



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): September 15, 2020
 ORM Number: SAC-2010-00642
 Associated JDs: SAC 2010-00642 dated April 8, 2014; SAC 2011-00360 dated November 24, 2014;
 SAC 2018-1229 dated August 29, 2018
 Review Area Location¹:
 State: SC City: Charleston County: Charleston County
 Center Coordinates of Review Area: Latitude 32.755923 Longitude -80.014317

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
OW 15	7.39 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
OW 43	7.24 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TC 13	450 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TC 14	427 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TC 18	723 feet	(a)(1) Water is also subject to	This water is subject to the ebb and flow of the tide.

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 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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		Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	
TC 19	117 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TC 20	638 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
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TC 28	316 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
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		subject to the ebb and flow of the tide	
TC 9	302 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
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TDW 22	350 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
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TDW 33	201 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TDW 35	387 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TDW 48	880 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TDW 49	600 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
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TDW 53	89 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TDW 54	386 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TDW 56	77 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TDW 58	599 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TDW 6	532 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TDW 60	163 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TDW 61	411 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TDW 63	793 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TDW 7	183 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TSM 12	14.74 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TSM 17	44.76 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and	This water is subject to the ebb and flow of the tide.

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TSM 3	0.09 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TSM 39	25.19 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TSM 52	6.61 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TSM 66	1.4 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TSM 8	0.68 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.

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
OW 15	7.39 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
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TDW 63	793 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TDW 7	183 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TSM 12	14.74 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.

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TSM 17	44.76 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TSM 3	0.09 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TSM 39	25.19 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TSM 52	6.61 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TSM 66	1.4 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.
TSM 8	0.68 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	This water is subject to the ebb and flow of the tide.

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
FT 30	60 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	FT 30 is a naturally occurring surface water channel with flow observed during site visit; Lidar imagery supports the naturally occurring sinuous channel that flows through adjacent, off site property(s) and north to River Road, where it is part of FW 25 which discharges directly into TDW 23. This is consistent with findings documented under SAC 2011-00360 and SAC 2018-1299.

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
FWW 10	0.2 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	FWW 10 is abutting and contiguous to TSM 8 (See Figure D)

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FWW 11	0.15 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	FWW 11 is abutting and contiguous to TSM 12 (See Figure D)
FWW 16	0.59 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	FWW 16 is abutting and contiguous to TSM 12 and TSM 17 (See Figures E and F)
FWW 21	2.92 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	FWW 21 is abutting and contiguous to TSM 17 (See Figure G)
FWW 24	0.02 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	FWW 24 is abutting and contiguous to TSM 17 (See Figure G)
FWW 25	0.25 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	FWW 25 is abutting and contiguous to TSM 17 (See Figure G)
FWW 31	0.002 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	FWW 31 is abutting and contiguous to FT 30 (See Figure I)
FWW 32	2.19 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	FWW 32 is abutting and contiguous to TSM 17 and TDW 33 (See Figure J)
FWW 34	0.67 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	FWW 34 is abutting and contiguous to TSM 17 (See Figure J)
FWW 36	1.74 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	FWW 36 is abutting and contiguous to TSM 35 (See Figure J)
FWW 37	0.26 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	FWW 37 and FWW 38 were one wetland bisected by River Road and hydrologically connected, in a typical year, by flows through a culvert under River Road (Figure K). This wetland system continues to the west side of River Road in a northwest direction and drains off site to an unnamed tributary to Penny's Creek, the downstream TNW. These findings are consistent with those documented in SAC 2011-00360 and SAC 2018-1299.
FWW 38	0.09 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	FWW 37 and FWW 38 were one wetland bisected by River Road and hydrologically connected, in a typical year, by flows through a culvert under River Road (Figure K). This wetland system continues to the west side of River Road in a northwest direction and drains off site to an unnamed tributary to Penny's Creek, the downstream TNW. These findings are consistent with those documented in SAC 2011-00360 and SAC 2018-1299. (Figure K)
FWW 40	6.33 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	FWW 40 is abutting and contiguous with TSM 39 (Figure N)
FWW 41	0.32 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	FWW 41 is abutting and contiguous with TSM 39 (Figure N)
FWW 45	0.92 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	FWW 45 is abutting and contiguous with TSM 39 (Figure O)
FWW 47	1.88 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	FWW 45 is abutting and contiguous with TSM 39 (Figure P)
FWW 50	0.39 acres	(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	FWW 50 continues south of the project area, offsite where a pipe under a dirt road (service road in the James Island County Park) provides a direct hydrologic surface connection in a typical year wherein flows continue into a channelized stream directly connecting to TSM 52 (Figure P).
FWW 51	0.59 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	FWW 51 is abutting and contiguous to TSM 52 (Figure P)

