

Appendix E

Preliminary Jurisdictional Determination

This page left blank intentionally.



UNITED STATES MARINE CORPS
MARINE CORPS AIR STATION
BEAUFORT, SOUTH CAROLINA 29904-5001

IN REPLY REFER TO
5090
NREAO/116
12 May 2011

May 12, 2011

Mr. Donald W. Hendrix
Coastal Branch, Regulatory Division
United States Army Corps of Engineers, Savannah District
100 W. Oglethorpe Avenue
Savannah, Georgia 31401

Re: Request for Preliminary Jurisdictional Determination of Waters of the United States for the Modernization and Expansion of Townsend Bombing Range, Georgia (SAS-2010-01120)

Dear Mr. Hendrix:

The United States Marine Corps (USMC) is requesting a Preliminary Jurisdictional Determination (PJD) of lands being acquired for the modernization and expansion of Townsend Bombing Range (TBR) in Long and McIntosh Counties, Georgia. This request is pursuant to a meeting attended by you, Mr. Jered Jackson of Naval Facilities Engineering Command Southeast (NAVFAC SE), and Ms. Brenda Powell and Mr. Jonathan Oravetz of Ecology and Environment, Inc. (E & E) on 15 February 2011 in Orange Park, Florida. The Proposed Action includes the acquisition of up to 36,828 acres of land and construction in up to eight Impact Areas (IAs) within the lands proposed for acquisition (see further discussion of the Proposed Action below).

Based upon the discussions on 15 February 2011 (summarized in your 18 February 2011 electronic mail sent to Mr. Jackson, Ms. Powell, and Mr. Oravetz) and information contained in the "Public Notice for the Characterization of Jurisdictional Determinations: Purpose, Application and Documentation Requirements as Defined by the Savannah District, United States Army Corps of Engineers (USACE)," dated 4 March 2009 (March 2009 Public Notice), the USMC has determined that a PJD will meet the needs of the Environmental Impact Statement (EIS) documentation process. Per the March 2009 Public Notice, the USMC understands that if this request is approved by the USACE, the PJD will be non-binding and will indicate the approximate locations of waters of the United States pursuant to Section 10 of the Rivers and Harbors Act of 1899 (RHA; 33 U.S.C. 403) and Section 404 of the Clean Water Act (CWA; 33 U.S.C. 1344).

The PJD will be used to describe the existing environment and to quantify impacts in the EIS being prepared for the project. Prior to construction, when the specific engineering design has been completed, the USMC anticipates that an Approved Jurisdictional Determination (Approved JD) will be requested to assist in the permitting of the Proposed Action. The USMC understands that an Approved JD will require delineation of waterbodies and wetlands that are subject to CWA/RHA jurisdiction.

In order to prepare this enclosed request for a PJD, E & E conducted onsite field verification of existing National Wetlands Inventory (NWI) data within the eight IAs and collected supplemental wetlands data to support the location of wetlands and surface water bodies within these areas (see "Methodology" section below). For all areas outside of the IAs, the published NWI boundaries were used.

This letter summarizes the methodology used to preliminarily identify, classify, and quantify wetlands and surface waters located within the Acquisition Areas and IAs. In addition, this submittal includes supplemental information requested on the PJD Form. Rather than reiterate information requested on this form within the body of this letter, this form has been completed and provided as Attachment A.

Summary of the Proposed Action

The Proposed Action includes acquisition of up to 36,828 acres within two areas (e.g., Acquisition Areas 1 and 3 [Note: A third Acquisition Area, Area 2, was originally considered as part of the Proposed Action, but was subsequently dropped from consideration due to environmental sensitivity.]) in Long and McIntosh Counties, Georgia, for the modernization and expansion of TBR. As part of the Proposed Action, up to eight IAs would be placed within the two Acquisition Areas (see Attachment B, Figure 1-1). Within the eight IAs, target infrastructure and new roads would be constructed, and upgrades to existing roads would occur. Detailed construction footprints for proposed infrastructure and roads within the IAs are not available at this time. The IAs would also be subjected to airborne strafing and inert bombing exercises for military training. Areas outside the IAs (but within the Acquisition Areas) would serve as safety buffers. Except for constructing new roads and firebreaks, and upgrading existing roads and firebreaks, the safety buffers would be managed to permit sustainable timber harvest where applicable while maintaining and improving ecosystem function across the entire area.

