



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 22, 2020

ORM Number: SAC-2020-01157

Associated JDs: N/A

Review Area Location¹:

State: SC City: Dorchester County: Dorchester County

Center Coordinates of Review Area: Latitude 33.0697 Longitude -80.4146

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	1.74 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	All of the on-site jurisdictional wetlands are part of the same wetland complex. Jurisdictional Wetland A

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			continues off-site to the north and eventually re-enters the northern boundary of the site as Jurisdictional Wetland F. Jurisdictional Wetland F is divided from Jurisdictional Wetland G by an artificial structure, however a culvert which is active during a typical year provides a direct hydrologic connection between the two wetlands. Jurisdictional Wetland G continues off-site and is part of a stream/wetland complex known as Four Hole Swamp. The stream within this complex carries flow to the (a)(1) traditional navigable water Edisto River and would be considered an (a)(2) water. Therefore, Jurisdictional Wetland A is a divided wetland that directly abuts an (a)(2) water and thus has been determined to be an (a)(4) water of the United States.
Jurisdictional Wetland B	5.45 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	All of the on-site jurisdictional wetlands are part of the same wetland complex. Jurisdictional Wetland B continues off-site to the north and eventually re-enters the northern boundary of the site as Jurisdictional Wetland F. Jurisdictional Wetland F is divided from Jurisdictional Wetland G by an artificial structure, however a culvert which is active during a typical year provides a direct hydrologic connection between the two wetlands. Jurisdictional Wetland G continues off-site and is part of a stream/wetland complex known as Four Hole Swamp. The stream within this complex would be considered an (a)(2) water. Therefore, Jurisdictional Wetland B is a divided wetland that directly abuts an (a)(2) water and thus has been determined to be an (a)(4) water of the United States.
Jurisdictional Wetland C	4.15 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	All of the on-site jurisdictional wetlands are part of the same wetland complex. Jurisdictional Wetland C is divided from Jurisdictional Wetland D via an artificial structure (low profile unpaved forest road). However, according to best available imagery the wetland flows over the road at least once in a typical year. Jurisdictional Wetland D is divided from Jurisdictional Wetland M via an artificial structure (road). However, a culvert which is active during a typical year provides direct hydrologic connection at this location. Jurisdictional Wetland M is divided from Jurisdictional Wetland G via an artificial structure (low profile unpaved forest road). However according to best available imagery and Lidar Data, the wetland flows over the road at least once in a typical year. Jurisdictional Wetland G continues off-site and is part of a stream/wetland complex known as Four Hole Swamp. The stream within this complex would be considered an (a)(2) water. Therefore, Jurisdictional Wetland C is a divided wetland that directly abuts an (a)(2) water and thus has been determined to be an (a)(4) water of the United States.
Jurisdictional Wetland D	8.12 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	All of the on-site jurisdictional wetlands are part of the same wetland complex. Jurisdictional Wetland D is

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			divided from Jurisdictional Wetland M via an artificial structure (road). However, a culvert which is active during a typical year provides direct hydrologic connection at this location. Jurisdictional Wetland M is divided from Jurisdictional Wetland G via an artificial structure (low profile unpaved forest road). However according to best available imagery and Lidar Data, the wetland flows over the road at least once in a typical year. Jurisdictional Wetland G continues off-site and is part of a stream/wetland complex known as Four Hole Swamp. The stream within this complex would be considered an (a)(2) water. Therefore, Jurisdictional Wetland D is a divided wetland that directly abuts an (a)(2) water and thus has been determined to be an (a)(4) water of the United States.
Jurisdictional Wetland F	6.4 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	All of the on-site jurisdictional wetlands are part of the same wetland complex. Jurisdictional Wetland F is divided from Jurisdictional Wetland G by an artificial structure (road), however a culvert which is active during a typical year provides a direct hydrologic connection between the two wetlands. Jurisdictional Wetland G continues off-site and is part of a stream/wetland complex known as Four Hole Swamp. The stream within this complex would be considered an (a)(2) water. Therefore, Jurisdictional Wetland F is a divided wetland that directly abuts an (a)(2) water and thus has been determined to be an (a)(4) water of the United States.
Jurisdictional Wetland G	2.78 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	All of the on-site jurisdictional wetlands are part of the same wetland complex. Jurisdictional Wetland G continues off-site and is part of a stream/wetland complex known as Four Hole Swamp. The stream within this complex would be considered an (a)(2) water. Therefore, Jurisdictional Wetland G is a divided wetland that directly abuts an (a)(2) water and thus has been determined to be an (a)(4) water of the United States.
Jurisdictional Wetland H	0.04 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	All of the on-site jurisdictional wetlands are part of the same wetland complex. While labeled separately, Jurisdictional Wetland H is a "finger" portion of Jurisdictional Wetland G. Jurisdictional Wetland G continues off-site and is part of a stream/wetland complex known as Four Hole Swamp. The stream within this complex would be considered an (a)(2) water. Therefore, Jurisdictional Wetland H is a divided wetland that directly abuts an (a)(2) water and thus has been determined to be an (a)(4) water of the United States.
Jurisdictional Wetland M	1.97 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland M is divided from Jurisdictional Wetland G via an artificial structure (low profile unpaved forest road). However according to best available imagery and Lidar Data, the wetland flows over the structure at least once in a typical year.

