



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): April 22, 2021

ORM Number: SAC-2020-00723

Associated JDs: N/A

Review Area Location¹:

State: SC

City: Lancaster

County: Lancaster

Center Coordinates of Review Area: Latitude 34.7326 Longitude -80.8362

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
S1	7625 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This tributary begins off property and is shown on the topo as beginning as a dashed blue line and becoming a solid blue line. It continues off property where it flows directly into the Catawba River (Section 10), approximately 9,000 linear feet downstream and offsite. The agent provided information documenting multiple observed flow events and clear OHWM sufficient to indicate that the tributary flows perennially. This tributary is considered an (a)(2) water of the U.S.
S3	65 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a	Flows through Wetland E to S1. This short tributary is described by the agent as perennial. The agent provided information documenting multiple observed

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		typical year	flow events and clear OHWM sufficient to indicate that the tributary flows perennially. It is not visible on mapping other than LiDAR, which indicates a low area. This tributary is considered an (a)(2) water of the U.S.
S4	1170 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Flows to S1. Indicated on 1973 soils map as a potential stream. Not shown on topo as a blue line, but as crenulations indicating a draw conducive to the formation of a tributary. Photographs and description from the agent indicate a perennially flowing tributary. The agent provided information documenting multiple observed flow events and clear OHWM sufficient to indicate that the tributary flows perennially. This tributary is considered an (a)(2) water of the U.S.
S5	60 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Flows to S4, which flows to S1. This short tributary is described by the agent as intermittent. The agent provided information documenting multiple observed flow events and clear OHWM sufficient to indicate that the tributary flows intermittently. It is not visible on mapping. This tributary is considered an (a)(2) water of the U.S.
S6	75 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Flows to Stream 1. This short tributary is described by the agent as perennial. The agent provided information documenting multiple observed flow events and clear OHWM sufficient to indicate that the tributary flows perennially. It is not visible on mapping other than LiDAR, which indicates a low area. This tributary is considered an (a)(2) water of the U.S.
S7	640 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Flows to W8 which abuts S1. Indicated on 1973 soils map as a potential stream. This stream begins off property and becomes part of the beaver impoundment W8. This tributary is considered an (a)(2) water of the U.S.
S8	430 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Indicated on 1973 soils map as a potential stream. Not clearly defined on other mapping, but documented as perennial by agent. The agent provided information documenting multiple observed flow events and clear OHWM sufficient to indicate that the tributary flows perennially. Flows to S1. This tributary is considered an (a)(2) water of the U.S.
TB	380 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Indicated on 1973 soils map as a potential stream. Not clearly defined on other mapping, but documented as perennial by agent. The agent provided information documenting multiple observed flow events and clear OHWM sufficient to indicate that the tributary flows perennially. Flows through WF to S1. This tributary is considered an (a)(2) water of the U.S.
TC	1030 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Flows to S1. Not shown on topo as a blue line, but as crenulations indicating a draw conducive to the formation of a tributary. Photographs and description from the agent indicate a perennially flowing tributary. The agent provided information documenting multiple observed flow events and clear OHWM sufficient to indicate that the tributary flows perennially. This

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TD	2110 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	tributary is considered an (a)(2) water of the U.S. Flows to S1. Indicated on 1973 soils map as a potential stream. Not shown on topo as a blue line, but as crenulations indicating a draw conducive to the formation of a tributary. Photographs and description from the agent indicate a perennially flowing tributary. The agent provided information documenting multiple observed flow events and clear OHWM sufficient to indicate that the tributary flows perennially. This tributary is considered an (a)(2) water of the U.S.
TE	20 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Indicated on 1973 soils map as a potential stream. Not clearly defined on other mapping, but documented as perennial by agent. The agent provided information documenting multiple observed flow events and clear OHWM sufficient to indicate that the tributary flows perennially. Flows to Stream D, which flows to S1. This tributary is considered an (a)(2) water of the U.S.
TF	340 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Indicated on 1973 soils map as a potential stream. Not clearly defined on other mapping, but documented as perennial by agent. The agent provided information documenting multiple observed flow events and clear OHWM sufficient to indicate that the tributary flows perennially. Flows to Stream D, which flows to S1. This information is considered an (a)(2) 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
W1	4.3 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Contiguous with/Abuts Stream 1. This wetland is considered an (a)(4) water of the U.S.
W10	0.11 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Contiguous with/Abuts Stream 8 which flows to S 1. This wetland is considered an (a)(4) water of the U.S.
W3	0.4 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Contiguous with/Abuts S 1. This wetland is considered an (a)(4) water of the U.S.
W4	0.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Contiguous with/Abuts S 1. This wetland is considered an (a)(4) water of the U.S.
W5	0.06 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature	Separated from S1 by one natural berm. Information submitted by the agent indicates that the berm separates W5 from S1 by approximately 100-150 feet.
W6	0.8 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Contiguous with/Abuts S4 which flows to S1. This wetland is considered an (a)(4) water of the U.S.
W7	1.8 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Contiguous with/Abuts S1. This wetland is considered an (a)(4) water of the U.S.
W8	7.12 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This wetland is shown on the topo map as an impoundment of Stream 1. The impoundment may be historically man made as the consultant described remnants of embankment on site. However, the

