



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): 04-AUG-2020

ORM Number: SAC-2019-02003

Associated JDs: N/A

Review Area Location¹:

State: SC City: Columbia County: Richland County

Center Coordinates of Review Area: Latitude 34.01391 Longitude -81.08305

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
Wetland	0.3 acres	(b)(1) Non-adjacent wetland	Wetland is a closed boundary polygon 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 an excluded water pursuant to (b)(1). Additional discussion is provided below in Section III.

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: *Title(s) and date(s)*.
This information is sufficient for purposes of this AJD.
Rationale: A site visit was necessary to verify the information provided. The visit provided data to support the conclusions of the submitted wetland data sheets for hydrology and soils, increased boundaries and size of the excluded wetland compared to the submittal, and confirmed that the wetland was excluded as indicated above in Section II.D.
- Data sheets prepared by the Corps: July 21, 2020.
- Photographs: Google Earth Imagery May 2, 2018, and site photographs dated July 21, 2020.
- Corps Site visit(s) conducted on: July 21, 2020.
- Previous Jurisdictional Determinations (AJDs or PJDs): N/A.
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Web Soil Survey, July 21, 2020.
- USFWS NWI maps: USFWS NWI Map Service.
- USGS topographic maps: Columbia North Quad, 1:24,000.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS National Map 3D Elevation Program (3DEP) Map Service
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer
State/Local/Tribal Sources	N/A.
Other Sources	National Flood Hazard FIRMette 45079C0239L dated December 21, 2017

B. Typical year assessment(s): The Antecedent Precipitation Tool (APT) data for typical year determination were calculated based on the field collection date (September 10, 2019) on the wetland delineation data forms submitted by the consultant and the date (July 21, 2020) the site was visited by the Corps. Output from the APT indicated “Drier than Normal” with a condition value of 9 during a

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period of “Moderate drought” at the time of data collection by the consultant, and indicated “Wetter than Normal” with a condition value of 17 during a period of “Moderate wetness” during the Corps site visit. Both the consultant and the Corps site visits occurred during the Dry Season.

- C. Additional comments to support AJD:** During the site visit conducted by the Corps, an upland berm that appeared to be manmade was observed between the wetland and an off-site tributary. There was no direct hydrologic surface connection observed through or over the berm between the wetland and the off-site tributary or any other (a)(1), (a)(2), or (a)(3) water during drier than normal conditions and during wetter than normal conditions. The wetland has a direct hydrologic surface connection to an off-site pond. Based on a review of LiDAR, aerial photograph, topographic map, NWI map, and field observations, the off-site pond does not appear to have been constructed in a water of the United States, and does not appear to meet the criteria of a jurisdictional feature as identified in paragraph (c)(6). The wetland is considered to be non-adjacent and excluded.

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