



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): 04-AUG-2020

ORM Number: SAC-2020-00999

Associated JDs: N/A

Review Area Location¹:

State: SC City: Goose Creek County: Berkeley County

Center Coordinates of Review Area: Latitude 32.984859 Longitude -80.015631

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
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 1 (Foster Creek)	1,003 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary 1 is a named stream (Foster Creek) depicted as a solid blue line on USGS and other available mapping, and was flowing during the July 31, 2020, site visit. Foster Creek is perennial along its course through and upstream of the subject site, and transitions to tidal water as it nears its confluence with the Cooper River. Additional information (map depictions) are included in Section III. C. below.

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

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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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N/A	N/A	N/A	N/A
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Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 1	18.6 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 1 is adjacent to Tributary 1 (Foster Creek). This determination is based on Wetland 1 being a forested floodplain wetland which is contiguous to and directly abutting Tributary 1 for the entire length of Tributary 1 on the subject site. In addition, Wetland 1 and Tributary 1 both continue beyond the site boundary toward the north and interact similarly off the site: extensive floodplain wetland through which Tributary 1 flows as Foster Creek.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Openwater 1	0.97 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	Openwater 1 is a water-filled depression that was excavated entirely in uplands and appears strongly to have been excavated for the purpose of obtaining borrow material for construction. Openwater 1 has no connection/outfall to any downstream 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:

____ Rationale: N/A.

Data sheets prepared by the Corps: Wetland Determination Data Form, DP1 & DP2.

Photographs: Digital Globe 2017, site photographs.

Corps Site visit(s) conducted on: July 31, 2020.

____ Previous Jurisdictional Determinations (AJDs or PJDs):

Antecedent Precipitation Tool: July 25, 2020, prior to site visit.

USDA NRCS Soil Survey: Berkeley County Soils overlay on March 16, 2019 aerial photo.

USFWS NWI maps: SAC Regulatory Viewer, July 2020 NWI overlay on 2012 aerial photo.

USGS topographic maps: 7.5 Minute Quadrangle Goose Creek

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.

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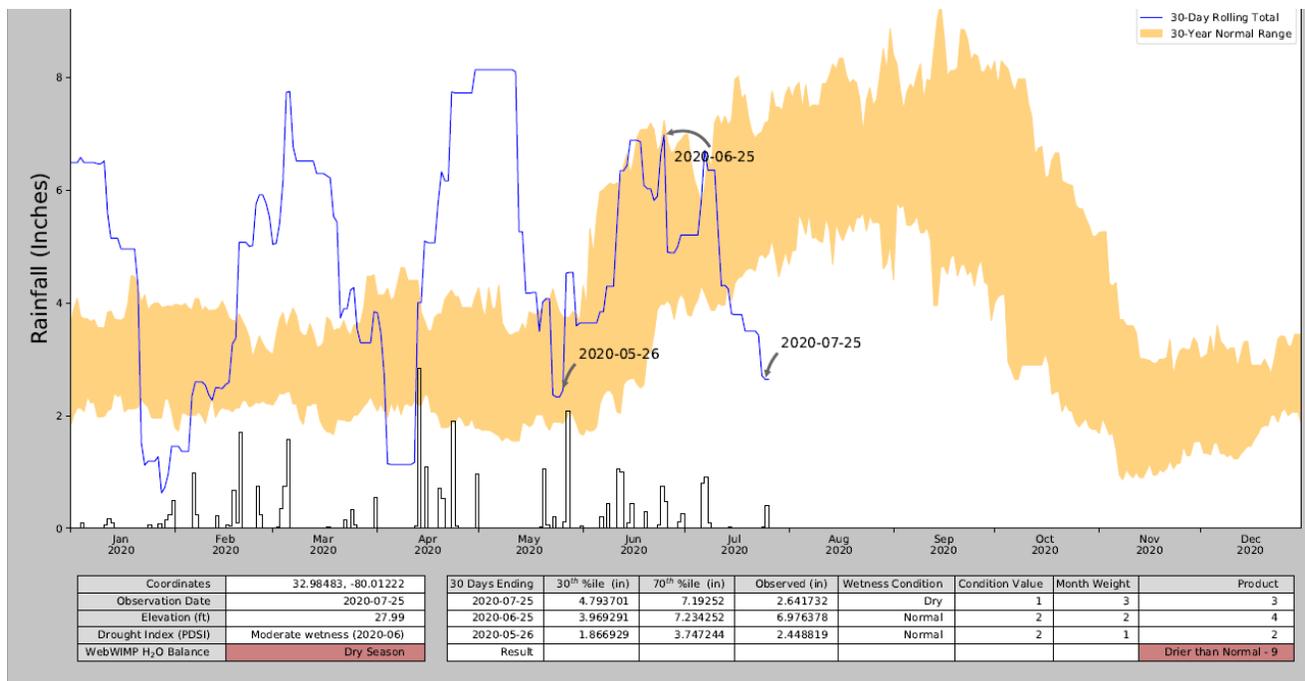
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USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): The Antecedent Precipitation Tool was used (run date July 25, 2020) to determine whether typical year conditions applied for the site, as well as to confirm dry season hydrologic conditions in support of wetland identification and delineation during the Corps site visit on July 31, 2020. APT results confirmed these dates occurred during precipitation rainy season, but when also the soil moisture dry season occurs due to peak vegetative evapotranspiration. Based on the APT results, late July 2020 represented a drier than normal period during the year. While hydrologic conditions were used in confirming the hydrology factor under the federal wetland definition, typical year conditions were not relevant in determining the jurisdictional status of waters on the site.



