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): 07-JAN-2021
ORM Number: SAC-2020-01254
Associated JDs: N/A
Review Area Location[1]: 462.58-acre site located north and south of East Peach Road, northwest of its intersection with Devil's Race Track Rd
State: SC City: Winnsboro County: Fairfield County
Center Coordinates of Review Area: Latitude 34.282 Longitude -81.064

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
JT-1	2262 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	JT-1 is depicted as a solid blue line on the topographic map and is clearly defined on the 3DEP LiDAR data. This tributary flows southwest along the northwest boundary of the site and flows off-site into the Little Cedar Creek. The Little Cedar Creek flows into Big Cedar Creek which flows into the Broad River which connects with the Saluda River to form the Congaree River, a Section 10 Waterbody. The drainage area is approximately 650 acres. The NWI maps this water as an intermittent tributary. Based on this information, JT-

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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.
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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.

			1 was determined to be an (a)(2) water.
JT-2	2686 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	JT-2 is depicted as a dashed blue line on the topographic map and is clearly defined on the 3DEP LiDAR data. This tributary flows west into JT-1 which reaches the Congaree River, a Section 10 Waterbody. The NWI maps this water as an intermittent tributary. The drainage area is relatively small (~140 acres) and primarily contained within the project review area. Based on this information, JT-2 was determined to be an (a)(2) water.
JT-3	1637 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	JT-3 is depicted as a dashed blue line on the topographic map and is clearly defined on the 3DEP LiDAR data. This tributary flows south into JT-4 which reaches the Congaree River, a Section 10 Waterbody. The NWI maps this water as an intermittent tributary. The tributary continues to the north and drains an area mostly off-site of approximately 200 acres. Information collected by the consultant, including photographs, indicates perennial flow. Based on this information, JT-3 was determined to be an (a)(2) water.
JT-4	1813 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	JT-4 is depicted as a dashed blue line on the topographic map and is clearly defined on the 3DEP LiDAR data. This tributary flows west off-site into JT-1 which reaches the Congaree River, a Section 10 Waterbody. The NWI maps this water as an intermittent tributary before connecting with JT-3 and JT-4 and perennial after connecting. The tributary continues to the east and drains an area both on-site and off-site of approximately 140 acres plus the drainage from JT-3 and JT-5. Information collected by the consultant, including photographs, indicates perennial flow. Based on this information, JT-4 was determined to be an (a)(2) water.
JT-5	203 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	JT-5 is not depicted as a blue line on the topographic map but a channel is defined on the 3DEP LiDAR data. This tributary flows south into JT-3 which flows into JT-4 and eventually reaches the Congaree River, a Section 10 Waterbody. The tributary may receive some hydrology from JT-3 off-site to the north. Information collected by the consultant, including photographs, indicates perennial flow. Based on this information, JT-5 was determined to be an (a)(2) water.
JT-6	447 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	JT-6 is not depicted as a blue on the topographic map but a channel is defined on the 3DEP LiDAR data. This tributary flows southwest off-site into JT-1 which eventually reaches the Congaree River, a Section 10 Waterbody. Several ephemeral features, excluded waters NJF-6 and NJF-7, converge to start JT-6. The drainage area is relatively small (~90 acres) and is primarily contained within the project review area. Information collected by the consultant, including photographs, indicates intermittent flow. Based on this information, JT-6 was determined to be an (a)(2) water.

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JT-7	2012 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	JT-7 is depicted as a dashed blue line on the topographic map and is clearly defined on the 3DEP LiDAR data. This tributary flows west off-site into JT-1 which reaches the Congaree River, a Section 10 Waterbody. The NWI maps this water as an intermittent tributary. This tributary flows west along the southwest boundary of the site and flows off-site into the Little Cedar Creek. The tributary drains an area both on-site and off-site of approximately 160 acres. Information, including photographs, collected by the consultant indicates intermittent flow. Based on this information, JT-7 was determined to be an (a)(2) water.

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
JW-A	0.08 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature	This wetland sits at the bottom of a topographic draw which drains from the north. Data provided by the consultant indicate the wetland is separated from JT-2 only by a natural berm of approximately 30 feet.
JW-B	0.06 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature	This wetland sits at the bottom of a topographic draw which drains from the south. Data provided by the consultant indicate the wetland is separated from JT-4 only by a natural berm of approximately 50 feet.
JW-C	0.01 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature	This wetland sits at the bottom of a topographic draw which drains from the north. Data provided by the consultant indicate the wetland is separated from JT-4 only by a natural berm of approximately 30 feet.

