



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): May 14, 2021

ORM Number: SAC-2007-02189

Associated JDs: N/A

Review Area Location¹:

State: SC City: Jedburg County: Berkeley County

Center Coordinates of Review Area: Latitude 33.094757 Longitude -80.227465

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 A	41.9 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland A continues offsite to the northwest and is part of a larger wetland system that is

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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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			contiguous with Cypress Swamp/the Ashley River, which is an (a)(2) water. The (a)(2) water flows through the wetland system, thus the (a)(2) water shares a border with the wetland system. Therefore, the wetland system, including onsite Jurisdictional Wetland A, abuts the (a)(2) water.
Jurisdictional Wetland B	1.504 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland B is separated from Jurisdictional Wetland A by a road with a culvert which is active during a typical year. Therefore, Jurisdictional Wetland B is part of Jurisdictional Wetland A, which continues offsite and is part of larger wetland system that is contiguous with Cypress Swamp/the Ashley River, the (a)(2) water. The (a)(2) water flows through the wetland system, thus the (a)(2) water shares a border with the wetland system.
Jurisdictional wetland C	0.32 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland C is separated from Jurisdictional Wetland A by a road with a culvert which is active during a typical year. Therefore, Jurisdictional Wetland C is part of Jurisdictional Wetland A, which continues offsite and is part of larger wetland system that is contiguous with Cypress Swamp/the Ashley River, the (a)(2) water. The (a)(2) water flows through the wetland system, thus the (a)(2) water shares a border with the wetland system.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Water D	0.036 acre	(b)(1) Non-adjacent wetland	Excluded Water D continues offsite; however, based on a review of offsite resource information, the offsite portion of D does not abut an (a)(1) – (a)(3) water or meet any other adjacency criterion. The onsite portion of D is surrounded by uplands. Therefore, D is an Excluded Water.
Excluded Water E	0.004 acre	(b)(1) Non-adjacent wetland	Excluded Water E continues offsite; however, based on a review of offsite resource information, the offsite portion of E does not abut an (a)(1) – (a)(3) water or meet any other adjacency criterion. The onsite portion of E is surrounded by uplands. Therefore, E is an Excluded Water.
Excluded Water F	0.018 acre	(b)(1) Non-adjacent wetland	Excluded Water F is a closed polygon wetland, is located entirely within the project review area, is surrounded by uplands and does not abut an (a)(1) – (a)(3) water or meet any other adjacency criterion. Therefore, F is an Excluded Water.
Excluded Water G	0.487 acre	(b)(1) Non-adjacent wetland	Excluded Water G continues offsite; however, based on a review of offsite resource information, the offsite portion of G does not abut an (a)(1)-(a)(3) water at an offsite location or meet any other adjacency criterion. The onsite portion of wetland G is surrounded by uplands. Therefore, G is an Excluded Water.

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Excluded Water H	1.69 acres	(b)(1) Non-adjacent wetland	Excluded Water H is a closed polygon wetland, is located entirely within the project review area, is surrounded by uplands and does not abut an (a)(1) – (a)(3) water or meet any other adjacency criterion. Therefore, H is an Excluded Water.
Excluded Water I	0.09 acre	(b)(1) Non-adjacent wetland	Excluded Water I, which includes Strathmore Excluded Water A, connects to a culvert that goes under the frontage road. No wetlands appear to be present at that location. Excluded Water I, which includes Strathmore Excluded Water A, is surrounded by uplands and does not abut an (a)(1)-(a)(2) water or meet any other adjacency criterion. Therefore, I, including Strathmore A, is an Excluded Water.
Excluded Water J	0.068 acre	(b)(1) Non-adjacent wetland	Excluded Water J, which includes Strathmore Excluded Water B, is a closed polygon, is surrounded by uplands and does not abut an (a)(1)-(a)(2) water or meet any other adjacency criterion. Therefore, J, including Strathmore B, is an Excluded Water.
Excluded Water K	0.364 acre	(b)(1) Non-adjacent wetland	Excluded Water K is a closed polygon wetland, is located entirely within the project review area, is surrounded by uplands and does not abut an (a)(1) – (a)(3) water or meet any other adjacency criterion. Excluded Water K ends at the frontage road. Therefore, K is an Excluded Water.
Excluded Water L	0.571 acre	(b)(1) Non-adjacent wetland	Excluded Water L is a closed polygon wetland, is located entirely within the project review area, is surrounded by uplands and does not abut an (a)(1) – (a)(3) water or meet any other adjacency criterion. Therefore, L is an Excluded Water.
Strathmore Excluded Water A	0.0286 acre	(b)(1) Non-adjacent wetland	Strathmore Excluded Water A, which includes Excluded Water I, connects to a culvert that goes under the frontage road. No wetlands appear to be present at that location. Strathmore Excluded Water A, which includes Excluded Water I, is surrounded by uplands and does not abut an (a)(1)-(a)(2) water or meet any other adjacency criterion. Therefore, Strathmore A, including I, is an Excluded Water.
Strathmore Excluded Water B	0.1185 acre	(b)(1) Non-adjacent wetland	Strathmore Excluded Water B, which includes Excluded Water J, is a closed polygon, is surrounded by uplands and does not abut an (a)(1)-(a)(2) water or meet any other adjacency criterion. Therefore, Strathmore B, including Excluded Water J, is an Excluded Water.
Strathmore Excluded Water D	0.0366 acre	(b)(1) Non-adjacent wetland	Excluded Water D is a closed polygon wetland, is located entirely within the project review area, is surrounded by uplands and does not abut an (a)(1) – (a)(3) water or meet any other adjacency criterion. Therefore, D is an 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.

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- Information submitted by, or on behalf of, the applicant/consultant: Newkirk Environmental, Strathmore Tract submittal date March 19, 2021.
This information is sufficient for purposes of this AJD.
Rationale: *N/A*
- Data sheets prepared by the Corps:
- Photographs: Google Earth 1/28/21
- Corps Site visit(s) conducted on:
- Previous Jurisdictional Determinations (AJDs or PJDs):
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: Meggett Loam.
- USFWS NWI maps: PFO1C
- USGS topographic maps:

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 Antecedent Rainfall Calculator for March 19, 2021, indicated that the 2nd half of December 2020 through January 18, 2021, rainfall was within the normal range. From January 18, 2021 through February 17, 2021, rainfall was within the normal range but was increasing and by February 17, 2021, rainfall was above normal. From February 17, 2021 through March 19, 2021, rainfall was above normal. The Drought Index was Mild Wetness and this period is wetter than normal.
- C. Additional comments to support AJD:** The project review area includes three wetlands that were determined to abut an (a)(1)-(a)(3) water and are thus jurisdictional and subject to regulation under Section 404 of the CWA. The remaining wetlands were determined to be excluded and are not subject to regulation under Section 404 of the CWA.

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