



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 1, 2021

ORM Number: SAC-2020-00608

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State: SC City: Hardeeville County: Beaufort County

Center Coordinates of Review Area: Latitude 32.2427 Longitude -81.0075

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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 B	0.9 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland B is part of a larger wetland complex that spans to the south/southwest, eventually

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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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		flowing directly into the marshes of the New River, an (a)(1) water. The wetland complex is divided in two separate locations by an earthen road adjacent to the review area and Okatie Highway. However, culverts located within the artificial structures are active at least once in a typical year and provide a direct hydrologic connection within the wetland complex. Please reference Section III B and C for more information.
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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Excluded Wetland A	0.9 acre	(b)(1) Non-adjacent wetland	Excluded Wetland A continues off-site to the northeast. However, according to best available secondary resources including Lidar data, the wetland does not meet any of the adjacency criteria defined in the Navigable Waters Protection Rule. Therefore, this office determined Excluded Wetland A is a (b)(1) non-adjacent wetland.

**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: *U. S. Army Corps of Engineers – Charleston District – Regulatory Division Pre-Application Meeting Request dated April 19, 2020.*  
This information *is and is not* sufficient for purposes of this AJD.  
Rationale: *Location information adequate. However, the Corps had to prepare supporting information and delineation figure for the site.*
- Data sheets prepared by the Corps: *Wetland Determination Data Form – Atlantic and Gulf Coastal Plain Region dated May 27, 2021.*
- Photographs: *N/A.*
- Corps Site visit(s) conducted on: *May 27, 2021.*
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A.*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *Custom Soil Resource Report for Beaufort County, South Carolina dated June 28, 2021.*
- USFWS NWI maps: *SAC-2020-00608 NWI Map dated June 28, 2021.*
- USGS topographic maps: *Limehouse SC, GA Quadrangle 7.5-minute quad 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.

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USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Charleston District Reg Viewer Lidar Data
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** The landowner stated during the site visit that a culvert located within the earthen road that is adjacent to the review area flows regularly. Antecedent Precipitation Tool (APT) data for typical year determination were calculated for the date of best available aerial imagery via Google Earth Pro©, March 12, 2018. The APT data were calculated to determine if a culvert located within Okatie Highway flows at least once during typical year conditions. According to output from the APT, conditions for this date exhibit “drier than normal” conditions with a product of 8.
- C. Additional comments to support AJD:** This office determined the off-site culverts are active at least once in a typical year and demonstrates a direct hydrologic connection between the on-site Jurisdictional Wetland B and the off-site marshes of the New River. This is based on the information provided by the landowner and output from the APT demonstrating a culvert located within Okatie Highway flowing during “drier than normal” conditions.

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