



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): April 30, 2021

ORM Number: SAC-2020-01585 Berkeley Shredder

Associated JDs: SAC-2012-01211 issued September 11, 2014

Review Area Location¹:

State: SC City: Moncks Corner County: Berkeley County

Center Coordinates of Review Area: Latitude 33.1717 Longitude -80.0188

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
Tributary A	222 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary A is an intermittent tributary that flows off-site to the south where it then flows into an unnamed perennial blue line stream that flows to the south east directly to the West Branch of the Cooper River, an (a)(1) traditionally navigable water. This tributary was flowing during the Corps' site visit and flows continuously for the entire wet season when water table and wetland water elevations stage up. The off-site tributary is divided by a few artificial structures (roads and railroads). However, according to best available aerial imagery, culverts within the artificial structures that are active at least once in a typical year provide a

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.

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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			direct hydrologic connection.
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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	0.103 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland A is a palustrine forested wetland that directly abuts Tributary A, an (a)(2) water of the U.S.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Ditch	0.146 acre	(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)	The excluded ditch is a 0.146 acre (841 linear feet) feature constructed wholly in uplands, and did not meet the criteria as any category of water. The ditch may carry flow, but only in response to precipitation. On this basis, the ditch was determined to be an excluded water.

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 submitted by Newkirk Environmental on November 10, 2020.

This information is sufficient for purposes of this AJD.

Rationale: N/A

☐ Data sheets prepared by the Corps:

☒ Photographs: Site Photos taken 11/10/2020, Site Visit Photos taken 11/18/20, GoogleEarth January 2021

☒ Corps Site visit(s) conducted on: November 18, 2020

☒ Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2012-01211 issued September 11, 2014

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

☒ USDA NRCS Soil Survey: Soils Map

☒ USFWS NWI maps: NWI Map Berkeley Shredder Berkeley County, South Carolina

☒ USGS topographic maps: USGS Quad Map Berkeley Shredder Berkeley County, South Carolina

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
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USGS Sources	USGS 3DEP Digital Elevation Model & Hillshade
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 Antecedent Precipitation Tool (APT) data for typical year determination were calculated for the day of the Corps' site visit (November 18, 2020) and the day the site was flagged (November 10, 2020). When the site was flagged it was the wet season and the conditions were considered normal for that time (product of 11). During the Corps site visit, which was eight days later, it was the wet season and the conditions were considered to be wetter than normal for that time (product of 17).
- C. Additional comments to support AJD:** The 7.96-acre site contains one jurisdictional wetland and tributary and an excluded ditch.

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