



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): **19-JULY-2021**

ORM Number: SAC-2021-00404

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State: South Carolina City: Greenville County: Greenville County

Center Coordinates of Review Area: Latitude 34.847589 Longitude -82.412777

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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
N/A	N/A	N/A	N/A

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Excluded Ditch	300 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	This feature is shown as a drainage feature on the topo map, was seen to have flowing water at the time of flagging, had a OHWM, and a defined channel was observed during the Corps site visit. However, this feature was completely encompassed by uplands and lacks a discernable direct surface connection with an (a)(2) water due to being historically surrounded by development and being culverted on either side of the feature. The feature most likely flows to the Reedy River; however, it flows through a series of stormwater pipes and does not have a direct surface hydrologic connection. This feature has most likely been manipulated and straightened over the years from the surrounding residential development and work on the nearby roads. Thus, this feature is a (b)(5) 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, Map "Depiction of Aquatic Resources, 207 Birnie St/208 McCall St" and dated May 25, 2021  
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:
- ☒ Photographs: Google Earth Aerial dated March 12, 2018; Photos 1-6 of 6 taken by USACE dated May 17, 2021; Photos 1-10 of 10 taken by the consultant dated February 3, 2021; USGS National Map 3D Elevation Program (3DEP) created March 29, 2021, updated April 19, 2021
- ☒ Corps Site visit(s) conducted on: May 17, 2021
- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): N/A
- ☒ Antecedent Precipitation Tool: See Section B below.
- ☒ USDA NRCS Soil Survey: NRCS / Soil Survey Geographic Database (SSURGO) Map Service, SSURGO 2020 Cecil-Urban land complex
- ☒ USFWS NWI maps: USFWS NWI - Wetlands Raster REST Map Service
- ☒ USGS topographic maps: 1:24,000 Greenville Quad

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<sup>5</sup> 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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**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Topographic Map dated May 24, 2021
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed May 24, 2021
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) results for typical year determination were calculated for the date the site was visited by the consultant (2/3/2021) and the date the site was visited by the Corps (5/17/2021). On February 3, 2021, and on May 17, 2021, the conditions were normal.
- C. Additional comments to support AJD:** The determination covers 1.09 acres with 1 excluded (non-jurisdictional) feature. The project area includes 1 excluded (b)(5) water. Excluded Ditch 1 is completely encompassed by uplands and lacks a direct or indirect surface water connection to (a)(1)-(3) waters. Since the drainage feature is not an (a)(1)-(3) waters, the Corps has determined the drainage feature to be excluded under the Navigable Waters Protection Rule.

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