



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): January 4, 2021

ORM Number: SAC-2009-00415

Associated JDs: SAC-2009-00415 – A previous Approved Jurisdictional Determination was issued on this site dated August 18, 2015. The previous JD determined that the site consisted entirely of uplands.

Review Area Location¹:

State: South Carolina City: Bishopville County: Lee

Center Coordinates of Review Area: Latitude 34.1946°N Longitude -80.2109°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: 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):

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
Excluded Water 1 (b)(5) ditch	652 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)	Excluded Water 1 (Ditch) located within the review area is excavated entirely from uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. Flow, if any within the feature, appears to be directly in response to precipitation.
Excluded Water 2 (b)(5) ditch	776 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)	Excluded Water 2 (Ditch) located within the review area is excavated entirely from uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. Flow, if any within the feature, appears to be directly in response to precipitation.

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: James Industrial Park submittal dated August 11, 2020, by S&ME, Inc.
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: (aerial and other) USGS National Map 3D Elevation Program (3DEP) published August 13, 2020 / Maps dated August 4, 2020 and site photographs dated August 5, 2020 submitted by the consultant.
Corps Site visit(s) conducted on: *Date(s)*. N/A
- Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2009-00415 dated August 18, 2015.
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: USA Soils Map Units (SSURGO) Map Service dated April 4, 2019, updated August 26, 2020.
- USFWS NWI maps: USFWS NWI – Wetlands Raster REST map Service dated May 29, 2012, updated July 17, 2020. NWI map depicts the entire site as uplands (U11, U21, and U42P).
- USGS topographic maps: Bishopville East Quad / 7.5 Minute Index / 1:240000. Quad does not depict any wetlands or tributaries within the review area.

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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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Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS topographic maps
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	USACE-SAC Regulatory Viewer accessed on December 22, 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 on August 3, 2020, August 4, 2020, and December 20, 2020. Output from the APT indicated “Wetter than Normal” on August 3, 2020 and on August 4, 2020, with a condition value of 16, and “Normal Conditions” on December 12, 2020, with a condition value of 12. For this assessment, a total of 6 weather stations within a 20-mile radius were used on August 3, 2020 and August 4, 2020 and a total of 7 weather stations within a 20-mile radius were used on December 20, 2020.
- C. Additional comments to support AJD:** This site consists entirely of uplands with two (2) ditches that were determined to be excluded waters (b)(5). The 2 ditches were excavated entirely out of uplands for the sole purpose of transporting stormwater. The ditches are neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. Flow, if any within the features, appears to be directly in response to precipitation. In accordance with the submittal dated August 11, 2020, the site is comprised of Lynchburg soils (sandy loam) which only 6% of soil profile is considered hydric. The data sheets in the submittal indicate a value of 3 at 6” deep in the soil profile with no redox features observed. Therefore, the Corps has determined this site to consist entirely of uplands.

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