



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): 09-DEC-2020

ORM Number: SAC-2020-01235

Associated JDs: N/A

Review Area Location¹:

State: SC City: Andrews County: Georgetown County

Center Coordinates of Review Area: Latitude 33.440252 Longitude -79.572676

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 |
|-----------------------------|-------------|---|--|
| Jurisdictional Tributary T1 | 200 feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Although this Jurisdictional Tributary T1 is not depicted as a blue line on the topographic map, it is depicted on the aerials and the SC StreamStats 2018 as a perennial tributary that flows directly into Johnson’s Swamp. Johnson’s Swamp flows into Horse Pen Swamp, which flows directly into the Black River, a Section 10 Waterbody. The NWIs map this tributary and the abutting wetlands as palustrine wetlands, and the soil survey maps this area as Bladen, a hydric soil. Based on this information, Jurisdictional Tributary T1 was determined to be an (a)(2) water. |

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 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.

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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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 W2 | 0.9 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Jurisdictional Wetland W2 was determined to directly abut the OHWM of the on-site tributary named T1. Based on the aerials, NWIs, and soil survey, this on-site wetland is a portion of a larger wetland system that continues southwest of the project site. This wetland system intersects with the tributary immediately west of the site. Therefore, W2 was determined to be an (a)(4) water. |
| Jurisdictional Wetland W3 | 0.09 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Jurisdictional Wetland W3 was determined to be a portion of a larger wetland system that continues southeast off site and directly abuts the OHWM of Jurisdictional Tributary T1. W3 is mapped as a palustrine wetland (PFO1/3Bd) on the NWIs and as Bladen, a hydric soil, on the soil survey. This wetland system intersects with the jurisdictional tributary off-site based on a review of the aerials, topographic map, soil survey, and NWIs. Therefore, W3 was determined to be an (a)(4) water. |
| Jurisdictional Wetland W5 | 0.32 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Jurisdictional Wetland W5 is located south of T1 and directly abuts the OHWM of jurisdictional tributary on site. The NWIs map this wetland and the tributary on site as PFO1Cd, and the soil survey maps this wetland system as Bladen, a hydric soil. Therefore, W5 was determined to intersect with the boundary of the on-site jurisdictional tributary and to be an (a)(4) water. |

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
|-------------------|----------------|---|---|
| Excluded Water D1 | 2030 feet | (b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1) | Ditch D1 was determined to be an excluded water based on a review of the aerials, topographic map, soil survey, NWIs, and information submitted by the agent. The aerials depict this feature as a straight ditch that connects south with the onsite jurisdictional tributary T1. This feature is not depicted on the topographic map, and the majority of this feature is mapped uplands on the NWIs and as Yauhannah and Yemassee, which are not hydric soils, on the soil survey. Photographs submitted by the agent show standing water with vegetation present in portions of the feature. This man-made feature is not naturally occurring, a relocation of a tributary, does not originate in adjacent wetlands, and does not meet the criteria of an (a)(1) or (a)(2) water; |

