



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): 20-AUG-2020

ORM Number: SAC-2020-00265

Associated JDs: N/A

Review Area Location¹:

State: SC City: Marion County: Marion County

Center Coordinates of Review Area: Latitude 34.1386 Longitude -79.3688

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.



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Non-jurisdictional Ditch A	4221 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)	Non-jurisdictional Ditch A located on site was determined to be an excluded water. This feature, which is depicted as a straight blue line on the topographic map, is not a naturally occurring feature, nor does it relocate or replace a tributary. Although the NWIs depict wetlands adjacent to Ditch A, information submitted by the agent, including data forms, found no wetlands within the project boundary. This feature, which is located along the southern portion of the property, is depicted on the soil survey as being located within Foreston soil, which is non-hydric. Therefore, Ditch A was determined to be constructed out of uplands on site and provides drainage for the surrounding uplands on site.
Non-jurisdictional Pond A	1.59 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	Non-jurisdictional Pond A is an excluded water based on the determination that it is a man-made pond, wholly excavated out of uplands on site. Although the NWIs depict this area as wetlands, information submitted by the agent, including data forms, found no hydric soils, hydrology or hydrophytic vegetation in this area.
Non-jurisdictional Pond B	0.28 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	Non-jurisdictional Pond B is an excluded water based on the determination that it is a man-made pond wholly excavated out of uplands. The NWIs depict this area as uplands, and no potential aquatic resources are present near this pond.

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.

X Information submitted by, or on behalf of, the applicant/consultant: *AJD request submitted by The Earthworks Group, on behalf of HSGCHG Investments, LLC, on 20 May 2020. Additional information was received from the agent on 2 June 2020 and 2 July 2020.*

This information is sufficient for purposes of this AJD.

Rationale: *The wetland data forms and additional 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.*

X Photographs: *(aerial and other) Photographs submitted by the agent dated 14 Jan 2020. ESRI Basemap Map Service and Google Earth aerial dated 18 Feb 2017. The aeriels and photographs depict a site that has been cleared and maintained in an herbaceous state. The northeastern portion of the site has been developed.*

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.



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

- ___ Corps Site visit(s) conducted on: *N/A.*
- ___ Previous Jurisdictional Determinations (AJDs or PJDs): *N/A.*
- X Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- X USDA NRCS Soil Survey: *NRCS Soil Survey Geographic Database (SSURGO) created 4 April 2019, and updated on 4 March 2020. The site consists of Lynn Haven sand, Foreston loamy sand, Goldsboro loamy fine sand, Pantego loam, Fuquay sand, and Osier loamy sand. Lynn Haven, Pantego, and Osier are hydric soils.*
- X USFWS NWI maps: *USFWS HQ ES National Wetlands Inventory created 29 May 2012, and updated on 17 Jul 2020. According to the NWIs, this site is predominately mapped uplands. Non-jurisdictional Ditch A and Non-jurisdictional Pond A are mapped as non-wetland waters (R5UBFx and PUBHx, respectively). An area located between Ditch A and Pond A is mapped on the NWIs as palustrine wetlands (PFO1Ad); however, a data point taken in this location found non-hydric soils and no indicators of hydrophytic vegetation or hydrology.*
- X USGS topographic maps: *USGS Topographic Map / 7.5 Minute Index / Marion Quad. The topographic map depicts this site as cleared uplands with a blue line intersecting the southern portion of the property.*

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 11 AUG 2020.
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 on the agent’s data forms (9 APR 2020). The Antecedent Rainfall Calculator data showed “wetter than normal” conditions at the time of data collection by the agent with a condition value of 18, which indicates that typical year hydrologic conditions may not be present. For this assessment, five weather stations located within a 20 mile radius were used.
- C. Additional comments to support AJD:** The project site, which consists of 105.46 acres, includes three excluded waters. Non-jurisdictional Ditch A is a man-made linear feature constructed out of uplands on site and was determined to be an Excluded Water (b)(5). Non-jurisdictional Ponds A and B are man-made ponds wholly excavated out of uplands with no potential connection to any aquatic resources. These ponds were determined to be Excluded Waters (b)(8). Based on a review of the information submitted by the agent, as well as the data sources described above, this site does not contain any jurisdictional waters.

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.