



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 20, 2020

ORM Number: SAC-2020-00097

Associated JDs: AJD SAC-2012-00761 dated August 14, 2020 (abutting review area on the west side of the subject review area).

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 32.272798 Longitude -81.084494

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

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination

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 and 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 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.

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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N/A	N/A	N/A	N/A
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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
Wetland A	0.42 acres	(b)(1) Non-adjacent wetland	Wetlands A, B, and D have closed polygon boundaries within the review area that are not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, the wetlands do not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Wetland B	8.44 acres	(b)(1) Non-adjacent wetland	Wetlands A, B, and D have closed polygon boundaries within the review area that are not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, the wetlands do not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Wetland C	1.17 acres	(b)(1) Non-adjacent wetland	Wetlands C and E continue off-site into the review area for AJD SAC-2012-00761 dated August 14, 2020 and can be found in the administrative record. However, the wetlands located on the review area for AJD SAC-2012-00761 were determined to be excluded waters as (b)(1) non-adjacent wetlands. Therefore, these wetlands have closed polygon boundaries that are not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, the wetlands do not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Wetland D	0.22 acres	(b)(1) Non-adjacent wetland	Wetlands A, B, and D have closed polygon boundaries within the review area that are not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, the wetlands do not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Wetland E	1.49 acres	(b)(1) Non-adjacent wetland	Wetlands C and E continue off-site into the review area for AJD SAC-2012-00761 dated August 14, 2020 and can be found in the administrative record. However, the wetlands located on the review area for AJD SAC-2012-00761 were determined to be excluded waters as (b)(1) non-adjacent wetlands. Therefore, these wetlands have closed polygon boundaries that are not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, the wetlands do not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Wetland F	0.61 acres	(b)(1) Non-adjacent wetland	Wetlands G and F continue slightly off-site but end before the roadside ditch located alongside the entrance ramp to I-95 at exit 5. Therefore, these wetlands have closed polygon boundaries that are not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, the wetlands do 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).
Wetland G	0.15 acres	(b)(1) Non-adjacent wetland	Wetlands G and F continue slightly off-site but end before the roadside ditch located alongside the entrance ramp to I-95 at exit 5. Therefore, these wetlands have closed polygon boundaries that are not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, the wetlands do 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: *Request for Jurisdictional Determination Hummingbird Lane Tract Jasper County, South Carolina (32.494101, - 80.950964)* submitted by Resource & Land Consultants dated January 10, 2020 and received by this office January 21, 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: See submitted information referenced above.

Corps Site visit(s) conducted on: June 26, 2020

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: See submitted information referenced above.

USFWS NWI maps: See submitted information referenced above.

USGS topographic maps: Hardeeville, SC quad

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Hardeeville, SC quad
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	LIDAR - See submitted information referenced above and the administrative record.

B. Typical year assessment(s): The Antecedent Precipitation calculator determined the site to be under Normal Conditions before the site visit (Observation Date June 23, 2020).

C. Additional comments to support AJD: *N/A*

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