



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): July 27, 2020

ORM Number: SAC-2020-00280

Associated JDs: SAC-2018-00476 3320 Maybank Highway Tract (AJD), SAC-2016-00116 Gratzick Parcel 1 (PJD), and SAC-2012-00949 3328 Maybank Highway (PJD).

Review Area Location¹:

State/Territory: SC City: John's Island County/Parish/Borough: Charleston County

Center Coordinates of Review Area: Latitude 32.7307 Longitude -80.0677

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

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	2.092 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland is part of a larger wetland complex that continues off-site to the northwest where it abuts an (a)(2) tributary. The wetland complex and tributary continue west for approximately 1 mile before turning south where they flow directly into an unnamed tidal tributary to Church Creek, an (a)(1) TNW. The off-site tributary is displayed as a blue line stream on USGS topographic maps and is visible from aerial imagery. Therefore, the Corps has determined the wetland to be an (a)(4) water and a water of the U.S.
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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
N/A	N/A	N/A	N/A

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: “Wetland Drawing” and dated, January 7, 2020.
This information is sufficient for purposes of this AJD.
Rationale: N/A
Data sheets prepared by the Corps: N/A
- Photographs: “Data Point and Photo Location Map” dated January 2020, “Site Photographs” dated January 2020, and “Site Photographs” dated June 2020.
Corps Site visit(s) conducted on: N/A
- Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2018-00476 3320 Maybank Highway Tract (AJD) date September 19, 2018, SAC-2016-00116 Gratzick Parcel 1 (PJD) dated January 29, 2016, and SAC-2012-00949 3328 Maybank Highway (PJD) dated October 19, 2012.
Antecedent Precipitation Tool: N/A
- USDA NRCS Soil Survey: “Soils Map” dated January 2020.
- USFWS NWI maps: “NWI Map” dated January 2020.
- USGS topographic maps: “USGS Quad Map” dated January 2020.

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	Charleston District Regulatory Viewer hillshade data and LiDAR data.
State/Local/Tribal Sources	N/A.

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Other Sources

Google Earth Pro © and Google Earth Pro © Street View

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

C. Additional comments to support AJD: The on-site jurisdictional wetland continues offsite to the north/northwest and is part of a larger wetland and tributary complex. Based on a review of offsite information including Lidar, hillshade and aerial photographs, as well as photographs taken at publicly accessible points downstream of the project review area, the wetland and tributary complex flow west then directly into a tidal tributary of Church Creek, a TNW. The wetland and tributary complex exhibits a direct hydrologic surface connection between the on-site jurisdictional wetland and Church Creek via culverts under multiple roads. The off-site tributary appears to have been subject to manmade alterations (straightening and excavation). However, the tributary continues to satisfy the flow conditions and criteria included in the tributary definition (c)(12) of the NWPR.

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