



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): 10-MAR-2021

ORM Number: SAC-2020-01287

Associated JDs: N/A.

Review Area Location¹:

State: SC City: Moncks Corner County: Berkeley County

Center Coordinates of Review Area: Latitude 33.195004 Longitude -79.990734

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
Tributary 1	425 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary 1 is an unnamed blueline (USGS quad) which drains over 1,000 acres in the southern portion of Moncks Corner (SC). Tributary 1 was originally a natural drainage feature which has been straightened and channelized, including the most downstream 425 feet of the reach where Tributary 1 flows into perennial Tributary 2. Strong flow was observed on the date of the Corps site visit, along with associated bed and bank indicators of sediment sorting, wracking, OHWM definition, mosquito fish and macroinvertebrates indicative of perennial flow.
Tributary 2	85 feet	(a)(2) Perennial tributary contributes	Tributary 2 crosses the site for a distance of 85 feet as

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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		surface water flow directly or indirectly to an (a)(1) water in a typical year	it flows toward the south, joined by flow from perennial Tributary 1 (above), ultimately carrying flow to the TNW West Branch Cooper River near Whitworth Street in southern Moncks Corner.
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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
Abutting Wetland A	0.03 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Abutting Wetland A is contiguous to and directly abutting perennial Tributary 2, and on this basis has been determined to be an adjacent (a)(4) water.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Isolated Non-Adjacent Wetland B	0.25 acre	(b)(1) Non-adjacent wetland	Isolated Non-Adjacent Wetland B is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Isolated Non-Adjacent Wetland C	0.7 acre	(b)(1) Non-adjacent wetland	Isolated Non-Adjacent Wetland C is a closed boundary polygon that extends beyond the site boundary, but is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Isolated Non-Adjacent Wetland D	0.4 acre	(b)(1) Non-adjacent wetland	Isolated Non-Adjacent Wetland D is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).

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 Cygnus Environmental, LLC.
This information is and is not sufficient for purposes of this AJD.
Rationale: Revisions to the depiction were necessary to finalize the determination.
- Data sheets prepared by the Corps:
- Photographs: Aerial photographs and overlays were provided from Berkeley County GIS (2018 image) as part of the JD Request submittal; consultant site photographs.

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- Corps Site visit(s) conducted on: February 8, 2021.
- Previous Jurisdictional Determinations (AJDs or PJDs): N/A.
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Soil Survey Geographic Database (SSURGO).
- USFWS NWI maps: Wetlands Raster REST Service.
- USGS topographic maps: USGS 7.5-Minute Quadrangle Moncks Corner.

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	SAC Regulatory Viewer.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Based on results of the Antecedent Precipitation Tool for February 8, 2021, the subject site was experiencing normal rainfall conditions indicative of a typical year. Observations of flow and tributary characteristics (described above) support the determination of perennial for Tributary 1 and Tributary 2.
- C. Additional comments to support AJD:** This Approved Jurisdictional Determination documents the presence of two segments of perennial tributaries, one directly abutting adjacent wetland, and three non-adjacent excluded wetlands.

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