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): 01/26/2021
ORM Number: SAC-2018-01465
Associated JDs: This project had a previous ORM number of SAC-2018-00434 with the Jurisdictional Determination Requests dated 03/26/2018. SAC-2018-00434 was under Corps review and a Corps site visit was conducted in 2018, however the applicant withdrew the request 03/26/2018 to add more parcels to the overall site which is depicted in the 2020 (SAC-2018-01465) submittal.
Review Area Location[1]:
State: SC City: Batesburg County: Saluda
Center Coordinates of Review Area: Latitude 33.947857 Longitude -81.58232

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 Tributary BSS1	1417.11 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	BSS1 is a naturally occurring unnamed intermittent tributary that flows directly into BSW02 an (a)(4) (described below) where it disperses before rechannelizing into BSS1B an (a)(2) (described below). BSS1 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/Corps site

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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.

			visit. Based on a 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. On this basis, BSS1B satisfies the flow conditions, contributes surface water flow, and meets the criteria included in the (c)(12) tributary definition of the NWPR. Therefore, BSS1B has been determined to be an (a)(2) water of the U.S.
Jurisdictional Tributary BSS10	247.03 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	BSS10 is a naturally occurring unnamed tributary. BSS10 directly into BSS5 an (a)(2) water, 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. BSS10 carries flow to BSS5 (described below). On this basis, BSS10 has been determined to be a tributary with intermittent flow and thus an (a)(2) water.
Jurisdictional Tributary BSS11	376.64 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	BSS11 is a naturally occurring unnamed intermittent tributary. BSS11 flows directly into BSW09 an (a)(4) water (described below) where it disperses losing its channel. BSS11 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/Corps site visit. Based on a 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. BSS11 satisfies the flow conditions and criteria included in the (c)(12) tributary definition of the NWPR. Therefore, BSS11 has been determined to be an (a)(2) water of the U.S.
Jurisdictional Tributary BSS13	134.98	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	BSS13 is a naturally occurring unnamed intermittent tributary. BSS13 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. BSS13 is mapped by the USGS as a dashed blue line showing that it carries surface flow downstream to the off-site-upstream reach of BSS5 (described below). Based on a review of information submitted by the applicant it has been determined that the tributary flows continuously during certain times of the year and more than in direct response to precipitation. On this basis, BSS13 satisfies the flow conditions and criteria included in the (c)(12) tributary definition of the NWPR. Therefore, BSS15 has been determined to be an (a)(2) water of the U.S.
Jurisdictional Tributary BSS14	1356.72 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	BSS14 is a naturally occurring unnamed intermittent tributary. BSS14 has a well-developed OHWM, bed and banks, a well-defined channel, and had a series standing water pools and shallow subsurface/hyporheic

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			water in the channel sediment at the time of the flagging. BSS14 carries flow to Gin Branch, an off-site named stream mapped by the USGS as a solid blue line, and ultimately to Lake Murray, an (a)(1) Section 10 water. Based on a review of information submitted by applicant, and observations made during the site visit, it has been determined that the tributary flows continuously during certain times of the year and more than in direct response to precipitation. On this basis, BSS14 satisfies the flow conditions and criteria included in the (c)(12) tributary definition of the NWPR. Therefore, BSS14 has been determined to be an (a)(2) water of the U.S.
Jurisdictional Tributary BSS15	1118.32 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	BSS15 is a naturally occurring unnamed intermittent tributary. BSS15 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. BSS15 carries flow to the off-site-upstream portion of BSS10 (described above). Based on a 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. On this basis, BSS15 satisfies the flow conditions and criteria included in the (c)(12) tributary definition of the NWPR. Therefore, BSS15 has been determined to be an (a)(2) water of the U.S.
Jurisdictional Tributary BSS1B	5701.39 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	BSS1B is a naturally occurring unnamed intermittent Tributary. BSS1B flows that flows directly into S-CMC-01, an (a)(2) water (described below). BSS1B 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/Corps site visit. BSS1B is mapped by the USGS as a solid blue line indicating possible perennial flow, the NWI has it mapped as a green (PFO1C) polygon wetland, however BSS1B has been observed on multiple occasions during flagging (see APT discussion) to only demonstrate intermittent flow, with no adjacent wetlands within the floodplain as seen on 3DEP Map Service data. Based on a 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. On this basis, BSS1B satisfies the flow conditions and criteria included in the (c)(12) tributary definition of the NWPR. Therefore, BSS1B has been determined to be an (a)(2) water of the U.S.
Jurisdictional Tributary BSS1C	68.1 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1)	BSS1C is a naturally occurring unnamed intermittent Tributary. BSS1C flows directly into BSS1B an (a)(2) water (described above). BSS1C has a well-developed

