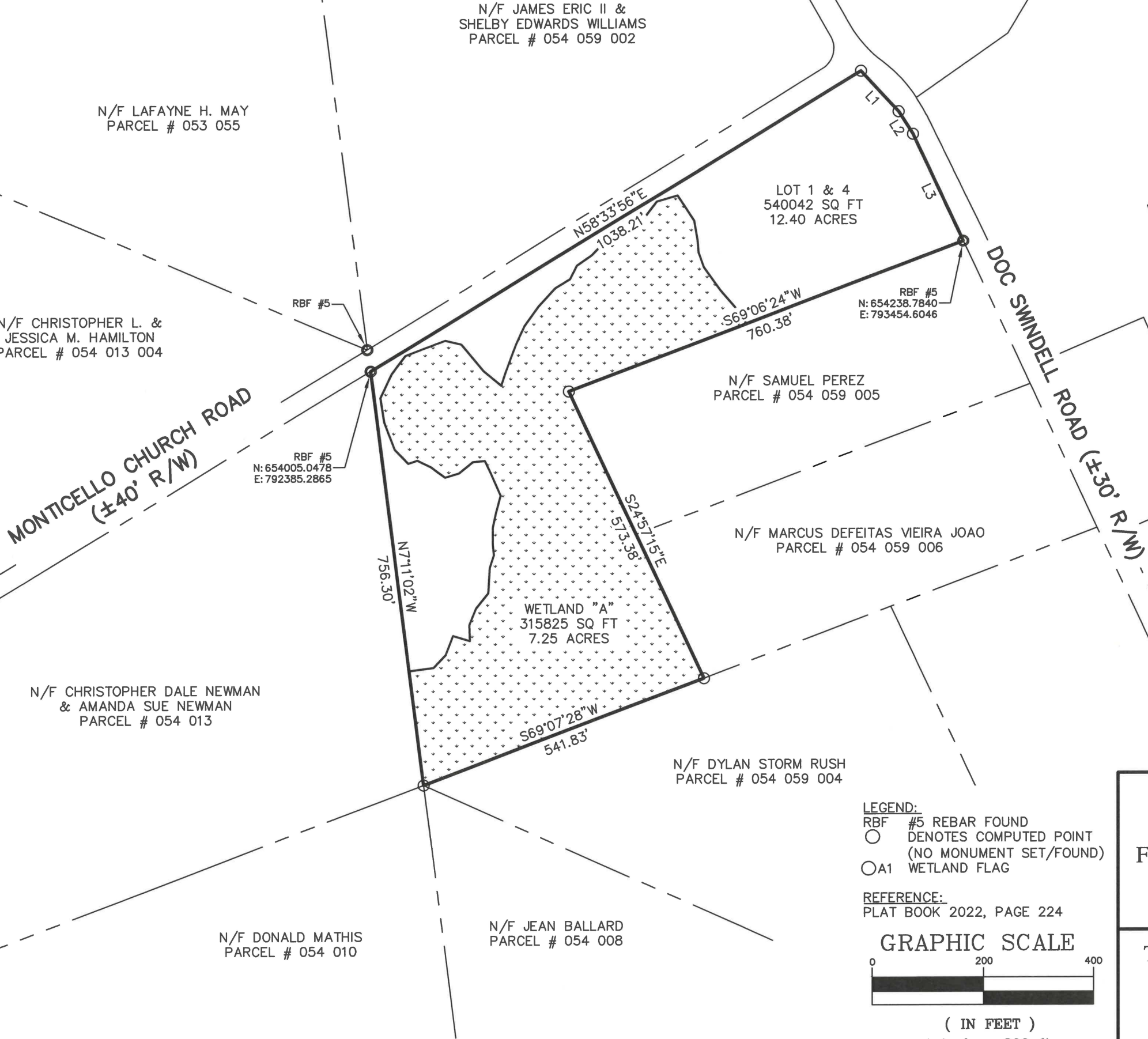
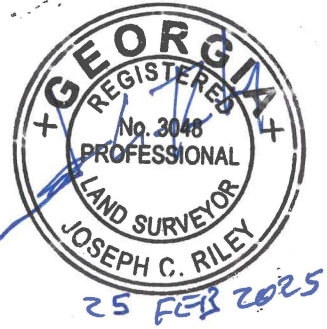
☒ USFWS NWI maps: Titled "NWI"

☒ USGS NHD data/maps: Titled "NHD" and dated July 9, 2025

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.

SURVEY NOTE:
WETLAND DELINEATION DONE BY SLIGH ENVIRONMENTAL
CONSULTANTS, INC. IN JULY OF 2024.
WETLAND FLAGS SURVEYED BY T.R. LONG ENGINEERING, P.C.
ON FEBRUARY 18, 2025.

