



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): April 14, 2021

ORM Number: SAC-2020-01256

Associated JDs: N/A

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

State: SC City: St. George County: Dorchester County

Center Coordinates of Review Area: Latitude 33.198354 Longitude -80.583324

**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 or describe rationale.
- 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
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

<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 and 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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**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 1	822 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 822 feet of ditch excavated within uplands and portions in wetlands that does not meet criteria as any category of jurisdictional water. The ditch only flows in response to precipitation.
Wetland 1	9.3 acres	(b)(1) Non-adjacent wetland	This wetland is not contiguous or directly abutting an (a)(1)-(a)(3) water. 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).
Wetland 2	0.026 acre	(b)(1) Non-adjacent wetland	This wetland is not contiguous or directly abutting an (a)(1)-(a)(3) water. 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).
Wetland 3	0.57 acre	(b)(1) Non-adjacent wetland	This wetland is a depressional wetland, wholly located on site that is not contiguous or directly abutting an (a)(1)-(a)(3) water. 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).

**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 Package dated September 11, 2020 provided by Passarella & Associates Inc. which includes a description of the property, description of the aquatic features, aerial, quad sheet, LiDAR imagery, data points, photographs, WETS Table and Antecedent Precipitation Tool results, and data sheets.* This information is sufficient for purposes of this AJD.

Rationale: *N/A*

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

Photographs: *1994, 2005, 2006, 2019, and 2020 Google aerial images, photographs taken on-site 10-22-2020 included in file*

Corps Site visit(s) conducted on: *10-22-2020.*

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

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: *SAC Regulatory Viewer- NRCS SSURGO Map Service; 1915 Dorchester County Soils Map from Digital Collections, USC Libraries*

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<https://digital.tcl.sc.edu/digital/collection/HSSM/id/14/rec/4> accessed 10-23-2020

- 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	SAC Regulatory Viewer- USGS 3D Elevation Program (3DEP) Map Service, National Hydrography Dataset (NHD)
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):** *Typical Year assessment provided by Passarella & Associates indicated that the Corps' Antecedent Precipitation Tool (APT) showed that during the timeframe when the wetlands were delineated and the photographs and data forms were collected, normal conditions were present. The Corps ran the APT for 10-20-2020, two days prior to the Corps' site visit which indicated that "wetter than normal" conditions were present. Both assessments can be found in the Corps' file.*
- C. Additional comments to support AJD:** *The site visit was conducted on 10-22-2020 during a "wetter than normal" time. The site had experienced rain prior to the site visit, and it rained during the end of the site visit. The site itself was logged approximately 2-3 years ago. Logging ruts are abundant within the wetlands, namely Wetland 1. There is one ditch that runs from Wetland 1 across the site and was holding water, but no apparent flow was observed. This ditch continues off site and crosses under Raysor Street. Another ditch was observed at the southeast corner of the site which appeared to be flowing into Wetland 1. The ditch connecting Wetland 1 and continuing off-site appeared to run through another cleared area and south towards Raysor Street, into a stormwater structure, daylighting somewhere between Raysor Street and Highway 78 and continuing under Highway 78. NWI and National Hydrography maps indicated that a stream exits on the southern corner on the site and flows eventually to Polk Swamp; however, the site visit and LiDAR imagery could not confirm a natural hydrologic connection. While a ditch is present and did contain water at the time of the site visit, it did not appear to have perennial or even intermittent flow. The ditches contained live vegetation growing in the bottom and along the side slopes as well as pine straw and leaf litter. A 1915 soils map did not show these natural stream features present until well downstream and offsite. Google Imagery from 1994 until present indicates the site has experienced continued timber management and site manipulation. Therefore, it was concluded that the ditches only flow off site in response to precipitation, are not relocated tributaries and the wetlands are not adjacent to any a(1), a(2), a(3), or a(4) water. All water features and wetlands located onsite are excluded from jurisdiction.*

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