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			Jurisdictional Wetland G continues off-site and is part of a stream/wetland complex known as Four Hole Swamp. The stream within this complex would be considered an (a)(2) water. Therefore, Jurisdictional Wetland M is a divided wetland that directly abuts an (a)(2) water and thus has been determined to be an (a)(4) water of the United States.
Jurisdictional Wetland P	2.18 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	All of the on-site jurisdictional wetlands are part of the same wetland complex. Jurisdictional Wetland P continues off-site and is part of a stream/wetland complex known as Four Hole Swamp. The stream within this complex would be considered an (a)(2) water. Therefore, Jurisdictional Wetland P is a divided wetland that directly abuts an (a)(2) water and thus has been determined to be an (a)(4) water of the United States.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Water Pond W	9.28 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	Excluded Water Pond W is a manmade pond. The pond is the result of water filling a sand mine pit that was excavated wholly out of uplands. Therefore, this office has determined this feature is an excluded water pursuant to (b)(8).
Excluded Water Pond X	3.26 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	Excluded Water Pond X is a manmade pond. The pond is the result of water filling a sand mine pit that was excavated wholly out of uplands. Therefore, this office has determined this feature is an excluded water pursuant to (b)(8).
Excluded Water Wetland I	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).
Excluded Water Wetland J	0.24 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).
Excluded Water Wetland K	0.33 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).
Excluded Water Wetland L	0.06 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

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			water pursuant to (b)(1).
Excluded Water Wetland N	0.08 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).
Excluded Water Wetland O	0.09 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).
Excluded Water Wetland Q	0.02 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).
Excluded Water Wetland R	1.52 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).
Excluded Water Wetland S	0.06 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).
Excluded Water Wetland T	7.43 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).
Excluded Water Wetland U	1.24 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).
Excluded Water Wetland V	0.41 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).
Excluded Water Pond Y	5.23 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	Excluded Water Pond Y is a manmade pond. The pond is the result of water filling a sand mine pit that was excavated wholly out of uplands. Therefore, this office has determined this feature is an excluded water pursuant to (b)(8).

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 Approved Jurisdictional Determination Old Dam Road Tract Dorchester County, South Carolina (33.069734°, -80.414640) dated August 20, 2020.*
This information is sufficient for purposes of this AJD.
Rationale: *N/A.*
- Data sheets prepared by the Corps: *N/A*
- Photographs: *Aerial: 2015 Ortho Aerial dated March 20, 2019.*
- Corps Site visit(s) conducted on: *N/A.*
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A.*
- Antecedent Precipitation Tool: *See Section B below.*
- USDA NRCS Soil Survey: *NRCS Soil Map dated March 20, 2019.*
- USFWS NWI maps: *National Wetlands Inventory dated March 20, 2019.*
- USGS topographic maps: *USGS Topographic Map dated March 20, 2019.*

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	NOAA Topographic Lidar map dated March 20, 2019.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Color-Infrared Imagery map dated March 20, 2019.

- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) data for typical year determination were calculated for the date of a best available aerial image via Google Earth Pro®, February 6, 2019. The APT data were calculated to determine if culverts dividing on-site wetlands (Jurisdictional Wetlands F and G and Jurisdictional Wetlands D and M) provide direct hydrologic connections and if visible inundation over a road dividing on-site wetlands (Jurisdictional Wetlands C and D) was occurring during typical year conditions. According to output from the APT, conditions for this date exhibited “Normal” conditions with a product of 12.
- C.**
- D. Additional comments to support AJD:** The APT data above indicated site conditions visible on the February 6, 2019 aerial image was taken during “normal” conditions. Saturation is visible above and below the culverted road crossing between Jurisdictional Wetlands D and M indicating the culvert is functioning properly. Additionally, the lack of inundation above the culverted road crossing between Jurisdictional Wetlands F and G indicates the culvert in this location is functioning properly. Therefore, this office has determined the culverts in these two locations flow at least once in a typical year and provide a direct hydrologic connection between the wetlands. Furthermore, an artificial structure (road) divides Jurisdictional Wetlands C and D. However, the aforementioned aerial image displays visible

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inundation over the road between these wetlands during normal conditions determined by the APT data above. Therefore, this office has determined the “overtopping” of this road demonstrates a direct hydrologic connection between these two wetlands. Lastly, the off-site Four Hole Swamp is a large bottomland forested wetland and stream complex. The stream within this complex is a solid blue line on USGS topographic maps and water is visible throughout multiple aerial images indicating perennial flow. This stream exhibits a direct confluence with the Edisto River, an (a)(1) traditional navigable water. Therefore, this office determined the stream within the Four Hole Swamp wetland complex would be considered an (a)(2) tributary to which the on-site wetlands are adjacent.

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