



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-2020-00088

Associated JDs: SAC-2020-00088 issued January 22, 2020; SAC-2018-00298 issued August 29, 2018.

Review Area Location¹:

State: SC City: Hardeeville County: Jasper County

Center Coordinates of Review Area: Latitude 32.252379 Longitude -81.103163

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
Waters of the U.S. 3	0.04 acre	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Waters of the U.S. 3 is a canal approximately 20 feet wide with perennial flow which was channelized and straightened in an historic tributary flowing through directly abutting wetlands. On this basis, Waters of the U.S. 3 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
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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.

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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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N/A	N/A	N/A	N/A
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Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Jurisdictional W-12	0.62 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional wetland W-12 continues off the site to the west where it directly abuts the (a)(1) traditional navigable water Savannah River. Jurisdictional wetland W-16 (below) is a portion of this same wetland.
Jurisdictional W-18	0.02 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional wetland W-18 is contiguous to, and directly abutting, the (a)(2) perennial tributary Waters of the U.S. 3.
Jurisdictional W-16	0.12 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional wetland W-16 continues off the site to the east, and directly abuts the (a)(2) perennial tributary Waters of the U.S. 3. In addition, and more important, W-16 is also part of the same wetland system as W-12 (above), based on a culvert beneath the manmade barrier Purrysburg Road, which culvert is hydrologically active during a typical year. Typical year information, including APT results are provided below in III. Supporting Information, B. Typical Year Assessment. Directly abutting connectivity to both the east and west provide the basis for adjacency and jurisdictional status as an (a)(4) water.
Jurisdictional Wetland 17	0.002 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 17 continues off the site to the east as part of a large palustrine forested system which is connected to the larger portion of W-1 via two culverts beneath Purrysburg Road which constitute direct surface hydrological connections active during a typical year. This large wetland (the W-1 system) is directly abutting the (a)(1) traditional navigable water Savannah River 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 W-22	0.0003 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional W-22, Jurisdictional W-23, and Jurisdictional W-24 are portions of the same wetland which continues off the site to the west (and east) and is contiguous to and directly abutting an (a)(2) tributary which flows directly to the (a)(1) traditional navigable water Savannah River, and thus is jurisdictional based on directly abutting adjacency as an (a)(4) water. These three wetland remnants were separated by the construction of Purrysburg Road, and remain hydrologically connected via culverts which routinely carry flow during a typical year, thus constituting a single wetland for adjacency purposes. Typical year information, including APT results are provided below in III. Supporting Information, B. Typical Year Assessment.
Jurisdictional W-23	0.01 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional W-22, Jurisdictional W-23, and Jurisdictional W-24 are portions of the same wetland

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			which continues off the site to the west (and east) and is contiguous to and directly abutting an (a)(2) tributary which flows directly to the (a)(1) traditional navigable water Savannah River, and thus is jurisdictional based on directly abutting adjacency as an (a)(4) water. These three wetland remnants were separated by the construction of Purrysburg Road, and remain hydrologically connected via culverts which routinely carry flow during a typical year, thus constituting a single wetland for adjacency purposes. Typical year information, including APT results are provided below in III. Supporting Information, B. Typical Year Assessment.
Jurisdictional W-24	0.12 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional W-22, Jurisdictional W-23, and Jurisdictional W-24 are portions of the same wetland which continues off the site to the west (and east) and is contiguous to and directly abutting an (a)(2) tributary which flows directly to the (a)(1) traditional navigable water Savannah River, and thus is jurisdictional based on directly abutting adjacency as an (a)(4) water. These three wetland remnants were separated by the construction of Purrysburg Road, and remain hydrologically connected via culverts which routinely carry flow during a typical year, thus constituting a single wetland for adjacency purposes. Typical year information, including APT results are provided below in III. Supporting Information, B. Typical Year Assessment.
Jurisdictional W-1	1.22 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional wetland W-1 is contiguous to, and directly abutting, the (a)(2) perennial tributary Waters of the U.S. 3 to the east, and extending off site to the west where it directly abuts the (a)(1) traditional navigable water Savannah River.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded W-10	0.39 acre	(b)(8) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Excluded water pond W-10 located within the review area, and continuing off-site, is wholly excavated from uplands, does not contribute flow to an (a)(1-3) water, and does not meet the criteria of a jurisdictional feature as identified in paragraph (c)(6). Excluded W-10 and Excluded W-11 are two portions of the same feature.
Excluded W-11	0.1 acre	(b)(8) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Excluded water pond W-11 located within the review area, and continuing off-site, is wholly excavated from uplands, does not contribute flow to an (a)(1-3) water, and does not meet the criteria of a jurisdictional feature as identified in paragraph (c)(6). Excluded W-10 and Excluded W-11 are two portions of the same feature.
Excluded W-13	1.15 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

