



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): September 8, 2020
ORM Number: SAC-2020-00767
Associated JDs: N/A
Review Area Location¹: A 22.138-acre site located off Tanner Hall Boulevard.
State/Territory: SC City: Hanahan County/Parish/Borough: Berkeley County
Center Coordinates of Review Area: Latitude 32.931051 Longitude -79.998078

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 or describe rationale.
- 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
N/A	N/A	N/A	N/A

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 A	0.713 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland A is part of a wetland which continues off-site into an area protected under DA permit SAC-97-1X-

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 and 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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			177. The wetland continues south from the review area and directly abuts and shares a boundary with Goose Creek an (a)1 tributary. Goose Creek is a large perennial tributary. The wetland can be identified off-site with use of remote resources to include aerial photography, LIDAR, Soil Survey data, and the USGS topographic map. The wetland is bisected by Island Crossing Drive. However, the agent confirmed there is a culvert under the roadway allowing direct hydrologic surface connection under the road in a typical year.
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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Non-Jurisdictional Pond A	0.34 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	Pond A was constructed wholly in uplands.
Non-Jurisdictional Pond B	1.48 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	Pond B was constructed wholly in uplands.
Non-Jurisdictional Wetland B	0.198 acres	(b)(1) Non-adjacent wetland	Wetland B has a closed polygon boundary within the review area that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, wetland B does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1). Furthermore, the agent confirmed there is no culvert or other hydrologic surface connection under N Rhett Ave which borders wetland B.
Non-Jurisdictional Wetland C	0.12 acres	(b)(1) Non-adjacent wetland	Wetland C has a closed polygon boundary within the review area that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, wetland C does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Non-Jurisdictional Wetland D	0.537 acres	(b)(1) Non-adjacent wetland	Wetland D has a closed polygon boundary within the review area that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, wetland D 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.

X Information submitted by, or on behalf of, the applicant/consultant: Request For Corps

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Jurisdictional Determination package submitted by Wetland Solutions, LLC dated May 19, 2020, and received by this office May 28, 2020.

This information is sufficient for purposes of this AJD.

Rationale: *N/A*

- Data sheets prepared by the Corps: *Title(s) and/or date(s)*.
- Photographs: Google Earth aerials from 2/9/1989; 9/19/2010 and 2/6/2007; ArcGIS aerials from 2006, 1994, and 1999; "Site Photos" taken January 17, 2020 included in the submitted JD package.
- Corps Site visit(s) conducted on: *Date(s)*.
- Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s)*.
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: BoB, DuB, Wa
- USFWS NWI maps: *Title(s) and/or date(s)*.
- USGS topographic maps: North Charleston, SC Quad

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	LIDAR

- B. Typical year assessment(s):** Based on conversations with the landowner, the agent confirmed there is a culvert under Island Crossing Drive allowing direct hydrologic surface connection under the roadway during a typical year.
- C. Additional comments to support AJD:** Goose Creek is a large blue line named tributary shown on the USGS topographic map. The tributary is tidal and located downstream of the Goose Creek Reservoir and flows directly into the Cooper River. Where off-site Wetland A directly abuts Goose Creek, Goose Creek is surrounded by marsh and is approximately 200' wide from marsh edge to marsh edge. Therefore, Goose Creek was determined to be an (a)1 tributary with perennial flow.

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