



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 December 2020
ORM Number: SAC-2020-00839
Associated JDs: SAC-2017-01043 (PJD issued on 0.53 acres of this site on July 27, 2017 in which 25 linear feet of the onsite tributary was delineated and presumed to be waters of the U.S.)
Review Area Location¹:
State/Territory: South Carolina City: Irmo County: Richland
Center Coordinates of Review Area: Latitude 34.1481°N Longitude -81.2412°W

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
S1 Tributary	970 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The tributary is a naturally occurring named feature (Wildhorse Branch) that flows directly into Boyd Branch (a)(2) water. The tributary is depicted as a solid blue line on topographic maps. The tributary is readily visible on aerial photographs and demonstrates continuous flow with natural sinuosity. The tributary is also depicted on LiDAR maps as a natural, meandering stream. In accordance with the information mentioned above and the photographs submitted by the consultant, the Corps has determined that the tributary

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 and 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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			has perennial flow.
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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
W1 Wetland	0.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W1 intersects the OHWM of the onsite tributary (Wildhorse Branch).
W2 Wetland	0.095 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W2 intersects the OHWM of the onsite tributary (Wildhorse Branch).
W3 Wetland	0.004 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W3 intersects the OHWM of the onsite tributary (Wildhorse Branch).
W4 Wetland	0.013 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W4 intersects the OHWM of the onsite tributary (Wildhorse Branch).
W5 Wetland	0.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W5 is a continuation of W2 and also intersects the OHWM of the onsite tributary (Wildhorse Branch).

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Water P1 Artificial Pond	0.47 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)	Excluded Water P1 is a pond located within the review area and was determined to be wholly excavated from uplands, does not contribute flow to an (a)(1-3) water, and does not meet the criteria of a jurisdictional feature as identified in paragraph (c)(6). The onsite pond is an upland excavated stormwater pond.

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: Broad River Village submittal dated June 12, 2020, by ECS Southeast, LLP.

This information is sufficient for purposes of this AJD.

Rationale The Corps agrees with the conclusions of the submitted data sheets and submittal.

Data sheets prepared by the Corps: N/A.

Photographs: (aerial and other) USGS National Map 3D Elevation Program (3DEP) published August 13, 2020 / Google Earth Imagery dated February 5, 2017 / Maps dated June 2, 2020 and site photographs dated June 10, 2020 submitted by the consultant.

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

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

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

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- USDA NRCS Soil Survey: USA Soils Map Units (SSURGO) Map Service dated April 4, 2019, updated August 26, 2020.
- USFWS NWI maps: Wetlands Raster REST map Service dated May 29, 2012, updated July 17, 2020.
- USGS topographic maps: USGS Topographic Maps / Richtex Quad / 7.5 Minute Index / 1:240000.
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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	USGS Topographic Maps
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	USACE-SAC Regulatory Viewer
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

Typical year assessment(s): Antecedent Precipitation Tool (APT) data for typical year determination was calculated on November 29, 2020. Output from the APT indicated "Normal Conditions" on November 29, 2020, with a condition value of 12. ATP outputs with a condition value between 10 and 14 indicate "Normal Conditions". Results of the APT indicate that observations during this time would be considered by the Corps to be within a "typical year". For this assessment, a total of 7 weather stations within a 15-mile radius were used.

B. Additional comments to support AJD: W1, W2, W3, W4, and W5 are jurisdictional freshwater wetlands that abut the onsite (a)(2) tributary known as Wildhorse Branch. The wetland line for the jurisdictional wetlands assessed on this form intersect the OHWM of Wildhorse Branch. Excluded Water P1 is an artificial pond located within the review area and was determined to be wholly excavated from uplands, does not contribute flow to an (a)(1-3) water, and does not meet the criteria of a jurisdictional feature as identified in paragraph (c)(6). The onsite pond is an upland excavated stormwater pond.

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