



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 14, 2020
ORM Number: SAC-2020-01430
Associated JDs: N/A.
Review Area Location¹:
State: SC City: Summerville County: Dorchester County
Center Coordinates of Review Area: Latitude 33.040659 Longitude -80.181742

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 (§ 10²)

\$ 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
Tributary 1	1,195 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary 1 represents a naturally occurring stream that has been straightened and channelized to accommodate localized residential and road development. This stream has a flow regime that includes both overland runoff, maintenance flow from wetlands upgrade, and wet season water table input. Tributary 1 flows to the perennial (a)(2) tributary Rumphs Hill Creek. On this basis, Tributary 1 has been determined to be an (a)(2) water of the U.S. Note that Tributary 2 and Tributary 3 (below) are both portions of Tributary 1 which occur on the site in two additional segments downgrade.

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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Tributary 2	130 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary 2 represents an additional segment of the same tributary described above as Tributary 1 and shares the same jurisdictional status. On this basis, Tributary 2 has been determined to be an (a)(2) water of the U.S.
Tributary 3	206 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary 3 represents an additional segment of the same tributary described above as Tributary 1 and shares the same jurisdictional status. On this basis, Tributary 3 has been determined to be an (a)(2) water of the U.S.

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
N/A	N/A	N/A	N/A

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Isolated Wetland	0.331 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon 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.

- Information submitted by, or on behalf of, the applicant/consultant: Jurisdictional Determination Request package received from Newkirk Environmental, Inc. on October 16, 2020.
This information is sufficient for purposes of this AJD.
Rationale: N/A.
Data sheets prepared by the Corps: N/A.
- Photographs: ESRI aerials 2018; site photographs.
- Corps Site visit(s) conducted on: December 4, 2020.
- Previous Jurisdictional Determinations (AJDs or PJD): N/A.
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: USDA Soil Data Layer overlaid on ESRI 2018 aerial.
- USFWS NWI maps: NWI Data Layer overlaid on ESRI 2018 aerial.

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 x USGS topographic maps: USGS 7.5-Minute Quadrangle Summerville, updated April 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	N/A.
USACE Sources	SAC Regulatory Viewer.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): N/A.

C. Additional comments to support AJD: This AJD documents the jurisdictional status of three segments of a single intermittent tributary and one non-adjacent wetland.

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