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			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). Excluded W-13 and Excluded W-15 are portions of the same historic single wetland that was separated by the construction of Purrysburg Road. The two wetland remnants are hydrologically connected, but neither portion meets any adjacency criteria.
Excluded W-14	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).
Excluded W-15	0.13 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). Excluded W-13 and Excluded W-15 are portions of the same historic single wetland that was separated by the construction of Purrysburg Road. The two wetland remnants are hydrologically connected, but neither portion meets any adjacency criteria.
Excluded W-19	0.02 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).
Excluded Wetland 20	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). Excluded Wetland 20 and Excluded Wetland 21 are portions of the same historic wetland that was separated by the construction of Purrysburg Road and remain hydrologically connected via a culvert. While there is a ditch leading downslope from this wetland to other waters, a ditch cannot render an otherwise excluded wetland jurisdictional.
Excluded Wetland 21	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). Excluded Wetland 20 and Excluded Wetland 21 are portions of the same historic wetland that was separated by the construction of Purrysburg Road and remain hydrologically connected via a culvert. While there is a ditch leading downslope from this wetland to other waters, a ditch cannot render an otherwise excluded wetland jurisdictional.
Excluded W-25	0.09 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). Excluded W-25 and Excluded W-26 are portions of the same historic single wetland that was separated by the construction of Purrysburg Road. The two wetland remnants are not hydrologically connected.
Excluded W-26	0.02 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). Excluded W-25 and Excluded W-26 are portions of the same historic single wetland that was separated by the construction of Purrysburg Road. The two wetland remnants are not hydrologically connected.
Excluded W-27	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). Excluded Wetland 27 and Excluded Wetland 28 are portions of the same historic wetland that was separated by the construction of Purrysburg Road and remain hydrologically connected via a culvert. While there is a ditch leading downslope from this wetland to other waters, a ditch cannot render an otherwise excluded wetland jurisdictional.
Excluded W-28	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). Excluded Wetland 27 and Excluded Wetland 28 are portions of the same historic wetland that was separated by the construction of Purrysburg Road and remain hydrologically connected via a culvert. While there is a ditch leading downslope from this wetland to other waters, a ditch cannot render an otherwise excluded wetland jurisdictional.
Excluded W-29	0.01 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). While there is a ditch leading downslope from this wetland to other waters, a ditch cannot render an otherwise excluded wetland jurisdictional.
Excluded W-2	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).
Excluded W-3	0.11 acre	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional	Excluded water pond W-3 located within the review area is wholly excavated from uplands, does not contribute flow to an (a)(1-3) water, and does not meet

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		water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	the criteria of a jurisdictional feature as identified in paragraph (c)(6).
Excluded W-4	0.005 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).
Excluded W-5	0.01 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).
Excluded W-6	0.003 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)	Excluded water pond W-6 located within the review area is wholly excavated from uplands, does not contribute flow to an (a)(1-3) water, and does not meet the criteria of a jurisdictional feature as identified in paragraph (c)(6).
Excluded W-7	0.44 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)	Excluded water pond W-7 located within the review area is wholly excavated from uplands, does not contribute flow to an (a)(1-3) water, and does not meet the criteria of a jurisdictional feature as identified in paragraph (c)(6).
Excluded W-8	0.56 acre	(b)(8) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Excluded water pond W-8 located within the review area, and continuing off-site, is wholly excavated from uplands, does not contribute flow to an (a)(1-3) water, and does not meet the criteria of a jurisdictional feature as identified in paragraph (c)(6).
Excluded W-9	0.01 acre	(b)(8) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Excluded water pond W-9 located within the review area, and continuing off-site, is wholly excavated from uplands, does not contribute flow to an (a)(1-3) water, and does not meet the criteria of a jurisdictional feature as identified in paragraph (c)(6).

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.

X Information submitted by, or on behalf of, the applicant/consultant: JD Request package submitted by Sligh Environmental Consultants, Inc. on August 13, 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

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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 2020-00088, issued January 22, 2020; SAC-2018-00298 issued August 29, 2018.
- ☒ 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.

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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	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 Purrysburg Road 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 following applicant-requested reassessment under the NWPR. All APT results and other project mapping are available for reference in the project file.

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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.