



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): December 21, 2020

ORM Number: SAC-2009-01012

Associated JDs: N/A

Review Area Location¹:

State: SC City: Summerville County: Berkeley County

Center Coordinates of Review Area: Latitude 33.1104 Longitude -80.2017

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 Wetland A	1.78 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland A continues off-site to the north where it becomes a part of Cypress Swamp. Cypress

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			Swamp is a large bottomland forested wetland that serves as the headwaters to the Ashley River, an (a)(1) traditional navigable water.
Jurisdictional Wetland B	1.31 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland B continues off-site to the northwest where it becomes a part of Cypress Swamp. Cypress Swamp is a large bottomland forested wetland that serves as the headwaters to the Ashley River, an (a)(1) traditional navigable water.
Jurisdictional Wetland C	0.42 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland C continues off-site to the east where it becomes a part of Cypress Swamp. Cypress Swamp is a large bottomland forested wetland that serves as the headwaters to the Ashley River, an (a)(1) traditional navigable water.
Jurisdictional Wetland I	0.19 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland I is part of Jurisdictional Wetland J (detailed below); the wetlands are divided by an artificial structure. However, a culvert located within the artificial structure flows at least once in a typical year and provides a direct hydrologic connection (see the Additional Comments section for more information).
Jurisdictional Wetland J	25.25 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland J continues off-site to the northwest where it becomes a part of Cypress Swamp. Cypress Swamp is a large bottomland forested wetland that serves as the headwaters to the Ashley River, an (a)(1) traditional navigable water.
Jurisdictional Wetland K	1.47 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland K is part of Jurisdictional Wetland J (detailed below); the wetlands are divided by an artificial structure. However, a culvert located within the artificial structure flows at least once in a typical year and provides a direct hydrologic connection (see the Additional Comments section for more information).
Jurisdictional Wetland L	0.02 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland L continues off-site to the west where it becomes a part of Cypress Swamp. Cypress Swamp is a large bottomland forested wetland that serves as the headwaters to the Ashley River, an (a)(1) traditional navigable water.
Jurisdictional Wetland M	4.02 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland M continues off-site to the west where it becomes a part of Cypress Swamp. Cypress Swamp is a large bottomland forested wetland that serves as the headwaters to the Ashley River, an (a)(1) traditional navigable water.
Jurisdictional Wetland N	4.5 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland N directly abuts and serves as floodplain wetlands of Miller Dam Branch, an (a)(2) water of the United States. Miller Dam Branch flows directly into Cypress Swamp. Cypress Swamp is a large bottomland forested wetland that serves as the headwaters to the Ashley River, an (a)(1) traditional navigable water.
Jurisdictional Wetland O	14.42 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland O directly abuts and serves as floodplain wetlands of Miller Dam Branch, an (a)(2) water of the United States. Miller Dam Branch flows directly into Cypress Swamp. Cypress Swamp is a large bottomland forested wetland that serves as the

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			headwaters to the Ashley River, an (a)(1) traditional navigable water.
Jurisdictional Wetland P	0.01 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland P continues off-site to the north where it directly abuts and shares a boundary with Miller Dam Branch, an (a)(2) water of the United States. Miller Dam Branch flows directly into Cypress Swamp. Cypress Swamp is a large bottomland forested wetland that serves as the headwaters to the Ashley River, an (a)(1) traditional navigable water.
Jurisdictional Wetland Q	1.87 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland Q continues off-site to the north where it directly abuts and shares a boundary with Miller Dam Branch, an (a)(2) water of the United States. Miller Dam Branch flows directly into Cypress Swamp. Cypress Swamp is a large bottomland forested wetland that serves as the headwaters to the Ashley River, an (a)(1) traditional navigable water.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Non-Jurisdictional Excluded Water Wetland D	0.04 acre	(b)(1) Non-adjacent wetland	This wetland is a closed polygon boundary that 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).
Non-Jurisdictional Excluded Water Wetland E	0.65 acre	(b)(1) Non-adjacent wetland	This wetland is a closed polygon boundary that 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).
Non-Jurisdictional Excluded Water Wetland F	1.64 acres	(b)(1) Non-adjacent wetland	This wetland is a closed polygon boundary that 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).
Non-Jurisdictional Excluded Water Wetland G	1.11 acres	(b)(1) Non-adjacent wetland	This wetland is a closed polygon boundary that 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).
Non-Jurisdictional Excluded Water Wetland H	0.32 acre	(b)(1) Non-adjacent wetland	This wetland is a closed polygon boundary that 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.

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- Information submitted by, or on behalf of, the applicant/consultant: *Request for Corps Jurisdictional Determination / Delineation dated July 12, 2017 and was associated with the previously issued May 10, 2018 PJD Letter.*
This information is sufficient for purposes of this AJD.
Rationale: *N/A*
- Data sheets prepared by the Corps: *N/A*
- Photographs: *Site Photographs submitted as part of the July 12, 2017 JD request.*
- Corps Site visit(s) conducted on: *N/A*
- Previous Jurisdictional Determinations (AJDs or PJDs): *AJD SAC 2009-01012-2JY dated August 17, 2010 and PJD SAC-2009-01012 dated May 10, 2018.*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *Soil Map dated August 2016 submitted as part of the July 12, 2017 JD request.*
- USFWS NWI maps: *NWI Map dated August 2016 submitted as part of the July 12, 2017 JD request.*
- USGS topographic maps: *USGS Map dated August 2016 submitted as part of the July 12, 2017 JD request.*

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	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) data for typical year determination were calculated to determine if culverts dividing Jurisdictional Wetlands I and K from Jurisdictional Wetland J provide direct hydrologic connections. The agent for the project conducted a site visit on August 21, 2020 to evaluate the aforementioned culverted crossings. According to output from the APT, conditions for this date exhibited “Wetter than Normal” conditions.
- C. Additional comments to support AJD:** The requested AJD is for a site that a PJD was issued for on May 10, 2018. Due to environmental conditions remaining the same, the information included in the July 12, 2017 JD request was used for the current AJD review. Miller Dam Branch is a named solid blue line tributary on USGS topographic maps indicating perennial flow. While the APT data above indicate that the site conditions and flow observed during the August 21, 2020 site visit were during “Wetter than Normal” conditions, the preceding month’s precipitation was generally within the 30-year average for the site. Additionally, the agent stated the culverts appeared to be active throughout the

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year allowing for flow at least once in a typical year. Therefore, this office has determined the culverts dividing Jurisdictional Wetlands I and K from Jurisdictional Wetland J provide direct hydrologic connections. Therefore, the site consists of 12 jurisdictional adjacent wetlands (55.26 acres) subject to Section 404 of the Clean Water Act (CWA) and 5 non-jurisdictional excluded wetlands (3.76 acres) not subject to Section 404 of CWA.

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