



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): 08-MAR-2021

ORM Number: SAC-2020-00998

Associated JDs: SAC-2020-00861 Woodstock Road Tract

Review Area Location¹:

State/Territory: SC City: Georgetown County: Georgetown County

Center Coordinates of Review Area: Latitude 33.346998 Longitude -79.383651

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
Jurisdictional Wetland 1	0.06 acre	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an	The onsite wetland is part of a larger wetland system that continues offsite to the west and would abut the

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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		artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	downstream unnamed tidal tributary (a)(1) to the Sampit River but for the artificial structure, a linear transportation corridor that contains a railroad. A direct hydrologic surface connection to the downstream (a)(1) water is provided through a culvert and provides a surface connection within a typical year.
Jurisdictional Wetland 2	2.62 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	The onsite wetland is part of a larger wetland system that continues offsite to the northwest and would abut the downstream unnamed tidal tributary (a)(1) to the Sampit River but for the artificial structure, a linear transportation corridor that contains a railroad. A direct hydrologic surface connection to the downstream (a)(1) water is provided through a culvert and provides a surface connection within a typical year.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Water 1	0.6 acre	(b)(1) Non-adjacent wetland	Excluded Water 1 does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water 1 is completely encompassed by natural uplands and lacks a direct or indirect surface connection to (a)(1)-(3) waters.
Excluded Water 2	0.84 acre	(b)(1) Non-adjacent wetland	Excluded Water 2 does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water 2 is completely encompassed by natural uplands and lacks a direct or indirect surface connection to (a)(1)-(3) waters.
Excluded Water 3	1474 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)	Excluded Water 3 (Ditch) located within the review area is excavated entirely out of uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. Flow, if any, within the feature appears to be directly in response to precipitation.

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: *AJD Request submitted by The Brigman Company, Inc., on behalf of Alliance Consulting Engineers, on 21 Jul 2020.*

This information is sufficient for purposes of this AJD.

Rationale: *The wetland data forms and information submitted by the agent are considered to be a reasonable representation of site conditions at the time of collection and are sufficient for purposes of this AJD.*

Data sheets prepared by the Corps: *N/A*

Photographs: *Photographs submitted by the agent dated 19 Jun 2020. Google Earth aerial*

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dated 20 Mar 2017.

- Corps Site visit(s) conducted on: *N/A*
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *NRCS Soil Survey Geographic Database (SSURGO) Map Service created 4 Apr 2019 and updated 26 Aug 2020.*
- USFWS NWI maps: *USFWS NWI - Wetlands Raster REST Map service dated May 29, 2012 and updated on July 17, 2020.*
- USGS topographic maps: *USGS Topographic Map / Kilssock Island Quad / 7.5 Minute Index / 1:240000*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Topographic Map
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed on 2 Mar 2021
State/Local/Tribal Sources	South Carolina StreamStats 2018
Other Sources	N/A.

- B. Typical year assessment(s):** Antecedent Rainfall Calculator data for typical year determination was calculated based on the field collection date provided by the agent (17 Jun 2020). The Antecedent Rainfall Calculator data showed “wetter than normal” conditions at the time of data collection by the agent with a condition value of 15, which indicates that typical year hydrologic conditions may not be present. For this assessment, ten weather stations, located within a 14-mile radius, were used. Even though site conditions for the date of the data forms do not represent typical year hydrologic conditions and flow regimes, the status for the onsite waters remains unchanged.
- C. Additional comments to support AJD:** The area in review contains 12 acres and includes two jurisdictional wetlands and three excluded waters. Jurisdictional Wetlands 1 and 2 are part of larger wetland systems that continue offsite to the west and would abut the downstream unnamed tidal tributary (a)(1) to the Sampit River (a)(1) but for the artificial structure, a linear transportation corridor that contains a railroad. A direct hydrologic surface connection to the downstream (a)(1) water is provided through culverts placed directly in the wetlands, which provide the requisite surface connection within a typical year. Excluded Waters 1 and 2 are non-adjacent wetlands (b)(1) and Excluded Water 3 is a Ditch (b)(5), excavated from natural uplands and lacks a direct and/or indirect surface connection to (a)(1)-(3) waters. Therefore, they were determined to be non-jurisdictional.

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