



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 5, 2021

ORM Number: SAC-2021-00088

Associated JDs: N/A

Review Area Location¹:

State: SC City: N/A County: Dorchester County

Center Coordinates of Review Area: Latitude 33.0645 Longitude -80.32606

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.

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

| (a)(4) Name | (a)(4) Size | (a)(4) Criteria | Rationale for (a)(4) Determination |
|-------------|-------------|---|---|
| Wetland A | 49.5 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Wetland A directly abuts Captains Creek and an unnamed tributary to Captains Creek, both of which are (a)(2) waters. Wetland A satisfies the adjacency requirements identified at 33 CFR 328.3(c)(1). See Section III.B-C for more information. |

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
|----------------|----------------|-----------------------------|---|
| Wetland B | 0.1 acre | (b)(1) Non-adjacent wetland | Wetland B is a depressional wetland feature that does not have a connection to another waterbody or is adjacent to any other jurisdictional waterbody. This feature does not satisfy the adjacency requirements identified at 33 CFR 328.3(c)(1) and is excluded. |

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 (JD)/Delineation, received on January 8, 2021.*
This information is not sufficient for purposes of this AJD.
Rationale: *The original submittal lacked acreages for each aquatic feature reviewed and did not include a discussion on typical year conditions or rationale for the proposed jurisdictional determinations made.*
- Data sheets prepared by the Corps: *N/A.*
- Photographs: *Ground Photos provided by requestor (December 18, 2020); Google Earth aerial imagery (January 28, 2021); Google Street View Imagery (May 2012, December 2018)*
- Corps Site visit(s) conducted on: *June 10, 2021.*
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A.*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *Web Soil Survey: Dorchester County, South Carolina (accessed August 3, 2021).*
- USFWS NWI maps: *USFWS Wetlands Mapper (accessed August 3, 2021).*
- USGS topographic maps: *Ridgeville 7.5' topographic map (2020).*

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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 | National Hydrography Dataset (NHD). |
| USDA Sources | N/A. |
| NOAA Sources | N/A. |
| USACE Sources | N/A. |
| State/Local/Tribal Sources | LIDAR data from the South Carolina Department of Natural Resources/USGS. |
| Other Sources | N/A. |

B. Typical year assessment(s): A typical year assessment was conducted to determine if Captains Creek contributes flow to the Ashley River in a typical year. To conduct the assessment, the Antecedent Precipitation Tool (APT) was used to analyze conditions on January 28, 2021 (the date of the latest satellite imagery for the site). The APT reports the Palmer Drought Severity Index (a measure of drought conditions on a regional scale), the WebWIMP H2O Balance (a comparison of precipitation and evapotranspiration rates), and a comparison of precipitation received during the previous 90 days to the 30-year rolling average (refer to the APT documentation for more information).

Results from the APT for January 28, 2021 indicates that the review area was reported to be in ‘mild wetness’ for the Palmer Drought Severity Index and in the wet season for the WebWIMP H2O Balance. Precipitation conditions for the 90 days prior to January 28th was scored at 12, which is within the normal range.

Based on these results, conditions on January 28, 2021 were typical when compared to the 30-year average. Although water is visible on satellite imagery, there is no obvious signs that flow is being restricted or blocked in either Captains Creek or the unnamed tributary. Based on this observation, these streams connect to the Ashley River and contribute flow in a typical year.

C. Additional comments to support AJD:

Wetland A:

Wetland A is a forested wetland feature that directly abuts Captains Creek and an unnamed tributary to Captains Creek. Captains Creek flows directly into the Ashley River, which is an (a)(1) water under the Navigable Waters Protection Rule (NWPR). Based on conditions observed during the June 10, 2021 site visit, NHD data, and Google Street View and Google Earth imagery, both Captains Creek and its tributary have perennial flow regimes. Furthermore, a typical year assessment (Section III.B) showed that Captains Creek contributes flow to the Ashley River in a typical year. Based on this information, both features are (a)(2) tributaries and are jurisdictional under the NWPR. Since Wetland A directly abuts Captains Creek and the unnamed tributary to Captains Creek, it qualifies as an (a)(4) adjacent wetland since it meets the requirements identified at 33 CFR 328.3(c)(1).

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