



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): 8/19/2020

ORM Number: SACc-2008-00178 Angel Tract

Associated JDs: N/A

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

State/Territory: SC City: Yemassee County/Parish/Borough: Hampton

Center Coordinates of Review Area: Latitude 32.7069 Longitude -80.8984

**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
Jurisdictional Tributary A	15417 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary A is a USGS blue line stream, contained an OHWM, appeared to be a natural stream due to some sinuosity being present, and was observed to be flowing during the site visit during normal climatic conditions. Given other tributary characteristics such as scouring, and sediment deposition, it was determined that this feature flows perennially.
Jurisdictional Tributary B	3248.7 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary B is not a USGS blue line stream, but did contain an OHWM, appeared to be a natural stream due to some sinuosity being present, and was observed to be flowing during the site visit during normal climatic conditions. Given other tributary

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<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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 REGULATORY PROGRAM  
 APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
 NAVIGABLE WATERS PROTECTION RULE**

				characteristics such as scouring, and sediment deposition, it was determined that this feature flows perennially.
Jurisdictional Tributary C	1376.7	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary C is not a USGS blue line stream, but did contain an OHWM, appeared to be a natural stream due to some sinuosity being present, and was observed to be flowing during the site visit during normal climatic conditions. Given other tributary characteristics such as scouring, and sediment deposition, it was determined that this feature flows perennially.
Jurisdictional Tributary D	3700.6	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary D is not a USGS blue line stream, but did contain an OHWM, appeared to be a natural stream due to some sinuosity being present, and was observed to be flowing during the site visit during normal climatic conditions. Given other tributary characteristics such as scouring, and sediment deposition, it was determined that this feature flows perennially.

**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	
Jurisdictional Wetland A	160.72	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland A directly abuts Jurisdictional Tributaries A and B as the tributary flows through the wetland.
Jurisdictional Wetland DD	20.18	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland DD directly abuts Jurisdictional Tributary A, as the tributary flows through the wetland.
Jurisdictional Wetland P	125.58	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year	Jurisdictional Wetland P is connected via culvert to wetland CC, which abuts an offsite a2 tributary. Based on the typical year assessment below, it was determined that the wetland would flow at least once through the culvert in a typical year.
Jurisdictional Wetland CC	53.02	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland CC continues offsite where it is part of a larger contiguous wetland system that abuts an offsite a2 tributary
Jurisdictional Wetland M	29.93	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland M continues offsite where it is part of a larger contiguous wetland system that abuts an a2 tributary.
Jurisdictional Wetland R	1.57	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year	Jurisdictional Wetland R is hydrologically connected via a culvert to an offsite wetland feature that abuts an a2 tributary. Based on the typical year assessment below, it was determined that the wetland would flow at least once through the culvert in a typical year.

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 REGULATORY PROGRAM  
 APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
 NAVIGABLE WATERS PROTECTION RULE**

Jurisdictional Wetland Q	5.57	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland Q continues offsite where it is part of a larger contiguous wetland system that abuts an a2 tributary
Jurisdictional Wetland N	8.36	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland N continues offsite where it is part of a larger contiguous wetland system that abuts an a2 tributary
Jurisdictional Wetland O	13.41	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year	Jurisdictional Wetland O is connected via culvert to both Wetland Q and M, both of which continue offsite and abut an a2 tributary. Based on the typical year assessment below, it was determined that the wetland would flow at least once through the culvert in a typical year.
Jurisdictional Wetland V	0.33	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland V continues offsite where it is part of a larger contiguous wetland system that abuts an a2 tributary
Jurisdictional Wetland W	0.69	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland W continues offsite where it is part of a larger contiguous wetland system that abuts an a2 tributary
Jurisdictional Wetland B	47.66	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland B abuts onsite Jurisdictional Tributary A, as the tributary flows through the wetland.
Jurisdictional Wetland C	25.50	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland C abuts onsite Jurisdictional Tributary A, as the tributary flows through the wetland
Jurisdictional Wetland D	69.05	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland D continues offsite where it is part of a larger contiguous wetland system that abuts an a2 tributary
Jurisdictional Wetland II	9.2	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland II abuts onsite Jurisdictional Tributary D, as the tributary flows through the wetland.
Jurisdictional Wetland HH	0.5	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year	Jurisdictional Wetland HH is hydrologically connected to Wetland A via culvert, which abuts onsite Jurisdictional Tributaries A and B. Based on the typical year assessment below, it was determined that the wetland would flow at least once through the culvert in a typical year.
Jurisdictional Wetland GG	0.45	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year	Jurisdictional Wetland GG is hydrologically connected to Wetland A via culvert, which abuts onsite Jurisdictional Tributaries A and B. Based on the typical year assessment below, it was determined that the wetland would flow at least once through the culvert in a typical year.
Jurisdictional Wetland FF	6.69	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland FF abuts Jurisdictional Tributary C, as the tributary flows through the wetland.

