



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-2021-00285

Associated JDs: N/A

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

State/Territory: SC City: Summerton County: Clarendon County

Center Coordinates of Review Area: Latitude 33.575663 Longitude -80.409122

**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 and 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 Water A	1979 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)	Excluded Water A was determined to be excluded based on a review of the aerials, topographic map, NWIs, and the previous JD. The aerials and topo depict this feature as a straight ditch located within an ag. field. This feature is depicted on the NWIs as a riverine feature surrounded by uplands. The previous determination on this site determined this area was comprised of uplands. This man-made feature is not naturally occurring, a relocation of a tributary, does not originate in adjacent wetlands, and does not meet the criteria of an (a)(1) or (a)(2) water; therefore, it was determined to be an excluded water.
Excluded Water B	516 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)	Excluded Water B was determined to be excluded based on a review of the aerials, topographic map, NWIs, and the previous JD. The aerials and topo depict this feature as a straight ditch located within an ag. field. This feature is depicted on the NWIs as a riverine feature surrounded by uplands. The previous JD on this site determined this area was comprised of uplands. This man-made feature is not naturally occurring, a relocation of a tributary, does not originate in adjacent wetlands, and does not meet the criteria of an (a)(1) or (a)(2) water; therefore, it was determined to be an excluded water.
Excluded Water C	1498 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)	Excluded Water C was determined to be an excluded water based on a review of the aerials, topographic map, NWIs, and the previous JD. The aerials and topo depict this feature as a straight ditch located within an ag. field. This feature is depicted on the NWIs as a riverine feature surrounded by uplands. The previous JD on this site determined this area was comprised of uplands. This man-made feature is not naturally occurring, a relocation of a tributary, does not originate in adjacent wetlands, and does not meet the criteria of an (a)(1) or (a)(2) water; therefore, it was determined to be an excluded water.
Excluded Water D	495 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)	Excluded Water D was determined to be excluded based on a review of the aerials, topographic map, NWIs, and the previous JD. The aerials and topo depict this feature as a straight ditch located within an ag. field. This feature is not depicted on the NWIs. The previous JD on this site determined this area was comprised of uplands. This man-made feature is not naturally occurring, a relocation of a tributary, does not originate in adjacent wetlands, and does not meet the criteria of an (a)(1) or (a)(2) water; therefore, it was determined to be an excluded water.
Excluded Water E	1830 feet	(b)(5) Ditch that is not an (a)(1) or	Excluded Water E was determined to be excluded

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<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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E		(a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	based on a review of the aerials, topographic map, information submitted by the agent, and the previous JD. The aerials and topo depict this feature as a straight ditch located within an ag. field. This feature is depicted on the NWIs as a riverine feature that is partially surrounded by wetlands (PFO1/4Ad). However, a data form submitted by the agent for this location determined this area consisted of uplands. The previous JD on this site also determined this area was comprised of uplands. This man-made feature is not naturally occurring, a relocation of a tributary, does not originate in adjacent wetlands, and does not meet the criteria of an (a)(1) or (a)(2) water; therefore, it was determined to be an excluded water.
Excluded Water F	1037 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)	Excluded Water F was determined to be an excluded water based on a review of the aerials, topographic map, NWIs, and the previous JD. The aerials and topo depict this feature as a straight ditch located within an ag. field. This feature is depicted on the NWIs as a riverine feature surrounded by uplands. The previous determination on this site determined this area was comprised of uplands. This man-made feature is not naturally occurring, a relocation of a tributary, does not originate in adjacent wetlands, and does not meet the criteria of an (a)(1) or (a)(2) water; therefore, it was determined to be an 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: *AJD Request submitted by Newkirk Environmental, Inc., on behalf of Mr. David Wielicki, on 4 Feb 2021.*

This information is sufficient for purposes of this AJD.

Rationale: *The wetland data form and information submitted by the agent are considered to be 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: *Photographs submitted by the agent dated Jan 2021. Google Earth aerial dated 7 Sep 2017.*

Corps Site visit(s) conducted on: *N/A*

Previous Jurisdictional Determinations (AJDs or PJDs): *SAC-2008-01397 (Letter dated Jan 6, 2009).*

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: *NRCS Soil Survey Geographic Database (SSURGO) Map Service created 4 Apr 2019 and updated 26 Aug 2020. The site consists of Cantey loam, Persanti sandy loam, and Dothan loamy fine sand.*

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- \_x\_** USFWS NWI maps: USFWS NWI - Wetlands Raster REST Map service *dated May 29, 2012 and updated on July 17, 2020. According to the NWIs, the northeastern portion of the site is mapped palustrine wetlands. The remainder of the site is mapped uplands.*
- \_x\_** USGS topographic maps: *USGS Topographic Map / 7.5 Minute Index / Saint Paul Quad. The topographic map depicts this site as uplands.*

**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.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed on 22 APR 2021.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Antecedent Rainfall Calculator data for typical year determination was calculated based on the field collection date provided by the agent (27 Jan 2021). The Antecedent Rainfall Calculator data showed “normal” conditions at the time of data collection by the agent with a condition value of 11, which indicates that typical year hydrologic conditions were present. For this assessment, ten weather stations, located within a 15-mile radius, were used.
- C. Additional comments to support AJD:** This 148 acre site contains no jurisdictional waters. This site does contain six excluded waters, all of which are non-jurisdictional ditches that were determined to be (a)(5) excluded waters that were man-made and are not (a)(1) nor (a)(2) waters. Based on a review of the aerials, topographic map, soil survey, NWIs, and information submitted by the agent, the remainder of the site was determined to consist of uplands.

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