



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): **26-APR-2021**

ORM Number: SAC-2021-00023

Associated JDs: N/A

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

State: South Carolina City: Wellford County: Spartanburg County

Center Coordinates of Review Area: Latitude 34.972836 Longitude -82.101901

**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
Jurisdictional Tributary 1	85 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 shown as a drainage feature on the topo map. The tributary was seen to have flowing water at the time of flagging. The following ordinary high water mark (OHWM) indicators were observed along the tributary: scour, water staining, matted down vegetation, wrack lines, and the presence of litter and debris. It flows through Jurisdictional Wetland 2 to an offsite tributary which flows directly to Jurisdictional Tributary 6 (the North Tyger River), which flows to the Tyger River, which flows to the Broad River (TNW). Therefore, the Corps has determined this feature to be a tributary and thus an (a)(2) water of the

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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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			U.S.
Jurisdictional Tributary 2	285 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 shown as a drainage feature on the topo map. The tributary was seen to have flowing water at the time of flagging. The following ordinary high water mark (OHWM) indicators were observed along the tributary: scour, water staining, matted down vegetation, wrack lines, and the presence of litter and debris. It flows directly to Jurisdictional Tributary 6 (the North Tyger River), which flows to the Tyger River, which flows to the Broad River (TNW). Therefore, the Corps has determined this feature to be a tributary and thus an (a)(2) water of the U.S.
Jurisdictional Tributary 3	300 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 shown as a drainage feature on the topo map. The tributary was seen to have flowing water at the time of flagging. The following ordinary high water mark (OHWM) indicators were observed along the tributary: scour, water staining, matted down vegetation, wrack lines, and the presence of litter and debris. It flows directly to Jurisdictional Tributary 6 (the North Tyger River), which flows to the Tyger River, which flows to the Broad River (TNW). Therefore, the Corps has determined this feature to be a tributary and thus an (a)(2) water of the U.S.
Jurisdictional Tributary 4	1400 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary 4 is shown as a blue line on the topo map and on the NWI map. The tributary was seen to have flowing water at the time of flagging and during the Corps site visit. The following ordinary high water mark (OHWM) indicators were observed along the tributary: sediment deposition, destruction of terrestrial vegetation, wrack lines, bed and bank features, water staining, and the presence of litter and debris. It flows directly to Jurisdictional Tributary 6 (the North Tyger River), which flows to the Tyger River, which flows to the Broad River (TNW). Therefore, the Corps has determined the tributary to be an (a)(2) water and a water of the U.S.
Jurisdictional Tributary 5	235 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary 5 is shown as a drainage feature on the topo map. The tributary was seen to have flowing water at the time of flagging. The following ordinary high water mark (OHWM) indicators were observed along the tributary: scour, water staining, matted down vegetation, wrack lines, and the presence of litter and debris. It flows directly to the Jurisdictional Tributary 4, which flows directly to Jurisdictional Tributary 6 (the North Tyger River), which flows to the Tyger River, which flows to the Broad River (TNW). Therefore, the Corps has determined this feature to be a tributary and thus an (a)(2) water of the U.S.
Jurisdictional Tributary 6	3810 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary 6 is a named tributary (North Tyger River) and is shown as a blue line on the topo map and on the NWI map. The tributary was seen to have flowing water at the time of flagging and during the Corps site visit. The following ordinary high water

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			mark (OHWM) indicators were observed along the tributary: sediment deposition, destruction of terrestrial vegetation, wrack lines, bed and bank features, water staining, and the presence of litter and debris. It flows directly to Tyger River, which flows to the Broad River (TNW). Therefore, the Corps has determined the tributary to be an (a)(2) water and a water of the U.S.
Jurisdictional Tributary 7	210 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary 7 is shown as a drainage feature on the topo map. The tributary was seen to have flowing water at the time of the Corps site visit but not during flagging. The following ordinary high water mark (OHWM) indicators were observed along the tributary: scour, water staining, matted down vegetation, wrack lines, and the presence of litter and debris. It flows directly to the Jurisdictional Tributary 4, which flows directly to Jurisdictional Tributary 6 (the North Tyger River), which flows to the Tyger River, which flows to the Broad River (TNW). Therefore, the Corps has determined this feature to be a tributary and thus 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
Jurisdictional Wetland 1	0.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 1 directly abuts Jurisdictional Tributary 4 an (a)(2) water. Therefore, the Corps has determined the tributary to be an (a)(4) water and a water of the U.S.
Jurisdictional Wetland 2	2.97 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 2 directly abuts Jurisdictional Tributary 1 an (a)(2) water. Therefore, the Corps has determined the tributary to be an (a)(4) water and a water of the U.S.
Jurisdictional Wetland 3	0.16 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 3 directly abuts Jurisdictional Tributary 2 an (a)(2) water. Therefore, the Corps has determined the tributary to be an (a)(4) water and a water of the U.S.
Jurisdictional Wetland 4	0.23 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 4 directly abuts Jurisdictional Tributary 3 an (a)(2) water. Therefore, the Corps has determined the tributary to be an (a)(4) water and a water of the U.S.
Jurisdictional Wetland 5	0.08 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 5 directly abuts Jurisdictional Tributary 7 an (a)(2) water. Therefore, the Corps has determined the tributary to be an (a)(4) water and a water of the U.S.
Jurisdictional Wetland 6	0.02 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 6 directly abuts Jurisdictional Tributary 4 an (a)(2) water. Therefore, the Corps has determined the tributary to be an (a)(4) water and a water of the U.S.

