



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): August 18, 2020

ORM Number: SAC-2019-01898

Associated JDs: PJD SAC-2019-1898 dated February 25, 2020.

Review Area Location¹:

State/Territory: SC City: Lexington County: Lexington County

Center Coordinates of Review Area: Latitude 34.000585 Longitude -81.115486

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
Excluded Water (b)(1) Wetland A (WA)	1.68 acres	(b)(1) Non-adjacent wetland	WA does not abut and is not inundated by an (a)(1-3) water. Additionally, WA is physically separated from an (a)(1-3) water by multiple physical, man-made barriers (berms, roads, etc.) WA is encompassed entirely by uplands and lacks a direct or indirect surface connection to any (a)(1-3) waters.

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: **The Corps, “Wetland Delineation Map” dated 8/18/2020.**

This information *is* sufficient for purposes of this AJD.

Rationale: **This office agrees with the conclusions of the submitted data sheets.**

Data sheets prepared by the Corps:

Photographs: (*aerial and other*)

- **Consultant photographs 1 & 2 of 2 dated November 13, 2019.**
- **Corps photos dated January 22, 2020, and July 28, 2020.**
- **Google Earth Imagery dated 05/02/2018.**

Corps Site visit(s) **January 22, 2020, July 28, 2020.**

Previous Jurisdictional Determinations (AJDs or PJDs): **PJD SAC-2019-1898 dated February 25, 2020.**

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

USDA NRCS Soil Survey: **NRCS SSURGO Data Layer: Dothan, Pelion, Johnston.**

USFWS NWI maps: **USFWS National Wetland Inventory**

USGS topographic maps: **1:24,000 Columbia North Quad**

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
State/Local/Tribal Sources	SCDNR Lexington County LiDAR Data
Other Sources	N/A.

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- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) data for typical year determination was calculated for the date the site was visited by the consultant (October 16, and November 13, 2019) and the dates the site was visited by the Corps (January 22, and July 28, 2020). According to the APT data, the October and November visits conducted by the agent were considered drier than normal to normal conditions, the January visit conducted by the Corps was considered to be wetter than normal, and the July visit conducted by the Corps was considered to be within normal conditions. The multiple site visits allowed for observation of hydrologic conditions the Corps considered to be within a typical year.
- C. Additional comments to support AJD:** Request for AJD under the new Rule for a parcel that previously received a PJD (SAC-2019-1898) dated February 25, 2020.

The area in review contains approximately 9.18 acres and includes one excluded water. WA is encompassed entirely by uplands and lacks a direct or indirect surface connection to (a)(1-3) waters. The Corps has conducted two site visits (January 22, 2020 and July 28, 2020) on this parcel to determine the status of waters on-site. Since, WA does not abut an (a)(1-3) water, is not inundated by an (a)(1-3) water, and is physically separated by more than a single artificial barrier, it is determined to be an excluded water.

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