



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 1, 2021

ORM Number: SAC-2020-01771

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State: South Carolina City: Camden County: Kershaw

Center Coordinates of Review Area: Latitude 34.22283 Longitude -80.594663

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
NJF-1 (b)(5) Excluded Water	287 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)	NJF-1 is man-made ditch constructed in upland soils (soil map: Goldsboro Loamy Sand), it is not constructed on nor is a rerouted (a)(1)-(a)(4) water. The ditch receives stormwater run-off from Fox Run Apartments (northwest of pond) via a culvert and directs the flow to NJP-1 (discuss below). On this basis, NJF-1 does not meet the criteria of a jurisdictional feature as identified in paragraph (c)(12), and thus is an excluded water pursuant to (b)(5).
NJF-2 (b)(5) Excluded Water	17 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)	NJF-2 is man-made ditch constructed in upland soils (soil map: Goldsboro Loamy Sand), it is not constructed on nor is a rerouted (a)(1)-(a)(4) water. The ditch receives stormwater run-off from NJP-1 outfall (discuss below). On this basis, NJF-2 does not meet the criteria of a jurisdictional feature as identified in paragraph (c)(12), and thus is an excluded water pursuant to (b)(5).
NJP-1 (b)(8) Excluded Water	0.49 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	NJP-1 is a man-made pond constructed in upland soils (soil map: Goldsboro Loamy Sand). NJP-1 was not an impoundment of a jurisdictional water that meets paragraph (c)(6), it receives stormwater flow from Fox Run Apartments (northwest of pond). NJP-1 was permitted as a stormwater detention feature by SCDHEC under permit number 28-00-08-02, dated September 8, 2000. On this basis, NJP-1 does not meet the criteria of a jurisdictional feature as identified in paragraph (c)(6), and thus is an excluded water pursuant to (b)(8).

**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 (AJD), prepared by S&ME, Inc., (consultant) dated December 11, 2020**

This information *is* sufficient for purposes of this AJD.

Rationale: **The wetland data form, and additional information submitted by the agent are 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: **Photos provided by agent 1-4 of 4 dated 10/26/2020. Aerial photos: "Aerial Exhibit" dated 12/14/2020 provided by consultant.**

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<sup>5</sup> 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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- Corps Site visit(s) conducted on: *N/A*
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*
- Antecedent Precipitation Tool: *N/A*
- USDA NRCS Soil Survey: **Provided by consultant titled “Soils Exhibit” dated 11/5/2020: Goldsboro.**
- USFWS NWI maps: **Provided by consultant titled “Figure 3. NWI” dated 11/5/2020.**
- USGS topographic maps: **Provided by consultant titled “Topographic Exhibit” dated 11/5/2020. (7.5 Minute Index Quad name: Camden South)**

**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	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	LiDAR data provided by consultant titled “LIDAR Exhibit” dated 11/5/2020

- B. Typical year assessment(s):** *N/A* or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.
- C. Additional comments to support AJD:** This form documents an approximately 4.56-acre site that includes one (b)(8) excluded water, and two (b)(5) excluded waters determined to not be waters of the United States.

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