



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): **1/15/2021**

ORM Number: SAC-2018-00548

Associated JDs: SAC-2018-00548 PJD issued 5/18/2020

Review Area Location¹:

State: South Carolina City: Rock Hill County: York

Center Coordinates of Review Area: Latitude 34.9050 Longitude -80.9913

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 or describe rationale.
- 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 Tributary A (JT-A)	1044 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	JT-A is a naturally occurring unnamed tributary. During site visits the tributary exhibited strong flow, with associated channel development, and sediment sorting. This water is shown on NWI, Topo, LiDAR data, and was observed multiple times in the field by the consultant and once by the Corps. JT-A carries flow to Taylor Creek, Fishing Creek, and ultimately to the traditional navigable water (TNW) Catawba River. On this basis, JT-A has been determined to be a tributary with perennial flow and thus an (a)(2) water.
Jurisdictional Tributary B	18 feet	(a)(2) Intermittent tributary contributes surface water flow	JT-B is a naturally occurring unnamed intermittent tributary that flows that flows directly into JT-A

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

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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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(JT-B)		directly or indirectly to an (a)(1) water in a typical year	(described above). JT-B has a well-developed OHWM, bed and banks, a well-defined channel, and had a series standing water pools and shallow subsurface/hyporheic water in the channel sediment at the time of the flagging. Based on site evaluation and review of information submitted by applicant, it has been determined that the tributary flows continuously during certain times of the year and more than in direct response to precipitation. JT-B satisfies the flow conditions and criteria included in the (c)(12) tributary definition of the NWPR. Therefore, JT-B has been determined to be an (a)(2) water of the U.S.
Jurisdictional Tributary C	705 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	JT-C is a naturally occurring unnamed intermittent tributary that flows that flows directly into JT-A (described above). JT-C has a well-developed OHWM, bed and banks, a well-defined channel, and had a series standing water pools and shallow subsurface/hyporheic water in the channel sediment at the time of the flagging and Corps site visit. Based on site evaluation and review of information submitted by applicant, it has been determined that the tributary flows continuously during certain times of the year and more than in direct response to precipitation. JT-C satisfies the flow conditions and criteria included in the (c)(12) tributary definition of the NWPR. Therefore, JT-C has been determined to be an (a)(2) water of the U.S.
Jurisdictional Tributary D	292 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	JT-D is a naturally occurring unnamed intermittent tributary that flows that flows directly into JT-A (described above). JT-D has a well-developed OHWM, bed and banks, a well-defined channel, and had a series standing water pools and shallow subsurface/hyporheic water in the channel sediment at the time of the flagging and Corps site visit. Based on site evaluation and review of information submitted by applicant, it has been determined that the tributary flows continuously during certain times of the year and more than in direct response to precipitation. JT-D satisfies the flow conditions and criteria included in the (c)(12) tributary definition of the NWPR. Therefore, JT-D has been determined to be 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
Jurisdictional Wetland G	0.41 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland JW-G is contiguous and directly abutting (a)(2) tributary JT-C (described above). On this basis, wetland

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(JW-G)		JW-G is an (a)(4) water.
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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 Water E	0.65 acres	(b)(1) Non-adjacent wetland	EW-E 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).
Excluded Water F	0.2 acres	(b)(1) Non-adjacent wetland	EW-F 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).
Excluded Water H	0.1 acres	(b)(1) Non-adjacent wetland	EW-H 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).
Excluded Water Z	0.1 acres	(b)(1) Non-adjacent wetland	EW-Z 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: **Jurisdictional Determination Request submitted by Wetlands & Environmental Planning Group (consultant) dated 9/19/2020**

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 1-8 of 8 provided by the consultant in the Jurisdictional Determination Request. Additional photos provided by the consultant 10/28/2020. Corps site visit photos dated 10/28/2020. Aerial Provided by agent titled "AERIAL MAP" dated 8/26/2019**

Corps Site visit(s) conducted on: **10/28/2020.**

Previous Jurisdictional Determinations (AJDs or PJDs): **SAC-2018-00548 PJD issued 5/18/2020**

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- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: **Provided by agent titled "SOIL MANUSCRIPT" dated 8/26/2019**
- USFWS NWI maps: **USFWS NWI - Wetlands Raster REST Map Service. Map dated 1/14/2020.**
- USGS topographic maps: **Provided by agent titled "USGS" dated 8/26/2019**

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS 3D Elevation Program (3DEP) Map Service
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer
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 was calculated based on the field collection date denoted on the wetland determination data forms and submitted photos (9/10/2019, 9/3/2020), and the date of the Corps site visit (10/28/2020). Output from the APT indicated "drier than normal" conditions at the time of data collection by the agent in 2017 with a condition value of 7, and "normal" conditions at the time of data collection by the agent in 2020 with a condition value of 14. The site was observed by Corps during "wetter than normal" conditions in 2020 with a condition value of 18. APT Outputs with condition values greater than or equal to 15 indicates "wetter than normal" conditions, condition values between 10 and 14 indicate "normal" conditions, and condition values less than or equal to 9 indicates "drier than normal" conditions. Results of the APT indicate the boundaries of the aquatic resources as documented here have been observed during multiple condition values and are an accurate representation of the extent and boundaries that would be observed within a typical year.
- C. Additional comments to support AJD:** Request for AJD under the new Rule for a parcel that previously received a PJD under the same SAC-2018-00548 issued 5/18/2020.

This form documents an approximately 99.09-acre site that has one perennial (a)(2) water, three intermittent (a)(2) waters, one wetland (a)(4) water, and four (b)(1) excluded waters. The perennial (a)(2) water is shown on NWI, Topo, LiDAR data, and was observed multiple times in the field by the consultant and once by the Corps. The intermittent (a)(2) waters are not shown on NWI, or Topo, but are visible on LiDAR data, and were observed multiple times in the field by the consultant and once by the Corps. The (a)(4) water is a wetland not shown on NWI, or Topo, but are visible on LiDAR data, and were observed multiple times in the field by the consultant and once by the Corps. The (b)(1) excluded waters are not shown on NWI, or Topo, and were observed multiple times in the field by the consultant and once by the Corps during multiple APT condition values as closed boundary polygons

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that are not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, these wetlands do not meet any of the other (a)(4) criteria for adjacency and thus are excluded waters pursuant to (b)(1).

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