Methodology

Data Sources

Prior to conducting any field work, the following data sets were obtained and reviewed:

- United States Fish and Wildlife Service (USFWS) NWI wetland data (USFWS 2010);
- Natural Resources Conservation Service (NRCS) soil survey data;
- United States Geologic Service (USGS) Watershed data;
- USGS topographic maps;
- National Hydrography Dataset (NHD) data;
- 2010 true color aerial imagery; and
- 2009 infrared aerial imagery.

Method for Determining PJD Wetland Boundary and Surface Waters in Safety Buffers

Wetland boundaries and surface water in the safety buffers (e.g., all areas outside of the IAs but within the boundaries of the Acquisition Areas [see Attachment B, Figure 1-1]) were determined using the data sources listed above. The USFWS NWI data were used to identify the location, classification, and wetland acreage calculations provided in the “Findings” section. GIS data from the NHD and USGS topographic maps were used to determine existing surface waters in the safety buffers. Wetland boundaries and surface water locations in the safety buffers are provided in Attachment C.

Method for Determining PJD Wetland Boundary and Surface Waters Within IAs

Vegetation, soil, and hydrology data were collected in the field within the eight IAs to verify the locations, classification, and wetland acreage calculations provided by the data sources listed above. These results are provided in the “Findings” section. The USFWS NWI dataset and other collected data were downloaded onto sub-meter accurate GPS units prior to field mobilization to

assist in the effort. Field verification efforts resulted in modifications (i.e., expansion and deletion) to the USFWS NWI boundaries in some areas.

Onsite data collection and field verification of the NWI was conducted within the eight IAs from 28-31 March 2011. Representative Wetland Determination Data Forms (WD Forms; see Attachment D) were completed and wetland reference points were collected to aid in the identification of wetland boundaries outside of, or differing from, the USFWS NWI data. Wetland boundaries that differed from the USFWS NWI maps were digitized in GIS and tied back into the existing USFWS NWI lines within the Acquisition Areas.

Surface waters observed within the IAs that were not identified on the USGS maps or by the NHD were identified and digitized in GIS using aerial imagery.

Findings

Safety Buffers

The Acquisition Areas, most of which will serve as safety buffers, are located within the Atlantic and Gulf Coastal Lowland Forest and Crop Region Land Resource Area and are located north of the Altamaha River in Long and McIntosh Counties, Georgia. The areas are characterized as having flat, nearly level topography, composed primarily of sedimentary rocks of marine origin, and alluvial sediments generally sloping southeast toward the Atlantic (USGS 2004). Soil information from the NRCS suggests a large portion of the area consists of hydric poorly-drained soils (see Attachment E). The Acquisition Areas lie within the Altamaha (HUC [Hydrologic Unit Code] #3070106) and Ogeechee Coastal Watersheds (HUC #3060204) (see Attachment F).

Most land in the Acquisition Areas is currently managed for silviculture. A majority of the area is composed of densely planted loblolly pine (*Pinus taeda*) and extensive ditching is evident throughout. Wetland environments are found within depressional, floodplain, and flow-way areas. Wetlands documented by the USFWS NWI maps included emergent, shrub/scrub, forested, palustrine unconsolidated bottom, and palustrine unconsolidated shore. Most wetlands within the Acquisition Areas show evidence of silviculture operations such as ditching, bedding, furrowing, tilling, and clearing.

Impact Areas

Within the IAs, modifications to the USFWS NWI lines were made based upon field observations and data collected during the March 28 - 31 survey period. The wetlands boundary and surface water locations within the IAs are provided in Attachment G. WD Forms are provided in Attachment D and photographs are provided in Attachment H.

Wetland environments observed in the IAs included emergent, shrub/scrub, and forested wetlands. Vegetation within emergent wetlands consisted of broom sedge (*Andropogon virginicus* var. *virginicus*), sugarcane plume grass (*Saccharum giganteum*), common fox sedge (*Carex stipata*), *Hypericum* sp., dog fennel (*Eupatorium capillifolium*), wooly panicum (*Panicum scabriusculum*), wire grass (*Aristida stricta*), hatpins (*Eriocaulon* sp.), wool grass (*Scirpus cyperinus*) and saw grass (*Cladium mariscus*). These areas exhibited wetland hydrologic and soil indicators such as standing water or high water tables, oxidized rhizospheres on living roots, presence of crayfish burrows, and redox features within the soil.

