



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): November 4, 2020

ORM Number: SAC-2020-00735

Associated JDs: N/A

Review Area Location¹:

State: SC City: Hanahan County: Berkeley County

Center Coordinates of Review Area: Latitude 32.9433° Longitude -80.0044°

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
Jurisdictional Tributary 1	3150 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary 1 originates off-site to the north and flows north to south through the site. The on-site portion of Jurisdictional Tributary 1 exhibits an ordinary high water mark, sediment sorting, moderate sinuosity and was observed flowing during the August 10, 2020 site visit. According to information provided by Passarella & Associates, Inc, flow was also observed during their August 20 and 21, 2019 site visits. Therefore, it has been determined Jurisdictional Tributary 1 exhibits perennial flow. Additionally, Jurisdictional Tributary 1 continues off-site to the south where it flows through Mossy Creek Lane via culverts

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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			and confluences with an unnamed tidal tributary of Goose Creek, an (a)(1) traditional navigable water. For these reasons, Jurisdictional Tributary 1 has been determined to be an (a)(2) water of the United States.
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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	3.868 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 Jurisdictional Tributary 1. As such, Jurisdictional Wetland 1 is an (a)(4) water of the United States.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Water (Wetland 2)	0.235 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous to 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: *COE Wetland Jurisdictional Determination Hanahan Tract Project No. SC-19CH3135 dated May 22, 2020 submitted by Passarella & Associates, Inc, on behalf of Mr. Joshua Craig, Levi Grantham, LLC.*

This information is sufficient for purposes of this AJD.
Rationale: *N/A*

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

Photographs: *Site Photographs submitted as part of the May 22, 2020 JD request, Photographs of Jurisdictional Tributary 1 taken by the Corps dated August 10, 2020, and Figure 2. Aerial with Boundary Hanahan Tract dated May 20, 2020.*

Corps Site visit(s) conducted on: *August 10, 2020*

Previous Jurisdictional Determinations (AJDs or PJDs): *SAC-2018-00836 September 19, 2019*

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

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- USDA NRCS Soil Survey: *Figure 4. Soils Map Hanahan Tract dated May 20, 2020.*
- USFWS NWI maps: *Figure 5. Aerial with National Wetlands Inventory Map Hanahan Tract dated May 20, 2020.*
- USGS topographic maps: *Figure 3. Quad Sheet (North Charleston) Hanahan Tract dated May 20, 2020.*

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	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Figure 6. Aerial with Lidar Map Hanahan Tract dated May 20, 2020 and Figure 9 Aerial with Estimated Downstream Waters Connections Hanahan Tract dated May 20, 2020.

- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) data for typical year determination were calculated for the date of Passarella & Associates, Inc. (Passarella) site visit (August 21, 2020) and the Corps site visit (August 10, 2020). Output from the APT indicated the site visit by Passarella was conducted during “Wetter than Normal Conditions” with a condition value of 15 and the site visit by the Corps was conducted during “Drier than Normal Conditions” with a condition value of 9.
- C. Additional comments to support AJD:** Flow within Jurisdictional Tributary 1 was observed during two separate site visits, August 20 and 21, 2019 and August 10, 2020. According to the APT data above, flow was observed during wetter than normal conditions on the August 20 and 21, 2019 site visit. However, flow was also observed during drier than normal conditions on the August 10, 2020 site visit. Therefore, it was determined Jurisdictional Tributary 1 exhibited perennial flow during a typical year. Due to the lack of inundation visible via aerial imagery upstream of the culvert within Mossy Creek Lane, it has been determined this culvert maintains a direct hydrologic connection at least once in a typical year between Jurisdictional Tributary 1 and downstream waters. Lastly, Jurisdictional Tributary 1 flows directly into a water that is subject to the ebb and flood of the tide and thus an (a)(1) traditional navigable water of the United States.

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