



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 15, 2021

ORM Number: SAC-2021-00341

Associated JDs: SAC-2010-00331

Review Area Location¹:

State: SC City: Anderson County: Anderson County

Center Coordinates of Review Area: Latitude 34.449794 Longitude -82.686827

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 11	155 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary 11 in an intermittent feature with flow occurring continuously during certain times of the year and more than in direct response to precipitation. Intermittent flow that begins at the culvert underneath existing road on the site, continuing to the west. LiDAR and topographic maps depict the tributary within a naturally occurring drainage area. During the site visit by the agent, the agent observed small amounts of flow within the channel in combination with a clear OHWM. Even though flow within the channel was limited, it was still observed flowing more than 48 hours after a rain event. They also observed some depleted soils within

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 or 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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			the channel. The Corps has determined this is an (a)(2) water.
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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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Ephemeral Feature	630 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral Feature was observed on the site with some pockets of water from recent rain but had no OHWM or signs of continuous flow. According to the agent, portions of the feature had leaf litter and privet growing within the channel. This feature is considered an excluded water.
Stormwater Control Feature	0.025 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	The Stormwater Control Feature is an upland constructed feature that is used to retain the site's stormwater. This feature was complete constructed in uplands and has no connections to any 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 S&ME dated 2/19/2021
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: Photos provided in the submittal by S&ME, "Aerial Imagery" provided by agent dated 2/18/2021.
Corps Site visit(s) conducted on: N/A.
- ☒ Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2010-00331
- ☒ Antecedent Precipitation Tool: Detailed discussion in Section III.B.
- ☒ USDA NRCS Soil Survey: "NRCS Soil Associates" provided by agent dated 2/18/2021
- ☒ USFWS NWI maps: "USFWS NWI Mapped Features" provided by agent dated 2/18/2021.
- ☒ USGS topographic maps: "Site Topographic Map" submitted by agent dated 2/18/2021, Anderson South Quad

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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	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed during review
State/Local/Tribal Sources	N/A
Other Sources	SCDNR LiDAR Data-2011 provided by agent in "Photograph Index" dated 2/18/2021

- B. Typical year assessment(s):** The Antecedent Precipitation Tool (APT) data for the typical year assessment was calculated based on the field collection date (2/9/2021). 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 drier than normal conditions at the time of data collection by the agent with a condition value of 9.
- C. Additional comments to support AJD:** The review area is a 16.6-acre portion of a larger tract. This form is only documented the 16.6-acre portion, the rest of the tract was evaluated in a separate JD (SAC-2010-00331). This portion has two excluded waters and one (a)(2) water.

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