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C. Additional comments to support AJD:

Figure 1. Flow pathway of Tributary 1 (Foster Creek) from the subject site as it transitions from freshwater perennial flow to tidal.

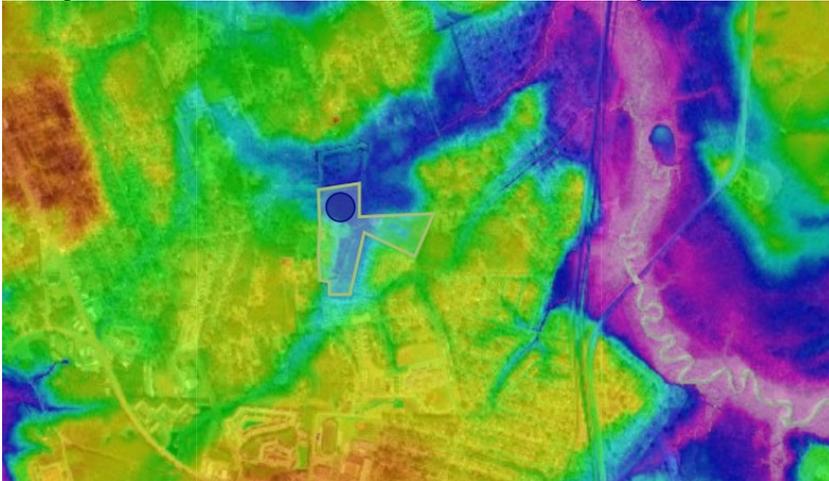
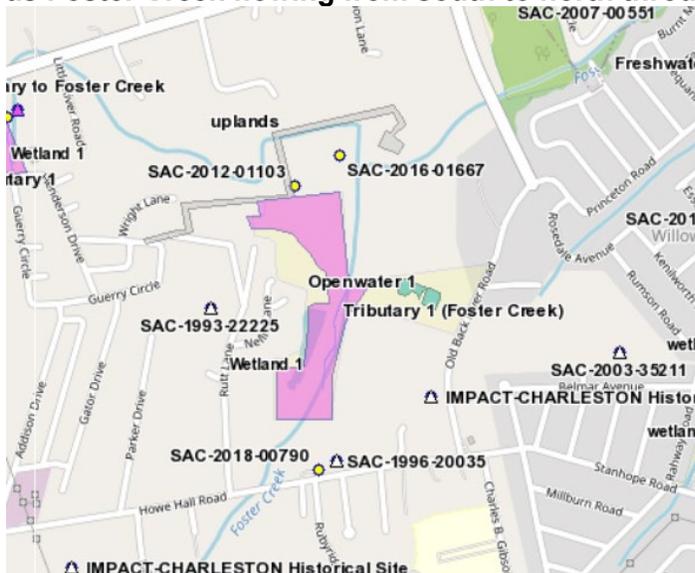


Figure 2. Street map from USGS topographic map that shows Tributary 1 as Foster Creek flowing from south to north through the subject site.



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