



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, 2021

ORM Number: SAC-2021-00120

Associated JDs: N/A

Review Area Location<sup>1</sup>: A 16.73-acre site located between Edenborough Road and Auldreeke Road near River Road.

State: SC City: Johns Island County: Charleston County

Center Coordinates of Review Area: Latitude 32.679422 Longitude -80.045487

**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
Tributary	1,164 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The Tributary is an upstream segment of Hunt Creek which flows directly to the Stono River. Hunt Creek is mapped as a blue line stream on the USGS topographic map. While the tributary segment on the site has been straightened and channelized, it exhibits perennial flow along its course through the site which can be seen on historical aerial photographs.

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
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<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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N/A	N/A	N/A	N/A
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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

**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
Upland Borrow Pit A	0.93 acre	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel	Upland Borrow Pit A was excavated entirely in uplands and was excavated for the purpose of obtaining borrow material for construction. A valid mining permit issued by DHEC identifies Upland Borrow Pit A as a mining area. Extraction stopped within the borrow pits in 2017. However, further extraction is anticipated with new ownership.
Upland Borrow Pit B	0.28 acre	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel	Upland Borrow Pit A was excavated entirely in uplands and was excavated for the purpose of obtaining borrow material for construction. A valid mining permit issued by DHEC identifies Upland Borrow Pit A as a mining area. Extraction stopped within the borrow pits in 2017. However, further extraction is anticipated with new ownership.

**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: A Request For Corps JD package submitted by Red Bay Environmental received January 19, 2021.  
This information is sufficient for purposes of this AJD.  
Rationale: N/A.
- Data sheets prepared by the Corps: N/A
- Photographs: HistoricAerials.com 1957, 2009, 2015, and 2017; and site visit Photo 2 provided in the JD package.
- Corps Site visit(s) conducted on: April 13, 2018, September 7, 2018, and June 2019 (SAC 2017-01899).
- Previous Jurisdictional Determinations (AJDs or PJDs): N/A
- Antecedent Precipitation Tool: The project location was under normal conditions on February 2, 2013 when water can be seen in the tributary on an aerial found on google earth. Note with the exception of visibility, the historical aerials found on google earth appear to all show water within the tributary.
- USDA NRCS Soil Survey: "Soil Map Provided by USDA.gov" provided in the JD package.
- USFWS NWI maps: "National Wetlands Inventory Map Provided by FWS.GOV" provided in

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the JD package.

X USGS topographic maps: HistoricAerials.com 1919, 1943, and 1988; and "Portion of Legareville, SC USGS Quadrangle Map Provided By SCDNR" in JD Package

**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	DHEC Bureau of Land Waste Management General Mine Operation Permit issued May 30, 2017 and amended September 18, 2017 which identifies the Borrow Pits as Mine Areas for the excavation of topsoil or sand/clay. The Permit (to include the NPDES permit) remains in effect until reclamation of the mine has been completed and the work inspected by DHEC.
Other Sources	LIDAR created by the Corps.

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

**C. Additional comments to support AJD:** N/A

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