



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): January 6, 2021

ORM Number: SAC-2020-01272

Associated JDs: N/A

Review Area Location¹:

State: South Carolina City: McColl County: Marlboro

Center Coordinates of Review Area: Latitude: 34.6844°N Longitude: -79.5390°W

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
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
WA 1-79	16.74 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	WA 1-79 intersects the OHWM of the offsite tributary (Bear Creek). Bear Creek is a naturally occurring (a)(2)

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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			tributary. Bear Creek is depicted on topographic maps and is readily visible on aerial photographs with continuous flow and natural sinuosity.
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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
N/A	N/A	N/A	N/A

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: Shorthorn Solar submittal dated September 10, 2020, by Pilot Environmental, Inc.
This information is sufficient for purposes of this AJD.
Rationale: The Corps agrees with the conclusions of the submitted data sheets and submittal.
Data sheets prepared by the Corps: N/A
- ☒ Photographs: USGS National Map 3D Elevation Program (3DEP) published August 13, 2020 / Google Earth Imagery dated February 18, 2017 / Maps dated September 9, 2020 and site photographs dated September 4, 2020 submitted 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: USA Soils Map Units (SSURGO) Map Service dated April 4, 2019, updated August 26, 2020.
- ☒ USFWS NWI maps: USFWS NWI – Wetlands Raster REST map service dated May 29, 2012, updated July 17, 2020.
- ☒ USGS topographic maps: USGS Topographic Maps / McColl Quad / 7.5 Minute Index / 1:240000.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Topographic Maps
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	USACE-SAC Regulatory Viewer accessed on 1/5/2021
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 for September 4, 2020. Output from the APT indicated “Wetter than Normal” with a

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condition value of 15. APT output with a condition value greater than 14 indicates "Wetter than Normal" conditions onsite and accurately represents the highwater table and saturation recorded on the consultant's data sheets within the wetlands. For this assessment, a total of 3 weather stations within a 6-mile radius were used.

- C. Additional comments to support AJD:** This form assesses a 106-acre site consisting of 16.74 acres of jurisdictional, freshwater wetlands (a)(4). The onsite wetland (WA 1-79) directly abuts the offsite tributary (Bear Creek). The onsite wetland is part of a larger wetland system that continues offsite to the east until it intersects the OHWM of Bear Creek. Bear Creek is a naturally occurring (a)(2) named tributary. Bear Creek is depicted on topographic maps and is readily visible on aerial photographs with continuous flow and natural sinuosity. Therefore, the Corps has determined that the onsite wetland is an Adjacent Wetland (a)(4) and is within the Corps' jurisdiction.

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