Vegetation within shrub/scrub wetlands consisted of wax myrtle (*Myrica cerifera*), saltbush (*Baccharis halimifolia*), titi (*Cyrilla racemiflora*), sweet gum saplings (*Liquidambar styraciflua*), and blackberry (*Rubus* sp.) These areas exhibited wetland hydrologic and soil indicators such as

water marks, saturation, moss trim lines, oxidized rhizospheres on living roots, thin dark surfaces, and redox features within the soil.

Forested wetland were characterized by cypress (*Taxodium* sp.), red maple (*Acer rubrum*), sweet gum, sweet bay (*Magnolia virginiana*), black gum (*Nyssa sylvatica*), water oak (*Quercus nigra*), laurel oak (*Quercus laurifolia*), loblolly bay (*Gordonia lasianthus*), wax myrtle, *Iris* sp., chain fern (*Woodwardia* sp.), fetter bush (*Lyonia lucida*), and arrow heads (*Sagittaria* sp.). These areas exhibited wetland hydrologic and soil indicators such as water marks, saturation, moss trim lines, oxidized rhizospheres on living roots, dark surfaces, muck presence, and redox features within the soil.

IA 1: Additional wetland acreage was added to the USFWS forested wetland located at the northwest corner of IA (see Attachment D, WD-01 and Attachment H, Photograph 1). Additional wetland acreage was also added to the USFWS forested wetland in the north-central area of the IA (see Attachment D, WD-02 and Attachment H, Photograph 2), and the USFWS scrub/shrub wetland in the center of this IA.

IA 2: An extensive ditch system runs through IA 2. This ditch system was digitized and includes the large surface water network located within the center of the IA (see Attachment H, Photographs 3 and 4) and the two small surface waters located in the northeast corner of the IA (see Attachment H, Photographs 5 and 6). Additional wetland acreage was added to connect a depressional wetland to the large floodplain wetland that runs along the eastern edge of the IA (see Attachment D, WD-03 and Attachment H, Photograph 7). Two depressional wetlands were identified in the central portion of the IA, adjacent to the drainage ditch (see Attachment D, WD-04 and Attachment H, Photograph 8). A third depressional wetland was identified at the northeast corner of the IA (see Attachment D, WD-05 and Attachment H, Photograph 9).

IA 3: A large emergent wetland area was added to the central portion of the site (see Attachment D, WD-06 and Attachment H, Photographs 10 through 15). This emergent wetland was recently harvested, had standing water, and was composed of broom sedge, sugarcane plume grass, common fox sedge, and saw grass. A forested wetland was added in the south-central portion of the IA to connect two NWI wetlands located to the north and south (see Attachment H, Photograph 16).

IA 4: Three additional emergent wetland areas were added in the center of the IA. The large NWI wetland that spans the central and southern portions of the IA was recently harvested (see Attachment H, Photographs 17 through 19). A small depressional forested wetland was added along the roadside that runs through the northeast corner of the site (see Attachment D, WD-07 and Attachment H, Photograph 20).

IA 5: Three emergent wetland areas were added (see Attachment H, Photographs 21 and 22), representative of WD-06 (see Attachment D) These areas were recently harvested, had standing water, and were composed of broom sedge, *Hypericum* sp., loblolly pine saplings, sweet gum, and blackberry. A forested wetland was added in the northwest corner, as well as a depressional forested wetland in the center of the IA. Three surface waters were added within this IA.

IA 6: Two surface waters were added on the east side of the access road. A small depressional forested wetland was added in the northwestern corner while a portion of the NWI wetland was removed from the northwest corner that ran adjacent to a north-south drainage ditch. This area was a forested riparian buffer and did not exhibit appropriate wetland hydrology (see Attachment

IA 7: A depressional forested wetland was added along the northern boundary at the center of the IA (see Attachment D, WD-08 and Attachment H, Photograph 24). Surface waters were previously mapped in the southern portion. Our observations extended them northwest to the corner of the IA. Additional surface water was added along the eastern boundary in a north-south direction (see Attachment H, Photograph 25).

