



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-2019-00628

Associated JDs: SAC 2019-00628 US 1 and I-20 Interchange PJD (June 12, 2019) and SAC 2015-00306-DJS I-20 widening project PJD (July 31, 2015) Review Area Location¹:

State: South Carolina City: Lexington County: Lexington County

Center Coordinates of Review Area: Latitude 33.978882 Longitude -81.194378

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 A	155 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream A (UT to Twelvemile Creek) is a naturally occurring surface water channel that contributes perennial surface water flow to the Congaree River (TNW) in a typical year through Twelvemile Creek. Based on a review of photographs submitted by the consultant, LiDAR and other maps, Stream A flows to Twelvemile Creek, which flows to the Saluda River, which flows to the Congaree River. Stream A is shown as a distinct channel on the LiDAR map and flow was observed in the channel by the consultant on multiple site visits. Based upon these observations and presence of wetlands in the headwater of this tributary,

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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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			the flow regime for this tributary is perennial. Therefore, the Corps has determined this tributary to be an (a)(2) water of the U.S.
Jurisdictional Tributary B	81 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream B (UT to Twelvemile Creek) is a naturally occurring surface water channel that contributes intermittent surface water flow to the Congaree River (TNW) in a typical year through Twelvemile Creek. Based on a review of photographs submitted by the consultant, LiDAR and other maps, Stream B flows to Twelvemile Creek, which flows to the Saluda River, which flows to the Congaree River. Stream B is shown as a distinct channel on the LiDAR map and flow was observed in the channel by the consultant on at least one site visit. However, due to limited drainage area and the fact that flow was not documented during each site visit by the consultant, the flow regime for this tributary is determined to be intermittent. Therefore, the Corps has determined this tributary to be an (a)(2) water of the U.S.
Jurisdictional Tributary C	256 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream C (UT to Twelvemile Creek) is a naturally occurring surface water channel that contributes intermittent surface water flow to the Congaree River (TNW) in a typical year through Twelvemile Creek. Based on a review of photographs submitted by the consultant, LiDAR and other maps, Stream C flows to Twelvemile Creek, which flows to the Saluda River, which flows to the Congaree River. Stream C is shown as a distinct channel on the LiDAR map, as a dashed blue line on the USGS topographic map and on the NWI map. However, due to limited drainage area, lack of observed flow by the Corps during the field view on October 7, 2020 (but evidence of flow was observed-OHWM in culvert under Dooley Road), the flow regime for this tributary is intermittent. Therefore, the Corps has determined this tributary to be an (a)(2) water of the U.S.
Jurisdictional Tributary D	1255 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream D (UT to Twelvemile Creek) is a naturally occurring surface water channel that contributes perennial surface water flow to the Congaree River (TNW) in a typical year through Twelvemile Creek. Based on a review of photographs submitted by the consultant, LiDAR and other maps, Stream D flows to Twelvemile Creek, which flows to the Saluda River, which flows to the Congaree River. Stream D is shown as a distinct channel on the LiDAR map and as a dashed blue line on the USGS topographic map and the NWI map. In addition, flow was documented in the channel by the consultant on multiple site visits. Based upon these observations and presence of wetlands and ponds in the headwater of this tributary, the flow regime

