



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 23, 2021
ORM Number: SAC-2021-01172
Associated JDs: N/A
Review Area Location: 1888 Clements Ferry Road
State: SC City: Charleston County: Berkeley County
Center Coordinates of Review Area: Latitude 32.919504 Longitude -79.886073

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
Wetland A	8.28 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland A continues off-site to the northeast and is part of a larger wetland/stream complex. The off-site portion

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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			of this wetland directly abuts the ordinary high water mark an (a)(2) tributary that contributes flow to the (a)(1) Martin Creek in a typical year (see Sections III B and C for more information).
Wetland B	8.41 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland B continues off-site to the northeast and is part of a larger wetland/stream complex. The off-site portion of this wetland directly abuts the ordinary high water mark an (a)(2) tributary that contributes flow to the (a)(1) Martin Creek in a typical year (see Sections III B and 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
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: Newkirk Wetland preliminary determination data form dated July 06, 2021.

This information is sufficient for purposes of this AJD.

Rationale: N/A

Data sheets prepared by the Corps: NA.

Photographs: Site Photographs dated, July 8, 2021.

Corps Site NA.

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

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

USDA NRCS Soil Survey: NRCS Soils Map dated, July 8, 2021.

USFWS NWI maps: *National Wetland Inventory (NWI) Map dated July 8, 2021.*

USGS topographic maps: *USGS Topographical Map dated, July 8, 2021.*

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	Accessed the National Regulatory Viewer Lidar and Hillshade layers on August 20, 2021.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): Typical year assessment was conducted to determine if the bridge/culvert through Clements Ferry Road is active at least once in a typical year. Based on the APT

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results for January 28, 2021, conditions displayed in best available imagery via Google Earth Pro are normal. Additionally, ponding of water is absent upstream of the Clements Ferry Road. Therefore, it has been determined this crossing is active at least once in a typical year and provides a direct hydrologic connection for the off-site tributary.

- C. Additional comments to support AJD:** The off-site tributary is mapped as a solid blue line on USGS topographic maps and is clearly visible in Lidar and Hillshade data. Therefore, it has been determined this tributary would meet the definition as an (a)(2) water in the NWPR.

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