



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): February 10, 2021

ORM Number: SAC-2019-01506 Cain Bryan Tract

Associated JDs: N/A

Review Area Location¹:

State: SC City: Mount Pleasant County: Charleston County

Center Coordinates of Review Area: Latitude 32.8697 Longitude -79.7819

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	0.31 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland A continues off-site to the northwest where it abuts an (a)(3) impoundment of jurisdictional waters

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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		which also directly abuts Horlbeck Creek, an (a)(1) tidal TNW.
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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Ditch 1	120 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)	This ditch is a 120 linear foot ditch excavated within uplands and does not meet criteria as any category of water. This ditch might carry flow but only in response to precipitation. On this basis, Ditch 1 is an excluded water.
Excluded Wetland A	0.319 acre	(b)(1) Non-adjacent wetland	Wetland A is a closed boundary polygon that is connected to Wetland B by an excluded (b)(5) ditch that is not an (a)(1)-(a)(3) water. In addition, the wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Excluded Wetland B	1.129 acres	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories	Wetland B is a closed boundary polygon that is connected to Wetland A by an excluded (b)(5) ditch that is not an (a)(1)-(a)(3) water. In addition, the 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: JD Request dated August 16, 2019, and reopened October 15, 2020

This information is sufficient for purposes of this AJD.

Rationale: N/A

Data sheets prepared by the Corps:

Photographs: Site Photographs dated August 28, 2019, GoogleEarth February 2021

Corps Site visit(s) conducted on: November 19, 2019 & November 18, 2020

Previous Jurisdictional Determinations (AJDs or PJDs):

Antecedent Precipitation Tool:

USDA NRCS Soil Survey: Figure 2 Soils Map

USFWS NWI maps: Figure 3 National Wetlands Inventory Map

USGS topographic maps: Figure 1 USGS Topography Map

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS 3DEP Hillshade and Digital Elevation Models
USDA Sources	N/A.
NOAA Sources	N/A.

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USACE Sources	SAC Regulatory Viewer
State/Local/Tribal Sources	N/A.
Other Sources	

- B. Typical year assessment(s):** N/A.
- C. Additional comments to support AJD:** The 18.5-acre site contains waters that are both jurisdictional and excluded features.

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