



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): December 16, 2020
ORM Number: SAC-2020-01067
Associated JDs: SAC-2017-00229 / Letter issued on April 24, 2017
Review Area Location¹: Site is located on the grounds of the Santee Cooper Winyah Generating Station, south of the facility.
State: SC City: Georgetown County: Georgetown County
Center Coordinates of Review Area: Latitude 33.318271 Longitude -79.359175

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
N/A	N/A	N/A	N/A

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

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Jurisdictional Wetland J	0.33 acre	((a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland J continues outside the review area and becomes Wetland K, which historically was a continuation of the Wetlands E & M which both abut the OHWM of Pennyroyal Creek, an (a)(2) water. Prior to passage of the Clean Water Act, an access road was constructed, most likely for timber operation management that creates a single artificial barrier between Wetlands W-E,M and K. A culvert under this road originates in wetland K and terminates in Wetland M providing a direct hydrologic surface connection / flow within a typical year. As such, Wetland J satisfies the appropriate adjacency criteria for an (a)(4) wetland.
Jurisdictional Wetland E	0.1 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland E continues outside of the review area and abuts the OHWM of Pennyroyal Creek, an (a)(2) water.
Jurisdictional Wetland I	0.01 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland I continues outside the review area and becomes Wetland K, a continuation of Wetland W-E,M which abuts the OHWM of Pennyroyal Creek, an (a)(2) water. Prior to passage of the Clean Water Act, an access road was constructed, most likely for timber operation management, that creates a single artificial barrier between Wetlands W-E,M and K. A culvert under this road originates in wetland K and terminates in Wetland M providing a direct hydrologic surface connection / flow within a typical year. As such, Wetland I satisfies the appropriate adjacency criteria for an (a)(4) wetland.
Jurisdictional Wetland K	0.05 acre	((a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland K is a continuation of Wetland M, which abuts the OHWM of Pennyroyal Creek, an (a)(2) water. Prior to passage of the Clean Water Act, an access road was constructed, most likely for timber operation management, that creates a single artificial barrier between Wetlands M and K. A culvert under this road originates in wetland K and terminates in Wetland M providing a direct hydrologic surface connection / flow within a typical year. As such, Wetland K satisfies the appropriate adjacency criteria for an (a)(4) wetland.
Jurisdictional Wetland M	0.04 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland M continues outside of the review area and abuts the OHWM of Pennyroyal Creek, 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 Ditch 2	80 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 2 is an upland excavated feature, lacking perennial or intermittent flow. This feature is not naturally occurring, a diversion of an existing tributary, nor is it created in adjacent wetlands. This feature satisfies the criteria for a (b)(5) excluded water.
Excluded Water Wetland F	0.07 acre	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories	Wetland F is separated from the nearest WOUS, Wetland "W-E,M," by an artificial barrier (road) with no cross drainage. During the Corps site audit, the wetland boundary nearest the road and Wetland E was

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			inspected to find any potential source of direct hydrologic surface connection. Additionally, the roadbed was inspected for a connection via an "engineered low point" in the road that would provide a connection between Wetland W-F and W-E,M. A low point that would provide a connection was determined not to exist as the elevation of the road constructed between Wetland W-F and W-E,M did not allow for a connection. Therefore, Wetland F is determined to be an excluded water due to the separation by a single artificial barrier with no direct hydrologic surface connection to other WOUS. Wetland F does not abut and is not inundated by an (a)(1)-(3) water.
Excluded Water Wetland G	0.02 acre	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories	Wetland W-G,H is separated from the nearest WOUS, Wetland W-E,M, by an artificial barrier (road) with no cross drainage. During the Corps site audit, the wetland boundary nearest the road and Wetland W-E,M was inspected to find any potential source of direct hydrologic surface connection. Additionally, the roadbed was inspected for a connection via an "engineered low point" in the road that would provide a connection between Wetland W-G,H and W-E,M. A low point that would provide a connection was determined not to exist as the elevation of the road constructed between Wetland W-G,H and W-E,M did not allow for a connection. Therefore, Wetland W-G,H was determined to be an excluded water due to the separation by a single artificial barrier with no direct hydrologic surface connection to other WOUS. Wetland W-G,H does not abut and is not inundated by an (a)(1)-(3) water.
Excluded Water Wetland H	0.02 acre	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories	Wetland H does not abut, nor are they inundated by, an (a)(1)-(3) water. Additionally, this wetland system is physically separated from an (a)(2) water by an artificial barrier with no direct hydrologic surface connection.
Excluded Water Wetland L	0.19 acre	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories	Wetland W-L is a closed boundary polygon, encompassed by uplands, and does not abut, and is not inundated by, an (a)(1)-(3) water.

