



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): 07-MAY-2021

ORM Number: SAC-2020-01411

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: SC City: North Charleston County: Dorchester County

Center Coordinates of Review Area: Latitude 32.911448 Longitude -80.088974

**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 or describe rationale.
- ☐ 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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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
Jurisdictional Tributary 1	1739 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary 1 is a stream approximately 20 feet wide known as Sawpit Creek which was channelized and straightened tributary flowing through directly abutting wetlands, discharging through a culvert going under Dorchester Road, which flows downstream to an (a)(1) traditional navigable water the Ashley River. This tributary flows continuously for the entire wet season when water table and wetland water elevations stage up. On this basis, Tributary 1 meets the criteria set forth in (c)(12) as a tributary and thus an (a)(2) water.

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<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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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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 2	0.98 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 2 directly abuts Jurisdictional Tributary 1.
Jurisdictional Wetland 3	0.29 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 3 directly abuts Jurisdictional Tributary 1.
Jurisdictional Wetland 4	0.47 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 4 directly abuts Jurisdictional Tributary 1.

#### D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Ditch 1	537 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)	The ditch segment on this parcel represents 537 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow, but does so only in response to precipitation.
Ditch 2	515 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)	The ditch segment on this parcel represents 515 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow, but does so only in response to precipitation.
Ditch 3	360 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)	The ditch segment on this parcel represents 360 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow, but does so only in response to precipitation.
Ditch 4	353 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)	The ditch segment on this parcel represents 353 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow, but does so only in response to precipitation.
Ditch 5	1300 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)	The ditch segment on this parcel represents 1300 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow, but does so only in response to precipitation.
Ditch 6	193 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)	The ditch segment on this parcel represents 193 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow, but does so only in response to precipitation.
Ditch 7	173 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a	The ditch segment on this parcel represents 173 feet of ditch excavated within uplands and that does not meet

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<sup>5</sup> 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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		ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	criteria as any category of water. The ditch does carry flow, but does so only in response to precipitation.
Ditch 8	616 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)	The ditch segment on this parcel represents 616 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow, but does so only in response to precipitation.
Ditch 9	584 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)	The ditch segment on this parcel represents 584 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow, but does so only in response to precipitation.
Pond 1	0.28 acres	(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)	This pond is completely surrounded by upland with irregular side slopes that appear to be excavated and are atypical for naturally occurring features in the area. Additionally, the location of the pond does not lie below the ordinary high water mark or the high tide line of a jurisdictional water. Therefore, this office has determined this pond to be situated in uplands and therefore an excluded non-jurisdictional water.
Pond 2	0.09 acres	(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)	This pond is completely surrounded by upland with irregular side slopes that appear to be excavated and are atypical for naturally occurring features in the area. Additionally, the location of the pond does not lie below the ordinary high water mark or the high tide line of a jurisdictional water. Therefore, this office has determined this pond to be situated in uplands and therefore an excluded non-jurisdictional water.
Wetland 1	12.14 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1). While there are ditch connections between Wetland 1 and downstream waters, these non-aquatic ditch features cannot alter the adjacency of a wetland.
Wetland 10	0.06 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1)
Wetland 11	0.02 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1)
Wetland 12	0.49 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1)

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Wetland 5	1.66 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1)
Wetland 6	0.41 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1)
Wetland 7	0.73 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1)
Wetland 8	0.36 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1)
Wetland 9	0.71 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1)

### 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: COE Wetland Jurisdictional Determination - Whitfield Parcel October 13, 2020

This information *is* sufficient for purposes of this AJD.

Rationale: *N/A*

Data sheets prepared by the Corps: *Title(s) and/or date(s).*

☒ Photographs: *aerial and other*

☒ Corps Site visit(s) conducted on: *December 10, 2020*

☐ Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*

☐ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

☒ USDA NRCS Soil Survey: NRCS Dorchester County overlaid on aerial photo.

☒ USFWS NWI maps: NWI Online Mapping overlaid on aerial photo.

☒ USGS topographic maps: Ladson quadrangle

#### 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.

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

- B. Typical year assessment(s):** Precipitation information contained in the AJD submission from applicant.
- C. Additional comments to support AJD:** Review area includes 91.75 acres.

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