



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): **04-FEB-2021**

ORM Number: SAC-2020-00067

Associated JDs: SAC-2020-00067 Lenox Avenue Property PJD dated July 7, 2020

Review Area Location¹:

State: South Carolina City: Greenville County: Greenville

Center Coordinates of Review Area: Latitude 34.850212 Longitude -82.369509

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
Waters of the US 1 Jurisdictional Tributary	73 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary 1 is shown as a blue line on the topo map. The tributary was seen to have flowing water at the time of flagging and during the Corps site visit. According to the consultant, waters were clear in the tributary during flagging. The substrate was made up of cobble, gravel, sand, and mud. The following ordinary high water mark (OHWM) indicators were observed along the tributary: scour, sediment deposition, wrack lines, disturbed leaf litter, and water staining. It flows directly into Richland Creek offsite which flows directly to the Reedy River which flows to the Saluda River (TNW). Therefore, the Corps has determined this

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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			feature to be a tributary and thus an (a)(2) water of the U.S.
Waters of the US 2 Jurisdictional Tributary	258 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary 2 is shown as a drainage feature on the topo map. The tributary was seen to have flowing water at the time of flagging and during the Corps site visit. According to the consultant, waters were clear in the tributary during flagging. The substrate was made up of cobble, gravel, sand, and mud. The following ordinary high water mark (OHWM) indicators were observed along the tributary: scour, water staining, matted down vegetation, wrack lines, and the presence of litter and debris. It flows through a pipe into Richland Creek which flows directly to the Reedy River which flows to the Saluda River (TNW). Therefore, the Corps has determined this feature to be a tributary and thus an (a)(2) water of the U.S.
Waters of the US 5 Jurisdictional Tributary	535 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary 5 is a named stream (Richland Creek). It is shown as a blue line on the topo map and on the NWI map. The tributary was seen to have flowing water at the time of flagging and during the Corps site visit. According to the consultant, waters were clear in the tributary during flagging. The substrate was made up of bedrock, cobble, gravel, sand, and mud. The following ordinary high water mark (OHWM) indicators were observed along the tributary: scour, sediment sorting, shelving, water staining, matted down vegetation, bed and bank features, and the presence of litter and debris. Richland Creek flows directly to the Reedy River which flows to the Saluda River (TNW). Therefore, the Corps has determined Richland Creek to be a tributary and thus an (a)(2) water of the U.S.

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
Waters of the US 3 Jurisdictional Wetland	0.03 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 3 directly abuts WOUS Tributary 2 an (a)(2) water. Therefore, the Corps has determined this wetland to be an (a)(4) water of the U.S.
Waters of the US 4 Jurisdictional Wetland	0.03 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 4 directly abuts WOUS Tributary 2 an (a)(2) water. Therefore, the Corps has determined this 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
Excluded Water 1	118 feet	(b)(1) Surface water channel that does not contribute surface water	This feature is shown as a drainage feature on the topo map. It does not flow directly into Rocky Creek during a

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		flow directly or indirectly to an (a)(1) water in a typical year	typical year. There was no active, surface water connection observed between Excluded Water 1 and other waters during the Corps site visit. Excluded Water 1 does not contribute surface water flow to a jurisdictional water in a typical year. The drainage feature flows to an open area that is not considered a water and spreads out to overland sheet flow. The drainage feature has no surface water connection to downstream waters and has not been constructed in a tributary of wetland, therefore, the Corps has determined this feature is not an (a)(2) water and thus is an excluded water pursuant to (b)(1).
Excluded Water 2	0.01 acres	(b)(1) Non-adjacent wetland	This wetland is a closed polygon boundary that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).

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: EPC, Map "Wetlands Survey for Value Added Concepts" dated September 3, 2020
- ☒ 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: Google Earth Aerial dated May 2, 2020; Photos 1-24 of 24 taken by the consultant dated October 20, 2020; Photos 1-44 of 44 taken by the consultant dated August 28, 2020; USGS National Map 3D Elevation Program (3DEP)
- ☒ Corps Site visit(s) conducted on: October 20, 2020
- ☒ Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2020-00067 Lenox Avenue Property PJD dated July 7, 2020
- ☒ Antecedent Precipitation Tool: See Section B below.
- ☒ USDA NRCS Soil Survey: NRCS / Soil Survey Geographic Database (SSURGO) Map Service, SSURGO 2020 Cartecay and Toccoa, Cecil-Urban Land complex
- ☒ USFWS NWI maps: USFWS NWI - Wetlands Raster REST Map Service
- ☒ USGS topographic maps: 1:24,000 / Mauldin Quad

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Topographic Map dated October 27, 2020
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed October 27, 2020

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State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) results for typical year determination was calculated for the date the site was visited by the consultant (8/28/2020) and the date the site was visited by the Corps (10/20/2020). Both dates were considered to be normal conditions.
- C. Additional comments to support AJD:** The determination covers 12.08 acres with 5 jurisdictional features and 2 excluded (non-jurisdictional) features. The project area includes 3 (a)(2) waters, 2 (a)(4) waters, and two excluded (b)(2) waters. Waters of the US Jurisdictional Tributaries 1, 2, and 5 are perennial (a)(2) waters and Waters of the US Jurisdictional Wetland 3 and Wetland 4 directly abut Tributary 2 making them (a)(4) waters. Excluded Water 1 and Excluded Water 2 are completely encompassed by uplands and lack a direct or indirect surface water connection to (a)(1)-(3) waters. Since the drainage feature is not an (a)(1)-(3) water and the wetland does not abut an (a)(1)-(3) water and is not inundated by an (a)(1)-(3) water, the Corps has determined the drainage feature and the wetland to be excluded under the Navigable Waters Protection Rule.

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