



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 19, 2021  
ORM Number: SAC-2021-00091  
Associated JDs: N/A  
Review Area Location<sup>1</sup>: A 27-acre site located at 4860 SC-162.  
State: SC City: Hollywood County: Charleston County  
Center Coordinates of Review Area: Latitude 32.759845 Longitude -80.168921

**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 or describe rationale.
- 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
Wetland 1	1.4 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland continues off-site and abuts an off-site (a)(1) tidal marsh of Log Bridge Creek. Furthermore,

<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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			the continuation of the wetland off-site is document in NWP SAC-2017-00506, and the further continuation into the (a)(1) tidal marsh can be seen in the lidar, hill shade, and topographic maps.
Wetland 2	0.1 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland continues off-site and abuts an off-site (a)(1) tidal marsh of Log Bridge Creek. Furthermore, the continuation of the wetland off-site is document in NWP SAC-2017-00506, and the further continuation into the (a)(1) tidal marsh can be seen in the lidar, hill shade, and topographic maps.
Wetland 3	0.3 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland continues off-site and abuts an off-site (a)(1) tidal marsh of Log Bridge Creek. Furthermore, the continuation of the wetland off-site is document in NWP SAC-2017-00506, and the further continuation into the (a)(1) tidal marsh can be seen in the lidar, hill shade, and topographic maps.
Wetland 4	0.3 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland continues off-site into the adjacent northeast property. Rapanos AJD SAC-2016-01282 displays the offsite wetland abuts a perennial (a)(2) tributary. The tributary flows through an (a)(3) pond and into the (a)(1) tidal marsh of Log Bridge Creek. Water from the pond flows through a culvert located in the earthen berm of the pond at least once in a typical year and provides a direct hydrologic connection to the (a)(1) tidal marsh. The off-site wetland, perennial tributary, and pond can be identified in lidar, hill shade, and topographic maps.

**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
Ditch 1	742 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	The ditch was excavated within the uplands and does not meet the criteria for an (a)(1-4) jurisdictional water. Furthermore, the Rapanos AJD SAC-2016-01282 determined the continuation of the ditch flowing into the adjacent property to the northeast is a non-jurisdictional ditch.
Pond 1	0.4 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	The pond was wholly excavated from uplands, is not an impoundment of a jurisdictional water, and does not meet the criteria of an (a)(1-4) jurisdictional water.
Pond 2	0.4 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	The pond was wholly excavated from uplands, is not an impoundment of a jurisdictional water, and does not meet the criteria of an (a)(1-4) jurisdictional water.
Pond 3	0.1 acres	(b)(8) Artificial lake/pond constructed or excavated in upland	The pond was wholly excavated from uplands, is not an impoundment of a jurisdictional water, and does not

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

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<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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		or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	meet the criteria of an (a)(1-4) jurisdictional water.
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**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: The Jurisdictional Determination Request Packaged submitted by Sabine & Waters, Inc. on behalf of the applicant received January 12, 2021  
This information is sufficient for purposes of this AJD.  
Rationale: *N/A*
- Data sheets prepared by the Corps: *N/A*
- Photographs: Ground photos included in the Request Package.
- Corps Site visit(s) conducted on: *N/A*
- Previous Jurisdictional Determinations (AJDs or PJDs): AJD SAC-2016-1282 and NWP SAC-2017-00506.
- Antecedent Precipitation Tool: Detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Mapped Soils provided in the Request Package.
- USFWS NWI maps: *N/A*
- USGS topographic maps: 24 Quade, Ravenel, SC

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

Data Source (select)	Name and/or date and other relevant information
USGS Sources	<i>N/A.</i>
USDA Sources	<i>N/A.</i>
NOAA Sources	<i>N/A.</i>
USACE Sources	<i>N/A.</i>
State/Local/Tribal Sources	<i>N/A.</i>
Other Sources	Lidar and Hillshade created by the Corps.

**B. Typical year assessment(s):** A site visit on November 11, 2016 at offsite Rapanos AJD SAC-2016-01282 documented the culvert located in the earthen berm of the pond and the direct hydrologic connection to the (a)(1) tidal marsh in a typical year. The antecedent precipitation calculator determined the site was under normal conditions on this date.

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

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