IA 8: A portion of the NWI associated with the north-south drainage ditch was removed in the southeast quadrant of the IA (see Attachment H, Photograph 26). This area was a forested riparian buffer and did not exhibit appropriate wetland hydrology. Soils in this area were composed of fill material likely used in the construction of the drainage ditch. The extensive ditch network was digitized and included in surface waters for this IA.

The findings of efforts described above for the entire 36,828-acre proposed Acquisition Area, including the IAs, are summarized in Table 1.

Cowardin Class	Symbol	Acreage
Palustrine Emergent	PEM	1,036.4
Palustrine Forested	PFO	9,191.9
Palustrine Shrub/Scrub	PSS	807.7
Palustrine Unconsolidated Bottom	PUB	2.1
Palustrine Unconsolidated Shoreline	PUS	5.3
Total Wetlands		11,043.4
Cowardin Class	Symbol	Linear feet
Riparian Lower Perennial Stream Bed	R2SB	198,065.5
Riparian Intermittent Stream Bed	R4SB	56,527.4
Total Surface Waters		254,592.9

A GIS file of wetlands and surface water boundaries presented in Table 1 that were determined to be jurisdictional waters of the U.S. within the combined 36,828-acre Acquisition Areas is provided in Attachment I. Included in the GIS files are attributes that describe wetland and stream type based on the Cowardian Classification System and data source information. Upon your concurrence of this PJD request, wetlands and surface waters identified in this GIS file will be used in the EIS to describe and quantify impacts to waters of the U.S.

We understand that USACE processes a PJD within 60 days from the time it deems the submittal to be complete. Please contact Jered Jackson at (904) 542-6308 or jered.jackson@navy.mil if you have questions regarding this submittal or require additional information to process this request. We look forward to obtaining the PJD and working further with the USACE, Savannah District Regulatory on this project.

Sincerely,



W. A. DRAWDY
Natural Resources and
Environmental Affairs Officer
By Direction of the
Commanding Officer

Environmental Affairs Officer
By Direction of the
Commanding Officer

Attachments

cc: John Conway, NAVFAC SE
Jered Jackson, NAVFAC SE
Brenda Powell, E & E
Jonathan Oravetz, E & E



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
100 W. OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31401-3640

JULY 28 2011

Regulatory Division
SAS-2010-01120

United States Marine Corps
Air Station Beaufort
Attn: NREAO-Mr. William Drawdy
Post Office Box 55001
Beaufort, South Carolina 29904-5001

Dear Mr. Drawdy:

I refer to your letter of May 12, 2011, requesting a jurisdictional determination for the proposed modernization and expansion of the Townsend Bombing Range (TBR), located on a 36,828 tract of land adjacent to the TBR in McIntosh County, Georgia. This project has been assigned number SAS-2010-01120 and it is important that you refer to this number in all communication concerning this matter.

We have completed a preliminary Jurisdictional Determination (JD) for the site pursuant to the March 4, 2009, Public Notice entitled, "Characterization of Jurisdictional Determinations: Purpose, Application and Documentation Requirements as Defined by the Savannah District, US Army Corps of Engineers." I have enclosed a "JD Check Sheet" that summarizes the JD, delineation verification and appeals process.

The wetlands/other waters on the subject property may be waters of the United States within the jurisdiction of Section 404 of the Clean Water Act (CWA) (33 United States Code 1344). The placement of dredged or fill material into any 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.

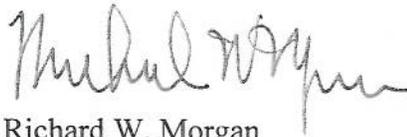
If you intend to sell property that is part of a project that requires Department of the Army Authorization, it may be subject to the Interstate Land Sales Full Disclosure Act. The Property Report required by Housing and Urban Development Regulation must state whether, or not a permit for the development 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).

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.

