



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 6, 2021

ORM Number: SAC-2021-00309

Associated JDs: PJD SAC-2018-01796

Review Area Location¹:

State: SC City: Greer County: Spartanburg County

Center Coordinates of Review Area: Latitude 34.854102 Longitude -82.139816

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
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

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 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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
W4 Excluded Water	1.07 acres	(b)(1) Non-adjacent wetland	W4 is a closed boundary wetland. The wetland goes into a swale/drainage and then loses the 3 parameters to make it a wetland. The swale/drainage does not have an OHWM or jurisdictional characteristics. According to the Navigable Waters Protection Rule, a non-jurisdictional drainage cannot render an otherwise isolated wetland an “adjacent wetland” and thus jurisdictional on that basis, unless the drainage itself is a tributary. This wetland is not adjacent to a water of the U.S. This feature is considered 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: Jurisdictional Determination request submitted by ECS Southeast dated 2/12/2021
This information is sufficient for purposes of this AJD.
Rationale: This office agrees with the conclusions of the submitted report and data sheets.
Data sheets prepared by the Corps: N/A
- Photographs: “Stream/Wetland Location Map” submitted by agent dated 2/11/2021, Photos submitted by agent, photos taken by Corps during site visit
- Corps Site visit(s) conducted on: 12/19/2018 and 11/2/2020
- Previous Jurisdictional Determinations (AJDs or PJDs): PJD SAC-2018-01796
- Antecedent Precipitation Tool: Detailed discussion in Section III.B.
- USDA NRCS Soil Survey: “USDA-NRCS Soil Survey of Spartanburg, SC” submitted by agent dated 11/12/2018
- USFWS NWI maps: “USFWS-Nationwide Wetlands Inventory Map” submitted by agent dated 11/12/2018
- USGS topographic maps: “USGS Topographic Map” submitted by agent dated 11/12/2018, Pelham and Reidville Quads

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 accessed during review
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 date (9/19/2017) and the date of the two Corps site visits (11/2/2020 & 12/19/2018). 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. Output from the APT indicated wetter than normal conditions at all times of data collection by the agent and Corps site visits with a condition value of 16 (9/19/2017), 18 (12/18/2018), and 17 (11/2/2020). The wetland was not observed to be adjacent during any of the site visits.
- C. Additional comments to support AJD:** The review area is an 8 acre portion of a larger 374.72 acre site. This form is only documenting the 8 acres, the rest of the tract has been evaluated in different JDs. There is one excluded water within the 8 acre review area.

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