



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): 02-NOV-2020

ORM Number: SAC-2020-01285

Associated JDs: N/A

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

State: SC City/Town: Round O County: Colleton County

Center Coordinates of Review Area: Latitude 32.9555 Longitude -80.53055

**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
N/A	N/A	N/A	N/A

**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
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
Stream	650 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Unnamed tributary onsite contributes at least intermittent flow to the downstream tributary, Chessey Creek, which flows to the Ashepoo River, an (a)(1) water. Flow characteristics of the tributary within the project area include presence of an OHWM, sediment sorting and deposition and observation of flow under normal conditions (See Section III. c. for additional information).

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
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<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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N/A	N/A	N/A	N/A
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Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland	2.3 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland onsite directly abuts and is contiguous to the tributary's OHWM..

**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
N/A	N/A	N/A	N/A

**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:

This information (*is/is not/is and is not*) sufficient for purposes of this AJD.

Rationale: N/A

Data sheets prepared by the Corps:

☒ Photographs: *Google Images, on-site photographs taken on 10-30-2020*

☒ Corps Site visit(s) conducted on: *10-30-2020*

Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*

☒ Antecedent Precipitation Tool:

☒ USDA NRCS Soil Survey: *SAC Regulatory Viewer- NRCS SSURGO Map Service*

☒ USFWS NWI maps: *SAC Regulatory Viewer-USFWS NWI Map Service*

☒ USGS topographic maps: *SAC Regulatory Viewer USGS 7.5 Minute Quad*

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

Data Source (select)	Name and/or date and other relevant information
USGS Sources	<i>SAC Regulatory Viewer- USGS 3D Elevation Program (#DEP) Map Service, National Hydrography Dataset (NHD)</i>
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):** APT tool indicates normal conditions for 10-30-2020.

**C. Additional comments to support AJD:** The wetland within the project site is located between two agricultural fields and is abutting the stream. The stream meanders through the wetland, has at least

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intermittent flow and continues downstream to Chessey Creek, which flows to the Ashepoo River, an (a)(1) water. Flow observed in the tributary reach onsite was consistent with the definition of intermittent, based on seasonally elevated groundwater levels in the area and lack of rainfall in the review area for the previous 3-5 days (APT results for this site were generated for October 30, 2020, and support wet season flow during a time of low rainfall). Strong channel development and well-defined thalweg, sediment sorting and other indicators of OHWM support the conclusion of seasonally continuous flow regime as described for intermittent flow regime.

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