



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-2020-01469

Associated JDs: SAC-2011-00528-4 (dated June 30, 2015)

Review Area Location¹:

State/Territory: SC City: Sumter County: Sumter County

Center Coordinates of Review Area: Latitude 33.9370° N, Longitude -80.4303° 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: Project area consists of uplands that lacks potentially jurisdictional aquatic resources. The site in question was assessed in a previous AJD as uplands under SAC-2011-00528-4, dated June 30, 2015.
- 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):

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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(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: *Jurisdictional determination request with maps and site pictures submitted on October 26, 2020, by the applicant’s consultant, Palmetto Environmental Consulting, Inc. Project site map titled: “SAC-2020-01469 / CDP Sumter 3”, dated: October 5, 2020.*

This information *is* sufficient for purposes of this AJD. Rationale: *N/A.*

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

Photographs: *(aerial and other) site pictures submitted by Palmetto Environmental Consulting, dated October 26, 2020; Google Earth Aerials dated September 7, 2017; USGS National Map 3D Elevation Program (3DEP).*

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

Previous Jurisdictional Determinations (AJDs or PJDs): *SAC-2011-00528-4, dated June 30, 2015. SAC-2011-00528-4 encompasses the entire project area of SAC-2020-001469, and only contained non-jurisdictional uplands.*

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

USDA NRCS Soil Survey: *NRCS / Soil Survey Geographic Database (SSURGO) Map Service, Sumter County, depicts two soil types within the project site including Wagram-Norfolk-Lucknow complex (0-4% slopes) and Rains sandy loam (0-2% slopes). Rains sandy loam is listed as hydric for Sumter County in the 2017 South Carolina Hydric Soils List.*

USFWS NWI maps: *USFWS NWI - Wetlands Raster REST Map Service dated May 29, 2012,*

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updated July 17, 2020, depicts approximately one-half of the site (the southeast portion) as palustrine forested wetlands; the remainder of the site is depicted as uplands.

- X** USGS topographic maps: *USGS Topographic Maps / 7.5 Minute Index / Sumter West Quad / 1:24000 depicts the site as forested with wetland symbology running through the southeast portion of the site; the illustrated wetland symbology is approximately in the same area as the illustrated NWI palustrine wetlands. Additionally, one elevation contour line bisects the site diagonally, with an elevation rise to the northwest and a depression to the southeast. Adjacent to the site, non-forested uplands and artificial barriers (Patriot Parkway, General Drive, a park, multiple subdivisions) are depicted.*

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	SAC Regulatory Viewer accessed on December 4, 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 field conditions observed on the date of the application form (October 8, 2020). Output from the APT indicated "wetter than normal conditions" at the time of data collection by the agent with a condition value of 15. ATP outputs with a condition value greater than 14 indicate "wetter than normal" conditions onsite and may not accurately represent typical year hydrologic conditions. For this assessment, a total of 6 weather stations within a ~22 mile radius was used.
- C. Additional comments to support AJD:** The 1.71-acre forested project area consists of, and was previously determined by the Corps to be, uplands. Within the site is a single 65-foot linear non-aquatic feature contained within the southeast corner of the site. No jurisdictional resources are present within the project site.

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