



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 21, 2021

ORM Number: SAC-2020-01623

Associated JDs: SAC-2007-00325, SAC-2015-01126

Review Area Location¹:

State: South Carolina City: Rock Hill County: York

Center Coordinates of Review Area: Latitude 34.9861 Longitude -80.9875

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 A	130 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary A is a naturally occurring unnamed intermittent tributary that flows off-site through a culvert under Interstate I-77 then directly into to the TNW Catawba River. Tributary A is shown on LiDAR as a geomorphic draw, the tributary is visible on aerial photos, and it is shown on the USDA-NRCS published soil survey of York County, SC, Sheet 34, 43, and 52, dated 1965 as a dashed line. Tributary A has a well-developed OHWM, bed and banks, a well-defined channel, and had a series of standing water pools and shallow subsurface/hyporheic water in the channel sediment, a section of Tributary A braids out into

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

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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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			Wetland BB (described below) before it regains a well-defined channel as observed at the time of the flagging/Corps site visits. Based on site evaluation and review of information submitted by the consultant, it has been determined that the tributary flows continuously during certain times of the year and more than in direct response to precipitation. Tributary A satisfies the flow conditions and criteria included in the (c)(12) tributary definition of the NWPR. Therefore, Tributary A has been determined to be an (a)(2) water of the U.S.
Jurisdictional Tributary B (Hidden Creek)	729 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary B is a naturally occurring tributary mapped by USGS as a dashed blue line. During site visits the tributary exhibited strong flow, with associated channel development, sediment sorting and other indications of perennial flow. Tributary B carries flow directly to the traditional navigable water (TNW) Catawba River. Tributary B was previously document by AJDs SAC-2007-00325, SAC-2015-01126. On this basis, Tributary B has been determined to be a tributary with perennial flow and thus 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 BB	0.07 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland BB is contiguous and directly abutting (a)(2) Tributary A described above. On this basis, Wetland BB is an (a)(4) water.
Jurisdictional Wetland EE	0.02 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland EE is contiguous and directly abutting (a)(2) Tributary A described above. On this basis, Wetland EE is 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
Excluded Water - Wetland AA	0.31 acres	(b)(1) Non-adjacent wetland	Wetland AA is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Excluded Water Wetland CC	0.03 acres	(b)(1) Non-adjacent wetland	Wetland CC is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Excluded Water Wetland DD	0.13 acres	(b)(1) Non-adjacent wetland	Wetland DD is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3)

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			water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
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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: **Jurisdictional Determination Request dated November 18, 2020 (revised February 11, 2021).**
This information *is* sufficient for purposes of this AJD.
Rationale: **The wetland data forms, and additional information submitted by the agent are a reasonable representation of site conditions at the time of collection and are sufficient for purposes of this AJD.**
- Data sheets prepared by the Corps: *N/A*
- Photographs: **Photos 1-10 of 10 provided by the consultant dated November 18, 2021. Corps site visit photos dated December 14, 2020. Aerial Provided by consultant titled "Jurisdictional Boundaries with Aerial Imagery, FIGURE NO. 9" dated February 10, 2021.**
- Corps Site visit(s) conducted on: **December 14, 2020**
- Previous Jurisdictional Determinations (AJDs or PJDs): **AJDs SAC-2007-00325 issued February 12, 2007, SAC-2015-01126 issued October 13, 2017.**
- Antecedent Precipitation Tool: Detailed discussion in Section III.B.
- USDA NRCS Soil Survey: **Provided by consultant titled "USDA-NRCS Web Soil Survey of York County," dated November 13, 2020, and "USDA-NRCS Published Soil Survey of York County" dated November 6, 2020.**
- USFWS NWI maps: **Provided by consultant titled "National Wetland Inventory" dated November 6, 2020.**
- USGS topographic maps: **Provided by consultant titled "USGS Topographic Map" dated November 6, 2020.**

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	USDA-NRCS PUBLISHED SOIL SURVEY OF YORK COUNTY, SC, SHEET 34, 43, AND 52, DATED 1965. Provided by consultant in JD request
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed December 12, 2020
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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- B. Typical year assessment(s):** The Antecedent Precipitation Tool (APT) data for the typical year assessment was calculated based on the field collection dates denoted on the wetland determination data forms and submitted photos (November 9, 2020, December 15, 2020, February 10, 2021), and the date of the Corps site visit (December 14, 2020). Output from the APT indicated “normal” conditions at the time of data collection by the agent in November 2020 with a condition value of 12, “wetter than normal” conditions at the time of data collection by the agent and Corps site visit in December 2020 with a condition value of 15, and “normal” conditions at the time of data collection by the agent February 2021 with a condition value of 13. APT Outputs with condition values greater than or equal to 15 indicates “wetter than normal” conditions, condition values between 10 and 14 indicate “normal” conditions, and condition values less than or equal to 9 indicates “drier than normal” conditions. Results of the APT indicate the boundaries of the aquatic resources as documented here have been observed during multiple condition values and are an accurate representation of the extent and boundaries that would be observed within a typical year.
- C. Additional comments to support AJD:** This form documents an approximately 42-acre. This site includes two (a)(2) waters, and two (a)(4) waters that were determined to be waters of the United States.

The site also includes three (b)(1) excluded waters that were determined not to be waters of the United States.

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