



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 26, 2021
ORM Number: SAC-2020-01158
Associated JDs: N/A
Review Area Location¹: A 3.02-acre site located at 8480 Palmetto Commerce Parkway.
State: SC City: Ladson County: Charleston County
Center Coordinates of Review Area: Latitude 32.965013 Longitude -80.101145

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
Jurisdictional W1	0.71 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an	W1 has a surface hydrological under Palmetto Commerce Parkway immediately to the south through 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 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	large culvert. The culvert was designed at this location to handle the amount of flow running north to south during a typical year. On the south side of Commerce Parkway, the wetland continues and directly abuts a perennial tributary. The off-site wetland located south of Commerce Parkway was delineated for DA permit SAC-2016-00231. The perennial tributary can be seen on the USGS topographic map as a blue line tributary; and the tributary abuts numerous wetlands providing surface perennial flow.
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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 Stormwater Pond	0.12 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	The pond was constructed to manage stormwater after rain events as part of the NPDES program for the existing development. Furthermore, the pond was constructed in the uplands based on AJD SAC-2007-02711.
Excluded W2	0.21 acres	(b)(1) Non-adjacent wetland	The wetland is not contiguous or directly abutting an (a)(1)-(a)(3) water. Furthermore, the wetland does not meet any other of the (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1). Off-site to the north the wetlands have been developed under DA permit SAC-2016-00231 severing any potential connection.

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: The Wetland Delineation submitted by ECS received in our office August 21, 2020.
This information is sufficient for purposes of this AJD.
Rationale: N/A
- Data sheets prepared by the Corps: N/A
- Photographs: Ground photos taken by the agent on April 6, 2021 showing the development being completed under DA permit SAC-2016-00231.
Corps Site visit(s) conducted on: N/A
- Previous Jurisdictional Determinations (AJDs or PJDs): DA permit SAC-2016-00231 modified May 21, 2020; AJD SAC-2007-02711 issued April 7, 2009.
- Antecedent Precipitation Tool: Discussion in Section III.B.
- USDA NRCS Soil Survey: USDA-NRCS Soil Survey of Charleston County, dated 1971, sheets 22 & 23, created by ECS.
- USFWS NWI maps: National Wetlands Inventory Map created by ECS.
- USGS topographic maps: USGS Topographic Map, Ladson, dated 1980, created by ECS

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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	LIDAR created by ECS

B. Typical year assessment(s): The culvert was designed south of the review area under Palmetto Commerce Parkway to handle the amount of flow running north to south at this location during a typical year. The agent observed flow during his site visit on April 6, 2021. Pictures of this flow can be found in the file. The antecedent rainfall calculator determined the area was under normal conditions on April 6, 2021.

C. Additional comments to support AJD: N/A

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