



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 4, 2020

ORM Number: SAC-2019-01960

Associated JDs: N/A

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

State/Territory: SC City: Summerville County/Parish/Borough: Dorchester County

Center Coordinates of Review Area: Latitude 32.9528 Longitude -80.2268

**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	3.183 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland A abuts an off-site tributary ((a)(2) water) located adjacent to the western boundary

<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.



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			of the review area. The tributary is a naturally occurring surface water channel that contributes surface water flow directly to the wetlands of the Ashley River, a TNW. Based on observations of flow during the February 4, 2020 site visit by the Corps, and the additional rationale provided below, the off-site tributary meets the criteria of an (a)(2) water.
Jurisdictional Wetland D	0.002 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland D abuts an off-site tributary ((a)(2) water) located adjacent to the western boundary of the review area. The tributary is a naturally occurring surface water channel that contributes surface water flow directly to the wetlands of the Ashley River, a TNW. Based on observations of flow during the February 4, 2020 site visit by the Corps, and the additional rationale provided below, the off-site tributary meets the criteria of an (a)(2) water.
Jurisdictional Wetland E	0.012 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland E abuts an off-site tributary ((a)(2) water) located adjacent to the western boundary of the review area. The tributary is a naturally occurring surface water channel that contributes surface water flow directly to the wetlands of the Ashley River, a TNW. Based on observations of flow during the February 4, 2020 site visit by the Corps, and the additional rationale provided below, the off-site tributary meets the criteria of an (a)(2) water.
Jurisdictional Wetland F	0.037 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland F abuts an off-site tributary ((a)(2) water) located adjacent to the western boundary of the review area. The tributary is a naturally occurring surface water channel that contributes surface water flow directly to the wetlands of the Ashley River, a TNW. Based on observations of flow during the February 4, 2020 site visit by the Corps, and the additional rationale provided below, the off-site tributary meets the criteria of an (a)(2) water.

**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
Excluded Water B	0.726 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).
Excluded Water C	0.116 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).
Excluded Water G	0.039 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

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			(a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Excluded Water H	0.147 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: Beech Hill Elementary NEI Project # 01-4407a Dorchester County, South Carolina dated, November 25, 2019 and WETLAND SURVEY BEECH HILL ELEMENTARY SCHOOL DORCHESTER COUNTY SCHOOL DISTRICT 2 LOCATED IN DORCHESTER COUNTY, SOUTH CAROLINA dated March 16, 2020.

This information is sufficient for purposes of this AJD.

Rationale: N/A

Data sheets prepared by the Corps: N/A

☒ Photographs: Aerial – “Data Point Map” dated November 2019

☒ Corps Site visit(s) conducted on: February 4, 2020

☐ Previous Jurisdictional Determinations (AJDs or PJDs): N/A

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

☒ USDA NRCS Soil Survey: Soils Map dated November 2019; CoB – Chisolm fine sand, EuB – Eulonia fine sandy loam, Gr – Grifton fine sandy loam, YaA – Yauhannah loamy fine sand, and Ye – Yemassee fine sandy loam.

☒ USFWS NWI maps: NWI Map dated November 2019; PFO 1/4A and PFO 1/4B

☒ USGS topographic maps: USGS Quad Map dated November 2019

#### 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	Charleston District Regulatory Viewer
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

**B. Typical year assessment(s):** The Antecedent Precipitation Tool (APT) data for typical year determination was calculated for the date of the site visit by the Corps (February 4, 2020). Output from the APT indicated “drier than normal” conditions at the time of the site visit. For this assessment, a total of 10 weather stations within a 6 mile radius were used.

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- C. Additional comments to support AJD:** The off-site tributary to which Jurisdictional Wetlands A, D, E, and F are adjacent is an (a)(2) water based on its status as a perennial tributary. The tributary was determined to have a perennial flow regime based on observations of flow during the site visit February 4, 2020, (particularly since the flow observations were made during a drier than normal period based on the APT results). Perennial flow is also supported based on strong signs of flow, including channel definition, sediment sorting and debris wracking.

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