



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): August 14, 2020

ORM Number: SAC-2012-00761

Associated JDs: N/A Review Area Location¹:

State/Territory: SC City: Hardeeville County/Parish/Borough: Jasper County

Center Coordinates of Review Area: Latitude 32.272726 Longitude -81.089481

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)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

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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
EW-A	52.52 acres	(b)(1) Non-adjacent wetland	Wetland EW-A is a closed polygon wetland and it is separated from offsite wetlands to the west by a railroad track. One culvert is present under the railroad track at the location of the EW-A, but the culvert outfalls into a man-made, upland excavated (b)(5) ditch that continues to an (a)(2) tributary. Wetland EW-A has a hydrologic connection to EW-D by a low profile road. Evidence of a hydrologic connection between EW-A and EW-D was observed during multiple site visits. Wetland EW-D continues offsite to the south and encounters a road. The wetland appears to continue on the southern side of the road, but no culverts were found to be present in the road at the wetland. Additionally, the road bed is elevated to a point where no evidence that water overtops the road was visible. The road essentially acts like a dam and prevents water flow from the wetland on the northern side of the road to the wetland on the southern side of the road. This back-up of water is evident in aerial photographs. Therefore, Wetland EW-A does not abut an (a)(1)-(3) water.
EW-B	1.95 acres	(b)(1) Non-adjacent wetland	Wetland EW-B is a closed polygon wetland and continues offsite where it appears to be surrounded by uplands. Wetland EW-B is separated from onsite wetland EW-A by a low profile road. Evidence of a hydrologic connection between Wetland EW-B and EW-A was observed during multiple site visits. However, because EW-A was determined to be a (b)(1) non-adjacent wetland, EW-B is also a (b)(1) non-adjacent wetland.
EW-C	3.98 acres	(b)(1) Non-adjacent wetland	Wetland EW-C is a closed polygon wetland and continues offsite where it appears to be surrounded by uplands. Wetland EW-C is separated from onsite wetland EW-A by a low profile road. Evidence of a hydrologic connection between Wetland EW-C and EW-A was observed during multiple site visits. However, because EW-A was determined to be a (b)(1) non-adjacent wetland, EW-C is also a (b)(1) non-adjacent wetland.
EW-D	3.17 acres	(b)(1) Non-adjacent wetland	Wetland EW-D is a closed polygon wetland and is separated from wetland EW-A by a low profile road. Evidence of a hydrologic connection between Wetland EW-D and EW-A was observed during multiple site visits. EW-A was determined to be a (b)(1) non-adjacent wetland; therefore, EW-D would not be an adjacent (a)(4) wetland through EW-A.

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			Wetland EW-D continues offsite to the south and encounters a road. The wetland appears to continue on the southern side of the road, but no culverts were found to be present in the road at the location of the wetland. Additionally, the road bed is elevated such that there is no evidence that water overtops the road.. The road essentially acts like a dam and prevents water flow from the wetland on the northern side of the road to the wetland on the southern side of the road. This back-up of water is evident in aerial photographs and was observed onsite. For these reasons, EW-D was determined to be a (b)(1) non-adjacent wetland.
EW-E	1.06 acres	(b)(1) Non-adjacent wetland	Wetland EW-E is a closed polygon wetland, (b)(1) non-adjacent wetland.
EW-F	0.97 acres	(b)(1) Non-adjacent wetland	Wetland EW-F is a closed polygon wetland, (b)(1) non-abutting wetland.

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: "Aerial Photograph Exhibit Hardeeville Commerce Park +/- 134 Acres Hardeeville, Jasper County, South Carolina" dated July 24, 2020.

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: (*NA, aerial, other, aerial and other*) *Title(s) and/or date(s)*. *2018 Aerial*

Corps Site visit(s) conducted on: *Date(s)*.

Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2012-00761, December 20, 2018.

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

USDA NRCS Soil Survey: Bladen Fine Sandy Loam, Wahee Fine Sandy Loam

USFWS NWI maps: *Title(s) and/or date(s)*.

USGS topographic maps: *Title(s) and/or date(s)*.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.

