

APPROVED JURISDICTIONAL DETERMINATION FORM
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): September 21, 2016

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: JD Form 1 of 1; SAC 2016-00782 / Trident Site

C. PROJECT LOCATION AND BACKGROUND INFORMATION: US Highway 17A

State: South Carolina County/parish/borough: **Berkeley** City: **Moncks Corner**
Center coordinates of site (lat/long in degree decimal format): Lat. **33.2042° N**, Long. **79.9926° W**.
Universal Transverse Mercator:

Name of nearest waterbody: **California Branch**

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Cooper River/Tail Race Canal**

Name of watershed or Hydrologic Unit Code (HUC): **03050201**

Check if map/diagram of review area and/or potential jurisdictional areas is/are 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: **July 12 2016**

Field Determination. Date(s): **June 13, 2016**

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. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: **1,637.75** linear feet: width (ft) and/or **0.77** acres.

Wetlands: **0.02** acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual, Pick List, Pick List

Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):³ [Including potentially jurisdictional features that upon assessment are NOT waters or wetlands]

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain: **There are 9 identified non-jurisdictional ditches that exist within the project boundary. Eight of the ditches**

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

were excavated from uplands and drain only upland runoff. One of the nine ditches was excavated from uplands but connects to a wetland. The ditch does not have an established flow regime, OHWM, or bed/bank, but, provides a hydrologic connection from Wetland 1 to pRPW2. This description of flow regime and ditch characteristics is applicable for all the non-jurisdictional ditches within the project boundary. For these reasons, the ditches were determined to be non-jurisdictional and not regulated by section 404 of the Clean Water Act. While not shown on the plat, these features are shown on a supplemental sketch in the project file.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”:

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

*** California Branch is located outside the project review area ***

(i) General Area Conditions:

Watershed size: 206,457 acres ;

Drainage area: 303 acres . The drainage area was approximated for the tributary that was evaluated as part of the Significant Nexus Determinations performed for this JD. This area was drawn based on apparent flow pathways and drainage areas associated with the subject relevant reach using USGS quad mapping, aerial photography, and observations of connectivity and direction of flow made in the field. The intended value of the drainage area map is to document the full collection of wetlands adjacent to the relevant reach, and not to assert that the mapping represents more than an approximation with respect to actual area.

Average annual rainfall: 48 inches

Average annual snowfall: inches

(ii) Physical Characteristics:

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

(a) Relationship with TNW:

- Tributary flows directly into TNW.
 Tributary flows through **2** tributaries before entering TNW.

Project waters are **1-2** river miles from TNW.
Project waters are **1 (or less)** river miles from RPW.
Project waters are **1-2** aerial (straight) miles from TNW.
Project waters are **1 (or less)** aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW⁵: **Water flows from Wetland 1 through a non-jurisdictional linear conveyance to a pRPW on site. The pRPW flows offsite and joins a wetland system that abuts California Branch and the remains of the Old Santee Canal. The California Branch and Old Santee Canal flow into the Tail Race Canal, which at this location is a Section 10 water.**

Tributary stream order, if known: .

(b) General Tributary Characteristics (check all that apply):

Tributary is: Natural
 Artificial (man-made). Explain: .
 Manipulated (man-altered). Explain: **The pRPW has been channelized and deepened to accommodate stormwater flow and drainage of the area.**

Tributary properties with respect to top of bank (estimate):

Average width: **8** feet
Average depth: **6-7** feet
Average side slopes: **2:1**.

Primary tributary substrate composition (check all that apply):

Silts Sands Concrete
 Cobbles Gravel Muck
 Bedrock Vegetation. Type/% cover:
 Other. Explain: .

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: .

Presence of run/riffle/pool complexes. Explain: .

Tributary geometry: **Relatively straight.**

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Perennial flow**

Estimate average number of flow events in review area/year: **20 (or greater)**

Describe flow regime: .

Other information on duration and volume: .

Surface flow is: **Confined**. Characteristics: .

Subsurface flow: **Unknown**. Explain findings: .

Dye (or other) test performed: .