Thank you in advance for completing our Customer Survey Form. This can be accomplished by visiting our web site at <http://per2.nwp.usace.army.mil/survey.html> and completing the survey on-line. We value your comments and appreciate your taking the time to complete a survey each time you interact with our office. If you have any questions, please call Mark Padgett, Senior Project Manager, Coastal Branch at 912-652-5052.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard W. Morgan". The signature is fluid and cursive, with the first name being the most prominent.

Richard W. Morgan
Chief, Special Projects, Coastal Branch

Enclosures



DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, US ARMY CORPS OF ENGINEERS
100 W. OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31401-3640

REPLY TO
ATTENTION OF:

JURISDICTION DELINEATION CHECK SHEET
USACE FILE NUMBER: SAS-2010-01120
DATE: July 27, 2011

A. SECTION 1 - PRELIMINARY JURISDICTIONAL DETERMINATIONS

1. JURISDICTIONAL DETERMINATION (JD). A "preliminary JD" form was completed for the site in accordance with the March 4, 2009, Public Notice entitled, "Characterization of Jurisdictional Determinations: Purpose, Application and Documentation Requirements as Defined by the Savannah District, US Army Corps of Engineers." The form details whether streams, wetlands and/or other waters present on the site may be subject to the jurisdiction of the US Army Corps of Engineers (USACE). In summary, the USACE has determined the following with regard to waters present on the site:

 There may be navigable waters of the United States (US) within Rivers and Harbors Act (RHA) jurisdiction present.

 X There may be waters of the US within Clean Water Act (CWA) jurisdiction present.

2. DELINEATION VERIFICATION. With regard to the location and extent of potentially jurisdictional areas present on the site, the USACE has made the following determinations:

 X Wetlands 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.

 Drawings submitted with a Pre-Construction Notification (or other application) depict the approximate location/boundaries of all potentially jurisdictional waters on the project site. The USACE has verified the accuracy of the depicted boundaries of potentially jurisdictional waters in only the immediate vicinity of waters to be impacted. A complete jurisdictional delineation request, including a jurisdictional waters survey, would be required in order for the USACE to consider final verification of all other jurisdictional boundaries on the project site.

 X The drawings entitled "Overview Wetland and Surface Waters with 4 expanded pages, and Impact areas 1-8" dated April 28, 2011, are acceptable sketches of the approximate location/boundaries of all the potentially jurisdictional waters in the project area. These sketches can be used for initial real estate planning; projects with temporary impacts to waters; projects involving minor amounts of fill in waters; or work only subject to our jurisdiction pursuant to Section 10 of the Rivers and Harbors Act of 1899. A complete jurisdictional delineation request, including a jurisdictional waters survey, would be required in order for the USACE to consider final verification of all other jurisdictional boundaries on the project site.

3. APPEALS OF PRELIMINARY JURISDICTIONAL DETERMINATIONS: The preliminary JD is a “non-binding” written indication that there may be waters of the US on a parcel. Preliminary JDs are advisory in nature and may not be appealed (See 33 CFR 331.2).” If you are not in agreement with this preliminary JD, then you may request an approved jurisdictional determination for your project site or review area.

B. SECTION - EXPANDED PRELIMINARY JURISDICTIONAL DETERMINATIONS:

1. JURISDICTIONAL DETERMINATION (JD). An “expanded preliminary JD” form was completed for the site in accordance with the March 4, 2009, Public Notice entitled, “Characterization of Jurisdictional Determinations: Purpose, Application and Documentation Requirements as Defined by the Savannah District, US Army Corps of Engineers.” The form details whether streams, wetlands and/or other waters present on the site may be subject to the jurisdiction of the USACE. In summary, the USACE has determined the following with regard to waters present on the site:

_____ There may be navigable waters of the United States (US) within Rivers and Harbors Act (RHA) jurisdiction present.

_____ There may be waters of the US within Clean Water Act (CWA) jurisdiction present.

2. DELINEATION VERIFICATION. With regard to the location and extent of potentially jurisdictional areas present on the site, the USACE has made the following determinations:

_____ Wetlands 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.

_____ The Global Positioning System (GPS) delineation entitled “_____”, dated _____, is an accurate delineation of the location/boundaries of all the potentially jurisdictional waters on the site. If you have not already done so, I recommend that you place a statement on this delineation to the effect that, **"WETLANDS AND OTHER WATERS SHOWN ON THIS DRAWING ARE POTENTIALLY UNDER THE JURISDICTION OF THE US ARMY CORPS OF ENGINEERS AS SHOWN IN USACE FILE NUMBER SAS-2010-01120. OWNERS MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO THESE WATERS WITHOUT PROPER AUTHORIZATION."** This delineation will remain valid for a period of 5 years unless new information warrants revision prior to that date.

