



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): November 9, 2020

ORM Number: SAC-2020-00531

Associated JDs: N/A

Review Area Location¹:

State: SC City: Fountain Inn County: Greenville County

Center Coordinates of Review Area: Latitude 34.670241 Longitude -82.231938

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	4023.8 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 that was observed flowing during flagging (which was during a drier than normal time) and during the Corps site visit (which was during a wetter than normal time). It is shown on the NWI map and as a blue line on the topo map. The tributary has a clear OHWM, distinct channel, naturally meanders, and it does not appear to have been manipulated. This tributary flows off-site to Payne Branch which flows to South Rabon Creek which flows to Rabon Creek which flows to the Saluda River, a Traditional Navigable Water. Jurisdictional Tributary 1 is a water of the U.S.

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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Jurisdictional Tributary 2	13.2 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary 2 is a perennial tributary that was observed flowing during flagging (which was during a drier than normal time). It is mostly off-site, but a small portion comes on-site. It is shown as a drainage pattern on the topo map, but has a clear OHWM and distinct channel. This tributary flows directly to Jurisdictional Tributary 1 which flows off-site to Payne Branch which flows to South Rabon Creek which flows to Rabon Creek which flows to the Saluda River, a Traditional Navigable Water. Jurisdictional Tributary 2 is a water of the U.S.
Jurisdictional Tributary 3	1667.3 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary 3 is a perennial tributary that was observed flowing during flagging (which was during a drier than normal time) and during the Corps site visit (which was during a wetter than normal time). It is shown on the NWI map and as a dashed blue line on the topo map. The tributary has a clear OHWM, distinct channel, naturally meanders, and it does not appear to have been manipulated. This tributary flows directly to Jurisdictional Tributary 1 which flows off-site to Payne Branch which flows to South Rabon Creek which flows to Rabon Creek which flows to the Saluda River, a Traditional Navigable Water. Jurisdictional Tributary 3 is a water of the U.S.

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 4	0.0002 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 4 is directly abutting an off-site (a)(3) water. This (a)(3) water is an impoundment of an (a)(2) water. This was determined by reviewing aeriels and photographs submitted by the consultant. This off-site tributary is shown on the NWI map and as a blue line on the topo map. This off-site tributary flows directly into Jurisdictional Tributary 1, which is documented above. Jurisdictional Wetland 4 is a water of the U.S.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Water	0.03 acres	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous or directly abutting and (a)(1)-(a)(3) water. The wetland appears to be an old pond that was constructed beside Jurisdictional Tributary 3, but was not constructed on a water and has no connection to Jurisdictional Tributary 3. This wetland has a wall that was constructed around it and there is no direct surface

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			connection to the nearby Jurisdictional Tributary 3. This wetland is not connected to or abutting any water of the U.S.
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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: Report submitted by EPC received 4/14/2020
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: photos 1-44 of 44 and 1-11 of 11 taken by EPC, Google Earth image dated 1/31/2020
- ☒ Corps Site visit(s) conducted on: 7/10/2020
- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): N/A
- ☒ Antecedent Precipitation Tool: see discussion in Section III.B below
- ☒ USDA NRCS Soil Survey: SSURGO submitted by consultant, accessed 11/5/2020
- ☒ USFWS NWI maps: USFWS NWI Map Service
- ☒ USGS topographic maps: 1:24,000 Fountain Inn Quad

Other data sources used to aid in this determination:

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

B. Typical year assessment(s): The Antecedent Precipitation Tool (APT) was utilized to determine whether the site was observed in a typical year. The APT was calculated for the day of the Corps site visit (7/10/2020) and the day the site was flagged (10/15/2019). On 7/10/2020, it was the dry season, but the site was considered to be wetter than normal for that time. On 10/15/2019, it was the wet season, but the site was considered to be drier than normal for that time.

C. Additional comments to support AJD: This form documents a 111.45 acre site that has three (a)(2) waters, one (a)(4) water, and one excluded wetland.

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