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FWW 55	0.14 acres	(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	FWW 55 flows under a sidewalk, through a functioning pipe/culvert junction area which provides flows in a typical year under James Island Parkway directly into TDW 56. (Figure P)
FWW 59	2.66 acres	(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	FWW 59 is a separated from TDW 58 by a pipe beneath a fill area which allows a direct hydrological connection in a typical year (Figure R)
FWW 62	2.26 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	FWW 62 directly abuts and is contiguous to TDW 61, TDW 60 and TSM 52 (Figure R)
FWW 64	0.14 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	FWW 64 is abutting and contiguous to TDW 63 (Figure S).
FWW 65	0.26 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	FWW 65 is abutting and contiguous to TDW 66 (Figure S).
FWW 67	0.19 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	FWW 67 is abutting and contiguous to TDW 66 (Figure S).

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
NJDR A	1.29 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	Stormwater pond constructed within the northbound on-ramp to I-526 (Figure B)
NJDR B	1 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)	NJDRB appears to be an excavated borrow pit that has naturalized into a shrub-scrub wetland with no hydrologic connection to any other water (Figure C)
NJDR C	1.26 acres	(b)(1) Non-adjacent wetland	NJDR C is a wetland that is not abutting another water of the US, does not experience flooding from an (a)(1)-(a)(3) water in a typical year and is separated from other waters by natural uplands. While a ditch does connect to this wetland and continues off-site, it is not a relocated tributary. (Figure C)
NJDR D	0.14 acres	(b)(1) Non-adjacent wetland	NJDR D is a wetland that is not abutting another water of the US, does not experience flooding from an (a)(1)-(a)(3) water in a typical year and is separated from other waters by natural uplands. While a ditch does connect to this wetland and continues off-site, it is not a relocated tributary. (Figure C)
NJDR E	0.09 acres	(b)(1) Non-adjacent wetland	NJDR E is a wetland not abutting another water of the US, does not experience flooding from an (a)(1)-(a)(3) water in a typical year and is separated from other waters by natural uplands. There is a ditch, excavated

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			through uplands, that does drain northeast to adjacent tidal waters, but it is not a relocated tributary. (Figure G)
NJDR F	0.06 acres	(b)(1) Non-adjacent wetland	NJDR F is a wetland not abutting another water of the US, does not experience flooding from an (a)(1)-(a)(3) water in typical year and is separated from other waters by natural uplands. (Figure G)
NJDR G	0.03 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	NJDR G is a stormwater feature constructed in uplands draining into FWW 32. (Figure J)
NJDR H	347 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)	NJDR H is a ditch draining into FWW 38, is excavated from uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland (Figure K)
NJDR I	4440 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)	NJDR I is a ditch appearing to drain from Seven Oaks Lane to TSM 39, is excavated from uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland (Figure L).
NJDR J	0.21 acres	(b)(1) Non-adjacent wetland	NJDR J is a wetland not abutting another water of the US, does not experience flooding from an (a)(1)-(a)(3) water in a typical year and is separated from other waters by natural uplands. There is a ditch, excavated through uplands, that connects to TSM 39, but it is not a relocated tributary. (Figure L)
NJDR K	0.24 acres	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel	NJDR J appears to be a borrow area where portions have naturalized and potentially drains to TSM 39 through man-made features. Wetland J is not abutting another water of the US, does not experience flooding from an (a)(1)-(a)(3) water in a typical year and is separated from other waters by natural uplands (Figure L)
NJDR L	0.22 acres	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel	NJDR L is an excavated pond with no apparent connection to another water. (Figure L)
NJDR M	950 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)	NJDR M is a ditch draining to FWW 40 and TSM 39, is excavated from uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland (Figure L)
NJDR N	245 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	NJDR N is a ditch abutting FWW 40 and does not meet the criteria of a wetland or jurisdictional water. (Figure L)

