



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT
69A HAGOOD AVE
CHARLESTON, SOUTH CAROLINA 29403

December 9, 2025

Regulatory Division

Ms. Brian Russo
Kato Bay Investments LLC
121 Arabian Court
St. Augustine, Florida 32095
brianfrusso@gmail.com

Dear Ms. Russo:

This is in response to your request for an Approved Jurisdictional Determination (AJD) (SAC-2024-00855) received in our office on September 30, 2025, for a 10-acre site identified as TMS# 042-00-02-024, located at 650 Kato Bay Road, Hardeeville, Jasper County, South Carolina (Latitude: 32.3408°, Longitude: -81.0492°). An AJD is used to indicate the Corps has identified the presence or absence of wetlands and/or other aquatic resources on a site, including their accurate location(s) and boundaries, as well as their jurisdictional status pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. § 1344) and/or navigable waters of the United States pursuant to Section 10 of the Rivers and Harbors Act of 1899 (RHA) (33 U.S.C. § 403).

The site in question is shown on the attached map entitled "Kato Bay Rd-10 Acres Hardeeville, SC USACE Non-Jurisdictional Wetland Map Prepared for USACE AJD" and dated September 30, 2025, prepared by ES&T Inc. Based on a review of aerial photography, topographic maps, National Wetlands Inventory maps, soil survey information, LiDAR imagery, and Wetland Determination Data Form(s), we conclude the site, as shown on the referenced map, does not contain any aquatic resources subject to Corps' jurisdiction under Section 404 of the CWA or Section 10 of the RHA.

The site contains 2.3 acres of freshwater wetlands as federally defined by the 1987 Corps of Engineers Wetland Delineation Manual and applicable regional supplement however, the 2.3 acres of freshwater wetlands are not considered subject to Corps' jurisdiction based upon U.S. Supreme Court decisions. The location and configuration of these non-jurisdictional areas are reflected on the above referenced map. It should be clearly noted that decisions of the U.S. Supreme Court to exclude certain waters and wetlands from federal jurisdiction under the CWA have no effect on any state or local government restrictions or requirements concerning wetlands. You are strongly cautioned to ascertain whether such restrictions or requirements exist for the area in question before undertaking any activity which might impact these aquatic resources.

Attached is a Memorandum for Record describing the basis of jurisdiction for the delineated area(s). Note that some or all of these areas may be regulated by other state

or local government entities and you should contact the S South Carolina Department of Environmental Services, Bureau of Water, or Bureau of Coastal Management, to determine the limits of their jurisdiction.

This AJD is valid for five (5) years from the date of this letter unless new information warrants revision before the expiration date. This AJD is an appealable action under the Corps of Engineers administrative appeal procedures defined at 33 CFR Part 331. The administrative appeal options, process and appeals request form is attached for your convenience and use.

This AJD was conducted pursuant to Corps of Engineers' regulatory authority to identify the limits of Corps of Engineers' jurisdiction for the particular site identified in this request. This AJD may not be valid for the wetland conservation provisions of the Food Security Act of 1985. 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.

In all future correspondence, please refer to file number SAC-2024-00855. A copy of this letter is forwarded to State and/or Federal agencies for their information. If you have any questions, please contact me at (843) 365-0848, or by email at Tony.B.hardee@usace.army.mil.

Sincerely,



T. Brian Hardee
Team Lead / South Branch

Attachments:
Memorandum for Record
Notification of Appeal Options

Copies Furnished:
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