



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 25, 2021

ORM Number: SAC-2020-01385

Associated JDs: N/A

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 33.957129 Longitude -81.110688

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 Wetland W1 | 1.54 acres | (b)(1) Non-adjacent wetland | Excluded Wetland W1 is located entirely within the subject property and is surrounded by uplands. A small swale exits in the wetland and continues off property. The swale was observed during the Corps' site visit to lack any indicators of flow during a typical year. Rather than being sloped away from the wetland, the swale bottom was uneven and undulating. Further, debris and leaf litter were present in amounts that would indicate a lack of movement resulting from a lack of flow. Excluded Wetland W1 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). |
| Excluded Wetland W2 | 0.73 acres | (b)(1) Non-adjacent wetland | Excluded Wetland W2 begins entirely within the subject property and is bounded by a manmade structure (roadway) on the east side of the wetland. A culvert extends under the roadway; however, at the time of flagging/Corps site visit no signs of flow were observed that would indicate this wetland contributes surface water flow to a downstream water within a typical year through this manmade structure. Further, the swale on the other side of the road was observed from the roadside, leaf litter and debris were piled in the swale exiting the culvert and the leaf litter and debris were undisturbed and appeared to have been in place, undisturbed, since leaf fall. This undisturbed leaf fall combined with a lack of any other indication of flow in the swale indicates that even during a wetter season, the swales would not flow in a typical year. Excluded Wetland W2 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). |

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: "Request for Jurisdictional Determination," dated October 8, 2020, and also supplemental information submitted after the Corps' site visit, received August 16, 2021.

This information is sufficient for purposes of this AJD.

Rationale: The submitted information adequately documents site conditions as observed

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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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during the Corps' site visit.

- _____ Data sheets prepared by the Corps: N/A
- Photographs: Agent provided-Photos 1-14 dated October 7, 2020 and Photos 1-7 dated August 12, 2021. Undated aerial used as basemap.
- Corps Site visit(s) conducted on: August 12, 2021
- _____ Previous Jurisdictional Determinations (AJDs or PJDs): N/A
- Antecedent Precipitation Tool: Detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Agent provided- Lexington, Survey Dated June 3, 2020.
- USFWS NWI maps: Agent provided- Undated.
- USGS topographic maps: Agent provided-1972, Southwest Columbia 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 | Agent provided- NOAA LiDAR Ground Elevation Map (undated) |
| USACE Sources | N/A. |
| State/Local/Tribal Sources | N/A. |
| Other Sources | N/A. |

- B. Typical year assessment(s):** The APT was run for the date of the Corps' site visit, August 12, 2021. The conditions on that date were normal (11) for the dry season. Although the date of the site visit occurred during the dry season, leaf litter and debris were piled in the swales exiting both wetlands and the leaf litter and debris were undisturbed and appeared to have been in place, undisturbed, since leaf fall. This undisturbed leaf fall combined with a lack of any other indication of flow in the swales during a typical year indicates that even during a wetter season, the swales would not flow in a typical year.
- C. Additional comments to support AJD:** This form documents two excluded wetlands.

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