



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 9, 2020

ORM Number: SAC-2019-01708

Associated JDs: SAC-2019-01708 issued on October 18, 2019

Review Area Location¹:

State: SC City: Hardeeville County: Jasper County

Center Coordinates of Review Area: Latitude 32.256908 Longitude -81.101266

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
Jurisdictional Ditch 4	0.08 acre	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Ditch 4 is a canal approximately 20 feet wide which was channelized and straightened in an historic tributary flowing through directly abutting wetlands, ultimately discharging to the (a)(1) traditional navigable water Savannah River. On this basis, Jurisdictional Ditch 4 meets the criteria set forth in (c)(12) as a tributary and thus an (a)(2) water.

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

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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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Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Jurisdictional Wetland 1	0.22 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 1, Jurisdictional Wetland 2 and Jurisdictional Wetland 23 (below) continue off the site and are connected to the larger portion of the overall palustrine forested system via a culvert beneath CSX Railway which constitutes a direct surface hydrological connection active during a typical year. This large wetland is directly abutting an off-site (a)(2) tributary and thus is jurisdictional based on directly abutting adjacency as an (a)(4) water. Typical year information, including APT results are provided below in III. Supporting Information, B. Typical Year Assessment.
Jurisdictional Wetland 12	0.39 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 12, Jurisdictional Wetland 15, and Jurisdictional Wetland 16 are part of the same large palustrine forested wetland system that continues off the site and is contiguous to and directly abutting an off-site (a)(2) water that flows directly to the (a)(1) traditional navigable water Savannah River tidal marsh system.
Jurisdictional Wetland 15	0.29 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 15, Jurisdictional Wetland 12, and Jurisdictional Wetland 16 are part of the same large palustrine forested wetland system that continues off the site and is contiguous to and directly abutting an off-site (a)(2) water that flows directly to the (a)(1) traditional navigable water Savannah River tidal marsh system.
Jurisdictional Wetland 16	0.28 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 16, Jurisdictional Wetland 12, and Jurisdictional Wetland 15 are part of the same large palustrine forested wetland system that continues off the site and is contiguous to and directly abutting an off-site (a)(2) water that flows directly to the (a)(1) traditional navigable water Savannah River tidal marsh system.
Jurisdictional Wetland 19	0.98 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 19 continues off the site both to the south and to the north as part of a large palustrine forested wetland system that includes Jurisdictional Wetland 5 (below). This wetland is contiguous to and directly abutting the (a)(2) perennial tributary Jurisdictional Ditch 4 and has been bisected by the construction of I-95. Large culverts maintain the direct surface hydrological connection between the Jurisdictional Wetland 19 and Jurisdictional Wetland 5 portions of the overall wetland and are hydrologically active during a typical year. Typical year information, including APT results are provided below in III. Supporting Information, B. Typical Year Assessment.
Jurisdictional Wetland 2	0.1 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 2, Jurisdictional Wetland 1 (above), and Jurisdictional Wetland 23 (below) continue off the site, and are connected to the larger portion of the overall palustrine forested system via a culvert

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			beneath CSX Railway which constitutes a direct surface hydrological connection active during a typical year. This large wetland is directly abutting an off-site (a)(2) tributary and thus is jurisdictional based on adjacency as an (a)(4) water. Typical year information, including APT results are provided below in III. Supporting Information, B. Typical Year Assessment.
Jurisdictional Wetland 23	0.54 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 23, as well as Jurisdictional Wetland 1 and Jurisdictional Wetland 2 (above), continue off the site, and are connected to the larger portion of the overall palustrine forested system via a culvert beneath CSX Railway which constitutes a direct surface hydrological connection active during a typical year. This large wetland is directly abutting an off-site (a)(2) tributary and thus is jurisdictional based on adjacency as an (a)(4) water. Typical year information, including APT results are provided below in III. Supporting Information, B. Typical Year Assessment.
Jurisdictional Wetland 3	0.22 acre	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	Jurisdictional Wetland 3 is a closed boundary polygon which is separated from the (a)(2) perennial tributary Jurisdictional Ditch 4 (above) by a manmade berm. There is a corrugated metal pipe structure which constitutes a direct surface hydrological connection active during a typical year between Jurisdictional Wetland 3 and Jurisdictional Ditch 4 which serves as the basis for the adjacency determination. Typical year information, including APT results are provided below in III. Supporting Information, B. Typical Year Assessment.
Jurisdictional Wetland 5	0.4 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 5 is contiguous to, and directly abutting, the (a)(2) perennial tributary Jurisdictional Ditch 4.
Jurisdictional Wetland 6	0.37 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 6, as well as Jurisdictional Wetland 7 and Jurisdictional Wetland 8 (below), continue off the site, and are connected to the larger portion of the overall palustrine forested system via a culvert beneath CSX Railway which constitutes a direct surface hydrological connection active during a typical year. This large wetland is directly abutting an off-site (a)(2) tributary and thus is jurisdictional based on adjacency as an (a)(4) water. Typical year information, including APT results are provided below in III. Supporting Information, B. Typical Year Assessment.
Jurisdictional Wetland 7	0.05 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 7, similar to Jurisdictional Wetland 6 (above) and Jurisdictional Wetland 8 (below), continue off the site, and are connected to the larger portion of the overall palustrine forested system via a culvert beneath CSX Railway which constitutes a direct surface hydrological connection active during a typical year. This large wetland is directly abutting an off-site (a)(2) tributary and thus is jurisdictional based on adjacency as an (a)(4) water. Typical year information, including APT results are provided below in

