



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): March 10, 2021

ORM Number: SAC-2020-01077

Associated JDs: N/A

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

State: SC City: Charleston County: Charleston County

Center Coordinates of Review Area: Latitude 32.827222 Longitude -80.08548

**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

<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 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.

<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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Wetland W1	0.17 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland W1 is part of a larger freshwater wetland system that is contiguous with and abuts Church Creek, which is an (a)(1) water. Wetland W1 extends offsite. A double culvert is located in the offsite portion of Wetland W1 and the double culvert crosses under West Ashley Circle. Water was observed flowing into the double culvert from the offsite portion of Wetland W1 and water was observed flowing out of the double culvert into the other portion of the wetland across the street. A large drop box was located in the southeast corner of the wetland and appears to carry flow from this portion of the wetland south under Bees Ferry Road to a culvert that outfalls into another portion of the wetland across Bees Ferry Road. Water was observed flowing from the wetland into the drop box and water was observed flowing out of the culvert. From the portion of the wetland just south of Bees Ferry, the wetland continues south and it crossed by a railroad bed. Based on a review of Lidar and aerial photos, it appears that the railroad bed has a culvert or bridge that allows for the continuation of flow of the wetland south and southeast to Church Creek, which is the (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
Pond 1	0.1 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	A portion of Pond 1 is located within the project area boundaries. Pond 1 was excavated from uplands for the construction of a storm water pond. Therefore, the pond 1 is (b)(10) excluded 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: Kinley Horn and Associates dated August 11, 2020.

This information is sufficient for purposes of this AJD.  
 Rationale: *N/A*.

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

Photographs: *N/A*.

Corps Site visit(s) conducted on: February 3, 2021.

Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*

Antecedent Precipitation Tool: *N/A*

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- USDA NRCS Soil Survey: *Title(s) and/or date(s)*. Wadmalaw fine sandy loam
- 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	Reg Viewer
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** The Rainfall Calculator was run for August 13, 2020. On June 14, 2020, the rainfall was normal. Between June 14, 2020, and July 14, 2020, the rainfall remained within normal range. From July 14, 2020 to August 13, 2020, the rainfall dropped below normal. For this period, the Drought Index was mild wetness and the conditions were within the normal range.
- C. Additional comments to support AJD:** Wetland W1 is part of a larger wetland system that extends offsite and to the southeast where it abuts Church Creek, an (a)(1) water. Therefore Wetland W1 is jurisdictional and regulated by Section 404 of the CWA.

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