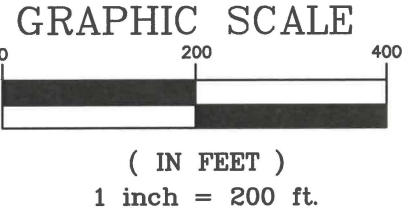


Parcel Line Table		
Line #	Length	Direction
L1	99.39	S42° 31' 10"E
L2	48.47	S32° 20' 51"E
L3	213.57	S25° 02' 00"E

PROPERTY INFORMATION	
TOTAL PROPERTY	12.40 ACRES
WETLAND "A"	7.25 ACRES
UPLAND AREA	5.15 ACRES

LEGEND:
RBF #5 REBAR FOUND
○ DENOTES COMPUTED POINT (NO MONUMENT SET/FOUND)
○A1 WETLAND FLAG

REFERENCE:
PLAT BOOK 2022, PAGE 224



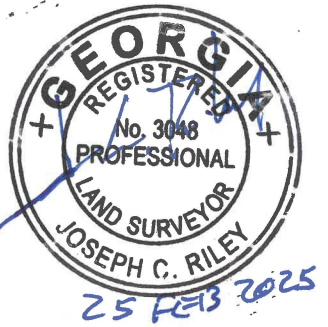
WETLAND PLAT
FOR
FREDRICK M. MADISON & ELISA M. ADORNO-MADISON
834 MONTICELLO CHURCH ROAD
LONG COUNTY, GEORGIA

T. R. Long Engineering, P.C.
114 North Commerce Street
Hinesville, Georgia 31313
(912) 368-5664
(912) 368-7206 Fax

LOT 1 & 4: MONTICELLO CHURCH ROAD
LONG COUNTY, GEORGIA
16th G.M. DISTRICT
TAX PARCEL: 054-059
PLAT DATE: SEPTEMBER 25, 2025
FILE NUMBER: 2024-238
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GEORGIA STATE PLANE
EAST ZONE
NAD 83, US SURVEY FEET



N/F JAMES ERIC II & SHELBY
EDWARDS WILLIAMS
PARCEL # 054 059 002

MONTICELLO CHURCH ROAD (±40' R/W)

LOT 1 & 4
540042 SQ FT
12.40 ACRES

TIE LINE
S69°06'21"W
418.64'

RBF #5
N: 654238.7840
E: 793454.6046

DOC SWINDELL ROAD (±30' R/W)

WETLAND "A"
315825 SQ FT
7.25 ACRES

N/F SAMUEL PEREZ
PARCEL # 054 059 005

RBF #5
N: 654005.0478
E: 792385.2865

GRAPHIC SCALE

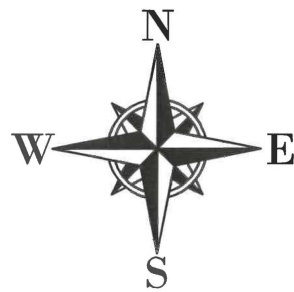


(IN FEET)
1 inch = 100 ft.

WETLAND PLAT
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GEORGIA STATE PLANE
EAST ZONE
NAD 83, US SURVEY FEET

RBF #5
N: 654005.0478
E: 792385.2865

N/F CHRISTOPHER DALE NEWMAN
& AMANDA SUE NEWMAN
PARCEL # 054 013



N/F DONALD MATHIS
PARCEL # 054 010

N/F JEAN BALLARD
PARCEL # 054 008

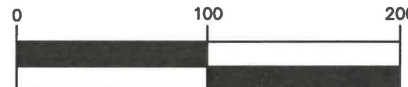
N/F SAMUEL PEREZ
PARCEL # 054 059 005

N/F MARCUS DEFEITAS VEIRA JOAO
PARCEL # 054 059 006

N/F DYLAN STORM RUSH
PARCEL # 054 059 004

WETLAND "A"
315825 SQ FT
7.25 ACRES

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

Wetland Line "A" Table

Line #	Length	Direction
W1	36.85	N35° 02' 11"W
W2	41.33	N40° 33' 55"W
W3	50.09	N35° 33' 46"W
W4	29.48	N18° 50' 08"W
W5	21.27	N4° 36' 04"W
W6	35.74	N9° 55' 02"W
W7	54.89	N33° 10' 17"W
W8	38.57	S73° 47' 18"W
W9	36.05	S37° 10' 34"W
W10	22.15	S55° 00' 43"W
W11	57.93	S60° 41' 21"W
W12	36.77	S43° 09' 59"W
W13	33.62	S55° 07' 42"W
W14	27.13	S26° 58' 13"W
W15	31.19	S58° 19' 02"W
W16	44.83	S42° 36' 05"W
W17	43.83	S35° 51' 05"W
W18	35.01	S24° 54' 03"W
W19	56.17	S20° 45' 58"W
W20	24.78	S18° 17' 39"W
W21	41.63	N50° 47' 18"W
W22	63.15	N40° 09' 13"W
W23	30.11	N76° 21' 58"W
W24	41.81	S69° 05' 57"W
W25	35.15	S69° 17' 01"W
W26	40.96	S36° 29' 12"W

Wetland Line "A" Table

Line #	Length	Direction
W27	47.28	S25° 15' 15"W
W28	44.81	S8° 45' 06"E
W29	53.29	S20° 26' 14"E
W30	35.18	S43° 28' 46"E
W31	17.22	N71° 00' 49"E
W32	27.09	S63° 49' 35"E
W33	32.08	S53° 25' 19"E
W34	25.94	N72° 58' 57"E
W35	32.87	N51° 36' 50"E
W36	21.95	N84° 27' 04"E
W37	24.39	S26° 13' 36"E
W38	44.99	S24° 04' 46"E
W39	33.38	S15° 33' 40"W
W40	26.55	S11° 54' 08"W
W41	30.24	S0° 10' 15"E
W42	19.35	S5° 15' 50"E
W43	24.21	S18° 22' 38"W
W44	45.74	S3° 12' 46"W
W45	35.63	S38° 43' 33"W
W46	32.56	S22° 16' 19"W
W47	28.93	S1° 35' 27"E
W48	31.80	N73° 01' 29"W
W49	36.84	S21° 13' 47"W
W50	32.66	S43° 33' 35"W
W51	43.97	S82° 49' 11"W

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