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			for this tributary is perennial. Therefore, the Corps has determined this tributary to be an (a)(2) water of the U.S.
Jurisdictional Tributary E	26 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream E (UT to Twelvemile Creek) is a naturally occurring surface water channel that contributes perennial surface water flow to the Congaree River (TNW) in a typical year through Twelvemile Creek. Based on a review of photographs submitted by the consultant, LiDAR and other maps, Stream E is actually a short segment of Stream D which is not contained within a delineated wetland east of Cedar Road and has the same perennial flow regime as Stream D. Stream D flows to Twelvemile Creek, which flows to the Saluda River, which flows to the Congaree River. Stream D is shown as a distinct channel on the LiDAR map and as a dashed blue line on the USGS topographic map and the NWI map. Therefore, the Corps has determined this tributary to be an (a)(2) water of the U.S.
Jurisdictional Tributary F	199 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream F (UT to Twelvemile Creek) is a naturally occurring surface water channel that contributes perennial surface water flow to the Congaree River (TNW) in a typical year through Twelvemile Creek. Based on a review of photographs submitted by the consultant, LiDAR and other maps, Stream F flows to Stream D, which flows to Twelvemile Creek, which flows to the Saluda River, which flows to the Congaree River. Stream F is shown as a distinct channel on the LiDAR map and flows from a wetland area indicated on the NWI map. In addition, flow was observed in the channel by the consultant on multiple site visits. Based upon these observations and presence of wetlands in the headwater of this tributary, the flow regime for this tributary is perennial. Therefore, the Corps has determined this tributary to be an (a)(2) water of the U.S.
Jurisdictional Tributary G	75 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream G (UT to Twelvemile Creek) is a naturally occurring surface water channel that contributes intermittent surface water flow to the Congaree River (TNW) in a typical year through Twelvemile Creek. Based on a field view (October 7, 2020) a review of photographs submitted by the consultant, LiDAR and other maps, Stream G starts at a head cut and flows in a natural channel to Stream D, which flows to Twelvemile Creek, which flows to the Saluda River, which flows to the Congaree River. Stream G was a natural channel which had flow during the field view and is shown as a distinct channel on the LiDAR map. In addition, a low volume flow was observed in the channel by the Corps during field view of this tributary

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			on October 7, 2020. Based upon this observation and the limited headwater area this tributary, the flow regime for this tributary is intermittent. Therefore, the Corps has determined this tributary to be an (a)(2) water of the U.S.
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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 A	0.89 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	Pond A is located in the upper watershed of Steam D and is an impoundment of Stream D, as discussed above. Pond A contributes surface water flow to the Congaree River (TNW) in a typical year through Twelvemile Creek. Based on a review of photographs submitted by the consultant, LiDAR and other maps, Pond A flows through an embankment via a riser structure that discharges to Wetland F, which flows to Pond B which discharges to Stream D and Wetland H. From there, Stream D, flows to Twelvemile Creek, which flows to the Saluda River, which flows to the Congaree River. Therefore, the Corps has determined Open Water B to be an (a)(3) water of the U.S.
Jurisdictional Pond B	1.39 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	Pond B is located in the upper watershed of Steam D and is an impoundment of Stream D, as discussed above. Pond B contributes surface water flow to the Congaree River (TNW) in a typical year through Twelvemile Creek. Based on a review of photographs submitted by the consultant, LiDAR and other maps, Pond B flows through an embankment via a riser structure that discharges to Stream D and Wetland H. From there, Stream D, flows to Twelvemile Creek, which flows to the Saluda River, which flows to the Congaree River. Therefore, the Corps has determined Open Water B to be an (a)(3) water of the U.S.
Jurisdictional Pond C	0.42 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	Pond C is located in the watershed of Steam D and is adjacent to and has connection with Stream D, as discussed above. It is an impoundment of Wetland G. Pond C contributes surface water flow to the Congaree River (TNW) in a typical year through Twelvemile Creek. Based on a review of photographs submitted by the consultant, LiDAR and other maps, Pond C flows through an embankment via a riser structure that discharges to Stream D which flows to Twelvemile Creek, which flows to the Saluda River, which flows to the Congaree River. Although this direct connection is not shown on the provided mapping, the consultant has documented the hydrologic connection between Pond C and Tributary E & Wetland H. Therefore, the Corps has determined Open Water C to be an (a)(3) water of the U.S.