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		(c)(1)	
NJDR O	0.09 acres	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel	NJDR O appears to be an excavated borrow area which is now functioning as a pond. (Figure M)
NJDR P	0.12 acres	(b)(1) Non-adjacent wetland	NJDR P is a wetland that is not abutting another water of the US, does not experience flooding from an (a)(1)-(a)(3) water in a typical year and is separated from other waters by natural uplands. This resource is connected via pipe under Seven Oaks Lane to NJDR I and drains towards TSM 39. (Figure M)
NJDR Q	0.24 acres	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel	NJDRQ appears to be a borrow pit constructed around 1994 or 1995 that now functions as a pond. One pipe inflow was observed from NJDR R and no outflow was observed by the consultant. Lidar imagery confirms this description. (Figure P)
NJDR R	0.04 acres	(b)(1) Non-adjacent wetland	NJDR R is a wetland that is not abutting another water of the US, does not experience flooding from an (a)(1)-(a)(3) water in a typical year and is separated from other waters by natural uplands. It is connected to NJDR Q by a pipe but does not have any other evident connections to another water. (Figure P)
NJDR S	0.004 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	NJDR S is a wetland area where areas of ponding were observed and appears to be functioning as a stormwater feature. Inflow pipes were observed by the consultant from an adjacent commercial development and outflow pipes drain south turning sheet flow through an upland landscape. (Figure S)
NJDR T	900 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)	NJDR T is a stormwater ditch is excavated from uplands and does not meet the criteria of a jurisdictional water (Figure S)
NJDR U	765 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)	NJDR U is a stormwater ditch draining into FWW 65 is excavated from uplands and does not meet the criteria of a jurisdictional water (Figure S)
NJDR V	0.12 acres	(b)(1) Non-adjacent wetland	NJDR V is a wetland that is not abutting another water of the US, does not experience flooding from an (a)(1)-(a)(3) water in a typical year and is separated from other waters by natural uplands with no hydrologic connection downstream; This is consistent with documentation for AJD SAC 2011-00360 which identified the wetland as a non-regulated water (Figure I)

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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 Information submitted by SCDOT on August 10, 2020; Information completed by Edwards-Pitman Environmental, Inc. entitled Supplemental Information and Data Forms; Data Sheets dated May 2020 and October 2019; Photographic Log; Figure 1 Index (to all maps/figures) Figures 2A-2S ESRI Topographic maps & National Hydrography Dataset; Figures 3A-3S NRCS Soil Survey Map; Figures 4A-4S USFWS NWI Geospatial Data; Figures 5A-5S Waters of the US Map(s); Figure 6A-6N Photograph Location Map**

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: *(NA, aerial, other, aerial and other)* **Site Photographs provided by Edwards-Pitman Environmental, Inc. with submittal (Photographic Log) & ESRI true color aerial photography; Photos taken by Corps on 8-20-2020; USGS National Map 3D Elevation Program (3DEP)**

Corps Site visit(s) conducted on: **8-20-2020 (limited site visit to review hydrologic connections at roadways).**

Previous Jurisdictional Determinations (AJDs or PJDs): **SAC 2010-00642 dated April 8, 2014; SAC 2011-00360 dated November 24, 2014; SAC 2018-1229 dated August 29, 2018**

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

USDA NRCS Soil Survey: **NRCS Soil Survey Geospatial Data provided by Edwards Pitman Environmental, Inc.; NRCS/ Soil Survey Geographic Database (SSURGO) map service dated April 4, 2019**

USFWS NWI maps: **USFWS NWI Geospatial Data provided by Edwards Pitman Environmental Inc; Wetlands Raster REST map service dated May 29, 2012, updated July 17, 2020**

USGS topographic maps: **ESRI USA Topo Maps (Johns Island, Legareville, and James Island) provided by Edwards Pitman Environmental, Inc.**