Tributary has (check all that apply):

Bed and banks
 OHWM⁶ (check all indicators that apply):
 clear, natural line impressed on the bank the presence of litter and debris
 changes in the character of soil destruction of terrestrial vegetation
 shelving the presence of wrack line
 vegetation matted down, bent, or absent sediment sorting
 leaf litter disturbed or washed away scour
 sediment deposition multiple observed or predicted flow events
 water staining abrupt change in plant community
 other (list):

Discontinuous OHWM.⁷ Explain: .

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

⁶ A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> High Tide Line indicated by: | <input type="checkbox"/> Mean High Water Mark indicated by: |
| <input type="checkbox"/> oil or scum line along shore objects | <input type="checkbox"/> survey to available datum; |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings; |
| <input type="checkbox"/> physical markings/characteristics | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges | |
| <input type="checkbox"/> other (list): | |

(iii) **Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: **Water quality is expected to be fair to good. The pRPW is located in a developed area of the Town of Monks Corner so runoff and discharges of various pollutants is expected.**

Identify specific pollutants, if known: .

(iv) **Biological Characteristics. Channel supports (check all that apply):**

Riparian corridor. Characteristics (type, average width): **The riparian corridor is fairly consistent throughout the length of the pRPW in the project area, ranging from 6 feet to 8 feet when the tributary leaves the project area. Aerial imagery of the pRPW offsite indicates a similar range.**

Wetland fringe. Characteristics: .

Habitat for:

Federally Listed species. Explain findings: .

Fish/spawn areas. Explain findings: .

Other environmentally-sensitive species. Explain findings: .

Aquatic/wildlife diversity. Explain findings: **The tributary likely provides habitat for various aquatic organisms including fish, reptiles, amphibians, as well as various birds and mammals.**

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: **0.02** acres

Wetland type. Explain: **Emergent.**

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Ephemeral flow**. Explain: **The non-jurisdictional linear conveyance is dug from uplands and flows only during storm events. During the site visit, the non-jurisdictional linear conveyance was dry and had a grassy bottom.**

Surface flow is: **Not present**

Characteristics: .

Subsurface flow: **Unknown**. Explain findings: .

Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: **Wetland 1 is connected to the onsite pRPW by a non-jurisdictional linear conveyance.**

Ecological connection. Explain: .

Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **1-2** river miles from TNW.

Project waters are **1 (or less)** aerial (straight) miles from TNW.

Flow is from: **Wetland to navigable waters.**

Estimate approximate location of wetland as within the **2-year or less** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .

Identify specific pollutants, if known: **Water quality is expected to be fair to good. The wetland area is located in a developed area of the Town of Monks Corner so runoff and discharges of various pollutants is expected.**

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain: **The wetland is a grassy area. It is the result of water collecting in a depression in the landscape that holds water and has acquired wetland characteristics.**
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **4**
 Approximately (**300**) acres in total are being considered in the cumulative analysis.
 For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
Offsite Wetland 1 (N)	0.8		
Offsite Wetland 2 (Y)	4.2		
Offsite Wetland 3 (N)	9.9		
Offsite Wetland 4 (N)	4.8		
Onsite Wetland 1 (N)	0.02		

Summarize overall biological, chemical and physical functions being performed: **The review area includes the onsite 0.02 acre wetland, offsite wetlands totaling approximately 19.7 acres. The review area includes the headwaters of California Branch. Headwater wetland systems provide a variety of functions that are important for the downstream waters and the watershed as a whole. The wetlands not only provide habitat for various aquatic and terrestrial organisms, including a variety of insects, amphibians, reptiles, mammals and birds, but are also a source of food, nutrients, and carbon for organisms located downstream. The headwater wetlands are especially important for the water quality of a watershed. Water runoff from adjacent uplands that may contain pollutants, sediments, excess nutrients, etc., that flow through the wetlands before entering the tributaries has the opportunity to be filtered out prior to flowing to downstream TNWs. In addition, excess water can temporarily be stored thereby minimizing potential flooding of downstream areas and can also slowly release water downstream to maintain seasonal flow volumes. Runoff water may also transport organisms, nutrients, and carbon from the wetlands into the tributaries, which continue to flow to downstream TNWs.**

