



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): 30-OCT-2020

ORM Number: SAC-2015-00870

Associated JDs: SAC 2015-00870 issued January 12, 2016.

Review Area Location<sup>1</sup>:

State: SC City: Jedburg County: Berkeley County

Center Coordinates of Review Area: Latitude 33.093352 Longitude -80.207618

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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
Jurisdictional Tributary 1	5069 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary 1 is Felder Creek, a named feature depicted on USGS mapping as a solid blue line, indicating perennial flow. Felder Creek flows to Cypress Creek, which ultimately flows to the (a)(1) traditional navigable water Ashley River. Felder Creek was flowing strongly on the day of the site visit, and has been determined to be an (a)(2) perennial tributary.
Jurisdictional Tributary 2	1267 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary 2 is an unnamed tributary to Felder Creek. The tributary is mapped by USGS as a solid blue line, indicating perennial flow. The stream exhibited strong flow, with associated channel development, sediment sorting and other indications of

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

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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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		perennial flow on the day of the site visit. On this basis, this feature has been determined to be a tributary with perennial flow and thus an (a)(2) water.
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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
Jurisdictional Wetland 1	40.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 1 is a palustrine forested floodplain system that is contiguous to and directly abutting both onsite tributaries. As such, Jurisdictional Wetland 1 is an (a)(4) water of the U.S.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Excluded Pond 1	0.99 acre	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	This stormwater control feature was constructed in upland under a valid state stormwater permit, and as such is an excluded water.
Excluded Pond 2	0.23 acre	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	This stormwater control feature was constructed in upland under a valid state stormwater permit, and as such is an excluded water.
Excluded Pond 3	0.35 acre	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	This stormwater control feature was constructed in upland under a valid state stormwater permit, and as such is an excluded water.
Excluded Pond 4	0.57 acre	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	This stormwater control feature was constructed in upland under a valid state stormwater permit, and as such is an excluded water.
Excluded Pond 5	0.54 acre	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	This stormwater control feature was constructed in upland under a valid state stormwater permit, and as such is an excluded 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.

  x   Information submitted by, or on behalf of, the applicant/consultant: Insight Group, Inc.

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This information *is and is not* sufficient for purposes of this AJD.

Rationale: Additional information was necessary to complete the AJD Request.

- Data sheets prepared by the Corps: N/A.
- Photographs: SCDNR Aerial Photo, 2006.
- Corps Site visit(s) conducted on: October 15 and 21, 2020.
- Previous Jurisdictional Determinations (AJDs or PJDs): SAC 2015-00870; January 12, 2016.
- Antecedent Precipitation Tool: N/A
- USDA NRCS Soil Survey: Web Soil Survey, Summerville, updated April 4, 2019.
- USFWS NWI maps: NWI layer accessed via Berkeley County GIS; SAC Regulatory Viewer.
- USGS topographic maps: USGS 7.5-Minute Quadrangle Summerville, SC.

**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):** N/A.

**C. Additional comments to support AJD:** This AJD involves a 170-acre parcel off Jedburg Road in Summerville, SC, and includes 37.08 acres of jurisdictional wetlands, two perennial tributaries, and five excluded water stormwater features.

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