



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): February 23, 2021

ORM Number: SAC-2020-01002

Associated JDs: N/A.

Review Area Location¹:

State: SC City: Bowman County: Orangeburg County

Center Coordinates of Review Area: Latitude 33.421164 Longitude -80.652571

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
Jurisdictional Ditch 13	467 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Ditch 13 is a ditch constructed within adjacent Jurisdictional Wetland 13 (see below). Flow within this tributary feature was concluded to be intermittent, based on the combination of seasonal flow from shallow ground water, Jurisdictional Wetlands 13 and 14, and overflow from the perennial flow pathway of Mill Branch (a named blue-line tributary to Four Hole Swamp and ultimately the TNW Edisto River). The Corps has determined this tributary to be an (a)(2) water.

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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
Jurisdictional Wetland 1	1.13 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 1 is part of an extensive forested wetland system which extends beyond the site boundary and is contiguous to and directly abutting the (a)(2) tributary Indian Camp Branch, which flows to Four Hole Swamp, and ultimately carries flow to the TNW Edisto River.
Jurisdictional Wetland 10	2.98 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 10 extends beyond the site boundary where it continues as part of Jurisdictional Wetland 13-14 (below). This wetland complex is contiguous to and directly abutting the (a)(2) tributary Mill Branch, which flows to Four Hole Swamp, and ultimately carries flow to the TNW Edisto River.
Jurisdictional Wetland 13	21.34 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 13 is part of a large forested wetland system which extends beyond the site boundary, includes Jurisdictional Wetland 10 (above) and Jurisdictional Wetland 14 (below), and is contiguous to and directly abutting the (a)(2) tributary Mill Branch, which flows to Four Hole Swamp, and ultimately carries flow to the TNW Edisto River.
Jurisdictional Wetland 14	2.27 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 14 labeled separately, but is part of Jurisdictional Wetland 13 (above), based on separation by a low profile road with a culvert connection which is active during a typical year. Jurisdictional Wetland 10/13/14 is part of a large forested wetland system which extends beyond the site boundary and is contiguous to and directly abutting the (a)(2) tributary Mill Branch, which flows to Four Hole Swamp, and ultimately carries flow to the TNW Edisto River.
Jurisdictional Wetland 2	0.29 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 2 is labeled separately, but is part of Jurisdictional Wetland 1 (above), based on separation by a low profile road with a culvert connection which is active during a typical year. Jurisdictional Wetland 1-2 is part of an extensive forested wetland system which extends beyond the site boundary and is contiguous to and directly abutting the (a)(2) tributary Indian Camp Branch, which flows to Four Hole Swamp, and ultimately carries flow to the TNW Edisto River.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Non-	3,541 feet	(b)(5) Ditch that is not an (a)(1) or	This ditch segment on the site represents 3,541 feet of

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Jurisdictional Ditch 1		(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 excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow to Jurisdictional Wetland 1, but does so only in response to precipitation. On this basis, Non-Jurisdictional Ditch 1 is an excluded water.
Non-Jurisdictional Ditch 10	1,921 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)	This ditch segment on the site represents 1,921 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow to downstream waters, but does so only in response to precipitation. On this basis, Non-Jurisdictional Ditch 10 is an excluded water.
Non-Jurisdictional Ditch 11	1,437 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)	This ditch segment on the site represents 1,437 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow to downstream waters, but does so only in response to precipitation. On this basis, Non-Jurisdictional Ditch 11 is an excluded water.
Non-Jurisdictional Ditch 12	609 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)	This ditch segment on the site represents 609 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow to downstream waters, including from Non-Jurisdictional Wetlands 11 and 12, but does so only in response to precipitation. On this basis, Non-Jurisdictional Ditch 12 is an excluded water.
Non-Jurisdictional Ditch 14	592 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)	This ditch segment on the site represents 592 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow to downstream waters, including from Non-Jurisdictional Wetland 15, but does so only in response to precipitation. On this basis, Non-Jurisdictional Ditch 14 is an excluded water.
Non-Jurisdictional Ditch 15	127 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)	This ditch segment on the site represents 127 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow to Non-Jurisdictional Wetland 16, but does so only in response to precipitation. On this basis, Non-Jurisdictional Ditch 15 is an excluded water.
Non-Jurisdictional Ditch 16	71 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)	This ditch segment on the site represents 71 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow to downstream waters, but does so only in response to precipitation. On this basis, Non-Jurisdictional Ditch 16 is an excluded water.
Non-Jurisdictional Ditch 2	713 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)	This ditch segment on the site represents 713 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow to Jurisdictional Wetland 2, but does so only in response to precipitation. On this basis, Non-Jurisdictional Ditch 2 is an excluded water.
Non-Jurisdictional Ditch 5	1,085 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	This ditch segment on the site represents 1,085 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry

