



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): August 17, 2021

ORM Number: SAC-2021-00457

Associated JDs: N/A

Review Area Location¹:

State: SC City: Goose Creek County: Berkeley County

Center Coordinates of Review Area: Latitude 33.018503 Longitude -80.128341

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
N/A	N/A	N/A	N/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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Water Borrow Pit	0.08 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	The borrow pit is located onsite and within the project review area boundaries. The borrow pit is surrounded by uplands and was excavated by uplands.
Excluded Water Wetland	1.47 acres	(b)(1) Non-adjacent wetland	Based on the review of offsite resource information, the onsite portion of the wetland appears to continue offsite towards Royal Road and to the east of/across Royal Road. The offsite resource information indicates that flow from the wetland on the west side (including the onsite portion of the wetland) of Royal Road to the portion of the wetland on the east side of Royal Road is maintained via a culvert beneath Royal Road. However, the offsite resource information indicates that flow from the wetland on the east side of Royal Road continues through what appears to be an upland excavated ditch to a pipe beneath a parking lot and ultimately wetlands associated Stroberfield Branch. The onsite wetland was determined to be a (b)(1) non-adjacent wetland because the flow path includes an offsite upland excavated ditch that does not meet the flow conditions of an (a)(2) water. Additionally the flow from the ditch appears to continue through a buried pipe.

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: McQueeny Tract AJD submittal dated February 19, 2021, submitted by Newkirk.
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: Google Earth 1/28/2021, Google Street view 8/2019
- Corps Site visit(s) conducted on: *Date(s)*.
- Previous Jurisdictional Determinations (AJDs or PJDs): N/A
- Antecedent Precipitation Tool: N/A
- USDA NRCS Soil Survey: Goldsboro loamy sand
- USFWS NWI maps: PSS1Cd
- USGS topographic maps: *Title(s) and/or date(s)*.

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

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

C. Additional comments to support AJD: The wetland and borrow pit located in the subject review area are non-jurisdictional and not subject to regulation under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act. The project review area also includes a 6.6 acres of previously preserved (protected) wetlands and buffers associated with DA Permit 26-97-1020-A; therefore, the preservation areas are not included in the Approved Jurisdictional Determination.

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