



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 9, 2021

ORM Number: SAC-2020-01162

Associated JDs: N/A

Review Area Location¹:

State: SC City: Beaufort County: Beaufort County

Center Coordinates of Review Area: Latitude 32.4027 Longitude -80.7416

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

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Water Ditch 1	2175 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 segment on the site represents 2,175 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow, but does so only in response to precipitation. On this basis, Excluded Water Ditch 1 is an excluded water.
Excluded Water Ditch 2	611 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 segment on the site represents 611 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow, but does so only in response to precipitation. On this basis, Excluded Water Ditch 2 is an excluded water.
Excluded Water Ditch 3	464 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 segment on the site represents 464 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow, but does so only in response to precipitation. On this basis, Excluded Water Ditch 3 is an excluded water.
Excluded Water Ditch 4	68 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 segment on the site represents 68 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow, but does so only in response to precipitation. On this basis, Excluded Water Ditch 4 is an excluded water.
Excluded Water Ditch 5	440 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 segment on the site represents 440 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow, but does so only in response to precipitation. On this basis, Excluded Water Ditch 5 is an excluded water.
Excluded Water Pond 1	0.02 acre	(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 1 is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water.
Excluded Water Pond 2	0.29 acre	(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 2 is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water.
Excluded Water Pond 3	0.04 acre	(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	Excluded Water Pond 3 is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water.

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	water that meets (c)(6)	
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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: *Corps Wetland Jurisdictional Determination Grober Hill Property Project No. SC-20PGI3273*
This information *is* sufficient for purposes of this AJD.
Rationale: *N/A.*
- Data sheets prepared by the Corps: *N/A.*
- Photographs: *Grober Hill Property Aerial with Boundary dated 8/17/2020; sourced from Google Earth and the U.S. Geological Survey with a flight date of January 2019. Site photographs submitted as part of the JD request dated August 2020.*
- Corps Site visit(s) conducted on: *N/A.*
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A.*
- Antecedent Precipitation Tool: *N/A.*
- USDA NRCS Soil Survey: *Grober Hill Property Soils Map dated 8/17/2020; sourced from the USDA website October 2009.*
- USFWS NWI maps: *Grober Hill Property Aerial with National Wetlands Inventory Map dated 8/19/2020; sourced from the USFWS website May 2019.*
- USGS topographic maps: *Figure 3. Quad Sheet (Beaufort) Grober Hill Property dated 8/19/2020; sourced from SCDNR website October 2009.*

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	Antecedent Precipitation Tool output for observation date 8/18/2020.
State/Local/Tribal Sources	N/A.
Other Sources	Grober Hill Property Aerial with LiDAR Map dated 8/17/2020; sourced from the SCDNR website.

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

C. Additional comments to support AJD: The 56.78-acre site contains five excluded ditches and three excluded ponds.

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