



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): 5-APR-2021

ORM Number: SAC-2021-00210

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State: SC City: Charleston County: Charleston County

Center Coordinates of Review Area: Latitude 32.7005 N Longitude -80.0090 W

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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
N/A	N/A	N/A	N/A

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Ditch 1	155 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)	Ditch 1 is excavated entirely 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. The feature is located within the northeast portion of the site. Ditch adjacent and connected to Stormwater Feature(s) 1 and 2.
Stormwater Feature 1	0.18 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 feature 1 (retention pond) is excavated out of uplands for the sole purpose of storm water retention. This feature is not natural, nor does it recharge nor drain a water of the United States.
Stormwater Feature 2	0.07 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 feature 2 (retention pond) is excavated out of uplands for the sole purpose of storm water retention. This feature is not natural, nor does it recharge nor drain a water of the United States.

**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: *Jurisdictional determination request with maps and site pictures received on January 27, 2021, by the applicant's consultant, Newkirk Environmental, Inc. Project site plat by ADC Engineering, titled "JZI – USACE / UPLAND / EXHIBIT / EXHIBIT - 01", dated: March 25, 2021.*

This information is sufficient for purposes of this AJD. Rationale: *Site delineation and remote data are consistent in the depiction of the site.*

\_\_\_ Data sheets prepared by the Corps: *N/A*

**X** Photographs: *(aerial and other) site pictures and maps submitted by Newkirk Environmental Inc., dated January (no day), 2020; Google Earth Aerials dated January 10, 2019; USGS National Map 3D Elevation Program (3DEP) published August 13, 2020.*

\_\_\_ Corps Site visit(s) conducted on: *N/A.*

\_\_\_ Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*

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\_\_\_ Antecedent Precipitation Tool: *N/A*

X USDA NRCS Soil Survey: *NRCS / Soil Survey Geographic Database (SSURGO) Map Service, Charleston County, depicts St. Johns fine sand and Kiawah loamy fine sand, both of which are listed as hydric for Georgetown County in the 2017 South Carolina Hydric Soils List.*

X USFWS NWI maps: *USFWS NWI - Wetlands Raster REST Map Service dated May 29, 2012, updated July 17, 2020, depicts an upland site with no aquatic resources within, or adjacent to, the project boundary.*

X USGS topographic maps: *USGS Topographic Maps / 7.5 Minute Index Legareville Quad / 1:24000 depicts a forested site with no aquatic resources (blue line features, wetland symbology, water symbology, etc.) within, or adjacent to, the site. The topographic map is consistent with the NWI map. The USGS National web-based map depicts the site as uplands within the Charleston Executive Airport.*

**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 accessed on March 29, 2021.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

**B. Typical year assessment(s):** *N/A*

**C. Additional comments to support AJD:** *Site resides wholly within the grounds of the Charleston Executive Airport. Aquatic resources within the project site were excavated from graded and leveled uplands for the sole purpose of storm-water retention and do not recharge nor drain a water of the United States; therefore, these aquatic resources (Stormwater Feature 1, Stormwater Feature 2, and Ditch 1) are excluded from USACE's Jurisdiction under the 2020 NWPR.*

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