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		water in a typical year	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 conducted by the agent. Based on a 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. On this basis, BSS1C satisfies the flow conditions and criteria included in the (c)(12) tributary definition of the NWPR. Therefore, BSS1C has been determined to be an (a)(2) water of the U.S.
Jurisdictional Tributary BSS2	3711.95 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	BSS2 is a naturally occurring unnamed intermittent tributary. BSS2 is mapped by the USGS as a dashed blueline indicating possible intermittent flow, it 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 conducted by the agent. Based on a 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. BSS2 carries flow to West Creek, an off-site named stream mapped by the USGS as a blue line, and ultimately to Lake Murray, an (a)(1) Section 10 water. On this basis, BSS2 satisfies the flow conditions and criteria included in the (c)(12) tributary definition of the NWPR. Therefore, BSS2 has been determined to be an (a)(2) water of the U.S.
Jurisdictional Tributary BSS3	1771.11 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	BSS3 is a naturally occurring unnamed intermittent tributary. BSS3 is mapped by the USGS as a dashed blueline indicating possible intermittent flow, it 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 conducted by the agent. Based on a 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. BSS3 carries flow to West Creek, an off-site named stream mapped by the USGS as a blue line, and ultimately to Lake Murray, an (a)(1) Section 10 water. On this basis, BSS3 satisfies the flow conditions and criteria included in the (c)(12) tributary definition of the NWPR. Therefore, BSS3 has been determined to be an (a)(2) water of the U.S.
Jurisdictional Tributary BSS4	1943.16 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	BSS4 is a naturally occurring unnamed intermittent tributary. BSS4 is mapped by the USGS as a dashed blueline indicating possible intermittent flow, it has a well-developed OHWM, bed and banks, a well-defined channel, and had a series standing water pools and

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			shallow subsurface/hyporheic water in the channel sediment at the time of the flagging conducted by the agent. Based on a 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. BSS4 carries flow to West Creek, an off-site named stream mapped by the USGS as a blue line, and ultimately to Lake Murray, an (a)(1) Section 10 water. On this basis, BSS4 satisfies the flow conditions and criteria included in the (c)(12) tributary definition of the NWPR. Therefore, BSS4 has been determined to be an (a)(2) water of the U.S.
Jurisdictional Tributary BSS5	1088.23 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	BSS5 is a naturally occurring named perennial tributary known as West Creek. BSS5 is mapped by the USGS as a solid blueline indicating possible perennial flow, during multiple flagging's/visits the agents observed the tributary exhibiting strong flow, with associated channel development, sediment sorting, a well-developed OHWM, bed and banks, and a well-defined channel. it carries flow to Clouds Creek, an off-site named stream mapped by the USGS as a blue line, and ultimately to Lake Murray, an (a)(1) Section 10 water. On this basis, BSS5 satisfies the flow conditions and criteria included in the (c)(12) tributary definition of the NWPR. Therefore, BSS5 has been determined to be an (a)(2) water of the U.S.
Jurisdictional Tributary BSS9	1220.11 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	BSS9 is a naturally occurring unnamed intermittent Tributary. BSS9 flows directly into BSS5 an (a)(2) water (described above). BSS9 is mapped by the USGS as a dashed blueline indicating possible intermittent flow, it 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 conducted by the agent. Based on a 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. On this basis, BSS9 satisfies the flow conditions and criteria included in the (c)(12) tributary definition of the NWPR. Therefore, BSS9 has been determined to be an (a)(2) water of the U.S.
Jurisdictional Tributary S-CMC-01	589.5 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	S-CMC-01 is a naturally occurring unnamed perennial tributary. S-CMC-01 is mapped by the USGS as a dashed blueline indicating possible intermittent flow, it however during multiple flagging's/visits the agents observed the tributary exhibiting strong flow, with associated channel development, sediment sorting, a well-developed OHWM, bed and banks, and a well-defined channel. Based on a review of information submitted by applicant, it has been determined that the tributary flows continuously during certain times of the

