



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): 21-AUG-2020

ORM Number: SAC-2012-01025

Associated JDs: SAC-2012-01025 issued April 21, 2015

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

State: SC City: Ridgeland County: Jasper County

Center Coordinates of Review Area: Latitude 32.530374 Longitude -81.019627

**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
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
Jurisdictional Wetland A/B	1.75 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland A/B continues off-site and is adjacent to the off-site (a)(2) tributary which forms the

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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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			main drainage within Poli Bay, ultimately flowing to the New River, a Traditional Navigable Water (TNW). This determination is based on Jurisdictional Wetland A/B being a portion of an extensive forested floodplain wetland which is contiguous to and directly abutting the (a)(2) water within Poli Bay.
Jurisdictional Wetland D	5.09 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland D continues off-site and is adjacent to the off-site (a)(2) tributary which forms the main drainage within Poli Bay, ultimately flowing to the New River, a TNW. This determination is based on Jurisdictional Wetland D being a portion of an extensive forested floodplain wetland which is contiguous to and directly abutting the (a)(2) water within Poli Bay.
Jurisdictional Wetland F	0.83 acre	(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 F is a part of Jurisdictional Wetland G (below), which is currently separated from the greater portion of Jurisdictional Wetland G only by a dirt lane which has an artificial structure (culvert) identified in the field and that allows for a direct hydrologic surface connection between Jurisdictional Wetland F and Jurisdictional Wetland G in a typical year, thus establishing the adjacency relationship to the (a)(2) water within Poli Bay. Typical year was determined by observations made in the field which support the results of the APT which was run for the field visit date on April 20, 2020.
Jurisdictional Wetland G	22.52 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland G continues off-site and is adjacent to the off-site (a)(2) tributary which forms the main drainage within Poli Bay, ultimately flowing to the New River, a TNW. This determination is based on Jurisdictional Wetland G being a portion of an extensive forested floodplain wetland which is contiguous to and directly abutting the (a)(2) water within Poli Bay.
Jurisdictional Wetland I	19.39 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland I continues off-site and is adjacent to the off-site (a)(2) tributary which forms the main drainage within Poli Bay, ultimately flowing to the New River, a TNW. This determination is based on Jurisdictional Wetland I being a portion of an extensive forested floodplain wetland which is contiguous to and directly abutting the (a)(2) water within Poli Bay.

**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
NJF Stormwater Pond 1	5.96 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	This stormwater control feature was constructed in upland under a valid state stormwater permit, and as such is an excluded water.
NJF-1 (Ditch)	135 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	This ditch segment on the site represents 135 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry

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<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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		that do not satisfy the conditions of (c)(1)	flow, but does so only in response to precipitation. On this basis, NJF-1 (Ditch) is an excluded water.
NJF-2 (Ditch)	2,004 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)	This ditch segment on the site represents 2,004 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow, but does so only in response to precipitation. On this basis, NJF-2 (Ditch) is an excluded water.
NJF-3 (Ditch)	914 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)	This ditch segment on the site represents 914 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow, but does so only in response to precipitation. On this basis, NJF-3 (Ditch) is an excluded water.
Non-Jurisdictional Wetland C	0.15 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous to 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	0.48 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous to 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 H	1.09 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous to 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: AJD Request Package with all necessary exhibits.  
This information is sufficient for purposes of this AJD.  
Rationale: N/A.
- Data sheets prepared by the Corps: N/A.
- Photographs: Aerial and aerial overlays from World Imagery 2018; site photographs.
- Corps Site visit(s) conducted on: *Date(s)*.
- Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2012-01025, April 15, 2015.
- Antecedent Precipitation Tool: see discussion in Section III.B. below.
- USDA NRCS Soil Survey: World Imagery 2018, with SCDNR Soils overlay.
- USFWS NWI maps: World Imagery 2018, with SCDNR NWI overlay.
- USGS topographic maps: USGS 7.5 Minute Quad Calpen Bay, 1988.

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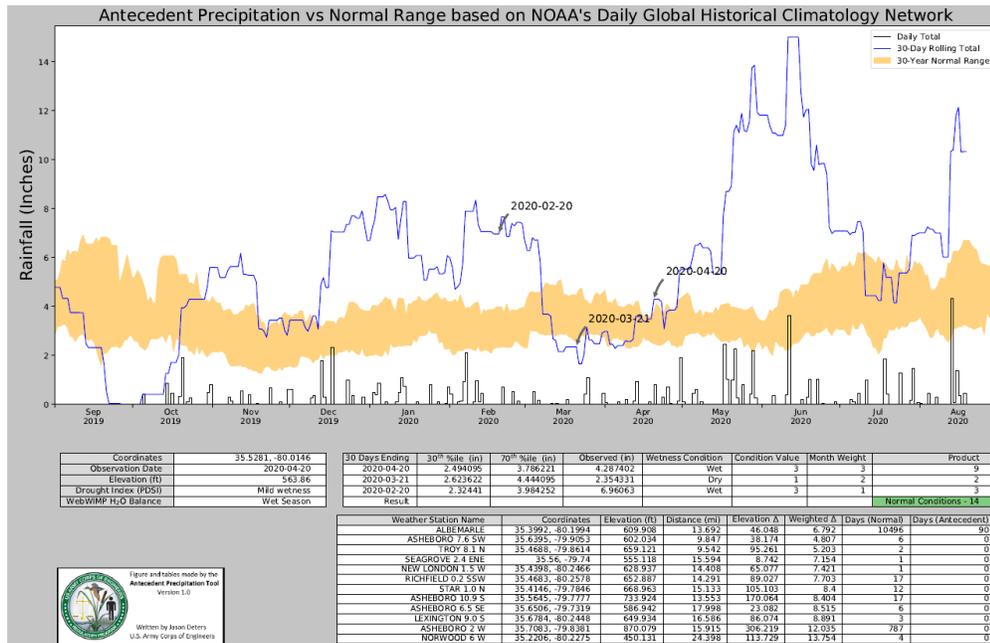


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**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
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):** The Antecedent Precipitation Tool (APT) was utilized to determine whether the site visit date April 20, 2020, occurred during a typical year for the purposes of evaluating the existing culvert between Jurisdictional Wetland F and Jurisdictional Wetland G. Based on the results shown in the output below, the site visit occurred during normal conditions (typical year). During the site visit the culvert was observed to be passing flow from Jurisdictional Wetland F to Jurisdictional Wetland G, and thus demonstrating that the culvert does represent a direct hydrologic surface connection as required to meet adjacency criteria.



**C. Additional comments to support AJD:** Waters described on this form include both jurisdictional and excluded features.

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