



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): October 20, 2020

ORM Number: SAC-2019-00607

Associated JDs: N/A

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

State: SC City: St. Thomas Parish County: Berkeley County

Center Coordinates of Review Area: Latitude 32.8918 Longitude -79.9243

**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)<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
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	4.32 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland A continues off-site to the south where it converges with the off-site portion of

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<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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			Jurisdictional Wetland B. Therefore, Jurisdictional Wetland A has been determined to be an (a)(4) wetland by this office. Please see the rationale for (a)(4) determination for Jurisdictional Wetland B below.
Jurisdictional Wetland B	1.83 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland B continues off-site to the south where it directly abuts and shares a boundary with the marshes of Beresford Creek, an (a)(1) water. The off-site wetland is divided by an artificial structure, Beresford Run Road; however, a culvert within the road crossing provides a direct hydrologic connection which is active during a typical year. Please see Sections B and C below for more information.

**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
Excluded Water Wetland C	0.59 acre	(b)(1) Non-adjacent wetland	This wetland is a closed polygon boundary 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: *Request for Corps Jurisdictional Determination (JD) / Delineation dated April 9, 2019 (PJD) and October 5, 2020 (AJD)*

This information is sufficient for purposes of this AJD.

Rationale: *Additional data was not requested beyond what was submitted in the April 9, 2019 PJD request. The original JD request included sufficient information this office could use for the current AJD request.*

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

☒ Photographs: *Aerial: Wetland Exhibit, 2018 Aerial Provided by Berkeley GIS and Site Photographs page 1-2 of 2 submitted as part of the April 9, 2019 JD request.*

☒ Corps Site visit(s) conducted on: *July 16, 2019 and August 28, 2019*

☒ Previous Jurisdictional Determinations (AJDs or PJDs): *PJD January 21, 2020 under the same SAC number.*

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

☒ USDA NRCS Soil Survey: *Soil Survey, Soil Survey of Berkeley County, SC provided by USDA.Gov submitted as part of the April 9, 2019 JD request.*

☒ USFWS NWI maps: *Freshley Tract dated April 4, 2019*

☒ USGS topographic maps: *Location Map, USGS Quadrangle Location Map of North*

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*Charleston, SC provided by SCDNR submitted as part of the April 9, 2019 JD request.*

**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	Charleston District Regulatory Viewer Lidar Data
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) results for typical year determination were calculated for June 30, 2019 to determine if a culvert present within Beresford Run Road would provide flow at least once in a typical year. This date was selected in order to have the ability to evaluate conditions throughout the month of June, because the best available imagery of the culvert connection via Google Earth Pro®, was dated June 2019 and did not provide a precise date. According to the APT data, June 30, 2019, exhibited normal conditions with rainfall occurring throughout most of the month. Therefore, after analyzing APT output, the month of June would have exhibited normal to drier than normal conditions based on the preceding 3 months of rainfall falling within or below the 30-year normal range.
- C. Additional comments to support AJD:** Jurisdictional Wetland A continues off-site into a utility line right-of-way where it converges with the off-site portion of Jurisdictional Wetland B. Jurisdictional Wetland B continues off-site to the south and is divided by Beresford Run Road. However, according to the APT data and typical year assessment above, a culvert present within the roadway would provide a direct hydrologic connection to downstream waters. The aforementioned off-site wetland continues south of the culverted crossing where it directly abuts and shares a boundary with the marshes of Beresford Creek, an (a)(1) water. The marshes of Beresford Creek are subject to the ebb and flow of the tide and have been determined to meet the criteria of an (a)(1) water of the United States by this office. This site was previously evaluated for a Preliminary Jurisdictional Determination dated January 21, 2020.

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

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