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: **The review area includes the onsite 0.02 acre wetland, offsite wetlands totaling approximately 19.7 acres. The review area includes the headwaters of California Branch. The area around the pRPW and Wetland 1 is a mixture of single family homes, commercial development, open fields and forested areas. Pollutants likely include runoff from roadways, pesticides fertilizers and other pollutants associated with residential developments. Headwater wetland systems provide a variety of functions that are important for the downstream waters and the watershed as a whole. The wetlands not only provide habitat for various aquatic and terrestrial organisms, including a variety of insects, amphibians, reptiles, mammals and birds, but are also a source of food, nutrients, and carbon for organisms located downstream. The headwater wetlands are especially important for the water quality of a watershed. Water runoff from adjacent uplands that may contain pollutants, sediments, excess nutrients, etc., that flow through the wetlands before entering the tributaries has the opportunity to be filtered out prior to flowing to downstream TNWs. In addition, excess water can temporarily be stored thereby minimizing potential flooding of downstream areas and can also slowly release water downstream to maintain seasonal flow volumes. Runoff water may also transport organisms, nutrients, and carbon from the wetlands into the tributaries, which continue to flow to downstream TNWs.**

Watershed 03050201-07 (formerly 03050201-010 (tailrace canal), 030, 050, 060, 070, 03050202-070) is located in Berkeley, Charleston, and Dorchester Counties and consists primarily of the Cooper River and its tributaries draining into the Charleston Harbor. The watershed occupies 206,457 acres of the Lower Coastal Plain and Coastal Zone regions of South Carolina. Land use/land cover in the watershed includes: 26.9% forested land, 25.9% urban land, 20.3% forested wetland (swamp), 10.5% nonforested wetland (marsh), 10.3% water, 4.6% agricultural land, and 1.5% barren land. The Tailrace Canal (California Branch, Old Santee Canal) flows out of Lake Moultrie's Pinopolis Dam and merges with Biggin Creek to form the West Branch Cooper River. The West Branch Cooper River then accepts drainage from the Wadboo Creek Watershed, Mepkin Creek, Molly Branch (Stony Branch), Wappoola Swamp, Durham Canal and Durham Creek before merging with the East Branch Cooper River Watershed at "The Tee" to form the Cooper River. Downstream of "The Tee", the Cooper River accepts drainage from Freshing Lead, Cowbell Branch, Grove Creek (Little Johnson Creek) and the Back River. Laurel Swamp (Gants Mill Branch, Tillmans Branch, Poplar Branch, Daisy Swamp, King Branch, Huckhole Swamp), Sophia Swamp (Lindsey Branch, Brick Bound Swamp), Canterhill Swamp, and Chicken Creek flow into the Back River upstream of the Back River Reservoir (also known as the Bushy Park Reservoir). Water is not released from the dam, but is pumped into the Cooper River near Bushy Industrial Park. Prioleau Creek (Long Field Pond, Crane Pond) enters Back River Reservoir in the upper lake region and Foster Creek enters the reservoir near the dam. The West Branch Cooper River also drains into the Back River via Durham Canal/Chicken Creek. All streams to this point are classified FW. At the site aquatic life and recreational uses are fully supported. There is a significant increasing trend in pH. A significant decreasing trend in five-day biological oxygen demand suggests improving conditions for this parameter.

There is a high potential for growth for much of this watershed, which contains the Towns of Moncks Corner, Hanahan, Goose Creek, Ladson, and Kiawah Island, the City of Folly Beach, and portions of the City of Charleston, North Charleston and the Towns of Summerville, Seabrook Island, Sullivans Island, and Mount Pleasant. At the top of the watershed, future growth is expected in the Town of Moncks Corner, the Whitesville and Pimlico Communities, and the Berkeley Country Club area. The Town of Moncks Corner and Berkeley County operate water and sewer systems in the area, which may allow scattered development. Scattered development is also possible for the Town of Goose Creek. Summerville, Hanahan, North Charleston, Charleston, and Berkeley County are population growth areas in the central area of the watershed. In addition, the Charleston County Parks and Recreation Commission has purchased a large parcel of land above Goose Creek Reservoir for development as a county park. The interbasin transfer of fresh water via a pipeline connecting the Edisto River to the Hanahan WTP will help to provide for growth in this area.