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Jurisdictional Pond D	0.73 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Pond D is located in the watershed of Stream D and is an impoundment of Stream D, as discussed above. Pond D contributes surface water flow to the Congaree River (TNW) in a typical year through Twelvemile Creek. Based on a review of photographs submitted by the consultant, LiDAR and other maps, Pond D flows through an embankment via a riser structure that discharges to Stream D which flows to Twelvemile Creek, which flows to the Saluda River, which flows to the Congaree River. Therefore, the Corps has determined Open Water D to be an (a)(3) water of the U.S.
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Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Jurisdictional Wetland A	0.45 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland A abuts the OHWM of Stream A, an (a)(2) water, as discussed above. A culvert, which begins and ends in the wetland boundary provides a direct hydrologic connection from the southern lobe of Wetland A to the northern lobe of Wetland A. It appears that some land disturbance (fill/culvert) was placed to cross what is presumed to be a contiguous wetland. This culvert provides connection and flow through Wetland A during the typical year. The Northern lobe of Wetland A directly abuts the OHWM of Tributary A and serves as a headwater of Tributary A. Therefore, the Corps has determined the wetland to be an (a)(4) water of the U.S.
Jurisdictional Wetland B	0.53 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland B abuts Stream C at a location outside of the project area to the west. This stream is an (a)(2) water, as discussed above. This connection was based upon LIDAR, topographic information and NWI mapping. Therefore, the Corps has determined the wetland to be an (a)(4) water of the U.S.
Jurisdictional Wetland C	2.51 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland C abuts the OHWM of Stream C at a location outside of the project area to the west. Stream is an (a)(2) water, as discussed above. This connection was based upon LIDAR, topographic information and NWI mapping. Therefore, the Corps has determined the wetland to be an (a)(4) water of the U.S.
Jurisdictional Wetland D	0.32 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland D abuts the OHWM of Stream C, an (a)(2) water, similar to Jurisdictional Wetland C above. Therefore, the Corps has determined the wetland to be an (a)(4) water of the U.S.
Jurisdictional Wetland E	0.9 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	Wetland E has a direct hydrologic connection to Stream C through an artificial structure (culvert/piping). It appears that site development (Fill/culvert/piping) was placed in/near location of a dotted blue line on the USGS quadrangle map. The area upstream of this fill is the headwater of Stream C and this culvert provides

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			a hydrologic connection from Wetland E to Stream C. The culvert/piping originates within the delineated boundary of Wetland E and Wetland E provides flow to Stream C during a typical year. Wetland E is jurisdictional since Stream C is an (a)(2) water, as discussed above. Therefore, the Corps has determined the wetland to be an (a)(4) water of the U.S.
Jurisdictional Wetland F	4.94 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland F abuts Pond B, an (a)(3) water, as discussed above. Therefore, the Corps has determined the wetland to be an (a)(4) water of the U.S.
Jurisdictional Wetland G	0.74 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland G abuts Pond C, an (a)(3) water, as discussed above. Although this direct connection for Pond C is not shown on the provided mapping, the consultant has documented the hydrologic connection between Pond C and Tributary E & Wetland H. Therefore, the Corps has determined the wetland to be an (a)(4) water of the U.S.
Jurisdictional Wetland H	0.4 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland H is bisected by the OWHM of Stream D, an (a)(2) water, as discussed above. Therefore, the Corps has determined the wetland to be an (a)(4) water of the U.S.
Jurisdictional Wetland I	0.35 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland I is bisected by the OWHM of Stream D, an (a)(2) water, as discussed above. Therefore, the Corps has determined the wetland to be an (a)(4) water of the U.S.
Jurisdictional Wetland J	0.47 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland J abuts the OWHM of Stream D, an (a)(2) water, as discussed above. Therefore, the Corps has determined the wetland to be an (a)(4) water of the U.S.
Jurisdictional Wetland K	0.3 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland K abuts the OWHM of Stream D, an (a)(2) water, as discussed above. Therefore, the Corps has determined the wetland to be an (a)(4) water of the U.S.
Jurisdictional Wetland L	0.1 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland L abuts the OWHM of Stream D, an (a)(2) water, as discussed above. Therefore, the Corps has determined the wetland to be an (a)(4) water of the U.S.

