



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): March 5, 2021

ORM Number: SAC-2020-00734

Associated JDs: N/A

Review Area Location¹: A 0.96-acre site located on TMS# 151-00-00-069, at 2636 Highway 17-A

State: SC City: Summerville County: Dorchester County

Center Coordinates of Review Area: Latitude 32.97629 Longitude -80.24833

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)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)³

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

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):

(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
N/A	N/A	N/A	N/A

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

² 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.

³ 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.

⁴ 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.

⁵ 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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland A	0.06 acres	(b)(1) Non-adjacent wetland	Wetland A is a closed boundary polygon that extends offsite however it is surrounded by uplands onsite and offsite and is not contiguous or directly abutting an (a)(1)-(a)(3) water. Based on a review of a Google Earth photo dated 2021, the offsite portion of the wetland ends outside of the review area boundary and is surrounded by uplands offsite as well. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1). Additional discussion is provided below in Section III.

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.

- ☒ Information submitted by, or on behalf of, the applicant/consultant: JD request package submitted by Red Bay Environmental May 22, 2020
This information is sufficient for purposes of this AJD.
Rationale: N/A
- ☐ Data sheets prepared by the Corps: N/A
- ☒ Photographs: Digital Globe 2017; Site photos in JD request and Google Earth dated 2021.
- ☐ Corps Site visit(s) conducted on: N/A.
- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): N/A
- ☐ Antecedent Precipitation Tool: N/A
- ☒ USDA NRCS Soil Survey: Web Soil Survey, Dorchester County Ocilla and Pelham soils
- ☒ USFWS NWI maps: PSS1C palustrine scrub-shrub seasonally flooded wetland and uplands.
- ☒ USGS topographic maps: Stallville Quad

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	SAC Regulatory Viewer
State/Local/Tribal Sources	N/A.
Other Sources	Google Earth 2021

B. Typical year assessment(s): N/A

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- C. **Additional comments to support AJD:** The 0.06 acre of wetland located in the project review area is a closed boundary polygon wetland that is non-adjacent to an (a)(1) – (a)(3) water. Therefore, the wetland is a non-jurisdictional excluded water and is not regulated by this office under Section 10 of the Rivers and Harbors Act or Section 404 of the Clean Water Act.

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