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Topographic Map
USDA Sources	USDA NRCS Soil Survey
NOAA Sources	N/A.
USACE Sources	SAC Reg Viewer Accessed in August 2020
State/Local/Tribal Sources	N/A.
Other Sources	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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Typical year assessment(s): Typical year determination was based on field collection data included in the August 7, 2020 approved jurisdictional determination request, submitted by Edwards-Pitman on behalf of SCDOT. Due to the scale of the project, the included wetland delineation data forms were completed over two separate data collection windows: May 6-8 of 2019 and October 18-23 of 2019. Additionally, the hydrology documented on the data forms APT outputs are representative of "typical" conditions within the project corridor. APT outputs with a condition value greater than 14 indicate "wetter than normal" conditions, "normal" conditions range from 10-14, and values less than 10 are considered "drier than normal".

For this assessment, the APT tool pulled the following data (location key can be found in the administrative record):

Point APT #1 / 4 weather stations within an approximate radius of 8 miles.

Point APT #2 / 3 weather stations within an approximate radius of 9 miles

Point APT #3 / 4 weather stations within an approximate radius of 11 miles

Point APT #4 / 9 weather stations within an approximate radius of 36 miles

Output summary: For points APT 1-3 within the May 2019 timeframe, output from the APT yielded a condition value of -6, indicating "drier than normal" conditions. For point APT 4 within both the May and October 2019 collection windows the APT yielded a condition value of -9, indicating "drier than normal" conditions. Conversely, data collection for points APT 1-3 during the month of October all yielded a condition value of 12, which would be considered "normal conditions."

Assessment: Results of the APT indicate that data collected for points APT 1-3, during the month of October, reflect conditions considered by the Corps to be within a "typical year." For point APT 4, output from the APT tool (drier than normal conditions for both May and October) would indicate conditions in this area for each review, which are not reflective of a "typical year." For the review area in the vicinity of APT 4, determining hydrologic and flow conditions for those waters relied on remote sensing tools such as LiDAR imagery, USGS Topographic maps, hydro lines, and aerial photography in conjunction with field observations when possible. After a review of these sources and information included in the original submittal, the Corps determined that the hydrology and flow regime conditions of waters in the vicinity of point APT 4 were sufficiently assessed and accurately documented.

Additional comments to support AJD: The original project area was delineated by Corps' personnel and a jurisdictional determination was completed for Mark Clark Expressway in April 2014. The EIS associated with this project was idle for numerous years until 2019. The project area has been slightly modified to include additional areas on Johns Island near intersections where SCDOT plans to make

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 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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improvements. Because the project area is linear and crosses a mix of developed and undeveloped areas with hundreds of different property owners in West Ashley, Johns Island and James Island, the Corps relied on information from the original delineation, supplemental information provided by the consultant and remote tools which included lidar imagery, aerial photography, topographic maps, etc. The Corps did conduct several site visits to limited and somewhat easily accessible areas to confirm portions of the delineation and the jurisdictional determinations.

Most of the wetlands and waters on site throughout the project area include tidal areas that are clearly (a)(1) waters. These tidal areas were also confirmed to be “critical areas” by SCDHEC’s Office of Ocean and Coastal Resource Management. Many of the freshwater wetlands identified in the project area are directly abutting these (a)(1) waters and are therefore (a)(4) waters. The excluded waters that were identified are largely located on Johns Island in areas that are highly disturbed with ditching, borrow areas, and previously farmed areas. These ditches, borrow areas or stormwater conveyances, as documented in Section D, are not relocated tributaries and are therefore excluded waters. Some wetlands previously identified as jurisdictional in the April 2014 JD are now considered excluded under the navigable waters protection rule as the only hydrologic connections to downstream waters are through manmade ditches. This was confirmed by reviewing lidar imagery, topographic maps, and documentation provided by Edwards-Pitman Environmental, Inc. Additional supporting evidence for either confirmation of (a)(4) waters or to support the determination of an excluded water was found in previous AJDs completed by the Corps for adjacent sites that either include portions of the Mark Clark Expressway project area or are immediately adjacent to it. These are noted in Sections C and D of this form.

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