



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): 02-JUL-2021

ORM Number: SAC-2021-00555

Associated JDs: N/A

Review Area Location¹:

State: SC City: Charleston County: Charleston County

Center Coordinates of Review Area: Latitude 32.8256 Longitude -79.9457

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
Critical Area	N/A	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	Critical Area is an estuarine wetland subject to the ebb and flow of the tide.

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

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 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.

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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Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Approximate Wetlands	0.12 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland directly abuts the Cooper River, an a(1) water.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Ditch 1	1826 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)	Based on desktop data (Historical Aerials, Topographic Maps, USFWS NWI, and Lidar) it was determined that the ditch met the criteria of an excavated linear feature in uplands for stormwater runoff. The feature was constructed wholly in uplands and does not meet conditions of an (a)(1) or (a)(2) water.
Ditch 2	2634 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)	Based on desktop data (Historical Aerials, Topographic Maps, USFWS NWI, and Lidar) it was determined that the ditch met the criteria of an excavated linear feature in uplands for stormwater runoff. The feature was constructed wholly in uplands and does not meet conditions of an (a)(1) or (a)(2) 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: *AJD Request submitted by Sabine & Waters Inc, on behalf of Kinder Morgan Terminals, Inc, on 17 March 2021. Map of Wetland and Critical Line Survey (25 September 2020 & verified by OCRM on 30 June 2021).* This information is sufficient for purposes of this AJD.

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

Photographs: *Location Map (Revised 28 January 2021), Approximate Wetlands (Revised 15 February 2021), Excluded Water (Revised 28 January 2021), Project Area Map (Revised 28 January 2021), Photo Locations (7 September 2020), Photos Submitted by the Applicant (17 March 2021).*

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

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

Antecedent Precipitation Tool: *N/A*

USDA NRCS Soil Survey: *MAPPED SOILS (revised 28 January 2021)*

USFWS NWI maps: *NWI MAP (revised 28 January 2021)*

USGS topographic maps: *TOPOGRAPHIC MAP – CHARLESTON QUAD (revised 28 January 2021)*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
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USGS Sources	1919 Topographic Map
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer.
State/Local/Tribal Sources	1939 Aerial Image
Other Sources	N/A.

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

C. Additional comments to support AJD: This form documents a 22.3-acre site that has one (a)(4) wetland, one (a)(1) wetland, and two (b)(5) excluded ditches.

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