



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 9, 2021

ORM Number: SAC-2021-00195

Associated JDs: N/A

Review Area Location¹:

State: SC City: Summerville County: Charleston County

Center Coordinates of Review Area: Latitude 33.001664 Longitude -80.143921

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 Ditch 1	805 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)	Ditch 1 is an excluded water that was constructed in uplands. It was constructed adjacent to an off-site road. According to the agent, it had standing water at the time of the site visit, but the water was not flowing. The ditch had large amounts of leaf litter and pine duff and no clear OWHM. It has ephemeral flow and only conveys water after rain events. This ditch is separated from the off-site tributary by a road. This feature is considered an excluded water.
Excluded Water Ditch 2	747 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)	Ditch 2 is an excluded water that was constructed in uplands beside Lincolnville Road. It is a roadside ditch that conveys water during rain events. According to the agent, it is vegetated with turf grass and frequently maintained. This feature is considered an excluded water.
Excluded Water Ditch 3	376 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)	Ditch 3 is an excluded water that was constructed in uplands beside a driveway located on the site. It is a roadside ditch that conveys water during rain events. According to the agent, it is vegetated with turf grass and frequently maintained. This feature is considered an excluded water.
Excluded Water Ditch 4	367 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)	Ditch 4 is an excluded water that was constructed in uplands beside a driveway located on the site. It is a roadside ditch that conveys water during rain events. According to the agent, it is vegetated with turf grass and frequently maintained. This feature is considered an excluded water.
Excluded Water Pond 1	1 acre	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	Pond 1 is an excluded pond that was excavated in uplands. The pond has a possible outfall into Ditch 1 during rain events, but it was not constructed on a water of the U.S. This feature is considered an excluded water.
Excluded Water Wetland 1	0.59 acres	(b)(1) Non-adjacent wetland	Wetland 1 is a closed boundary wetland that is abutting Ditch 1. Ditch 1 is an excluded water. According to the Navigable Waters Protection Rule, a ditch cannot render an otherwise isolated wetland an "adjacent wetland" and thus jurisdictional on that basis, unless the ditch itself is a tributary. This wetland is not adjacent to a water of the U.S. This feature is considered an excluded water.
Excluded Water Wetland 2	1 acre	(b)(1) Non-adjacent wetland	Wetland 2 is a closed boundary wetland that is abutting Ditch 1. Ditch 1 is an excluded water. According to the Navigable Waters Protection Rule, a ditch cannot render an otherwise isolated wetland an "adjacent wetland" and thus jurisdictional on that basis, unless the ditch itself is a tributary. This wetland is not

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			adjacent to a water of the U.S. This feature is considered an excluded water.
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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: JD Submittal received 1/26/2021
This information is sufficient for purposes of this AJD.
Rationale: The Corps agrees with the conclusions of the submittal data sheets and report.
Data sheets prepared by the Corps: N/A
- Photographs: Photos submitted by agent dated January 2021, Aerial photograph submitted by agent dated 1/8/2021
- Corps Site visit(s) conducted on: N/A
- Previous Jurisdictional Determinations (AJDs or PJDs): N/A
- Antecedent Precipitation Tool: Detailed discussion in Section III.B
- USDA NRCS Soil Survey: Soils Map submitted by agent dated 1/8/2021
- USFWS NWI maps: Aerial with National Wetlands Inventory Map provided by agent dated 1/8/2021
- USGS topographic maps: Quad Sheet provided by agent dated 1/8/2021, Summerville Quad

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	SAC Regulatory Viewer accessed during review
State/Local/Tribal Sources	DNR LiDAR map provided by agent dated 1/8/2021
Other Sources	N/A.

B. Typical year assessment(s): The Antecedent Precipitation Tool (APT) data for the typical year assessment was calculated based on the field collection date denoted in the submittal (1/6/2021). APT outputs with condition values greater than or equal to 15 indicates “wetter than normal” conditions, condition values between 10 and 14 indicate “normal” conditions, and condition values less than or equal to 9 indicates “drier than normal conditions. Output from the APT indicated drier than normal conditions at the time of data collection by the agent with a condition value of 9. Even though the conditions are drier than normal, it is during the wet season.

C. Additional comments to support AJD: The project area is a 15.97 acre site that has seven excluded waters.

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