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			year and more than in direct response to precipitation. S-CMC-01 carries flow to Long Branch, an off-site named stream mapped by the USGS as a blue line, and ultimately to Lake Murray, an (a)(1) Section 10 water. On this basis, S-CMC-01 has been determined to be a tributary with perennial flow and thus an (a)(2) water. Therefore, S-CMC-01 has been determined to be an (a)(2) water of the U.S.
Jurisdictional Tributary S-CMC-02	530.5 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	S-CMC-02 is a naturally occurring unnamed intermittent tributary that flows directly into BSS1B an (a)(2) water (described above). S-CMC-02 is not mapped by the USGS or shown on the NWI, however it 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 conducted by the agent. Based on a 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. On this basis, S-CMC-02 satisfies the flow conditions and criteria included in the (c)(12) tributary definition of the NWPR. Therefore, S-CMC-02 has been determined to be an (a)(2) water of the U.S.
Jurisdictional Tributary S-CMC-03	533.4 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	S-CMC-03 is a naturally occurring unnamed intermittent tributary that flows directly into BSS1B an (a)(2) water (described above). S-CMC-03 is not mapped by the USGS or shown on the NWI, however it 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 conducted by the agent. Based on a 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. On this basis, S-CMC-03 satisfies the flow conditions and criteria included in the (c)(12) tributary definition of the NWPR. Therefore, S-CMC-03 has been determined to be an (a)(2) water of the U.S.
Jurisdictional Tributary S-CMC-04	110.34 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	S-CMC-04 is a naturally occurring unnamed intermittent Tributary. S-CMC-04 flows directly into S-CMC-03 (described above which flows to BSS1B). S-CMC-04 is not mapped by the USGS or shown on the NWI, however it 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 conducted by the agent. Based on a 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. On this basis, S-CMC-04

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			satisfies the flow conditions and criteria included in the (c)(12) tributary definition of the NWPR. Therefore, S-CMC-04 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 BSW02	1.72 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	BSW02 is contiguous and directly abutting the (a)(2) tributary BSS1B (described above). On this basis, wetland BSW02 is an (a)(4) water.
Jurisdictional Wetland BSW05	0.39 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	BSW05 is contiguous and directly abutting the (a)(2) tributary BSS1B (described above). On this basis, wetland BSW05 is an (a)(4) water.
Jurisdictional Wetland BSW06	0.04 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	BSW06 is contiguous and directly abutting the (a)(2) tributary BSS4 (described above). On this basis, wetland BSW06 is an (a)(4) water.
Jurisdictional Wetland BSW07	0.48 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	BSW07 is contiguous and directly abutting the (a)(2) tributary BSS11 (described above), which flows into BSW08 (described below). On this basis, wetland BSW07 is an (a)(4) water.
Jurisdictional Wetland BSW08	0.06 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	BSW08 is contiguous and directly abutting a downstream-off-site unnamed (a)(2) tributary and the upstream (a)(2) BSS11 tributary (described above) both mapped by USGS as a dashed blue line, indicating potential intermittent flow. The off-site tributary is then mapped to flow directly to Gin Branch an off-site named tributary which carries flow to West Creek, and ultimately to Lake Murray, an (a)(1) Section 10 waterwater of the TNW the Saluda River. On this basis, wetland BSW08 is an (a)(4) water. *note: BSW08 and BSW09 are one contiguous wetland, however the applicant chose to separately demarcate them as BSW08 which is an emergent wetland within the right of way, and BSW09 is forested wetland outside of the right of way.
Jurisdictional Wetland BSW09	0.06 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	BSW09 is contiguous and directly abutting a downstream-off-site unnamed (a)(2) tributary and the upstream (a)(2) BSS11 tributary (described above) both mapped by USGS as a dashed blue line. The off-site stream is then mapped to flow directly to Gin Branch an off-site named tributary which carries flow to West Creek, and ultimately to Lake Murray, an (a)(1) Section 10 water. On this basis, wetland BSW09 is an (a)(4) water. *note: BSW08 and BSW09 are one contiguous wetland, however the applicant chose to separately demarcate them as BSW08 which is an emergent wetland within