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|-------------------|------------|---|--|
| | | | therefore, it was determined to be an excluded water. |
| Excluded Water D2 | 95 feet | (b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1) | Ditch D2 was determined to have been excavated out of uplands based on a review of the aerials, topographic map, soil survey, and NWIs. This feature is depicted as a straight feature that connects west with D1, and it is not depicted on the topographic map. This feature is mapped Yemassee, a non-hydric soil, on the soil survey and is mapped uplands on the NWIs. Therefore, Ditch D2 was determined to be an excluded water. |
| Excluded Water D4 | 95 feet | (b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1) | Although Ditch D4 is depicted as being located within wetlands on the NWIs and is mapped Bladen on the soil survey, it was determined to be a man-made ditch with ephemeral flow. This feature is not depicted on the topographic map and is a straightened feature on the aerials that connects west with Ditch D1. Therefore, Ditch D4 was determined to be an excluded water. |
| Excluded Water D5 | 95 feet | (b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1) | Although Ditch D5 is depicted as being located within wetlands on the NWIs and is mapped Bladen on the soil survey, it was determined to be a man-made ditch with ephemeral flow. This feature is not depicted on the topographic map and is a straightened feature on the aerials that connects west with Ditch D1. Therefore, Ditch D5 was determined to be an excluded water. |
| Excluded Water W1 | 0.31 acres | (b)(1) Non-adjacent wetland | Excluded Water W1 is a closed boundary polygon determined to be non-jurisdictional because it does not abut nor is it inundated by an (a)(1)-(a)(3) water. The aerials depict this site as forested with no linear features present, and the NWIs map this wetland as an isolated, depressional wetland with no other waters nearby. The site is mapped Yauhannah on the soil survey, which is non-hydric. No blue lines or other potential aquatic resources are depicted on the topographic map. Based on this information, W1 was determined to be an excluded water. |

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.

 x Information submitted by, or on behalf of, the applicant/consultant: *AJD Request submitted by ECS Southeast, LLP, on behalf of Georgetown County, on 9 Sep 2020.*

This information is sufficient for purposes of this AJD.

Rationale: *The wetland data forms and information submitted by the agent are considered to be a reasonable representation of site conditions at the time of collection and are sufficient for purposes of this AJD.*

 Data sheets prepared by the Corps: *N/A.*

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- Photographs: *Photographs submitted by the agent dated 12 Aug 2020. Google Earth aerial dated 10 Mar 2017.*
- Corps Site visit(s) conducted on: *N/A.*
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A.*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *NRCS Soil Survey Geographic Database (SSURGO) Map Service created 4 Apr 2019 and updated 26 Aug 2020. The site consists of Yemassee and Yauhannah soils, which are non-hydric, and Bladen, which is a hydric soil.*
- USFWS NWI maps: *USFWS NWI - Wetlands Raster REST Map service dated May 29, 2012 and updated on July 17, 2020. According to the NWIs, W1 and the southern portion of the site are mapped palustrine wetlands. The remainder of the site is mapped uplands.*
- USGS topographic maps: *USGS Topographic Map / 7.5 Minute Index / Andrews Quad. The topographic map depicts this site as uplands with a wetland feature present along the southern portion of the site.*

Other data sources used to aid in this determination:

| Data Source (select) | Name and/or date and other relevant information |
|----------------------------|---|
| USGS Sources | USGS Topographic Map. |
| USDA Sources | N/A. |
| NOAA Sources | N/A. |
| USACE Sources | SAC Regulatory Viewer accessed on 5 Nov 2020. |
| State/Local/Tribal Sources | South Carolina StreamStats 2018 |
| Other Sources | N/A. |

- B. Typical year assessment(s):** Antecedent Rainfall Calculator data for typical year determination was calculated based on the field collection date provided by the agent (12 Aug 2020). The Antecedent Rainfall Calculator data showed “wetter than normal” conditions at the time of data collection by the agent with a condition value of 16, which indicates that typical year hydrologic conditions may not be present. For this assessment, ten weather stations, located within a 27-mile radius, were used. Even though site conditions for the date of the data forms do not represent typical year hydrologic conditions and flow regimes, the status for the onsite waters remains unchanged.
- C. Additional comments to support AJD:** The 10-acre project site contains four jurisdictional waters, including one jurisdictional (a)(2) tributary located at the southern end of the site and three jurisdictional (a)(4) wetlands that directly abut the jurisdictional tributary. This site also contains five excluded waters, including four non-jurisdictional ditches that were determined to be (a)(5) excluded waters that were man-made and are not (a)(1) or (a)(2) waters. Based on a review of the aerials, topographic map, soil survey, NWIs, and information submitted by the agent, the excluded wetland was determined to be an isolated, depressional wetland with no connections to (a)(1) – (a)(3) waters.

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