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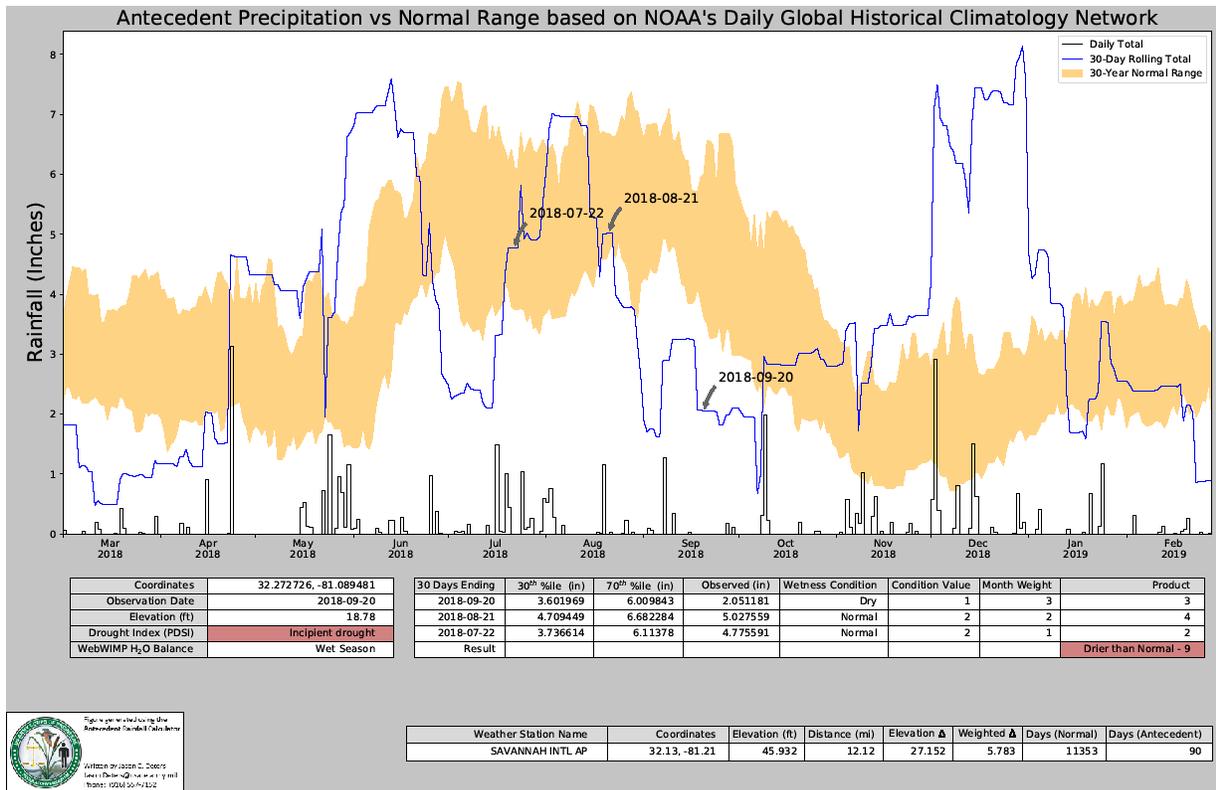
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USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): The site visit for the previous AJD issued on December 20, 2018, was made on September 20, 2018. The Antecedent Precipitation Calculator was run for September 20, 2018. For the preceding 90 days, the precipitation was drier than normal from mid-June 2018 through early July trending towards normal precipitation during mi-July 2018, remaining normal through mid-August 2018, and trending towards drier than normal precipitation through mid-September and the time of the site visit. The Drought Index (PDSI) is listed as Incipient Drought and the period is drier than normal.



