



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): January 28, 2021

ORM Number: SAC-2019-01311

Associated JDs: N/A

Review Area Location¹:

State: SC City: Summerville County: Dorchester County

Center Coordinates of Review Area: Latitude 33.0423 Longitude -80.2811

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	0.267 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland A continues off-site to the west where it becomes part of Cypress Swamp.

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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			Jurisdictional Wetland A and Cypress Swamp are divided by an artificial structure (road). However, a culvert within the roadbed provides a direct hydrologic connection and is active at least once in a typical year. The Cypress Swamp is a large bottomland hardwood wetland system that serves as the headwaters of the Ashley River, an (a)(1) Traditional Navigable Water (TNW).
Jurisdictional Wetland B	2.174 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland B is a part of Jurisdictional Wetland A and continues off-site to the west where it becomes part of Cypress Swamp. Jurisdictional Wetland B and Cypress Swamp are divided by an artificial structure (road). However, a culvert within the roadbed provides a direct hydrologic connection and is active at least once in a typical year. The Cypress Swamp is a large bottomland hardwood wetland system that serves as the headwaters of the Ashley River, an (a)(1) TNW.
Jurisdictional Wetland F	0.824 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland F continues off-site to the north where it becomes part of Cypress Swamp. The Cypress Swamp is a large bottomland hardwood wetland system that serves as the headwaters of the Ashley River, an (a)(1) TNW.
Jurisdictional Wetland H	0.294 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland H continues off-site to the west where it becomes part of Cypress Swamp. Jurisdictional Wetland H and Cypress Swamp are divided by an artificial structure (road). However, a culvert within the roadbed provides a direct hydrologic connection and is active at least once in a typical year. The Cypress Swamp is a large bottomland hardwood wetland system that serves as the headwaters of the Ashley River, an (a)(1) TNW.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Wetland C	2.152 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous to 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 Wetland D	0.633 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous to 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 Wetland E	1.135 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous to 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).

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Excluded Wetland G	0.408 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous to 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).
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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: *Request for Corps Jurisdictional Determination (JD) / Delineation*
This information is sufficient for purposes of this AJD.
Rationale: *Wetland data forms and information included in the original submittal are considered to be a reasonable representation of site conditions at the time of collection and is sufficient for purposes of this AJD.*
- Data sheets prepared by the Corps: *N/A.*
- Photographs: *Photo Documentation DV Timber Tract – Sinclair Road Summerville, Dorchester County, SC dated July 1, 2019*
- 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: *Figure 1 USGS Topography Map, source: NRCS Soil Survey Maps submitted as part of the JD request.*
- USFWS NWI maps: *Figure 3 Google Earth Map submitted as part of the JD request.*
- USGS topographic maps: *Figure 1 USGS Topographic Map submitted as part of the JD request.*

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	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): Antecedent Precipitation Tool (APT) data for typical year determination were calculated for the date photographic documentation was collected at the site, July 1, 2019. The APT data were calculated to determine if culverts dividing on-site wetlands (Jurisdictional Wetlands A, B and H) provide direct hydrologic connections during typical year conditions. According to output from the APT, conditions for this date exhibited “Normal” conditions with a product of 10.

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- C. **Additional comments to support AJD:** Photographic documentation of the site, submitted as part of the JD request, includes a photo (Photo 8) of a typical culvert within an on-site roadbed that is dividing Jurisdictional Wetlands A, B and H from the off-site Cypress Swamp. The area directly adjacent to the culvert is absent of vegetation, saturation of the soil is visible, and an algal line is visible on the side of the culvert. Therefore, this office has determined the on-site culverts are active at least once in a typical year and demonstrates a direct hydrologic connection between the on-site wetlands and off-site Cypress Swamp.

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