



U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): July 1, 2021

ORM Number: SAC-2020-00381

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State: SC City: Ravenel County: Dorchester County

Center Coordinates of Review Area: Latitude 32.8224 Longitude -80.1613

**II. FINDINGS**

**A. Summary:** Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A.
- ☒ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- ☒ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

| § 10 Name | § 10 Size   | § 10 Criteria   | Rationale for § 10 Determination                                       |
|-----------|-------------|---|--|
| Marsh     | 54.43 acres | (a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide | Marsh is an estuarine wetland subject to the ebb and flow of the tide. |

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)<sup>3</sup>

| (a)(1) Name | (a)(1) Size | (a)(1) Criteria   | Rationale for (a)(1) Determination                                     |
|-------------|-------------|---|--|
| Marsh       | 54.43 acres | (a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide | Marsh is an estuarine wetland subject to the ebb and flow of the tide. |

Tributaries ((a)(2) waters):

| (a)(2) Name | (a)(2) Size | (a)(2) Criteria | Rationale for (a)(2) Determination |
|-------------|-------------|-----------------|------------------------------------|
| N/A         | N/A         | N/A             | N/A                                |

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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| (a)(3) Name | (a)(3) Size | (a)(3) Criteria | Rationale for (a)(3) Determination |
|-------------|-------------|-----------------|------------------------------------|
| N/A         | N/A         | N/A             | N/A                                |

Adjacent wetlands ((a)(4) waters):

| (a)(4) Name              | (a)(4) Size | (a)(4) Criteria                             | Rationale for (a)(4) Determination   |
|--------------------------|-------------|---|--|
| Jurisdictional Wetland A | 2.55 acres  | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Jurisdictional Wetland A abuts the high tide line of the adjacent Marsh, an (a)(1) water of the United States. |
| Jurisdictional Wetland B | 0.18 acre   | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Jurisdictional Wetland B abuts the high tide line of the adjacent Marsh, an (a)(1) water of the United States. |
| Jurisdictional Wetland C | 0.13 acre   | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Jurisdictional Wetland C abuts the high tide line of the adjacent Marsh, an (a)(1) water of the United States. |
| Jurisdictional Wetland D | 1.25 acres  | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Jurisdictional Wetland D abuts the high tide line of the adjacent Marsh, an (a)(1) water of the United States. |
| Jurisdictional Wetland E | 2.28 acres  | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Jurisdictional Wetland E abuts the high tide line of the adjacent Marsh, an (a)(1) water of the United States. |
| Jurisdictional Wetland F | 0.07 acre   | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Jurisdictional Wetland F abuts the high tide line of the adjacent Marsh, an (a)(1) water of the United States. |

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

| Exclusion Name | Exclusion Size | Exclusion <sup>5</sup>   | Rationale for Exclusion Determination   |
|----------------|----------------|--|---|
| Ditch          | 160 feet       | (b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)  | The Ditch segment on this parcel represents 160 feet of ditch excavated within uplands and that does not meet the criteria as any category of water. The ditch does carry flow but does so only in response to precipitation. |
| Pond A         | 19.2 acres     | (b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6) | Pond A is constructed wholly in uplands and does not contribute flow to an (a)(1)-(a)(3) water.   |
| Pond B         | 0.8 acre       | (b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6) | Pond B is constructed wholly in uplands and does not contribute flow to an (a)(1)-(a)(3) water.   |

**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

  X   Information submitted by, or on behalf of, the applicant/consultant: *Poplar Grove Iron Gate NEI Project # 01-4421a Dorchester County, South Carolina dated March 2, 2020.*

This information is sufficient for purposes of this AJD.

Rationale: *N/A.*

       Data sheets prepared by the Corps: *N/A.*

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- ☒ Photographs: *Data Point Map and Location Map dated January 2020.*  
☒ Corps Site visit(s) conducted on: *July 8, 2020.*  
☒ Previous Jurisdictional Determinations (AJDs or PJDs): *SAC-2008-01678 dated August 21, 2008.*  
☐ Antecedent Precipitation Tool: *N/A.*  
☒ USDA NRCS Soil Survey: *Soils Map dated January 2020.*  
☒ USFWS NWI maps: *NWI Map dated January 2020.*  
☒ USGS topographic maps: *USGS Quad Map dated January 2020.*

**Other data sources used to aid in this determination:**

| Data Source (select)       | Name and/or date and other relevant information |
|----------------------------|---|
| USGS Sources               | N/A.  |
| USDA Sources               | N/A.  |
| NOAA Sources               | N/A.  |
| USACE Sources              | N/A.  |
| State/Local/Tribal Sources | N/A.  |
| Other Sources              | N/A.  |

- B. Typical year assessment(s):** N/A.
- C. Additional comments to support AJD:** N/A.

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

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