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			the right of way, and BSW09 is forested wetland outside of the right of way.
Jurisdictional Wetland BSW11	0.35 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	BSW11 is contiguous and directly abutting the (a)(2) tributary BSS14 (described above). On this basis, wetland BSW011 is an (a)(4) water.
Jurisdictional Wetland W-CMC-01	0.15 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-CMC-01 is contiguous and directly abutting the (a)(2) tributary S-CMC-01 (described above). On this basis, wetland W-CMC-01 is an (a)(4) water.
Jurisdictional Wetland W-CMC-02	0.96 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-CMC-02 is contiguous and directly abutting the (a)(2) tributary S-CMC-02 (described above). On this basis, wetland W-CMC-02 is an (a)(4) water.
Jurisdictional Wetland W-CMC-05	4 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-CMC-05 is contiguous and directly abutting the (a)(2) tributaries S-CMC-03 and S-CMC-04 (described above). On this basis, wetland W-CMC-05 is an (a)(4) water.
Jurisdictional Wetland W-CMC-06	0.1 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-CMC-06 is contiguous and directly abutting the (a)(2) tributary BSS1B (described above). On this basis, wetland W-CMC-06 is an (a)(4) water.
Jurisdictional Wetland W-CMC-07	5.75 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-CMC-07 is contiguous and directly abutting the (a)(2) tributary BSS1B (described above). On this basis, wetland W-CMC-07 is an (a)(4) water.
Jurisdictional Wetland W-CMC-10	0.25 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-CMC-10 is contiguous and directly abutting the (a)(2) tributary BSS1B (described above). On this basis, wetland W-CMC-10 is an (a)(4) water.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))[4]:

Exclusion Name	Exclusion Size	Exclusion[5]	Rationale for Exclusion Determination
Excluded Water BSS12	409.37 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	BSS12 lacked hydrological indicators of flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge). BSS12 originated in uplands, exhibited no clear and continuous OHWM, and had abundant leaf litter and debris within the streambed. BSS12 does not meet the (c)(12) definition of tributary and thus has been determined to be a (b)(3) ephemeral feature.
Excluded Water BSS13	376.48 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	BSS13 lacked hydrological indicators of flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge). BSS13 originated in uplands, exhibited no clear and continuous OHWM, and had abundant leaf litter and debris within the streambed. BSS13 does not meet the (c)(12) definition of tributary and thus has been determined to be a (b)(3) ephemeral feature.
Excluded Water BSS4B	729.7 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	BSS4B originated in uplands, exhibited no clear and continuous OHWM, and had abundant leaf litter and debris within the streambed. BSS4B does not meet the (c)(12) definition of tributary and thus has been determined to be a (b)(3) ephemeral feature.
Excluded Water BSS4C	375.74 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully,	BSS4C originated in uplands, exhibited no clear and continuous OHWM, and had abundant leaf litter and

