



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): 30-SEP-2020

ORM Number: SAC-2019-00653

Associated JDs: Previous JD dated November 14, 2019 (Rapanos)

Review Area Location¹:

State/Territory: SC City: Hardeeville County/Parish/Borough: Jasper County

Center Coordinates of Review Area: Latitude 32.18749° Longitude -81.071796°

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
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
Wetland A(1)	18.139 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland A is part of a larger divided wetland system of Monkey John Swamp that continues offsite has a direct

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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			hydrologic connection to the tidally influence wetlands (A1 water) of the Savannah River.
Wetland C(1)	25.642 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland C is part of a larger divided wetland system of Monkey John Swamp that continues offsite has a direct hydrologic connection to the tidally influence wetlands (A1 water) of the Savannah River via a series of culverts under a railroad bed and US Highway 17 that provides flow to downstream waters in a typical year..

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Mining Pit A	1.212 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	Mining Pit A is a water-filled depression that was excavated entirely in uplands and was excavated for the purpose of a mining operation. Mining Pit A has no connection/outfall to any downstream water.
Mining Pit B	1.325 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	Mining Pit B is a water-filled depression that was excavated entirely in uplands and was excavated for the purpose of a mining operation. Mining Pit B has no connection/outfall to any downstream water.
Mining Pit C	0.298 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	Mining Pit C is a water-filled depression that was excavated entirely in uplands and was excavated for the purpose of a mining operation. Mining Pit C has no connection/outfall to any downstream water.
Mining Pit D	0.818 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	Mining Pit D is a water-filled depression that was excavated entirely in uplands and was excavated for the purpose of a mining operation. Mining Pit D has no connection/outfall to any downstream water.
Wetland B(1)	0.799 acres	(b)(1) Non-adjacent wetland	The 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 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.

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Information submitted by, or on behalf of, the applicant/consultant: *Prepared by Newkirk Environmental.*

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: *Aerial and site photographs provided by Newkirk Environmental. Google Earth Street View*

Corps Site visit(s) conducted on: *A site visit was conducted on July 2, 2019 for JD review under the Rapanos Guidance.*

Previous Jurisdictional Determinations (AJDs or PJDs): *SAC-2019-00653 dated November 14, 2019.*

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

USDA NRCS Soil Survey: *Title(s) and/or date(s).*

USFWS NWI maps: *Title(s) and/or date(s).*

USGS topographic maps: *Title(s) and/or date(s).*

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

B. Typical year assessment(s): *Please note that the APT was not utilized due to the inability to install the program.* Based on photos provided by the consultant, as well as a review of Google Earth Street view, and aerial photography, the review date was considered by the Corps to be within a "typical year". This would not bring the adjacency of Wetlands A and C into question as the wetlands of Monkey John Swamp directly abuts a TNW. As such, no additional documentation or resources are necessary to assert jurisdiction of wetlands A and C.

C. Additional comments to support AJD: Request for an AJD under the NWPR for a parcel that previously received an AJD.

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