



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 31, 2021

ORM Number: SAC-2020-01324

Associated JDs: N/A

Review Area Location¹:

State: SC City: Yemassee County: Beaufort County

Center Coordinates of Review Area: Latitude 32.625954 Longitude -80.72875

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 B	0.52 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland B continues outside of the project area and is part of a larger wetland system that is contiguous with

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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			and abutting both Branford Creek, an (a)(2) tributary located north west of the site and True Blue Creek, also an (a)(2) tributary located south east of the site. The portion of the wetland system located offsite is crossed by three roads towards Branford Creek. The same larger wetland system flowing south east towards True Blue Creek has two road crossings. All of the road-crossings appear to have been constructed through the wetlands. Based on a review of aerial and ground view photography, it appears that culverts are present at all of the road crossings.
Jurisdictional Wetland C	0.38 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland C continues outside of the project area and is part of a larger wetland system that is contiguous with and abutting both Branford Creek, an (a)(2) tributary located north west of the site and True Blue Creek, also an (a)(2) tributary located south east of the site. The portion of the wetland system located offsite is crossed by three roads towards Branford Creek. The same larger wetland system flowing south east towards True Blue Creek has two road crossings. All of the road-crossings appear to have been constructed through the wetlands. Based on a review of aerial and ground view photography, it appears that culverts are present at all of the road crossings.
Jurisdictional Wetland D	1.0 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland D continues outside of the project area and is part of a larger wetland system, the same wetland system as Wetlands B and C, that is contiguous with and abutting both Branford Creek, an (a)(2) tributary located north west of the site and True Blue Creek, also an (a)(2) tributary located south east of the site. The portion of the wetland system located offsite is crossed by four roads towards Branford Creek. The same larger wetland system flowing south east towards True Blue Creek has one road crossings. All of the road-crossings appear to have been constructed through the wetlands. Based on a review of aerial and ground view photography, it appears that culverts are present at all of the road crossings.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Water A- Pond	0.31 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	Excluded Water A – Pond is an open water feature within the project review area that appears to have been excavated from uplands. Therefore, it is not an (a)(1) – (a)(4) water.
Excluded Water A - Wetland	0.11 acre	(b)(1) Non-adjacent wetland	Excluded Water A – Wetland appears to continue outside of the project review area, but the 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)

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			criteria for adjacency and thus is an excluded water pursuant to (b)(1).
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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: Infrastructure Consulting & Engineering Submittal dated September 23, 2020.
- This information is sufficient for purposes of this AJD.
Rationale: *N/A*
- Data sheets prepared by the Corps: *N/A*.
- Photographs: Google 1/25/2019, Google Street view: 12/2007
- 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: Bladen fine sandy loam.
- USFWS NWI maps: PFO, PEM
- 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 View
State/Local/Tribal Sources	N/A.
Other Sources	Google Earth

B. Typical year assessment(s): The rainfall calculator was run for September 11, 2020. From the beginning of July to the end of July 2020, the period was drier than normal. From the end of July through the middle of August, 2020, the period had normal rainfall. From the middle of August through the middle of September 2020, the period had above normal rainfall ending in normal conditions. Overall, rainfall conditions were normal and the Drought Index (PDSI) was mild wetness.

C. Additional comments to support AJD: Jurisdictional Wetlands B, C and D located within the project review area are regulated by Section 404 of the CWA. The excluded wetland and waters are non-jurisdictional and not subject to regulation under Section 404 of the CWA

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