



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):

ORM Number: SAC-2021-01122

Associated JDs: SAC-2014-00907 Emergency Clearing & Snagging of Kingstree Canal

Review Area Location¹:

State: SC City: Kingstree County: Williamsburg County

Center Coordinates of Review Area: Latitude 33.728511 Longitude -79.82255

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
Jurisdictional Tributary Stream 1	1205 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary Stream 1 (Kingstree Swamp Canal) is a channelized, naturally occurring feature, excavated from Flat Swamp, that flows into the Black River (TNW). The tributary was determined to have a perennial flow regime. The tributary is depicted as a solid blue line feature on the topographic map and categorized as a perineal stream/river in the USGS National Hydrography Dataset. LiDAR with hillshade depicts the tributary as being positioned in a naturally low-lying drainage area.
Jurisdictional Tributary Stream	886 feet	(a)(2) Intermittent tributary contributes surface water flow	Jurisdictional Tributary Stream 2 is a naturally occurring perennial tributary that is shown as a blue line on the

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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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2		directly or indirectly to an (a)(1) water in a typical year	NWI map and as a blue line on the topo map. It is a naturally occurring tributary situated within adjacent wetlands. The tributary is shown as a distinct channel on the LiDAR map and this was observed in the field. This tributary flows off-site into Kingstree Swamp Canal / Flat Swamp, an (a)(2) water which discharges into the Black River (TNW).
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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
Jurisdictional Pond 1	0.38 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Pond 1 is an excavated feature completed surrounded by jurisdictional wetlands.

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Jurisdictional Wetland 1	19.89 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional wetland 1 is bisected by Kingstree Canal, an (a)(2) water, and the wetland boundary abuts its OHWM.
Jurisdictional Wetland 2	11.17 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional wetland 2 is bisected by the OHWM of Jurisdictional Tributary Stream 2, an (a)(2) water.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Water 4 Ditch	428 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)	Excluded Water 4 Ditch located within the review area is excavated entirely from uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. Flow within the feature appears to be in response to precipitation and runoff from the surrounding impervious areas.
Excluded Water 5 Ditch	459 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)	Excluded Water 5 Ditch located within the review area is excavated entirely from uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. Flow within the feature appears to be in response to precipitation and runoff from the surrounding impervious areas.
Excluded Water Ditch 1	3236 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)	Excluded Water 1 Ditch located within the review area is excavated entirely from uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. Flow within the feature appears to be in response to precipitation and runoff from the

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Excluded Water Pond 2	0.33 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)	surrounding impervious areas. Pond 1 is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water.
Excluded Water Wetland 1	0.39 acres	(b)(1) Non-adjacent wetland	Excluded Water Wetland 1 does not abut and is not inundated by an (a)(1)-(3) water. Additionally, Excluded Water 1 is physically separated from an (a)(1)-(3) water by natural uplands. Exclusion of this feature was based on the lack of evidence associated with a surface hydrologic connection to (a)(1-3) waters based on a review of LiDAR, aerial, and topographic maps as well as site photographs included in the original submittal.
Excluded Water Wetland 2	0.3 acres	(b)(1) Non-adjacent wetland	Excluded Water Wetland 1 does not abut and is not inundated by an (a)(1)-(3) water. Additionally, Excluded Water 1 is physically separated from an (a)(1)-(3) water by natural uplands. Exclusion of this feature was based on the lack of evidence associated with a surface hydrologic connection to (a)(1-3) waters based on a review of LiDAR, aerial, and topographic maps as well as site photographs included in the original submittal.

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: **Sunflower Solar submittal dated June 21, 2021 / Wetland Delineation Forms dated March 3, 2021**

This information (is) sufficient for purposes of this AJD.

Rationale: **Wetland data forms and information included in the original submittal are considered to be a reasonable representation of site conditions at the time of collection.**

___ Data sheets prepared by the Corps: *Title(s) and/or date(s).*

Photographs: **2019 Google Earth Imagery / USGS National Map 3D Elevation Program (3DEP) Published August 13, 2021,**

___ Corps Site visit(s) conducted on: *Date(s).*

___ Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*

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

USDA NRCS Soil Survey: **NRCS / Soil Survey Geographic Database (SSURGO) created March 31, 2021, updated April 26, 2021 / soils maps submitted by agent dated March 19, 2021**

USFWS NWI maps: **USFWS NWI - Wetlands Raster REST service created March 30, 2021, updated March 19, 2021 / NWI maps submitted by agent dated March 19, 2021**

USGS topographic maps: **USGS Topographic Maps / 7.5 Minute Index / Kingstree Quad**

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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	USACE-CESAC Reg Viewer accessed on August 27, 2021
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) data for typical year determination was calculated based on field collection data denoted on the originally included wetland delineation data forms (March 31, 2021). Output from the APT indicated "Normal Conditions" at the time of data collection by the agent (Environmental Consulting & Technology, Inc.) with a value of 12. ATP outputs with a condition value greater than 14 indicate "wetter than normal" conditions, "normal" conditions range from 10-14, and values less than 10 are considered "drier than normal". For this assessment, the APT tool pulled data from 7 weather stations within an approximate radius of 21 miles. Results of the APT indicate the site visit was conducted within conditions considered by the Corps to be within a "typical year".
- C. Additional comments to support AJD:** The project area encompasses a total of 139.5 acres with five jurisdictional waters and six excluded waters.

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