



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-2021-00360

Associated JDs: N/A

Review Area Location¹:

State: SC City: Hollywood County: Charleston County

Center Coordinates of Review Area: Latitude 32.78064 Longitude -80.145373

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
Jurisdictional B1 Wetland	19.03 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The B1 Wetland is part of a larger wetland that extends offsite towards the Stono River. Based on a review of

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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			aerial photographs and Lidar, it appears that the offsite portion of the wetland abuts an (a)(2) tributary (intermittent) that flows directly into an (a)(1) water (tidal creek of the Stono River).
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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
Excluded Water B2 Wetland	0.69 acre	(b)(1) Non-adjacent wetland	B2 is a closed polygon wetland that is located within the project area boundaries, surrounded by uplands, 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: *McCombs Road JD Request – Newkirk Environmental.*

This information is sufficient for purposes of this AJD.

Rationale: *N/A*

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

Photographs: Google Earth 1/28/2021

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

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

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

USDA NRCS Soil Survey: Stono fine sandy loam.

USFWS NWI maps: PFO1A

USGS topographic maps: *N/A*

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	Reg Viewer
State/Local/Tribal Sources	<i>N/A.</i>
Other Sources	<i>N/A.</i>

B. Typical year assessment(s): A typical year assessment is necessary to demonstrate the off-site (a)(2) tributary contributes flow to an (a)(1) water in a typical year. The off-site tributary has a watershed size of 0.43 square miles, the channel is clearly visible in lidar and hillshade imagery and

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the tributary is part of a tributary/wetland complex along its flow path. For these reasons, it has been determined the tributary would exhibit an intermittent flow regime at a minimum in a typical year.

- C. Additional comments to support AJD:** The on-site Jurisdictional B1 Wetland continues off-site and directly abuts an (a)(2) tributary, based on the typical year assessment, the tributary would exhibit an intermittent flow regime at a minimum. The tributary contributes flow to an unnamed tidal tributary of the Stono River, an (a)(1) water, in a typical year. Therefore, the Corps determined Jurisdictional B1 Wetland is jurisdictional and subject to regulation under Section 404 of the CWA. The B2 wetland is an excluded water and is therefore non-jurisdictional and not subject to regulation under Section 404 of the CWA or Section 10 of the RHA.

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