

**DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM<sup>1</sup>**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** April 20, 2022

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** SAC-2021-01791 West Montague Site

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: South Carolina County/parish/borough: Charleston County City: North Charleston  
Center coordinates of site (lat/long in degree decimal format): Lat. 32.8599°, Long. -80.02959°  
Universal Transverse Mercator:

Name of nearest waterbody: Ashley River

Name of watershed or Hydrologic Unit Code (HUC): Ashley River 0305020106

- Check if map/diagram of review area is available upon request.
- Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

- Office (Desk) Determination. Date:
- Field Determination. Date(s):  
April 20, 2022

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There are **no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There are **no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

**SECTION III: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: JD Request dated October 19, 2021
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- Office concurs with data sheets/delineation report.
- Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- U.S. Geological Survey Hydrologic Atlas: SAC Regulatory Viewer
- USGS NHD data.
- USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Johns Island 7.5 minute USGS Topographic Map and JD Request
- USDA Natural Resources Conservation Service Soil Survey. Citation: SAC Regulatory Viewer and JD Request
- National wetlands inventory map(s). Cite name: SAC Regulatory Viewer and JD Request
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): JD Request, aerial (2020) and infrared aerials (2006, 1999, and 1994)
- Other (Name & Date): JD Request, site photos 1-5 of 5, dated October 12, 2021
- Previous determination(s). File no. and date of response letter: SAC-2019-01376 dated May 28, 2021
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

**B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:** Based on our review of the supporting information referenced above (aerial photographs, Wetland Determination Data Forms, etc.) and the findings of our site inspection, the 1.19-acre project site does not include any aquatic resources. The project site is a portion of an existing overhead powerline and natural gas line right-of-way, and a new natural gas substation has been recently constructed adjacent to West Montague Avenue on the project site. Approximately half of the property underlying the existing right-of-way is owned by Commerce Center, LLC (where the new natural gas substation is located), and a jurisdictional determination (SAC-2021-01376)

<sup>1</sup> This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

was recently issued for the 10.52-acre parent tract on May 28, 2021. The JD for the parent tract also identifies this portion of the existing right-of-way as dryland. There are no aquatic resources or potential aquatic resources in the 1.19-acre review area that would warrant the application of a wetland delineation, significant nexus analysis, navigability determination, and/or delineation of the ebb and flow of the tides. There are no features that have lateral limits of jurisdiction (e.g., OHWM).