



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 3, 2021

ORM Number: SAC-2020-01354

Associated JDs: N/A

Review Area Location¹:

State: SC City: Spartanburg County: Spartanburg County

Center Coordinates of Review Area: Latitude 34.966793 Longitude -81.976216

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

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Waters 1	0.4 acre	(b)(1) Non-adjacent wetland	Excluded Waters 1 is a closed boundary polygon that is not contiguous or directly abutting and (a)(1)-(a)(3) water. This wetland is not connected to or abutting any water of the U.S. There is an upland break between excluded water 1 and excluded water 2. 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).
Excluded Waters 2	0.267 acre	(b)(1) Non-adjacent wetland	Excluded Waters 2 is a closed boundary polygon that is not contiguous or directly abutting and (a)(1)-(a)(3) water. This wetland is not connected to or abutting any water of the U.S. There is an upland break between excluded water 1 and excluded water 2. 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: Jurisdictional Determination request package submitted by EPC on 9/30/2020
This information is sufficient for purposes of this AJD.
Rationale: This office agrees with the conclusions of the submitted data sheets and report.
- Data sheets prepared by the Corps: N/A
- Photographs: Google Maps-2018 Aerial provided by agent, Photos 1-36 of 36 provided by agent
- Corps Site visit(s) conducted on: 1/11/2021
- Previous Jurisdictional Determinations (AJDs or PJDs): N/A
- Antecedent Precipitation Tool: Discussion in Section III.B
- USDA NRCS Soil Survey: Map titled “Water Features Soil/NWI” submitted by agent dated 9/30/2020
- USFWS NWI maps: Map titled “Water Features Soil/NWI” submitted by agent dated 9/30/2020
- USGS topographic maps: 1:24,000 Spartanburg Quad, Map titled “USGS Topo” submitted by agent dated 9/30/2020

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
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USGS Sources	USGS 3D Elevation Program (3DEP) Map Service
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed during initial review and during write up
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** The Antecedent Precipitation Tool (APT) data for the typical year assessment were calculated based on the field collection date stated by the agent (9/4/2020) and the date of the Corps site visit (1/11/2021). Output from the APT indicated “normal” conditions during the dry season at the time of data collection by the agent with a condition value of 13 and “normal” conditions during the wet season at the time of the Corps site visit with a condition value of 14. APT outputs with condition values greater than or equal to 15 indicate “wetter than normal” conditions, condition values between 10 and 14 indicate “normal” conditions, and condition values less than or equal to 9 indicate “drier than normal” conditions. Results of the APT indicate the boundaries of the aquatic resources as documented here have been observed during multiple seasons and are an accurate representation of the extent and boundaries that would be observed within a typical year.
- C. Additional comments to support AJD:** This form documents an 11.06-acre site that has 2 excluded wetlands. Wetland 1 is 0.4 acre and Wetland 2 is 0.267 acre.

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