



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 9, 2021

ORM Number: SAC-2021-00087

Associated JDs: SAC-2015-00087 issued March 7, 2016 & SAC-2008-1722-2JR issued August 28, 2008

Review Area Location¹:

State: SC City: Ladson County: Dorchester County

Center Coordinates of Review Area: Latitude 32.9725 Longitude -80.1370

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
Tributary A	274 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	There is a small portion of Tributary A located within the project area before it continues off-site and parallel to the project boundary. It is shown as a distinct feature on LiDAR and hillshade mapping. Photographs provided by the consultant showed the tributary flowing with a clear OHWM and defined bed and bank. The tributary was also observed flowing during the June 8, 2021 site visit. Tributary A flows south where it abuts Eagle Creek, an (a)(2) perennial tributary that flows west directly to the Ashley River, an (a)(1) traditionally

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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		navigable water. Eagle Creek is depicted as a blue line stream on USGS topographic maps. Therefore, tributary A was determined to be an (a)(2) water and a water of the U.S.
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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	0.68 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland B and Wetland C are both part of a larger off-site wetland that directly abuts Tributary A, an (a)(2) perennial tributary that continues to the south where it abuts Eagle Creek, an (a)(2) perennial tributary that flows west directly to the Ashley River, an (a)(1) traditionally navigable water.
Wetland C	1.93 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland C and Wetland B are both part of a larger off-site wetland that directly abuts Tributary A, an (a)(2) perennial tributary that continues to the south where it abuts Eagle Creek, another (a)(2) perennial tributary that flows west directly to the Ashley River, an (a)(1) traditionally navigable water.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Wetland A	0.23 acre	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories	This wetland 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.

☒ Information submitted by, or on behalf of, the applicant/consultant: JD Request submitted by Newkirk Environmental dated January 11, 2021

This information is sufficient for purposes of this AJD.

Rationale: N/A.

Data sheets prepared by the Corps:

☒ Photographs: Site Photographs taken December 15, 2020 & May 7, 2021, GoogleEarth January 2021

☒ Corps Site visit(s) conducted on: June 8, 2021

☒ Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2015-00087 issued March 7,

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Antecedent Precipitation Tool:

- ☒ USDA NRCS Soil Survey: NRCS Soils Map Tract 1-A Ladson Road Dorchester County, South Carolina
- ☒ USFWS NWI maps: National Wetland Inventory (NWI) Map Tract 1-A Ladson Road Dorchester County, South Carolina
- ☒ USGS topographic maps: USGS Topographic Map Tract 1-A Ladson Road Dorchester County, South Carolina

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS 3DEP Digital Elevation Model & Hillshade
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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

C. Additional comments to support AJD: The 9.46-acre site contains both jurisdictional and excluded wetlands and waters of the U.S.

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