



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): February 19, 2021

ORM Number: SAC-2020-01772

Associated JDs: N/A

Review Area Location¹:

State: SC City: Columbia County: Richland County

Center Coordinates of Review Area: Latitude 34.0694 Longitude -81.0067

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 | 1360 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 a perennial tributary shown as a blue line on the NWI map and as a dashed blue line on the USGS topographic map. It is a naturally occurring surface water channel that contributes perennial surface water flow to the Congaree River (TNW) in a typical year through Crane Creek. Based on a review of photographs submitted by the consultant, LiDAR and other maps, Jurisdictional Tributary 1 flows to Crane Creek, which flows to the Broad River, which flows to the Congaree River. Jurisdictional Tributary 1 receives drainage from Jurisdictional Tributary 2. Site photographs submitted |

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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| | | | by the consultant show that Jurisdictional Tributary 1 has flow in a distinct channel. Jurisdictional Tributary 1 is shown as a distinct channel on the LiDAR map. The Corps has determined this tributary to be an (a)(2) water. |
| Jurisdictional Tributary 2 | 192 feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Jurisdictional Tributary 2 is an intermittent tributary that is not shown on the NWI map or the USGS topographic map. It is a naturally occurring surface water channel that contributes intermittent surface water flow to the Congaree River (TNW) in a typical year through Crane Creek. Based on a review of photographs submitted by the consultant, LiDAR and other maps, Jurisdictional Tributary 2 flows to Jurisdictional Tributary 1, which flows to Crane Creek, which flows to the Broad River, which flows to the Congaree River. A site photograph submitted by the consultant shows that Jurisdictional Tributary 2 has flow in a distinct channel. Jurisdictional Tributary 2 is shown as a distinct channel on the LiDAR map. The Corps has determined this tributary to be an (a)(2) water. |

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 | 0.06 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Jurisdictional Wetland 1 is contiguous to, and directly abutting, the (a)(2) perennial tributary Jurisdictional Tributary 1. The Corps has determined the wetland to be an (a)(4) water. |

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
|---------------------------------------|----------------|--|--|
| B8-Excluded Water 1 (Artificial Pond) | 1.38 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) | B8-Excluded Water 1 (Artificial Pond) was constructed wholly in an area determined to be uplands by this approved jurisdictional determination. The area did not satisfy all three wetland factors (hydrology, hydric soils, hydrophytic vegetation) in normal circumstances for a typical year. Additionally, the location of the pond does not lie below the ordinary high water mark or high tide line of a jurisdictional water. Therefore, the Corps has determined the pond to be situated in uplands and an excluded water. |
| B8-Excluded Water 2 (Artificial Pond) | 0.62 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 | B8-Excluded Water 2 (Artificial Pond) was constructed wholly in an area determined to be uplands by this approved jurisdictional determination. The area did not satisfy all three wetland factors (hydrology, hydric soils, hydrophytic vegetation) in normal circumstances for a |

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| | | water that meets (c)(6) | typical year. Additionally, the location of the pond does not lie below the ordinary high water mark or high tide line of a jurisdictional water. Therefore, the Corps has determined the pond to be situated in uplands and 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.

- ☒ Information submitted by, or on behalf of, the applicant/consultant: Terracon Consultants, Inc., Jurisdictional Determination Request, North Main Street Site, dated December 17, 2020, received December 17, 2020, and amended January 27, 2021.
This information is sufficient for purposes of this AJD.
Rationale: This office agrees with the conclusions of the submitted data sheets and report.
Data sheets prepared by the Corps: N/A
- ☒ Photographs: 2019 Aerial, 1999 Infrared Aerial, and 2006 Infrared Aerial provided by the consultant; Site photos 1-20 of 20 by the consultant.
Corps Site visit(s) conducted on: N/A
Previous Jurisdictional Determinations (AJDs or PJDs): N/A
- ☒ Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- ☒ USDA NRCS Soil Survey: Soil Survey Geographic Database (SSURGO) Map Service
- ☒ USFWS NWI maps: USFWS National Wetland Inventory Map Service
- ☒ USGS topographic maps: 1:24,000 Columbia North Quad

Other data sources used to aid in this determination:

| Data Source (select) | Name and/or date and other relevant information |
|----------------------------|---|
| USGS Sources | USGS National Map 3D Elevation Program (3DEP) Map Service |
| USDA Sources | N/A. |
| NOAA Sources | N/A. |
| USACE Sources | SAC Regulatory Viewer accessed February 18, 2021 |
| State/Local/Tribal Sources | N/A. |
| Other Sources | N/A. |

B. Typical year assessment(s): Antecedent Precipitation Tool (APT) data for typical year determination was calculated based on the field collection date (November 3, 2020) in the report submitted by the consultant. Output from the APT indicated "Normal" conditions with a value of 11 during a period of "Moderate wetness" in the Wet Season.

C. Additional comments to support AJD: The review area covers approximately 39.5 acres and includes two (a)(2) waters, one (a)(4) water, and two excluded (b)(8) waters.

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