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	233 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)	Ditch A is a reach of an aquatic resource identified as Tributary G in PJD for this project issued on June 12, 2019. Ditch A is a roadside drainage ditch located along the east side of I-20 between the Interstate and the right-of way fencing. Much of this channel is concrete lined and did not have a high-water mark, flow or evidence of flow during the October 7, 2020 field view. It appears that Ditch A drains uplands and might have flow only during heavy rain events. Therefore, the Corps has determined that Ditch A has been determined to be a

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			(b)(5) excluded water. Ditch A was constructed in upland areas by excavation in order to convey storm water & surface water away from I-20. Ditch A is in the headwaters of Tributary G and contributes flow to Tributary G during precipitation events. The demarcation between Ditch A and Tributary G is at a head cut (approximately 3-5 feet below the end of the broken concrete lined Ditch A. Above this point, no water or flow was observed, but at the head cut, shallow surface water and adjacent drainage from I-20 is providing hydrology and evidence of flow in the natural channel, Tributary G was observed during field view on October 7, 2020.
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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: *JMT, Figures 6, 6A & 8 titled, "Delineated Aquatic Resources Map US 1 Over I-20 bridge Replacement and Interchange Improvements", dated November 4, 2020 and Figure 6B titled, "Delineated Aquatic Resources Map US 1 Over I-20 bridge Replacement and Interchange Improvements", dated October 12, 2020.*

This information is sufficient for purposes of this AJD.

Rationale: *The Corps agrees with the conclusions of the submitted data sheets and report.*

Data sheets prepared by the Corps: *N/A*

Photographs: Photos provided by the consultant, LIDAR, Google Earth aerial photography and USGS National Map 3D Elevation Program (3DEP) Map Service

Corps Site visit(s) conducted on: *October 7, 2020.*

Previous Jurisdictional Determinations (AJDs or PJDs): *PJD SAC 2019-00628 issued June 12, 2019 for I-20 & US 1 interchange. Portions of this project were also included in PJD SAC 2015-00306, issued July 31, 2015 issued for the I-20 widening from mile marker 49-milemarker 60.2.*

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

USDA NRCS Soil Survey: *NRCS Hydric Soil Rating Map provided by the consultant dated September 2020.*

USFWS NWI maps: *ESRI & USFWS National Wetland Inventory Map provided by the consultant dated September 2020.*

USGS topographic maps: *1:24,000, Lexington, SC quadrangle.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS National Map 3D Elevation Program (3DEP) Map Service

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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.



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

USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed October 30, 2020.
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 Corps field view date (October 7, 2020). Output from the APT indicated “Normal” conditions with a value of 14. In addition, for the August 28, 2020 field view conducted by the consultant, the Corps ran APT for this sited for that date. On August 28, 2020, the APT indicated that this site was experiencing “Normal” conditions with a value of 14.
- C. Additional comments to support AJD:** The review area covers 284 acres and includes seven (a)(2) waters, four (a)(3) waters, and 12 (a)(4) waters.

Streams A-G are (a)(2) waters, each with flow in a distinct channel observed during the consultant’s site visits. Flow in Stream G was confirmed during the field view on October 7, 2020.

Open Water A-D are impoundments of Stream D, an (a)(2) water, and contributes surface water flow to the Congaree River (TNW) within a typical year.

Wetland A abuts the OHWM of Stream A making it an (a)(4) water. Wetland B, C & E abut the OHWM of Stream C making them each (a)(4) waters. Wetland F abuts the OHWM of Pond B making it an (a)(4) water. Wetland G abuts the OHWM of Pond C making it an (a)(4) water. Wetlands, K and L abut the OHWM of Stream D making them each (a)(4) waters. Wetland D abuts the OHWM of Tributary C making it an (a)(4) water. Also, Wetlands H, I and J are bisected by the OHWM of Tributary D making them (a)(4) 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.

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