



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): 09-Aug-2021

ORM Number: SAC-2020-01790

Associated JDs: N/A

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

State/Territory: SC City: County: Charleston County

Center Coordinates of Review Area: Latitude 32.615513 Longitude -80.091386

**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
N/A	N/A	N/A	N/A

<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 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.

<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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**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
Wetland A	2.16 acres	(b)(1) Non-adjacent wetland	The onsite Excluded Water "Wetland A" was determined to be non-jurisdictional based on a review of the aerials, topographic map, NWIs, and information submitted by the agent. This wetland is depicted as a non-adjacent wetland surrounded by uplands on the NWIs and is depicted as surrounded by development on the aerials and topo. Because this excluded water does not abut an (a)(1)-(a)(3) water nor is it inundated by or physically separated by a natural or artificial barrier from an (a)(1)-(a)(3) water, this wetland was determined to not be jurisdictional.

**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.

  x   Information submitted by, or on behalf of, the applicant/consultant: *Request submitted by Stantec, on behalf of Kiawah Island Community Association, on 17 Dec 2020.*

This information is sufficient for purposes of this AJD.

Rationale: *The information submitted by the agent is considered to be a reasonable representation of site conditions at the time of collection and is sufficient for purposes of this AJD.*

       Data sheets prepared by the Corps: *N/A.*

  x   Photographs: *Photographs submitted by the agent dated 10 Sep 2020. Google Earth aerial dated 28 Jan 2021.*

       Corps Site visit(s) conducted on: *N/A.*

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

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

  x   USDA NRCS Soil Survey: *NRCS Soil Survey Geographic Database (SSURGO) Map Service created 4 Apr 2019 and updated 26 Aug 2020. The site consists of Wando soil.*

  x   USFWS NWI maps: *USFWS NWI - Wetlands Raster REST Map service dated May 29, 2012 and updated on July 17, 2020. According to the NWIs, the site is mapped uplands.*

  x   USGS topographic maps: *USGS Topographic Map / 7.5 Minute Index / Kiawah Island Quad. The topographic map depicts this site as uplands*

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

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

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USACE Sources	SAD Regulatory Viewer accessed on 5 Aug 2021.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Antecedent Rainfall Calculator data for typical year determination was calculated based on the field collection date provided by the agent (10 Sep 2020). The Antecedent Rainfall Calculator data showed “normal” conditions at the time of data collection by the agent with a condition value of 10, which indicates that typical year hydrologic conditions were present. For this assessment, five weather stations, located within an 20-mile radius, were used.
- C. Additional comments to support AJD:** This 2.16-acre site contains no jurisdictional waters and one excluded water. Based on a review of the aeriels, topographic map, soil survey, NWIs, and information submitted by the agent, the site was determined to consist of an Excluded Water (b)(1), which is surrounded by developed uplands.

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