



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): 16 DEC 2020

ORM Number: SAC-2020-00289

Associated JDs: N/A

Review Area Location¹:

State/Territory: SC City: Orangeburg County: Orangeburg County

Center Coordinates of Review Area: Latitude 33.3819 Longitude -80.5170

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: The 4.0 acre site is comprised entirely of uplands with no jurisdictional waters nor excluded waters present. Although the soil survey maps a portion of this site as Coxville, which is a hydric soil, there are no wetlands or other waters on site according to the NWIs. The aeriels show a linear feature located near the southern boundary; however, this feature does not have any indicators of flow nor does it have any of the three wetland indicators. This feature (vegetated swale) was determined to be a non-aquatic resource. The topographic map depicts this entire site as uplands. Additionally, a review of the information submitted by the agent determined there are no jurisdictional waters nor excluded waters on site.
- 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

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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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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
N/A	N/A	N/A	N/A

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: *AJD Request submitted by Red Bay Environmental, on behalf of Refuel Operating Company, LLC, on 21 Feb 2020.*

This information is sufficient for purposes of this AJD.

Rationale: *The wetland data form and information submitted by the agent are considered to be 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: *Photographs submitted by the agent dated 24 Oct 2019. Google Earth aerial submitted by agent dated 2017.*

___ Corps Site visit(s) conducted on: *N/A.*

___ Previous Jurisdictional Determinations (AJDs or PJDs): *N/A.*

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

USDA NRCS Soil Survey: *NRCS Soil Survey Geographic Database (SSURGO) Map Service created 4 Apr 2019 and updated 26 Aug 2020. The site consists of Ocilla loamy sand, a non-hydric soil, and Coxville sandy loam, a hydric soil.*

USFWS NWI maps: *USFWS NWI - Wetlands Raster REST Map service dated May 29, 2012 and updated on July 17, 2020. According to the NWIs, the site is mapped uplands.*

USGS topographic maps: *USGS Topographic Map / 7.5 Minute Index / Felderville Quad. The topographic map depicts this site as uplands with no blue lines or other potential aquatic resources present.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information

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USGS Sources	USGS Topographic Map.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed on 11 Dec 2020.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Antecedent Rainfall Calculator data for typical year determination was calculated based on the field collection date provided by the agent (24 Oct 2019). The Antecedent Rainfall Calculator data showed “drier than normal” conditions at the time of data collection by the agent with a condition value of -9, which indicates that typical year hydrologic conditions may not be present. For this assessment, six weather stations, located within a 22-mile radius, were used. Even though site conditions for the date of the data forms do not represent typical year hydrologic conditions and flow regimes, the status for the onsite waters remains unchanged.
- C. Additional comments to support AJD:** The 4.0 acre site is comprised entirely of uplands with no jurisdictional waters nor excluded waters present. Although the soil survey maps a portion of this site as Coxville, which is a hydric soil, there are no wetlands or other waters on site according to the NWIs. The aeriels show a linear feature located near the southern boundary; however, this feature does not have any indicators of flow nor does it have any of the three wetland indicators. This feature (vegetated swale) was determined to be a non-aquatic resource. The topographic map depicts this entire site as uplands. Additionally, a review of the information submitted by the agent determined there are no jurisdictional waters nor excluded waters on site.

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