**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
Non-Jurisdictional Wetland B	1.74 acre(s)	(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).

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REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

Non-Jurisdictional Wetland C	2.37	acre(s)	(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).
Non-Jurisdictional Wetland E	1.53	acre(s)	(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).
Non-Jurisdictional Wetland D	0.36	acre(s)	(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).
Non-Jurisdictional Wetland F	0.85	acre(s)	(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).
Non-Jurisdictional Wetland A	1.03	acre(s)	(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).
Non-Jurisdictional Wetland G	0.94	acre(s)	(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).
Non-Jurisdictional Wetland EE	1.99	acre(s)	(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).
Non-Jurisdictional Wetland U	13.64	acre(s)	(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).
Non-Jurisdictional Wetland S	0.65	acre(s)	(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).
Non-Jurisdictional Wetland T	2	acre(s)	(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).

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REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

Non-Jurisdictional Wetland X	4.81	acre(s)	(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).
Non-Jurisdictional Wetland BB	3.88	acre(s)	(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).
Non-Jurisdictional Wetland AA	0.93	acre(s)	(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).
Non-Jurisdictional Wetland E	4.25	acre(s)	(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).
Non-Jurisdictional Wetland G	0.32	acre(s)	(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).
Non-Jurisdictional Wetland I	0.87	acre(s)	(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).
Non-Jurisdictional Wetland L	2.17	acre(s)	(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).
Non-Jurisdictional Wetland K	1.36	acre(s)	(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).
Non-Jurisdictional Wetland JJ	2.1	acre(s)	(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).
Non-Jurisdictional Wetland F	0.3	acre(s)	(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).

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REGULATORY PROGRAM  
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Non-Jurisdictional Feature B	6.28	acre(s)	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel	The feature is a pond excavated wholly out of upland
Non-Jurisdictional Feature A	5.87	acre(s)	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel	The feature is a pond excavated wholly out of upland

**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: *Wetland Exhibit Prepared For: Wise Batten, Inc. Angel Tract Hampton County, South Carolina*  
This information is sufficient for purposes of this AJD.  
Rationale: *N/A*
- Data sheets prepared by the Corps: *Title(s) and/or date(s)*.
- Photographs: *Site Photographs*
- Corps Site visit(s) conducted on: *August 27, 2019*
- Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s)*.
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *NRCS Soil Survey Hampton County*
- USFWS NWI maps: *USFWS NWI*
- USGS topographic maps: *USGS Topo Quad*

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

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Topo Quad
USDA Sources	NRCS Soil Survey – Hampton County
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	SCDNR Lidar

**B. Typical year assessment(s):** A typical year assessment was conducted in conjunction with a DAREM WETS Table analysis. The WETS table showed normal conditions during the Corps' August 27, 2019 site visit. However, the data also showed mild drought conditions at this time. Conditions of aquatic

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APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

features and their flow regimes were made accordingly during the site visit. As such, it was determined that the tributaries onsite did flow perennially in a normal year. Also, while certain wetland described above were not flowing through culverts at the time of the site visit, a review of LIDAR imagery, as well as other onsite evidence of flow, such as water lines that existed on/within the culvert, provided evidence that the wetlands flowed through the culverts during portions of a normal year. Conversely, other aquatic features/wetlands described in Section II.D above were found to not overtop onsite roads, thus preventing a hydrologic connection to other aquatic features in a typical year.

- C. Additional comments to support AJD:** Additional information regarding the offsite tributary that certain wetlands identified in Section II.C abut is below. The offsite tributary is a named, USGS blue line stream. While this feature is located offsite, a brief visual observation of this tributary was made, as it crosses under a bridge on SC Hwy 68. This blue line stream, identified as the Tulifinny River, was flowing on the date of the site visit, which occurred during a “normal year.”

<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.