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		that do not satisfy the conditions of (c)(1)	flow to downstream waters, but does so only in response to precipitation. On this basis, Non-Jurisdictional Ditch 5 is an excluded water.
Non-Jurisdictional Ditch 6	547 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)	This ditch segment on the site represents 547 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow to downstream waters, but does so only in response to precipitation. On this basis, Non-Jurisdictional Ditch 6 is an excluded water.
Non-Jurisdictional Ditch 7	2,479 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)	This ditch segment on the site represents 2,479 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow to downstream waters, but does so only in response to precipitation. On this basis, Non-Jurisdictional Ditch 7 is an excluded water.
Non-Jurisdictional Ditch 8	958 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)	This ditch segment on the site represents 958 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow to downstream waters, but does so only in response to precipitation. On this basis, Non-Jurisdictional Ditch 8 is an excluded water.
Non-Jurisdictional Ditch 9	1,671 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)	This ditch segment on the site represents 1,671 feet of ditch excavated within uplands and that does not meet criteria as any category of water. The ditch does carry flow to downstream waters, but does so only in response to precipitation. On this basis, Non-Jurisdictional Ditch 9 is an excluded water.
Non-Jurisdictional Wetland 11	0.16 acre	(b)(1) Non-adjacent wetland	Non-Jurisdictional Wetland 11 is a closed boundary polygon 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).
Non-Jurisdictional Wetland 12	0.09 acre	(b)(1) Non-adjacent wetland	Non-Jurisdictional Wetland 12 is a closed boundary polygon 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).
Non-Jurisdictional Wetland 15	0.75 acre	(b)(1) Non-adjacent wetland	Non-Jurisdictional Wetland 15 is a closed boundary polygon 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).
Non-Jurisdictional Wetland 16	0.61 acre	(b)(1) Non-adjacent wetland	Non-Jurisdictional Wetland 16 is a closed boundary polygon 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).
Non-Jurisdictional Wetland 17	2.85 acres	(b)(1) Non-adjacent wetland	Non-Jurisdictional Wetland 17 is a closed boundary polygon 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).

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Non-jurisdictional Wetland 3	33.34 acres	(b)(1) Non-adjacent wetland	Non-jurisdictional Wetland 3 is a closed boundary polygon 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).
Non-jurisdictional Wetland 4	6.09 acres	(b)(1) Non-adjacent wetland	Non-jurisdictional Wetland 4 is a closed boundary polygon 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).
Non-Jurisdictional Wetland 5	10.35 acres	(b)(1) Non-adjacent wetland	Non-Jurisdictional Wetland 5 is a closed boundary polygon 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).
Non-Jurisdictional Wetland 8	3.99 acres	(b)(1) Non-adjacent wetland	Non-Jurisdictional Wetland 8 is a closed boundary polygon 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).
Non-Jurisdictional Wetland 9	6.21 acres	(b)(1) Non-adjacent wetland	Non-Jurisdictional Wetland 9 is a closed boundary polygon 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: JD Request package submitted by Terracon Consultants, Inc.

This information is and is not sufficient for purposes of this AJD.

Rationale: Revisions were necessary to complete the wetland depiction.

Data sheets prepared by the Corps:

Photographs: 2006 Infrared and 2018 color aerials via ESRI and Digital Globe; site photos.

Corps Site visit(s) conducted on: December 9, 2020.

Previous Jurisdictional Determinations (AJDs or PJDs):

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

USDA NRCS Soil Survey: USDA NRCS Soils Map overlaid on 2006 Infrared aerial.

USFWS NWI maps: USFWS NWI Map overlaid on 2006 Infrared aerial.

USGS topographic maps: 1982 Indian Camp Branch USGS 7.5-Minute Quad map.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	National Hydrography Dataset layer overlaid on 2006 Infrared aerial.
USDA Sources	N/A.

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NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) results for March 15, 2020 and December 9, 2020 each both showed wetter than normal conditions for each of the site visits referenced in the Jurisdictional Determination. However, the initial consultant field visits were made on August 13-15, 2019, during normal conditions. APT results are available in the project file. Property owner information confirmed the activity of tributary flow characteristics and culvert flow activity during past consecutive years as required to meet the (c)(12) tributary definition and the adjacency criteria for wetlands.
- C. Additional comments to support AJD:** This Approved JD documents the presence of 28.01 acres of wetlands and 467 linear feet of tributaries within the jurisdiction of Clean Water Act Section 404. The site also includes 64.44 acres of non-jurisdictional wetlands and 15,751 linear feet of non-jurisdictional excluded water ditches.

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