



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, 2021

ORM Number: SAC-2008-01777

Associated JDs: N/A

Review Area Location¹:

State: SC City: Walterboro County: Colleton County

Center Coordinates of Review Area: Latitude 32.929476 Longitude -80.693748

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
Wetland A	1.218 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland A is part of a larger (a)(4) wetland system that continues offsite towards the west and is contiguous

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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			with/abutting Jones Swamp, which is contains an (a)(2) Tributary. The onsite Wetland A is separated from the wetland system by a culverted road (Evergreen Lane).
Wetland B	0.448 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland B is part of a larger (a)(4) wetland system that continues offsite towards the west and is contiguous with/abutting Jones Swamp, which is contains an (a)(2) Tributary. The onsite Wetland B is separated from the wetland system by a culverted road (Evergreen Lane).
Wetland C	1.262 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland C is part of Wetland B, but is separated by a culverted road. Wetland B and C are part of a larger (a)(4) wetland system that continues offsite towards the west and is contiguous with/abutting Jones Swamp, which is contains an (a)(2) Tributary. The onsite Wetland B and C are separated from the wetland system by a culverted road (Evergreen Lane).
Wetland E	0.265 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland E is part of a larger (a)(4) wetland system that continues offsite towards the west and is contiguous with/abutting Jones Swamp, which is contains an (a)(2) Tributary. The onsite Wetland E is separated from the wetland system by a culverted road (Evergreen Lane).

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Borrow Pit	2.861 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	The Borrow Pit appears to have been excavated from uplands for the purpose of borrow material. The Borrow Pit is no longer an active borrow pit and consists of open water. and is no longer an active borrow Therefore, the Borrow Pit is a (b)(8) excluded water and 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	0.583 acres	(b)(1) Non-adjacent wetland	Wetland D is located within the project review area and is surrounded by uplands to the north, east and south and bordered by the Excluded Borrow Pit to the west. Wetland D 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).

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.

X Information submitted by, or on behalf of, the applicant/consultant: Bells Highway @ 95 AJD Submittal dated 12/22/2020

This information is sufficient for purposes of this AJD.

Rationale: N/A.

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- Data sheets prepared by the Corps: N/A
- Photographs: Google 3/8/21
- Corps Site visit(s) conducted on: N/A
- Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2008-01777 issued December 23, 2008
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Pickney loamy sand, Halaquents, loamy
- USFWS NWI maps: N/A
- USGS topographic maps: N/A

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	SAC Reg Viewer
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** The Rainfall Calculator was run for this site for September 2, 2020. For the period beginning July 5, 2020, rainfall was within the normal range with an above normal range through the middle of July and decreased to below range at the end of July. The rainfall at the beginning of August was below normal and increased to a normal range through the remainder of August and the beginning of July. This period saw normal conditions with a Drought Index (PDSI) pf Mild Wetness.
- C. Additional comments to support AJD:** Wetlands A, B, C and E are jurisdictional wetlands that are subject to regulation under Section 404 of the CWA. The Borrow Pit and Wetland D are excluded waters and are non-jurisdictional and not subject to regulation under Section 404 of the CWA or Section 10 of the RHA.

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