D. Excluded Waters or Features

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

Exclusion Name	Exclusion Size	Exclusion[5]	Rationale for Exclusion Determination
NJF-1	87 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	NJF-1 lacked hydrological indicators of flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge). This is a naturally occurring feature that drains a small area and did not exhibit a clear OHWM. NJF-1 does not meet the (c)(12) definition of tributary and thus has been determined to be a (b)(3) ephemeral feature.
NJF-2	326 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	NJF-2 lacked hydrological indicators of flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge). This is a naturally occurring feature that drains a small area and did not exhibit a clear OHWM. NJF-2 does not meet the (c)(12) definition of tributary and thus has been determined to be a (b)(3) ephemeral feature.

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NJF-3	150 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	NJF-3 lacked hydrological indicators of flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge). This is a naturally occurring feature that drains a small area and only carries water during heavy precipitation events. NJF-3 does not meet the (c)(12) definition of tributary and thus has been determined to be a (b)(3) ephemeral feature.
NJF-4	684 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	NJF-4 lacked hydrological indicators of flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge). This is a naturally occurring feature that drains a small area and only carries water during heavy precipitation events. NJF-4 does not meet the (c)(12) definition of tributary and thus has been determined to be a (b)(3) ephemeral feature.
NJF-5	683 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	NJF-5 lacked hydrological indicators of flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge). This is a naturally occurring feature that drains a small area and only carries water during heavy precipitation events. NJF-5 does not meet the (c)(12) definition of tributary and thus has been determined to be a (b)(3) ephemeral feature.
NJF-6	649 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	NJF-6 lacked hydrological indicators of flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge). This is a naturally occurring feature that drains a small area and only carries water during heavy precipitation events. NJF-6 does not meet the (c)(12) definition of tributary and thus has been determined to be a (b)(3) ephemeral feature.
NJF-7	551 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	NJF-7 lacked hydrological indicators of flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge). This is a naturally occurring feature that drains a small area and only carries water during heavy precipitation events. NJF-7 does not meet the (c)(12) definition of tributary and thus has been determined to be a (b)(3) ephemeral feature.
NJF-8	194 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	NJF-8 lacked hydrological indicators of flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge). This is a naturally occurring feature that drains a small area and only carries water during heavy precipitation events. NJF-8 does not meet the (c)(12) definition of tributary and thus has been determined to be a (b)(3) ephemeral feature.
NJF-9	167 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	NJF-9 lacked hydrological indicators of flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge). This is a naturally occurring feature that drains a small area and only carries water during heavy precipitation

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			events. NJF-9 does not meet the (c)(12) definition of tributary and thus has been determined to be a (b)(3) ephemeral feature.

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: *JD Package submitted by SM&E. This information is sufficient for purposes of this AJD.*
Rationale: The wetland data forms and information submitted by the agent are considered to be a reasonable representation of site conditions at the time of collection and are sufficient for purposes of this AJD.
Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency).*

___ Data sheets prepared by the Corps: *N/A*

_X_ Photographs: *Photographs submitted by S&ME in the submittal dated September 4, 2020 and ESRI World Imagery – January 2019*

___ Corps Site visit(s) conducted on: *N/A*

___ Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*

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

_X_ USDA NRCS Soil Survey: *NRCS Web Soil Survey as submitted by the consultant: Toccoa, Hiwassee, Winnsboro, Iredell, Madison*

_X_ USFWS NWI maps: *USFWS NWI Mapper 2019 as submitted by the consultant: R5UBH, R4SBC.*

_X_ USGS topographic maps: *USGS 1:24K Quad, Winnsboro Mills*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	3D Elevation Program (3DEP) LiDAR Map Service
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
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 dates of September 29, 2020 and August 5, 2020. Output from the APT indicated “Normal” conditions at the time of data collection by the agent (S&ME) with a condition values of 11 and 13 respectively of the field collection dates. APT outputs with a conditions value between 10 and 14 indicate “Normal Conditions”. Results of the APT indicate that observations during this time would be considered by the Corps to be within a “typical year”.

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C. **Additional comments to support AJD:** The 462.58-acre project site contains 10 jurisdictional waters, including seven jurisdictional (a)(2) tributaries and three jurisdictional (a)(4) wetlands. This site also contains nine excluded waters, all being (b)(3) excluded waters. Based on the information submitted by the agent, these features all did not exhibit a clear ordinary high water mark (OHWM) and convey water only during precipitation events.

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