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			descriptions and photos provided by the agent show this feature as a shallow impoundment with vegetation including trees growing within it. The depth of the impoundment appears to now be controlled by beaver activity rather than any manmade embankment and functions as a partially flooded wetland. This beaver impounded wetland abuts S1. This wetland is considered an (a)(4) water of the U.S.
W9	0.4 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Contiguous with/Abuts S7 which to S1. This wetland is considered an (a)(4) water of the U.S.
WA	0.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Contiguous with/Abuts S1. This wetland is considered an (a)(4) water of the U.S.
WD	0.08 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Contiguous with/Abuts S1. This wetland is considered an (a)(4) water of the U.S.
WE	1.65 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Contiguous with/Abuts S1. This wetland is considered an (a)(4) water of the U.S.
WF	1.57 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Contiguous with/Abuts S1. This wetland is considered an (a)(4) water of the U.S.
WG	2.09 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This wetland is shown on the topo map as an impoundment of Stream 1. The impoundment may be historically man made as the consultant described remnants of embankment on site. However, the descriptions and photos provided by the agent show this feature as a shallow impoundment with vegetation including trees growing within it. The depth of the impoundment appears to now be controlled by beaver activity rather than any manmade embankment and functions as a partially flooded wetland. The current wetland is smaller in size than the older, likely man-made impoundment which appears to have drained somewhat to form this wetland area. This beaver impounded wetland abuts S1. This wetland is considered an (a)(4) water of the U.S.
WH	0.014 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Contiguous with/Abuts S1. This wetland is considered an (a)(4) water of the U.S.
WI	0.09 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Contiguous with/Abuts S1 This wetland is considered an (a)(4) water of the U.S.
WK	0.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Contiguous with/Abuts SD which flows to S1. This wetland is considered an (a)(4) water of the U.S.
WL	0.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Contiguous with/Abuts SD which flows to S1. This wetland is considered an (a)(4) 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
S2	390 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This poorly defined channel is entirely lost between the end of the delineated feature (Stream 2) and Wetland E, the nearest downslope aquatic resource. Flow from this channel goes across this stretch of uplands as overland sheet flow. This feature is indicated on the 1973 soils map as a potential stream. However photos

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			and documentation from the agent show very few indicators of an OHWM, which are lost entirely before any connection to a downslope aquatic resource. This feature is considered an excluded water.
SA	100 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This poorly defined channel flows to Wetland C. The channel formation is lost in Wetland C, which is separated from Stream 1 by uplands. Any flow which may continue from Stream A to Stream 1 would be overland sheet flow. The Wetland B/Wetland C/Stream A complex is indicated as a potential stream on the 1973 soil map, however photos and documentation from the agent show very few indicators of an OHWM, which are lost entirely before any connection to a downslope aquatic resource. This feature is considered an excluded water.
W2	0.02 acres	(b)(1) Non-adjacent wetland	Separated from Stream 1 by uplands and a manmade road that does not have a culvert or other conveyance to allow flow between the wetland and Stream 1. This wetland is a closed boundary polygon that is not contiguous or abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) adjacency criteria and thus in an excluded water pursuant to (b)(1).
WB	0.035 acres	(b)(1) Non-adjacent wetland	Contiguous with/Abuts Stream A, which flows to Wetland C, which is separated from Stream 1 by uplands. This wetland is a closed boundary polygon that is not contiguous or abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) adjacency criteria and thus in an excluded water pursuant to (b)(1).
WC	0.65 acres	(b)(1) Non-adjacent wetland	Separated from Stream 1 by uplands, without any channel or other connection to Stream 1 or any other downslope aquatic resource. This wetland is a closed boundary polygon that is not contiguous or abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) adjacency criteria and thus in 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: Jurisdictional determination request submittal received May 11, 2020, and additional information submitted subsequently, including data from the agent's February 2, 2021 site visit to gather Corps-requested documentation.

This information is sufficient for purposes of this AJD.

Rationale: The information provided by the agent, including initially submitted information as well as information collected by the agent and provided to the Corps following a detailed

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discussion of on-site conditions and aquatic resources and additional documentation collected by the agent and provided to the Corps following that discussion, sufficiently documents the subject site and its aquatic resources.

- Data sheets prepared by the Corps: N/A.
- Photographs: Aerial photographs provided by agent on maps dated March 11, 2021, site photos 1-18 dated January 13, 2020, and 1-48 submitted February 3, 2021.
- Corps Site visit(s) conducted on: N/A.
- Previous Jurisdictional Determinations (AJDs or PJDs): N/A.
- Antecedent Precipitation Tool: Discussion in Section III.B.
- USDA NRCS Soil Survey: NRCS Soil Survey, Lancaster County, SC, Sheets 17 and 18, 1973.
- USFWS NWI maps: NWI overlain on aerial, provided by agent on map dated December 13, 2019.
- USGS topographic maps: Lancaster Quad, 1969.

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	SAC Regulatory Viewer
State/Local/Tribal Sources	N/A.
Other Sources	LiDAR/NOAA Elevation Data Map provided by agent, map dated February 7, 2020

- B. Typical year assessment(s):** The Antecedent Precipitation Tool was used (run date February 2, 2021) to determine whether typical year conditions applied for the site and to confirm wet season hydrologic conditions in support of wetland identification and delineation during the agent’s site visit February 2, 2021, during which additional information requested by the Corps was gathered. APT results confirmed that the site visit took place during the wet season with a value of 13. Hydrologic conditions were used in confirming the hydrology factor under the federal wetland definition and to assess the potential for indicators of aquatic resources to have been obscured due to unusually dry conditions. As the APT shows the site visit occurred during the wet season and normal conditions, observations recorded from the site visit are expected to provide an accurate depiction of site conditions.
- C. Additional comments to support AJD:** This form documents an 482.9 acre site with 12 streams, 18 wetlands, and 5 excluded waters. APT results and site mapping and photos are available in the project file for reference.

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