



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): 14-OCT-2020

ORM Number: SAC-2020-01120

Associated JDs: SAC-2017-00527; SAC-2017-00530; SAC-2017-00804.

Review Area Location¹:

State: SC City: Summerville County: Dorchester County

Center Coordinates of Review Area: Latitude 32.974962 Longitude -80.196722

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)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
Jurisdictional Wetland W1	0.32 acre	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an	Jurisdictional Wetland W1 is a remnant roadside wetland that extends beyond the site boundary at the

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 and 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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		artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	SC Hwy 165 right-of-way. This wetland is separated from the (a)(2) perennial tributary Sawmill Branch by an artificial berm. However, the wetland is adjacent to Sawmill Branch due to the presence of a culvert which provides a direct continuous hydrological connection between the wetland and the tributary, and which is active during a typical year. Typical year information, including APT results are provided below in III. Supporting Information, B. Typical Year Assessment.
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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
Excluded Water Pond	0.051 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)	This feature was constructed entirely in uplands.
Excluded Water Ditch 1	263.3 linear 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)	Excluded Water Ditch 1 represents 263.3 linear feet of ditch excavated within uplands and that does not meet criteria as any category of water. In addition, this ditch does not lead to any culvert through the artificial berm separating the two excluded wetlands from the (a)(2) water tributary Sawmill Branch.
Excluded Water Wetland W2	0.57 acre	(b)(1) Non-adjacent wetland	Excluded Water Wetland W2 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 Water Wetland W3	0.79 acre	(b)(1) Non-adjacent wetland	Excluded Water Wetland W3 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.

 x Information submitted by, or on behalf of, the applicant/consultant: AJD Request package submitted by Kimley-Horn on August 18, 2020.

This information is and is not sufficient for purposes of this AJD.

Rationale: Supplemental information to complete the request package was received on October 13, 2020.

 Data sheets prepared by the Corps: N/A.

 x Photographs: ESRI World Imagery Aerial, March 18, 2019; site photographs.

 x Corps Site visit(s) conducted on: October 9, 2020.

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- Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2017-00527 (8-1-2017); SAC-2017-00530 (8-1-2017); SAC-2017-00804 (8-1-2017).
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Web Soil Survey, Stallsville NW, updated April 19, 2019.
- USFWS NWI maps: NWI data layer overlaid on 2019 ESRI World Imagery aerial.
- USGS topographic maps: USGS 7.5-Minute Stallsville NW quadrangle, updated October 2019.

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):** The culvert referenced above is present in the SC Highway 165 right-of-way alongside the site boundary of this AJD. This culvert was not actively flowing during the October 9, 2020, USACE site visit; however, the same culvert has been observed to flow earlier during the summer months of 2020. APT results were generated for August 8, 2020, and show that site visits during the summer and on the day the site was delineated were made during normal conditions. These results support the wetland adjacency determination made above for Jurisdictional Wetland W1.
- C. Additional comments to support AJD:** This jurisdictional determination is for a 9.87-acre site that includes one adjacent wetland and four excluded waters.

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