



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 March 2021

ORM Number: SAC-2020-01609

Associated JDs: N/A

Review Area Location¹:

State: South Carolina City: Charleston County: Charleston

Center Coordinates of Review Area: Latitude: 32.9362°N Longitude -79.7103°W

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
N/A	N/A	N/A	N/A

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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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 (ditch)	94 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 1 (Ditch) located within the review area is excavated entirely from 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.
Excluded Water 2 (ditch)	628 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 2 (Ditch) located within the review area is excavated entirely from 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: Derries Road submittal dated November 9, 2020, by Sabine & Waters, Inc. (JD Collins).
This information is sufficient for purposes of this AJD.
Rationale: The Corps agrees with the conclusions of the submitted data sheets and submittal.
- Data sheets prepared by the Corps: N/A.
- Photographs: Google Earth 2019 Imagery / USGS National Map 3D Elevation Program (3DEP) published August 13, 2020 / site photographs from the consultant dated November 2, 2020.
- Corps Site visit(s) conducted on: N/A.
- Previous Jurisdictional Determinations: N/A.
- Antecedent Precipitation Tool: See Section III.B below.
- USDA NRCS Soil Survey: USA Soils Map Units (SSURGO) Map Service dated April 4, 2019; updated August 26, 2020 / Soil maps also provided by the agent dated November 9, 2020.
- USFWS NWI maps: USFWS NWI – Wetlands Raster REST map service dated May 29, 2012, updated July 17, 2020.
- USGS topographic maps: USGS Topographic Maps / Sewee Bay Quad / 7.5 Minute Index / 1:240000.
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Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Topographic Maps

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USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	USACE-SAC Regulatory Viewer accessed on March 2, 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 for November 2, 2020. Output from the APT indicated “Drier than Normal” with a condition value of 9. The APT output accurately reflects the lack of hydrology observed on the site by the consultant and recorded on the data sheets. For this assessment, a total of 5 weather stations within a 19-mile radius were used.
- C. Additional comments to support AJD:** The area in review contains 2.9 acres of an existing road corridor along Derries Road and includes two (2) excluded waters (Excluded Water 1 94 lf + Excluded Water 2 628 lf = 722 lf). The excluded waters onsite are roadside ditches excavated entirely out of uplands for the purpose of stormwater drainage and do not meet the criteria of a jurisdictional water. The features are neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. Flow, if any, within these features appears to be directly in response to precipitation. The remainder of the site was determined to consist entirely of uplands. The review area is within an existing gravel roadbed along Derries Road and did not exhibit any of the three indicators (hydrology, hydric soil, hydrophytic vegetation) required for a wetland determination.

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