_____ The survey entitled “_____”, dated _____, and signed by Registered Land Surveyor _____, is an accurate delineation of the location/boundaries of all the potentially jurisdictional waters on the site. If you have not already done so, I recommend that you place a statement on the final surveyed property plat to the effect

that, "WETLANDS AND OTHER WATERS SHOWN ON THIS DRAWING ARE POTENTIALLY UNDER THE JURISDICTION OF THE US ARMY CORPS OF ENGINEERS AS SHOWN IN USACE FILE NUMBER SAS-2010-01120. OWNERS MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO THESE WATERS WITHOUT PROPER AUTHORIZATION." This delineation will remain valid for a period of 5-years unless new information warrants revision prior to that date.

3. APPEALS OF PRELIMINARY JURISDICTIONAL DETERMINATIONS: The expanded preliminary JD is a "non-binding" written indication that there may be waters of the US on a parcel. Expanded Preliminary JDs are advisory in nature and may not be appealed (See 33 CFR. 331.2)." If you are not in agreement with this expanded Preliminary JD, then you may request an approved jurisdictional determination for your project site or review area.

C. SECTION 3 - APPROVED DETERMINATIONS: As defined in Regulatory Guidance Letter 08-02, an approved JD is an official Savannah District determination that jurisdictional "waters of the United States" or "navigable waters of the United States," or both, are either present or absent on a particular site. An approved JD precisely identifies the limits of those waters on the project site determined to be jurisdictional under the Clean Water Act (CWA) and/or the Rivers and Harbors Act (RHA).

1. JURISDICTIONAL DETERMINATION (JD). An "approved JD" form was completed for the site pursuant to the June 5, 2007, "US Army Corps of Engineers (USACE) JD Form Instructional Guidebook." The form details whether streams, wetlands and/or other waters present on the site are subject to the jurisdiction of the USACE. In summary, the USACE has determined the following with regard to waters present on the site:

_____ There are navigable waters of the (US) within (RHA) jurisdiction present.

_____ There are waters of the US within (CWA) jurisdiction present.

_____ There are non-jurisdictional waters of the US located in the project area.

_____ There are no jurisdictional waters of the US located in the project area.

2. APPROVED DETERMINATION - ISOLATED, NON-JURISDICTIONAL WATERS. If Appendix E of the March 4, 2009, Public Notice entitled, "Characterization of Jurisdictional Determinations: Purpose, Application and Documentation Requirements as Defined by the Savannah District, US Army Corps of Engineers" was submitted, you have requested that the USACE verify the presence of isolated, non-jurisdictional waters located at the project site or within the review area. The completed Appendix E form is available at <https://sasweb.sas.usace.army.mil/JD/>, under the above listed file number. You may also request that a printed copy of the form be mailed to you. This isolated, non-jurisdictional determination will remain valid for a period of 5-years unless new information warrants revision prior to that

date. In summary, the USACE has determined the following with regard to isolated, non-jurisdictional waters that are present on the site:

_____ Wetlands 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.

_____ There are isolated non-jurisdictional waters present that are not subject to CWA jurisdiction. Specifically, wetland(s) [letter of wetlands here], as identified on the exhibit entitled "_____" is/are isolated, non-jurisdictional wetlands. 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 these areas.