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Jurisdictional Wetland 7	0.38 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 7 directly abuts Jurisdictional Tributary 4 an (a)(2) water. Therefore, the Corps has determined the tributary to be an (a)(4) water and a water of the U.S.
Jurisdictional Wetland 8	0.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 8 directly abuts Jurisdictional Tributary 4 an (a)(2) water. Therefore, the Corps has determined the tributary to be an (a)(4) water and a water of the U.S.
Jurisdictional Wetland 9	0.03 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 9 directly abuts Jurisdictional Tributary 4 an (a)(2) water. Therefore, the Corps has determined the tributary to be an (a)(4) water and a water of the U.S.
Jurisdictional Wetland 10	0.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 10 directly abuts Jurisdictional Tributary 4 an (a)(2) water. Therefore, the Corps has determined the tributary to be an (a)(4) water and a water of the U.S.

**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 Water Ditch 1	1410 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 blue line on the topo map and was seen to have flowing water at the time of flagging and during the Corps site visit. This feature had an OHWM and a defined channel and it flows toward the Jurisdictional Tributary 6 but did not have a direct surface connection with an (a)(2) water. The water flows into Excluded Water Wetland 1 but dissipates and has no surface or visible connection to downstream waters. This feature has most likely been manipulated and straightened over the years from work on the site and work on the nearby roads. Thus, this feature is a (b)(5) excluded water.
Excluded Water Ditch 2	940 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 and did not have an OHWM and did not have flowing water at the time of flagging and during the Corps site visit. This feature flows toward the Jurisdictional Tributary 6 but did not have a direct surface connection with an (a)(2) water due to past work on the site. This feature has most likely been manipulated and straightened over the years from work on the site and work on the nearby roads. Thus, this feature is a (b)(5) excluded water.
Excluded Water Ditch 3	375 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 and did not have an OHWM and did not have flowing water at the time of flagging and during the Corps site visit. This feature flows toward the Jurisdictional Tributary 3 but did not have a direct surface connection with an (a)(2) water due to past work on the site. This feature has most likely been manipulated and straightened over the years from work on the site and work on the nearby roads. Thus, this

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Excluded Water Ditch 4	315 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)	feature is a (b)(5) excluded water. This feature is shown as a drainage feature on the topo map and did not have an OHWM and did not have flowing water at the time of flagging and during the Corps site visit. This feature flows toward the Jurisdictional Tributary 3 but did not have a direct surface connection with an (a)(2) water due to past work on the site. This feature has most likely been manipulated and straightened over the years from work on the site and work on the nearby roads. Thus, this feature is a (b)(5) excluded water).
Excluded Water Wetland 1	0.46 acres	(b)(1) Non-adjacent wetland	This wetland is a closed polygon boundary 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 a (b)(1) 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: S&ME, Map "Aerial Imagery, Fort Prince Industrial Site AJD" dated February 12, 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: N/A
- Photographs: Google Earth Aerial dated January 31, 2019; Photos 1-42 of 42 taken by USACE dated February 9, 2021; Photos 1-52 of 52 taken by the consultant dated November 20, 2020, November 23, 2020, December 2, 2020, November 24, 2020; USGS National Map 3D Elevation Program (3DEP)
- Corps Site visit(s) conducted on: February 9, 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-Bethlehem complex, Cecil, Chewacla, Pacolet
- USFWS NWI maps: USFWS NWI - Wetlands Raster REST Map Service
- USGS topographic maps: 1:24,000 Wellford Quad

**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 January 4, 2021
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed January 4, 2021
State/Local/Tribal Sources	N/A.

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Other Sources
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N/A.
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- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) results for typical year determination were calculated for the dates the site was visited by the consultant (11/20/2020, 11/24/2020, 12/2/2021) and the dates the site was visited by the Corps (2/9/2021). On November 20, 2020, November 24, 2020, and December 2, 2020, the conditions were wetter than normal; however, on February 9, 2021, the conditions were normal.
- C. Additional comments to support AJD:** The determination covers 198 acres with 17 jurisdictional features and 5 excluded (non-jurisdictional) features. The project area includes 7 (a)(2) waters, 10 (a)(4) waters, 4 excluded (b)(5) waters, and 1 excluded (b)(1) water. Jurisdictional Tributaries 1, 2, 3, 4, 5, and 6 are perennial (a)(2) waters and Jurisdictional Tributary 7 is an intermittent (a)(2) water. Jurisdictional Wetlands 1, 6, 7, 8, 9, and 10 directly abut Jurisdictional Tributary 4 making them (a)(4) waters. Jurisdictional Wetland 2 directly abuts an offsite tributary that directly flows into Jurisdictional Tributary 6 (the North Tyger River) making it a (a)(4) water. Jurisdictional Wetland 3 directly abuts Jurisdictional Tributary 2 making it an (a)(4) water and Jurisdictional Wetland 4 directly abuts Jurisdictional Tributary 3 making it an (a)(4) water. Jurisdictional Wetland 5 directly abuts Jurisdictional Tributary 7 making it an (a)(4) water. Excluded Water Ditches 1, 2, 3, and 4 and Excluded Water Wetland 1 are completely encompassed by uplands and lack a direct or indirect surface water connection to (a)(1)-(3) waters. Since the drainage features are not (a)(1)-(3) waters and the wetland does not abut an (a)(1)-(3) water and is not inundated by an (a)(1)-(3) water, the Corps has determined the drainage features and the wetland to be excluded under the Navigable Waters Protection Rule.

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