



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 8, 2021
ORM Number: SAC-2020-01551
Associated JDs: Approved JD SAC-2006-2459 and Approved JD SAC 2007-01569
Review Area Location¹:
State: SC City: Georgetown County: Georgetown County
Center Coordinates of Review Area: Latitude 33.3316 Longitude -79.3101

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	0.099 acre	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an	The hydrologic connection between this wetland and an (a)(2) water was documented on basis form 1 of 1 of

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	AJD SAC-2007-01569 3JB issued on October 22, 2008 and verified using desktop resources on March 4, 2020. Jurisdictional wetland 1 is part of a larger wetland system that continues off site to the north and west and abuts an (a)(2) water. This wetland system was bisected by the construction of a road (U.S. Highway 17 bypass) however a culvert that extends from jurisdictional wetland 1 to the offsite (a)(2) water and provides a direct hydrologic surface connection. Water was observed flowing through this culvert during a site visit conducted on April 2, 2008.
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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Waters 1	3.212 acres	(b)(1) Non-adjacent wetland	Excluded Waters 1 (wetland) does not abut and is not inundated by an (a)(1)-(3) water. Additionally, this wetland is physically separated from an (a)(2) water by multiple physical, man-made barriers and uplands. Excluded Waters 1 is completely surrounded by uplands and lacks a direct connection to (a)(1)-(3) waters. The only documented connection between this wetland and an (a)(2) water is through an upland excavated roadside drainage ditch. A ditch cannot render an otherwise isolated wetland an adjacent wetland unless the ditch itself is a tributary, which in this case it is not. This connection was documented in AJD SAC 2006-02459 issued on August 23, 2012. Site visits conducted on June 1, 2012 and June 28, 2012.
Excluded Waters 2	0.349 acre	(b)(1) Non-adjacent wetland	Excluded Waters 2 (wetland) does not abut and is not inundated by an (a)(1)-(3) water. Additionally, this wetland is physically separated from an (a)(2) water by multiple physical, man-made barriers and uplands. Excluded Waters 2 is completely surrounded by uplands and lacks a direct or indirect connection to (a)(1)-(3) waters. This wetland (and lack of any hydraulic connection) was observed in the field during site visits conducted in association with AJD SAC 2006-02459 issued on August 23, 2012. Site visits conducted on June 1, 2012 and June 28, 2012.

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.

X Information submitted by, or on behalf of, the applicant/consultant: Request for Jurisdictional Determination and Verification, titled, “Approved Jurisdictional Determination / Southgate Site-C2G2, LLC,” dated November 5, 2020, submitted by Ecological Associates, Inc. on behalf of C2G2, LLC for the “Southgate” Tract. This information is sufficient for purposes of this AJD.

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This information is sufficient for purposes of this AJD. Rationale: Wetland data forms and information included in the original submittal are considered to be a reasonable representation of site conditions at the time of collection.

- Data sheets prepared by the Corps: N/A
- Photographs: Site photos dated November 5, 2020, submitted by Ecological Associates, Inc. Aerial photographs provided by Ecological Associates, Inc., in the submittal dated November 5, 2020. USGS National Map 3D Elevation Program (3DEP) published August 13, 2020.
- Corps Site visit(s) conducted on: March 2, 2008, June 1, 2012, and June 28, 2012
- Previous Jurisdictional Determinations (AJDs or PJDs): Approved JD SAC-2006-2459 issued August 23, 2012 and Approved JD SAC 2007-01569 April 2, 2008
- Antecedent Precipitation Tool: Normal Conditions. Detailed discussion provided in Section III.B.
- USDA NRCS Soil Survey: NRCS Soil Survey Geographic Database (SSURGO) created 4 Apr 2019 and updated 26 Aug 2020. ESRI Map Service depicts the soil types as Rutledge Sand, Lakeland Fine Sand, Chipley Fine Sand and Centenary Fine Sand.
- USFWS NWI maps: USFWS NWI Map Service dated May 29, 2012, updated July 17, 2020.
- USGS topographic maps: USGS 7.5 Minute Index (Georgetown South Quad). Topographic map depicts vegetated uplands that contain a naturally low-lying drainage area along the western project border. A blue line feature is depicted just off site to the north.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Topographic Maps, 3DEPElevation- Slope and 3DEPElevation – Hillshade /LiDAR overlays
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer Accessed on March 4, 2021
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): Antecedent Precipitation Tool (APT) data for typical year determination was calculated based on field collection date denoted on wetland determination data forms (September 21, 2020). Output from the APT indicated “normal” conditions at the time of data collection by the agent (Ecological Associates) with a condition value of 13. For this assessment, a total 10 weather stations within a 17-mile radius were used.

C. Additional comments to support AJD: This form addresses a 17.51 acre tract that contains 0.099 acre of jurisdictional wetlands and approximately 3.56 acres on xcluded waters (non-adjacent wetlands). Jurisdictional wetland one is part of a larger wetland system that was bisected by the construction of U.S. Highway 17 bypass however a culvert beneath the road provides a direct hydrologic connection between the onsite wetland and an (a)(2) water located across the street. This

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culvert was located using Google Street view photos dated December 2020 and was observed by the Corps in the field on March 2, 2008. This offsite (a)(2) feature is depicted in USGS topographic maps as a solid blue line located in a naturally low-lying drainage area and was observed to have perennial flow during a site visit conducted in 2008. The delineated boundaries of Excluded Waters 1 and Excluded Waters 2 was confirmed in the field during site visits associated with AJD SAC 2006-02459 issued on August 23, 2012. Site visits conducted on June 1, 2012 and June 28, 2012. A review of desktop resources reveals that no significant development or changes to the project area or surrounding area have occurred that would significantly alter the conditions on site. Excluded Waters 1 is surrounded on all sides by uplands and abuts an upland excavated roadside drainage ditch that carries water off-site. However, a non-jurisdictional ditch cannot render an otherwise isolated wetland jurisdictional. Excluded Waters 2 is a depressional feature surrounded on all sides by uplands. It does not about any drainage features such as swales or ditches.

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