



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-2021-00904

Associated JDs: N/A

Review Area Location¹:

State: South Carolina City: Folly Beach County: Charleston County

Center Coordinates of Review Area: Latitude 32.6876 Longitude -79.9604

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
N/A	N/A	N/A	N/A

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1	1.17 acres	(b)(1) Non-adjacent wetland	This feature is surrounded by elevated roads, buried utilities, and residential developments. No connection to other waters currently exists and the review area appears to only capture local storm water. See Section III.C for more details.

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 (May 21, 2021)*
This information is sufficient for purposes of this AJD.
Rationale: *N/A.*
- Data sheets prepared by the Corps: *N/A.*
- Photographs: *Ground Photos submitted by the requestor (May 2021); Google Earth Imagery (January 28, 2021).*
- Corps Site visit(s) conducted on: *N/A.*
- Previous Jurisdictional Determinations (AJDs or PJDs): *SAC-2006-3572-2JG (March 20, 2007).*
- Antecedent Precipitation Tool: *N/A.*
- USDA NRCS Soil Survey: *Web Soil Survey: Charleston County, South Carolina (accessed August 4, 2021).*
- USFWS NWI maps: *NWI Wetlands Mapper (accessed August 4, 2021).*
- USGS topographic maps: *James Island 7.5' topographic map (2020).*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	LiDAR data (South Carolina Department of Natural Resources/USGS)
Other Sources	N/A.

B. Typical year assessment(s): *N/A.*

C. Additional comments to support AJD: A review of LiDAR data shows that the areas surrounding the review area have been developed and are higher than the review area. Roads are present on the

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north and west sides while an apartment complex is located on the south side. On the east side, a buried sewer line runs along the review area boundary which creates an elevated berm between the review area and an artificial lake associated with the neighboring residential area. The wetlands appear to only collect stormwater from the surrounding uplands and no connection to an offsite jurisdictional water was observed. Therefore, this feature is a non-adjacent wetland under the Navigable Waters Protection Rule and is not subject to regulation under Section 404 of the Clean Water Act or Sections 9 and 10 of the Rivers and Harbors Act.

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