



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 20, 2021

ORM Number: SAC-2021-01059

Associated JDs: N/A

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

State: SC City: Bluffton County: Beaufort County

Center Coordinates of Review Area: Latitude 32.267589 Longitude -80.912089

**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
Wetland A	0.44 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland A is separated from Wetland B by a dirt road but is part of the same wetland complex associated

<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.



U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

			with an unnamed perennial (a)(2) tributary to the Okatee River (a tidal (a)(1) water). Wetland A extends out of the review area to the east where it abuts the (a)(2) tributary. This tributary flows under the dirt road, past Wetland B, and continues uninterrupted to the Okatee River. Wetland A meets the (c)(1) adjacency requirements and is considered an (a)(4) adjacent wetland. See Section III for more information.
Wetland B	1.89 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland B is separated from Wetland A by a dirt road but is part of the same wetland complex associated with an unnamed perennial (a)(2) tributary to the Okatee River (a tidal (a)(1) water). Since Wetland B directly abuts the (a)(2) tributary, it meets the (c)(1) adjacency requirements and is considered an adjacent wetland. See Section III for more information.

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

**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 (June 15, 2021)*  
This information is sufficient for purposes of this AJD.  
Rationale: *N/A*.
- Data sheets prepared by the Corps: *N/A*.
- Photographs: *Ground Photos provided by requestor (June 2021); Google Earth Aerial Imagery (January 28, 2021)*.
- Corps Site visit(s) conducted on: *N/A*.
- Previous Jurisdictional Determinations (AJDs or PJDs): *PJD SAC-2008-01869 (December 15, 2008); PJD SAC-2016-00901 (December 7, 2016)*.
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *Web Soil Survey: Beaufort County, South Carolina (accessed August 5, 2021)*.
- USFWS NWI maps: *NWI Wetlands Mapper (accessed August 5, 2021)*.
- USGS topographic maps: *Jasper 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	National Hydrography Dataset
USDA Sources	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 or 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.



U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

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):** Wetlands A and B are parts of a larger wetland complex that directly abuts an unnamed perennial tributary to the Okatee River, which is a tidal (a)(1) water. For this wetland complex to be jurisdictional as an (a)(4) adjacent wetland, the unnamed tributary must qualify as an (a)(2) tributary. Although the tributary has the requisite flow regime to be an (a)(2) tributary, it must also contribute flow to the Okatee River during a typical year. Since there are several road crossings that cross the tributary between the review area and the confluence with the Okatee River, there is potential that flows are blocked by these road crossings if the culverts have become filled with sediment or if they have been perched above the streambed by erosion.

Satellite imagery from March 8, 2021 provides a clear view of water in the unnamed tributary and no evidence of ponded water at any of the road crossings was observed, demonstrating that the tributary flows freely and that a connection between the review area and the Okatee River exists. To determine if conditions on this date were normal, a typical year assessment was conducted using the Antecedent Precipitation Tool (APT). 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 against the 30-year rolling average (refer to the APT documentation for more information).

Results from the APT show that March 8, 2021 was during the wet season and that the area was not experiencing drought. Precipitation data observed from the previous 90 days show that December was very dry, with January being normal and February being wet. However, the APT indicates that the 90-day period was normal overall when compared against the 30-year rolling average.

Based on this typical year assessment and the conditions observed in the March 8, 2021 satellite imagery, the unnamed perennial tributary contributes flow in a typical year to the Okatee River (an (a)(1) water). Under the Navigable Waters Protection Rule, the unnamed tributary meets the requirements to be an (a)(2) tributary, which renders Wetlands A and B jurisdictional as (a)(4) adjacent wetlands since they directly abut the tributary.

**C. Additional comments to support AJD:** 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 or 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.