



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): June 25, 2020

ORM Number: SAC-2020-00372

Associated JDs: N/A

Review Area Location¹:

State/Territory: SC City: St. Stephen County/Parish/Borough: Berkeley County

Center Coordinates of Review Area: Latitude 33.387911 Longitude -79.931797

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 or describe rationale.
- 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
Pond 1	0.26 acre	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Pond 1 was originally excavated partially from wetlands, but does not contribute flow to an (a)(1)-(a)(3) water.
Wetland 1	2.5 acres	(b)(1) Non-adjacent wetland	Wetland 1 is a closed polygon boundary that is not contiguous 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). Additional discussion is provided below in Section III.

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: JD Request, parcel survey
This information is sufficient for purposes of this AJD.
Rationale; N/A
- Data sheets prepared by the Corps: Upland and Wetland Data Forms; June 18, 2020
- Photographs: Aerial via SAC Regulatory Viewer; site photographs
- Corps Site visit(s) conducted on: June 18, 2020
- Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: SAC Regulatory Viewer, Berkeley County
- USFWS NWI maps: SAC Regulatory Viewer
- USGS topographic maps: Saint Stephen, 2011 (updated 2018)

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): The Antecedent Precipitation Tool (APT) was used to determine whether the site visit and wetland identification and delineation occurred during a typical year. This

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tool is useful in ensuring that false positives regarding the wetland hydrology factor do not lead the investigator to include that non-wetland areas (i.e., temporarily flooded areas during a wetter than normal year) are inappropriately identified as wetland. APT results greater than 14 indicate "wetter than normal" conditions. The APT calculated a condition value of 15, indicating "wetter than normal" conditions at the time of data collection on June 18, 2020. Although rainfall was above normal, the ditching that drains excess water from the parcel have prevented water from inundating areas of the site beyond the well-established wetland boundary of Wetland 1.

- C. Additional comments to support AJD:** Wetland 1 extends beyond the eastern parcel boundary and on that off-site parcel the wetland connects to non-jurisdictional ((b)(5)) ditching that provides drainage off the parcel to the south. While Wetland 1 is able to drain via off-site ditching, the ditching does not meet the criteria for an (a)(1)-(a)(3) water. On this basis, Wetland 1 is not abutting an (a)(1)-(a)(3) water, and further, does not meet any of the other (a)(4) adjacency criteria set forth in (c)(1) where adjacent wetlands are defined.

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