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		rill, or pool	debris within the streambed. BSS4C does not meet the (c)(12) definition of tributary and thus has been determined to be a (b)(3) ephemeral feature.
Excluded Water BSS4D	619.81 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	BSS4D originated in uplands, exhibited no clear and continuous OHWM, and had abundant leaf litter and debris within the streambed. BSS4D does not meet the (c)(12) definition of tributary and thus has been determined to be a (b)(3) ephemeral feature.
Excluded Water BSS6	319.48 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)	BSS6 is an upland dug drainage feature. BSS6 had a series standing water pools and shallow subsurface/hyporheic water in the channel sediment at the time of the flagging/Corps site visit. BSS6 loses channelization as it dead ends with approximately 570 feet of uplands separating it from BSS13 (described above). BSS6 is shown on aerial imagery, LiDAR, and other mapping/data. However, it BSS6 was constructed in uplands for agricultural/ranching purposes. Additionally, there is no available information currently to demonstrate that this ditch is a rerouted (a)(1)-(3) water. BSS6 does not meet the (c)(12) definition of tributary and thus has been determined to be a (b)(5) ditch.
Excluded Water BSS8	802.21 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	BSS8 originated in uplands, exhibited no clear and continuous OHWM, and had abundant leaf litter and debris within the streambed. BSS8 does not meet the (c)(12) definition of tributary and thus has been determined to be a (b)(3) ephemeral feature.
Excluded Water BSW1	1.14 acres	(b)(1) Non-adjacent wetland	Wetland BSW1 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 BSW3	0.84 acres	(b)(1) Non-adjacent wetland	Wetland BSW3 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 BSWB1	0.27 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)	BSWB1 is an artificially constructed pond wholly excavated in upland soils (Colfax) according to USDA-NRCS mapping. BSWB1 is mapped by USGS as a blue polygon with a dashed blue line (BSS6 described above) running between it and BSS13 (described above). Additionally, there is no field verified evidence or information currently available to demonstrate that that BSWB1 was constructed on a jurisdictional water nor is not an impoundment of a jurisdictional water. Therefore, the Corps has determined the BSWB1 to be a (b)(8) excluded water.
Excluded Water W-CMC-08	0.42 acres	(b)(1) Non-adjacent wetland	Wetland W-CMC-08 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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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.

_X_ Information submitted by, or on behalf of, the applicant/consultant: **Jurisdictional Determination Requests submitted by TRC dated 07/22/2020, and 03/26/2018.**
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*

_X_ Photographs: **Photos submitted by applicant as part of the Jurisdictional Determination Requests submitted by TRC dated July 22, 2020, and October 31, 2018. Aerials provided by applicant titled "DELINEATED WETLANDS AND WATERBODIES DETAILED VIEW" figures 5A-5E dated 12/17/2020.**

_X_ Corps Site visit(s) conducted on: **06/15/2018 and 10/07/2020**

_X_ Previous Jurisdictional Determinations (AJDs or PJDs): **This project had a previous ORM number of SAC-2018-00434 with the Jurisdictional Determination Requests dated 03/26/2018. SAC-2018-00434 was under Corps review and a Corps site visit was conducted in 2018, however the applicant withdrew the request 03/26/2018 to add more parcels to the overall site which is depicted in the 2020 submittal.**

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

_X_ USDA NRCS Soil Survey: **Provided by applicant titled "PROJECT SOILS" dated 10/09/2018.**

_X_ USFWS NWI maps: **Provided by applicant titled "FEDERAL AND STATE MAPPED WATER RESOURCES/FEMA FLOODPLAIN MAPPING" dated 10/09/2018.**

_X_ USGS topographic maps: **Provided by applicant titled "SITE LOCATION MAP & USGS TOPOGRAPHY" dated 10/09/2018.**

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

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data forms (11/28, 11/29, 11/30, 12/01, and 12/02 in 2017, and 6/27, 6/28, and 6/29 in 2018), and the date of the Corps site visits (6/15/2018, and 10/7/2020). 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 2018 with condition values of 10 and 12. The site was observed by Corps during “normal” conditions in 2018 with a condition value of 12, and “wetter than normal” with a condition value of 15. 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. For this assessment, a total 9 weather stations were used. 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:** This form documents an approximately 1,215.30-acre site that includes two perennial (a)(2) waters, fifteen intermittent (a)(2) waters, thirteen wetland (a)(4) waters that were determined to be waters of the United States.

The site also includes three (b)(1) excluded waters, six (b)(3) excluded waters, one (b)(5) excluded water, and one (b)(8) excluded water that were determined not to be waters of the United States.

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