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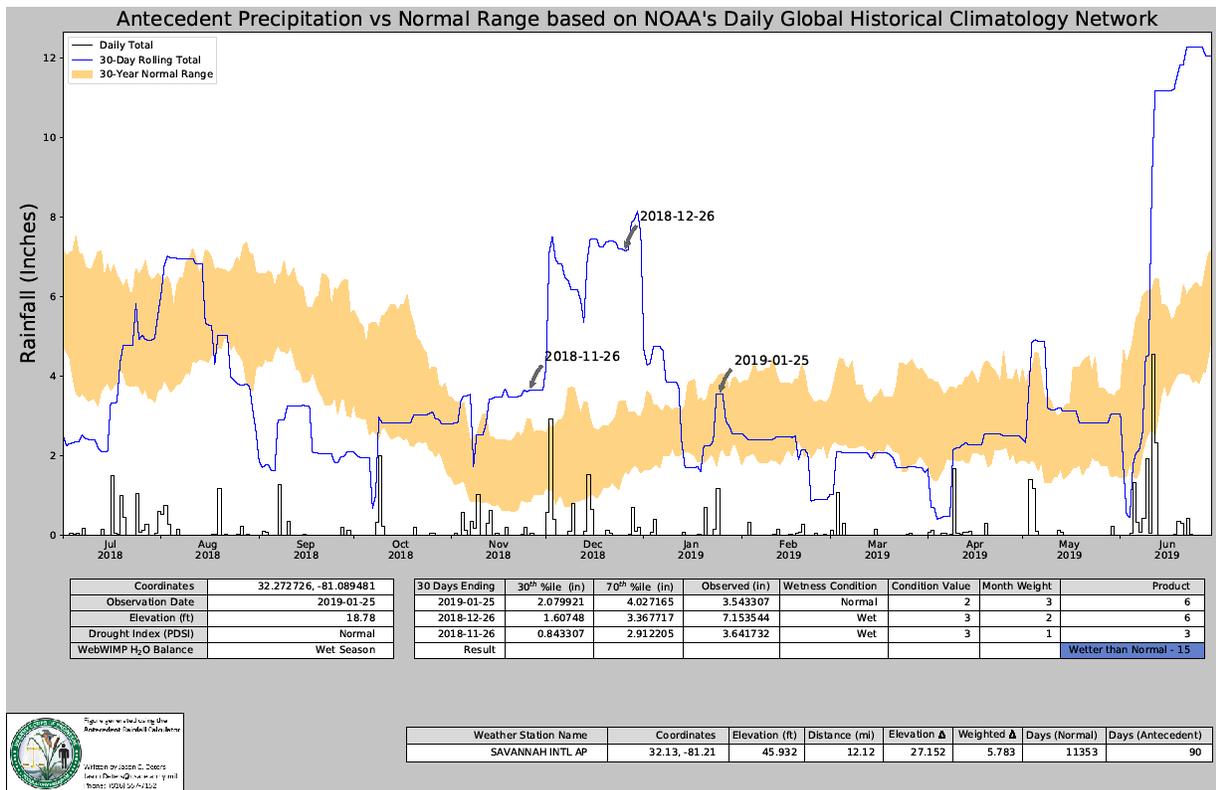
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Wetland EW-D flows offsite to the south where it is bisected by a road located offsite. The road bisects the wetland and the wetland appears to continue to the south of the road. Google Earth photos clearly show water being backed up into the wetland on the northern side of the road. The wetland consultant visited the road crossing on August 7, 2020, and determined that no culvert was present and that the road is acting like a dam backing water up to the northern side of the road. Additionally, there was no evidence present that water overtops the road. The latest Google Earth photo is dated January 25, 2019. The Antecedent Precipitation Calculator was run for January 24, 2019. The preceding 90 days show normal conditions at the end October 2018 with trends towards wetter than normal conditions at the end of November 2018 and wetter than normal conditions through the end of December 2019 with trends towards normal conditions towards the end of January 2019. The Drought Index (PDSI) is listed as normal. This 90 day period is listed as wetter than normal conditions. There is no evidence in the aerial photographs that water overtops the road.



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- C. Additional comments to support AJD:** This AJD will supersede a previous AJD issued on December 20, 2018. The previous AJD determined that wetlands JW-A, JW-B, JW-C, and JW-D (renamed EW-A, EW-B, EW-C, and EW-D in this AJD) were determined to be jurisdictional and wetlands NJW-1 and NJW-2 (renamed EW-E and EW-F in this AJD) were determined non-jurisdictional. Under this NWPR AJD, wetlands EW-A, EW-B, EW-C, EW-D, EW-E and EW-F were determined to be excluded, (b)(1) no-adjacent wetlands. EW-A is separated from a large, offsite wetland system by a railroad track. One culvert exists under the railroad track but the culvert outfalls into a man-made (b)(5) ditch that was excavated from uplands. The man-made ditch flows directly to an offsite (a)(2) tributary. EW-D extend offsite to the south but the wetland is separated from wetlands on the southern side of the road by an elevated road with no culvert. The wetland consultant visited the road crossing on August 7, 2020, and determined that no culvert was present and that the road is acting like a dam backing water up to the northern side of the road. Additionally, there was no evidence present that water overtops the road. The road was constructed prior to the Clean Water Act. For these reasons, wetlands EW-A, EW-B, EW-C, EW-D, EW-E and EW-F were determined to be excluded (b)(1) non-adjacent wetlands and are therefore non-jurisdictional wetlands and not subject to regulation under Section 404 of the CWA.

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