



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): 16-JUN-2021

ORM Number: SAC-2018-01947

Associated JDs: (Rapanos JD March 6, 2020 & December 21, 2018)

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

State: SC City: Ladson County: Berkeley County

Center Coordinates of Review Area: Latitude 33.0056 Longitude -80.0869

**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
Wetland B	1.21 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Based on desktop data (Infrared Aerials, Topographic Maps, USFWS NWI, and USDA NRCS Soils)

<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 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.

<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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			concluded the feature met the criteria as a jurisdictional wetland/adjacent wetland (A4 Water). Wetland B has a direct connection through a culvert under Gleason Drive to Ancrum Swamp which flows to Goose Creek (an (a)(1) water).
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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
Ditch C	1305 linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	Based on desktop data (Infrared Aerials, Topographic Maps, USFWS NWI, and USDA NRCS Soils) it was determined that the ditch met the criteria of an excavated linear feature in uplands for stormwater runoff. The feature was constructed wholly in uplands and do not meet conditions of an (a)(1) or (a)(2) water.
Wetland D	0.75 acre	(b)(1) Non-adjacent wetland	Based on desktop data (Infrared Aerials, Topographic Maps, USFWS NWI, and USDA NRCS Soils) it was determined that the wetland met the criteria of a non-adjacent wetland. The non-adjacent wetland does not connect to an A1-A4 water.
Wetland E&BB	3.56 acre	(b)(1) Non-adjacent wetland	Based on desktop data (Infrared Aerials, Topographic Maps, USFWS NWI, and USDA NRCS Soils) it was determined that the wetland met the criteria of a non-adjacent wetland. The non-adjacent wetland does not connect to an A1-A4 water.

**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: Garden Park Apartments-Jurisdictional Request-5/12/21  
This information is sufficient for purposes of this AJD.  
Rationale: N/A
- Data sheets prepared by the Corps: N/A
- Photographs: 22 sample point photos taken April 29,2021
- Corps Site visit(s) conducted on: N/A
- Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2018-01947, 3/6/20 & 12/21/18
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Ex.7, 2006 Infrared Aerial, USDA NRCS Soils Map
- USFWS NWI maps: Ex. 6, 2006 Infrared Aerial, USGS NHD/USFWS NWI Map
- USGS topographic maps: Ex. 2,1979 Mount Holly, SC-USGS Topographic Map

**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	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) data for a typical year was calculated for a point on either side of a culverted berm which separates Wetland B from Ancrum Swamp. Output from the APT indicated normal conditions (3/6/21-6/6/21) for both points and a lack of ponding on the upstream side indicates that water is flowing through the culvert.
- C. Additional comments to support AJD:** N/A

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