3. APPROVED DETERMINATION. (other than isolated, non-jurisdictional waters): If Appendix B of the March 4, 2009, Public Notice entitled, "Characterization of Jurisdictional Determinations: Purpose, Application and Documentation Requirements as Defined by the Savannah District, US Army Corps of Engineers" was submitted, you have requested that the USACE verify the presence of jurisdictional waters located at the project site or within the review area. The completed Appendix B form is available at <https://sasweb.sas.usace.army.mil/JD/>, under the above listed file number. You may also request that a printed copy of the form be mailed to you. This jurisdictional determination will remain valid for a period of 5-years unless new information warrants revision prior to that date. In summary, the USACE has determined the following with regard to isolated, non-jurisdictional waters that are present on the site:

_____ Wetlands 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.

_____ The Global Positioning System (GPS) delineation entitled "_____", dated _____, is an accurate delineation of all the jurisdictional boundaries on the site. If you have not already done so, I recommend that you place a statement on this delineation to the effect that, "**JURISDICTIONAL WETLANDS AND OTHER WATERS SHOWN ON THIS DRAWING ARE UNDER THE JURISDICTION OF THE US ARMY CORPS OF ENGINEERS AS SHOWN IN USACE FILE NUMBER SAS-2010-01120. OWNERS MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO THESE JURISDICTIONAL AREAS WITHOUT PROPER AUTHORIZATION.**" This approved jurisdictional determination will remain valid for a period of 5-years unless new information warrants revision prior to that date.

_____ The survey entitled "_____", dated _____, and signed by Registered Land Surveyor _____, is an accurate delineation of all the jurisdictional boundaries on the site. If you have not already done so, I recommend that you

place a statement on the final surveyed property plat to the effect that, "**JURISDICTIONAL WETLANDS AND OTHER WATERS SHOWN ON THIS DRAWING ARE UNDER THE JURISDICTION OF THE US ARMY CORPS OF ENGINEERS AS SHOWN IN USACE FILE NUMBER SAS-2010-01120. OWNERS MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO THESE JURISDICTIONAL AREAS WITHOUT PROPER AUTHORIZATION.**" This approved jurisdictional determination will remain valid for a period of 5-years unless new information warrants revision prior to that date.

4. APPEALS FOR APPROVED JURISDICTIONAL DETERMINATIONS: You may request an administrative appeal for any approved geographic jurisdictional determination under USACE regulations at 33 Code of Federal Regulation (CFR) Part 331. Enclosed you will find a Notification of Administrative Appeal Options and Process and Request for Appeal (RFA) Form.

If you request to appeal this/these determination(s) you must submit a completed RFA form to the South Atlantic Division Office at the following address:

US Army Corps of Engineers, South Atlantic Division
Attention: CESAD-PDS-O, Administrative Appeal Review Officer
60 Forsyth Street, Room 10M15
Atlanta, Georgia 30303-8801

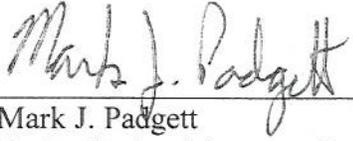
In order for a RFA to be accepted by the USACE, the USACE must determine that it is complete, that it meets the criteria for appeal under 33 CFR, part 331.5, and that it has been received by the Division Office within 60 days of the date of this form. It is not necessary to submit an RFA form to the Division Office if you do not object to this jurisdictional determination.

D. SECTION 4 - APPLIES TO ALL OF THE ABOVE.

- US DEPARTMENT OF AGRICULTURE (USDA) PROGRAM PARTICIPANTS. This delineation/determination has been conducted to identify the limits of USACE CWA jurisdiction for this site. 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 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.

Attachments:

- Verified Survey of Jurisdictional Streams, Wetlands and/or Other Waters
- Verified GPS Delineation of Jurisdictional Streams, Wetlands and/or Other Waters
- Drawing of Approximate Location of Streams, Wetlands and/or Other Waters
- Approved Jurisdictional Determination Form(s)
- Notification of Administrative Appeal Options and Process and Request for Appeal Form



Mark J. Padgett
Senior Project Manager, Coastal Branch

7-27-11
DATE

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

Applicant: United States Marine Corps File Number: SAS-2010-01120 Date: July 27, 2011

Attached is: See Section below

	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
X	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/inet/functions/cw/cecwo/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. 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:
Mark Padgett
US Army Corps of Engineers, Savannah District
100 W. Oglethorpe Avenue
Savannah, Georgia 31401-3640
912-652-5052

If you only have questions regarding the appeal process you may also contact:
Administrative Appeal Review Officer
CESAD-PDS-O
US Army Corps of Engineers, South Atlantic Division
60 Forsyth Street, Room 10M15
Atlanta, Georgia 30303-8801

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:
----------------------------------	-------	-------------------