



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 4, 2021

ORM Number: SAC-2020-00955

Associated JDs: N/A

Review Area Location¹:

State: SC City: Givhans County: Dorchester County

Center Coordinates of Review Area: Latitude 33.0119 Longitude -80.4055

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 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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Pond	0.06 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 is an open water feature resulting from excavation activities in a non-jurisdictional wetland. The pond was excavated from the remaining portion of a larger wetland that continues south of the review area. An artificial structure (road) was constructed through this wetland. However, according to information provided by the requestor, a culvert within the road is not active at least once in a typical year. Similarly, Gator Walk Road which runs parallel to the east of the review area and contains a culvert was determined to not be active at least once in a typical year by the aforementioned information provided by the requestor. Therefore, Pond was determined to meet the criteria of a (b)(8) excluded water. Please see Section III.B for a typical year assessment.

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: *Request for Corps Jurisdictional Determination (JD) / Delineation dated July 10, 2020.*

This information (is) sufficient for purposes of this AJD.

Rationale: *N/A.*

Data sheets prepared by the Corps: *N/A.*

Photographs: *N/A.*

Corps Site visit(s) conducted on: *N/A.*

Previous Jurisdictional Determinations (AJDs or PJDs): *SAC-2006-02021 (FKA SAC-2006-02021-1T) dated April 30, 2015.*

Antecedent Precipitation Tool: *N/A.*

USDA NRCS Soil Survey: *SAC-2020-00955 Soils Map dated April 29, 2021, Source: USDA NRCS gNATSGO database published October 1, 2019.*

USFWS NWI maps: *SAC-2020-00955 NWI Map dated April 29, 2021, Source: USFWS National Wetlands Inventory Program layer last updated July 17, 2020.*

USGS topographic maps: *SAC-2020-00955 Topo Map dated April 29, 2021, Source: USGS US Topo 7.5-minute map for Maple Cane Swamp SC 2020.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.

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USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** According to information provided by the requestor, hydrology for the pond in the review area is mainly rainwater. Due to the small drainage area of the pond, the feature only stages up to the elevation of existing culverts within an earthen road and Gator Walk Road after period of heavy rainfall. Therefore, it has been determined that these events would not represent typical year conditions.
- C. Additional comments to support AJD:** According to the typical year assessment the culverts within roads to the east and south of the review area would not be active at least once in a typical year. Therefore, the review area contains one pond constructed in a non-jurisdictional water. meets the definition of a (b)(8) excluded water, and is not subject to Section 404 of the Clean Water Act.

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