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.

X Information submitted by, or on behalf of, the applicant/consultant: **PRECONSTRUCTION NOTIFICATION Winyah South Borrow Area Project (NWP & AJD submittal) dated July 14, 2020 submitted by Geosyntec Consultants LLC on behalf of Santee Cooper Winyah Generating Station (Todd Crawford).**

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

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Rationale: **The wetland data forms, and additional 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: *(aerial and other) ESRI aerial imagery dated 2015 (provided by agent), Site Visit photos dated April 7, 2020 provided by the agent, 2019 Google Earth Imagery, USGS National Map 3D Elevation Program (3DEP) published August 13, 2020, University Of South Carolina Libraries historical aerial imagery dated 1968. (https://delphi.tcl.sc.edu/library/aerialphotos/)*
- Corps Site visit(s) conducted on: **September 30, 2020. See additional comments.**
- Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s). SAC-2017-00229 / Letter issued on April 24, 2017*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: ***NRCS / Soil Survey Geographic Database (SSURGO) Map Service dated April 4, 2019, updated August 26, 2020, ESRI Map Service depicts the following hydric soil types: Echaw, Leon, Johnston, as well as the following non-hydric: Centenary, Yauhanna, Udorthents***
- USFWS NWI maps: ***USFWS NWI - Wetlands Raster REST Map Service dated May 29, 2012, updated July 17, 2020, USFWS NWI Map Service Maps depict uplands and wetlands. NWI map depicts excluded water (B)(5) (Ditch 2) as uplands.***
- USGS topographic maps: ***USGS Topographic Map / 7.5 Minute Index / Georgetown South Quad / 1:24000. Topographic map depicts the review area as forested uplands and wetlands. Additionally, topographic maps depict the symbol for intermittent flow in the vicinity of Wetland W-K,J,I. This feature was not observed in the field, but does correlate with direct hydrologic surface connection established by the culvert between wetland W-E,M & W-J,K,I.***

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.

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NOAA Sources	N/A.
USACE Sources	CESAC Reg Viewer accessed on December 14, 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 site visit (September 30, 2020). Output from the APT indicated "Normal Conditions" with a with a value of 10. For this assessment, the APT tool pulled data from 11 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:** This review covers a 13.57-acre area / limits of disturbance that includes multiple polygons. These polygons represent the South Borrow area haul road and workspace JD review area on property owned by Santee Cooper, south of and adjacent to the Winyah Generating Station. On September 30, 2020, a site visit was conducted to specifically assess the potential direct surface hydrologic connection of wetlands bisected by a road constructed prior to the Clean Water Act implementation. A culvert and flowing water were observed at the crossing of Wetlands W-E,M and W-J,K,I providing a basis for jurisdiction. Additionally, Wetlands I and J were determined to continue north and are a continuation of wetland K. Wetlands F and G demonstrated the requisite characteristics of excluded (b)(1) waters due to a lack of direct hydrologic surface connection based on the higher elevation of the road constructed prior to the Clean Water Act. The roadbed of this linear feature is uplands and all observed fill material was contained within its surface and outside of wetlands. Located in the northern portion of the review area was a ditch (Ditch 2), excavated from uplands, lacking an OHWM or indicators of tidal influence, and was determined to be an excluded ditch (b)(5) water. This feature was heavily vegetated with phragmites, leaf litter, and other vegetative debris with a spongy bottom with no indicators of flow.

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