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			III. Supporting Information, B. Typical Year Assessment.
Jurisdictional Wetland 8	0.07 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 8, similar to Jurisdictional Wetland 6 and Jurisdictional Wetland 7 (above), continue off the site, and are connected to the larger portion of the overall palustrine forested system via a culvert beneath CSX Railway which constitutes a direct surface hydrological connection active during a typical year. This large wetland is directly abutting an off-site (a)(2) tributary and thus is jurisdictional based on adjacency as an (a)(4) water. Typical year information, including APT results are provided below in III. Supporting Information, B. Typical Year Assessment.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Non-Jurisdictional Wetland 10	0.17 acre	(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).
Non-Jurisdictional Wetland 11	1.72 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).
Non-Jurisdictional Wetland 13	0.67 acre	(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).
Non-Jurisdictional Wetland 14	3.99 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).
Non-Jurisdictional Wetland 18	1.26 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).
Non-Jurisdictional Wetland 21	0.38 acre	(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).
Non-Jurisdictional Wetland 22	0.19 acre	(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

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			(a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-Jurisdictional Wetland 24	0.04 acre	(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).
Non-Jurisdictional Wetland 25	0.4 acre	(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).
Non-Jurisdictional Wetland 26	0.05 acre	(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).
Non-Jurisdictional Wetland 9	0.17 acre	(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: JD Request package submitted by Sligh Environmental Consultants, Inc. on August 12, 2019, and request for re-assessment under the NWPR on July 30, 2020.
This information is and is not sufficient for purposes of this AJD.
Rationale: Additional field assessment of hydrologic connections and drawing edits were necessary.
- Data sheets prepared by the Corps: N/A.
- Photographs: Jasper County GIS, 2015 flight date. Consultant site photographs.
- Corps Site visit(s) conducted on: various since 2014.
- Previous Jurisdictional Determinations (AJDs or PJDs): SAC 2019-01708, issued October 18, 2019.
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Web Soil Survey, Hardeeville, updated April 4, 2019.
- USFWS NWI maps: NWI mapping based on Hardeeville Quad, 2012.
- USGS topographic maps: 7.5-Minute Quadrangle, Hardeeville, 2017.

Other data sources used to aid in this determination:

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

- B. Typical year assessment(s):** Pipes and culverts referenced above are present in the Interstate 95 right-of-way within the project limits of this AJD. These pipes and culverts were actively flowing on numerous site visit dates, including most recently on July 1, 2019. APT results were generated for each of the years from 2014 – 2019 and show that site visits during these years were made during normal conditions in 2014 and 2016, as well as during wetter than normal conditions during 2016 – 2019. Results from multiple year APT calculations are informative for this site, because in addition to the culvert locations exhibiting elevated flows during wetter than normal conditions, the culvert locations also exhibited active flow during the two past years (2014-15) when site visits occurred during typical year conditions. These results combined with on-site observations of flow at relevant culvert connection locations support the wetland adjacency determinations made above.
- C. Additional comments to support AJD:** AJD issued as a reassessment of waters under NWPR. All APT results and other project mapping are available for reference in the project file.

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