



**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: SAC-2015-00957

Associated JDs: N/A

Review Area Location¹: State/Territory: South Carolina City: Ridgeville County/Parish/Borough: Berkeley County

Center Coordinates of Review Area: Latitude 33.1396° Longitude -80.3099°

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.

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 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.

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 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.



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Jurisdictional Wetland B	1.34	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland B continues off-site and directly abuts an (a)2 tributary. The wetland can be identified off-site with the use of remote resource information to include aerial photography, LIDAR, Soil Survey data, and USGS topographic map. Wetland B is part of a wetland complex (known as Four Hole Swamp on the USGS topographic map). The wetland complex surrounds the tributary and shares boundaries with the tributary. The tributary is identified as a blue line tributary running through Four Hole Swamp on the USGS topographic map. The tributary can be seen on aerial photography, and the tributary supports a large drainage area which includes the Four Hole Swamp wetland complex. Therefore, the tributary was determined to have perennial flow. The tributary flows directly to the Edisto River an (a)1 water.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Non-Jurisdictional Wetland A	0.36	acre(s)	(b)(1) Non-adjacent wetland.	Wetland A continues off-site. However, the agent has accessed the off-site section of wetland A and confirmed that wetland A has a closed polygon boundary that doesn't extend far from the on-site review area. Furthermore, the agent confirmed wetland A is not contiguous or directly abutting an (a)(1)-(a)(3) water, to include the tributary discussed in Section II.C. above. 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 C	0.37	acre(s)	(b)(1) Non-adjacent wetland.	Wetland C has a closed polygon boundary within the review area that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, wetland C 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	0.30	acre(s)	(b)(1) Non-adjacent wetland.	Wetland D continues off-site. However, the agent has accessed the off-site section of wetland D and confirmed that wetland D has a closed polygon boundary that doesn't extend far from the on-site review area. Furthermore, the

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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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			agent confirmed wetland D 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: [Depiction entitled “Wetland Exhibit 1-26 & HWY 27 Berkeley County, SC”](#).

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: [Select. Title\(s\) and/or date\(s\)](#).

Corps site visit(s) conducted on: [Date\(s\)](#).

Previous Jurisdictional Determinations (AJDs or PJDs): [PJD SAC-2015-00957 dated October 26, 2016 \(the delineation has not changed from this determination\)](#).

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\)](#).

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	Pringletown Quad
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): [N/A](#)

C. Additional comments to support AJD: The a(2) tributary is identified as a blue line tributary running through Four Hole Swamp on the USGS topographic map. The tributary can be seen on aerial photography, and the tributary supports a large drainage area which includes the Four Hole Swamp wetland complex. Therefore, the tributary was determined to have perennial flow. The tributary flows directly to the Edisto River an (a)1 water.