



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): 18-DEC-2020

ORM Number: SAC-1992-24122

Associated JDs: Previous Rapanos guidance JD at the project site is still valid with an active DA permit. This AJD is an expansion of the project area.

State: SC City: Kershaw County: Lancaster County

Center Coordinates of Review Area: Latitude 34.5942 Longitude -80.5415

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
C-18s	203.7 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary C-18s is a seasonal stream represented on the USGS quad sheet as a dashed line. It was observed with flow into the review area from offsite and flows downstream to a named perennial stream, Camp Branch. Therefore, the Corps has determined the tributary to be an (a)(2) water of the U.S.
D-18s	285.5 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary D-18s is a seasonal stream represented on the USGS quad sheet as a dashed line. It was observed with flow into the review area from offsite and flows downstream to a named perennial stream, Camp Branch. Therefore, the Corps has determined the tributary to be an (a)(2) water of the U.S.

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.



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M-18s	95.92 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary M-18s is a perennial stream represented on the USGS quad sheet as a solid blue line. It was observed with flow from the upstream impoundment and flows downstream to a named perennial stream, Haile Gold Mine Creek. Therefore, the Corps has determined the tributary to be an (a)(2) water of the U.S.
X-18a	4935.07 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary X-18a is a seasonal stream represented on the USGS quad sheet as a dashed blue line. It was observed with flow from the upstream wetlands and flows downstream to X-18b, a perennial stream and subsequently to the Little Lynches River. Therefore, the Corps has determined the tributary to be an (a)(2) water of the U.S.
X-18b	340.01 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary X-18b is a perennial stream represented on the USGS quad sheet as a solid blue line. It was observed with flow from the upstream and flow into the Little Lynches River. Therefore, the Corps has determined the tributary to be an (a)(2) water of the U.S.

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
M-18i	3.58 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	M-18i is an impoundment of a wetland/stream complex that flows into Haile Gold Mine Creek. The resulting lake and exiting stream are noted on USGS quad sheet. Flow was observed from the water control structure during the site visit. Therefore, the Corps has determined the tributary to be an (a)(3) water of the U.S.

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

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
A-18	14.51 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland A-18 is contiguous to and directly abutting (a)(2) tributary X-18a which forms part of the drainage at the southern portion of the site, flowing to the Little Lynches River, which ultimately flows to the Lynches River, a TNW.
B-18	15.83 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland B-18 is contiguous to and directly abutting (a)(2) tributary X-18a which forms part of the drainage at the southern portion of the site, flowing to the Little Lynches River, which ultimately flows to the Lynches River, a TNW.
C-18	0.42 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland C-18 is contiguous to and directly abutting (a)(2) tributary C-18s which forms part of the drainage at the northern portion of the site, flowing to Camp Branch and the Little Lynches River, which ultimately flows to the Lynches River, a TNW.
D-18	0.36 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland D-18 is contiguous to and directly abutting (a)(2) tributary D-18s which forms part of the drainage at the northern portion of the site,

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			flowing to Camp Branch and the Little Lynches River, which ultimately flowing to the Lynches River, a TNW.
E-18	2.57 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland E-18 extends beyond the site boundary where it is contiguous to and directly abutting an (a)(2) tributary named Buffalo Creek which ultimately flows to the Lynches River, a TNW.
F-18	14.76 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland F-18 is contiguous to and directly abutting the (a)(2) tributary known as the Little Lynches River, which ultimately flowsto the Lynches River, a TNW.
F-18a	2.95 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland F-18a is contiguous to and directly abutting (a)(4) wetland identified in the previous AJD done for the project site. This wetland complex is directly abutting the Haile Gold Mine Creek, flowing to the Little Lynches River which ultimately flows to the Lynches River, a TNW.
G-18	3.77 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland G-18 is contiguous to and directly abutting (a)(2) tributary 'aquatic resource G' identified in the previous AJD which forms part of the drainage at the southern portion of the site. Flow proceeds to the Little Lynches River, which ultimately flows to the Lynches River, a TNW.
M-18	9.44 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland M-18 is contiguous to and directly abutting (a)(3) impoundment M-18i and through a water control structure. Flow continues to Hail Gold Mine Creek and the Little Lynches River, which ultimately flows to the Lynches River, a TNW.
QQQ-18	5.39 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland QQQ-18 is contiguous to and directly abutting (a)(2) tributary Camp Branch which forms part of the drainage at the northern portion of the site, flowing to the Little Lynches River, which ultimately flows to the Lynches River, a TNW.
X-18	52.73 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland X-18 is contiguous to and directly abutting (a)(2) tributary X-18a which forms part of the drainage at the southern portion of the site, flowing to the Little Lynches River, which ultimately flows to the Lynches River, a TNW.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
DW-19	1.51 acres	(b)(1) Non-adjacent wetland	This wetland is a closed polygon boundary that is not contiguous or directly abutting an (a)(1)-(a)(3) water. Duckwood Road is on its southern boundary with no jurisdictional outlet on the opposite side. 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).

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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: *Request for AJD, Haile 2018 Mine Expansion, Nov 2, 2018.*

This information is sufficient for purposes of this AJD.

☐ Data sheets prepared by the Corps:

☒ Photographs: (aerial and other) Contained in AJD request, August 2018.

☒ Corps Site visit(s) conducted on: February 6, 2019 and November 12, 2019

☒ Previous Jurisdictional Determinations (AJDs or PJDs): *AJD SAC-1992-24122 October 1, 2012*

☒ Antecedent Precipitation Tool: details in Section III.B.

☐ USDA NRCS Soil Survey:

☐ USFWS NWI maps:

☒ USGS topographic maps: 7.5 Minute Quadrangle Kershaw

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	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s):

Coordinates: 34.5865, -80.5455

Observation Date: 2019-11-12

Elevation 491.81

Drought index (PDSI): Normal

WebWIMP H2O Balance: Wet Season

Normal Conditions – 13

Coordinates: 34.5865, -80.5455

Observation Date: 2019-02-06

Elevation 491.81

Drought index (PDSI): Normal

WebWIMP H2O Balance: Wet Season

Wetter than Normal – 15

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- C. Additional comments to support AJD:** This JD is an expansion of an existing, active project area previously delineated under Rapanos guidance. Total aquatic resources within the review area are 128.48 acres to include 0.66 acre and 5860 linear feet of tributaries, 122.73 acres of jurisdictional wetlands, 3.58 acres of jurisdictional impoundment, and 1.51 acres of non-jurisdictional wetland.

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