



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): 23-AUG-2021

ORM Number: SAC-2021-00381

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State: SC City: Leesville County: Lexington County

Center Coordinates of Review Area: Latitude 33.7376 Longitude -81.3872

**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 or describe rationale.
- 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)<sup>2</sup>**

| § 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)<sup>3</sup>

| (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 1 | 833 feet    | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Jurisdictional Tributary 1 is a naturally occurring Named tributary, Wolf Pit Branch, mapped by USGS as a solid blue line indicating perennial flow.<br>Jurisdictional Tributary 1 continues offsite flowing south directly into TNW North Fork Edisto River. On this basis, Jurisdictional Tributary 1 has been determined to be a tributary with perennial flow and thus an (a)(2) water. |

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 |
|-------------|-------------|-----------------|------------------------------------|
|-------------|-------------|-----------------|------------------------------------|

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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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|     |     |     |     |
|-----|-----|-----|-----|
| 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                                                         |
|--------------------------|-------------|---------------------------------------------|--------------------------------------------------------------------------------------------|
| Jurisdictional Wetland 1 | 14.41 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Jurisdictional Wetland 1 directly abuts the OHWM of the onsite tributary, Wolf Pit Branch. |
| Jurisdictional Wetland 2 | 12.66 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Jurisdictional Wetland 2 directly abuts the OHWM of the onsite tributary, Wolf Pit Branch. |

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

| Exclusion Name   | Exclusion Size | Exclusion <sup>5</sup>      | Rationale for Exclusion Determination                                                                                                                                                                                                                     |
|------------------|----------------|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Excluded Water 1 | 9.42 acres     | (b)(1) Non-adjacent wetland | Excluded Water 1 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 Water 2 | 0.14 acres     | (b)(1) Non-adjacent wetland | Excluded Water 2 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 Water 3 | 1.89 acres     | (b)(1) Non-adjacent wetland | Excluded Water 3 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 Water 4 | 5.17 acres     | (b)(1) Non-adjacent wetland | Excluded Water 4 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.

- Information submitted by, or on behalf of, the applicant/consultant: *Jurisdictional Determination Report dated February 17, 2021*  
This information is sufficient for purposes of this AJD.  
Rationale: *The wetland data form, and additional information submitted by the agent are 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*
- Photographs: *Photos 1-9 of 9 submitted by agent, dated 11/18/2020. Aerial Photo Provided by agent titled "Site Aerial Map" dated February 17, 2021*

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- Corps Site visit(s) conducted on: *N/A*
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*
- Antecedent Precipitation Tool: See below
- USDA NRCS Soil Survey: *Provided by agent titled "USDA Soils Map" dated February 17, 2021*
- USFWS NWI maps: *Provided by agent titled "NWI and NHD Map" dated February 17, 2021*
- USGS topographic maps: *Provided by agent titled "USGS Topographic Map" dated February 17, 2021*

**Other data sources used to aid in this determination:**

| Data Source (select)       | Name and/or date and other relevant information |
|----------------------------|-------------------------------------------------|
| USGS Sources               | 3D Elevation Program (3DEP) LiDAR Map Service   |
| USDA Sources               | N/A.                                            |
| NOAA Sources               | N/A.                                            |
| USACE Sources              | N/A.                                            |
| State/Local/Tribal Sources | N/A.                                            |
| Other Sources              | N/A.                                            |

- B. Typical year assessment(s):** The Antecedent Precipitation Tool (APT) data for the typical year assessment were calculated based on the field collection dates denoted on the wetland determination data forms and submitted photos (11/19/2020). Output from the APT indicated "normal" conditions at the time of data collection by the agent with a condition value of 11. APT outputs with condition values between 10 and 14 indicate "normal" conditions.
- C. Additional comments to support AJD:** This form documents an approximately 900-acre site that includes a perennial (a)(2) water and two wetland (a)(4) waters that were determined to be waters of the United States. The site also includes four (b)(1) excluded waters that were determined not to be waters of the United States.

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