Fresh water is a vital necessity to the area's economy. The Back River and its tributaries are a major source of fresh water for the public water supply and many of the large industries located along the Cooper River. The Union Terminal (Sea Port Facility) within the City of Charleston is projected to be an area of population growth. The population in the urban areas west of the Cooper River has declined in the last decade and are not expected to grow in the near future. The U.S. Navy Base/Shipyard was closed by the Navy in 1996. The Office/Manufacturing/Industrial reuses of this property will occur well into the future, but residential uses are not significant components of the Base Reuse Plan. The Bushy Industrial Park includes several very large industries and should continue to encourage industrial growth.

4. The lower portion of the watershed contains the Peninsula of the City of Charleston, Mount Pleasant, James Island, Johns Island, the beaches, and Charleston Harbor that bring great residential and commercial growth. Suburban growth areas include: the Dills Property, Ellis Property II, Stiles Point Plantation, Stonefield, Fort Lamar, Grimbels Shores, and Harborwoods III on James Island; and Kiawah Island, Andell Property, and Hope Plantation on Johns Island. All growth areas in the watershed have water and sewer services available.

Documentation for the Record only: Significant nexus findings for seasonal RPWs and/or wetlands abutting seasonal RPWs:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

- TNWs: linear feet width (ft), Or, acres.
- Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**

Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: **The RPW features (1637.75 feet/0.77 acres) on site are unnamed perennial tributaries that flow NNW into California Branch and abutting wetlands of the Tail Race Canal/Cooper River. This flow direction is confirmed as a mapped, blueline stream on the USGS Quad, as well as aerial imagery. An OHWM was observed during the site visit, as well as confirmation of the described flow pattern/direction. California Branch is an identified, named tributary that terminates into the Tail Race Canal/Cooper River.**

Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
 - Other non-wetland waters: acres.
- Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft).
 - Other non-wetland waters: acres.
- Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.

Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Wetlands directly abutting an RPW where tributaries typically flow “seasonally.” Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: **0.02** acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from “waters of the U.S.,” or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

Explain:

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: .
- Other factors. Explain: .

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

Tributary waters: linear feet width (ft).

Other non-wetland waters: acres.

Identify type(s) of waters: .

Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

Non-wetland waters (i.e., rivers, streams): linear feet width (ft).

Lakes/ponds: acres.

Other non-wetland waters: acres. List type of aquatic resource: .

Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).

Lakes/ponds: acres.

Other non-wetland waters: acres. List type of aquatic resource: .

Wetlands: acres.

SECTION IV: 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: **Maps, photographs, drawings and plats provided by Tyler Sgro of Sabine & Waters.**

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: .

Corps navigable waters' study: .

U.S. Geological Survey Hydrologic Atlas: .

USGS NHD data.

USGS 8 and 12 digit HUC maps.

U.S. Geological Survey map(s). Cite scale & quad name: **1:24000 USGS Cordesville Quad Map provided by Tyler Sgro.**

USDA Natural Resources Conservation Service Soil Survey. Citation: **NRCS Soils map provided by Tyler Sgro.**

National wetlands inventory map(s). Cite name: **NWI Map provided by Tyler Sgro.**

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): **Location Map Trident Hospital Site - Moncks Corner.**
or Other (Name & Date): **Site Visit Photos June 13, 2016.**
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): **A plat provided by Tyler Sgro prepared by John David Bass entitled, "Boundary Survey of 21.70 Acres, TMS: 142-00-01-025 Owner Of Record Cooper Investors A Ltd. Partnership, Located In The Town Of Moncks Corner, Berkeley County, South Carolina," and dated June 20, 2016.**

B. ADDITIONAL COMMENTS TO SUPPORT JD: The project area is a 21.70 acres site that has 20.91 acres of uplands and contains 3 jurisdictional perennial RPWs (1637.75 feet), which is one continuous tributary feature that enters and exits the project area in 3 separate locations. One jurisdictional wetland (0.02 acres) is also located within the project area, connected to Jurisdictional pRPW 2 by a non-jurisdictional ditch. For these reasons the pRPWs and Wetland 1 are subject to jurisdiction based on section 404 of the Clean Water Act.