



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

I. ADMINISTRATIVE INFORMATIONSA

Completion Date of Approved Jurisdictional Determination (AJD): April 23, 2021
ORM Number: SAC-2021-00176 Levy Sand Surface Mine Project
Associated JDs: SAC-2006-01479- Monroe Tract & SAC-2013-00211- Lands of Monroe
Review Area Location¹:
State: SC City: Hardeeville County: Jasper County
Center Coordinates of Review Area: Latitude 32.2063 Longitude -81.0574

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
Wetland 1	0.1349 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 1 and Wetland 2 are part of the same larger wetland system that borders the entire project site and

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 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.

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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			continues off-site to the southeast where it becomes Monkey John Swamp, a large bottomland hardwood wetland complex, which abuts tidally influenced wetlands and waters of the Savannah Wildlife Refuge and the Back River, an (a)(1) tidal Traditionally Navigable Water (TNW).
Wetland 2	0.2253 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 2 and Wetland 1 are part of the same larger wetland system that borders the entire project site and continues off-site to the southeast where it becomes Monkey John Swamp, a large bottomland hardwood wetland complex, which abuts tidally influenced wetlands and waters of the Savannah Wildlife Refuge and the Back River, an (a)(1) tidal Traditionally Navigable Water (TNW). The off-site Monkey John Swamp is divided by multiple artificial structures (roads). However, according to best available aerial imagery, culverts within the artificial structures that are active at least once in a typical year provide a direct hydrologic connection.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Wetland	0.693 acre	(b)(1) Non-adjacent wetland	This wetland is a closed polygon boundary 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 Request received January 21, 2021
This information is sufficient for purposes of this AJD.
Rationale: N/A.
- Data sheets prepared by the Corps:
- Photographs: 2019 NAIP Aerial Photograph, GoogleEarth July, 2020
- Corps Site visit(s) conducted on:
- Previous Jurisdictional Determinations (AJDs or PJDs): AJD SAC-2006-01479 & PJD SAC-2013-00211
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: NRCS Soil Survey for Jasper County Levy Sand Surface Mine Project
- USFWS NWI maps: National Wetlands Inventory Limehouse Quadrangle Levy Sand Surface

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Mine Project

USGS topographic maps: US. Geological Survey for the Limehouse Quadrangle Levy Sand Surface Mine Project

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS 3DEP Digital Elevation Model
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) data for typical year determination were calculated for the date of a best available aerial image via Google Earth Pro®, July 12, 2020. The APT data were calculated to determine if culverts dividing the off-site Monkey John Swamp provide direct hydrologic connections during typical year conditions. According to output from the APT, conditions for this date exhibited “Normal” conditions with a product of 13.
- C. Additional comments to support AJD:** According to best available imagery via Google Earth Pro® on July 12, 2020, water is visible on both sides of culverts within roads that are dividing the off-site Monkey John Swamp. According to the aforementioned APT data the conditions on this date were indicative of normal conditions. Therefore, this office has determined that the culverts are providing a direct hydrologic connection at least once in a typical year. The 17.49-acre project site contains two jurisdictional wetlands totaling 0.36 acre and one excluded wetland totaling 0.69 acre.

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