



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): 08-FEB-2021

ORM Number: SAC-2020-01683

Associated JDs: N/A

Review Area Location¹:

State/Territory: SC City: Monks Corner County: Berkeley County

Center Coordinates of Review Area: Latitude 33.2066 Longitude -79.9845

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: There are no, open water features, features that exhibit tributary characteristics or meet the three parameters of a wetland. The site consists entirely of uplands.
- 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):

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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| (a)(4) Name | (a)(4) Size | (a)(4) Criteria | Rationale for (a)(4) Determination |
|-------------|-------------|-----------------|------------------------------------|
| N/A | N/A | N/A | N/A |

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
|----------------|----------------|------------------------|---------------------------------------|
| N/A | N/A | N/A | N/A |

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: “REQUEST FOR CORPS JURISDICTIONAL DETERMINATION (JD) / DELINEATION,” dated November 24, 2020, submitted by Newkirk Environmental, Inc. on behalf of Mr. Matthew Demeyers for the “460 Highway 52” tract.

This information is sufficient for purposes of this AJD.

Rationale: Wetland data forms and information included in the original submittal are considered to be a reasonable representation of site conditions at the time of collection.

Data sheets prepared by the Corps: N/A

Photographs: Aerial photographs provided by Newkirk Environmental, Inc. in the submittal dated November 24, 2020. All photos depict a partially cleared graded site with an existing road and with no signatures of potential aquatic resources. 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

Antecedent Precipitation Tool: Output from the APT indicated “wetter than normal” conditions. See detailed discussion in Section III.B.

USDA NRCS Soil Survey: NRCS Soil Survey Geographic Database (SSURGO) created 4 Apr 2019 and updated 26 Aug 2020. ESRI Map Service depicts the soil type Meggett Loam and Bonneau Loamy Sand.

USFWS NWI maps: USFWS NWI Map Service dated May 29, 2012, updated July 17, 2020. USFWS NWI Maps do not depict any aquatic features within the project boundary.

USGS topographic maps: USGS 7.5 Minute Index (Cordessville Quad). Topographic map depicts developed uplands that do not contain any symbols that would typically represent the presence of an aquatic feature.

Other data sources used to aid in this determination:

| Data Source (select) | Name and/or date and other relevant information |
|----------------------|--|
| USGS Sources | Topographic Maps, 3DEPElevation- Slope and 3DEPElevation – Hillshade /LiDAR overlays |

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

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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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|----------------------------|--|
| USDA Sources | N/A. |
| NOAA Sources | N/A. |
| USACE Sources | SAC Regulatory Viewer Accessed on February 3, 2021 |
| State/Local/Tribal Sources | N/A. |
| Other Sources | N/A. |

- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) data for the typical year assessment was calculated based on the field collection date denoted on the wetland determination data forms (November 24, 2020). Output from the APT indicated “wetter than normal” conditions at the time of data collection by the agent (Newkirk Environmental) with a condition value of 15. For this assessment, a total 10 weather stations within a 15-mile radius were used.
- C. Additional comments to support AJD:** This review covers a 1.01 acres site with no open water features, features that exhibit characteristics of a tributary, or areas that meet the three parameters of a wetland located within the project area. The site consists entirely of uplands.

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