



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): 13-JAN-2021

ORM Number: SAC-2020-01318

Associated JDs: N/A

Review Area Location¹: Including a 50-acre site located west of the intersection of Mount Holly Road and Collins Road

State: SC City: Rock Hill County: York County

Center Coordinates of Review Area: Latitude 34.84064 Longitude -80.993324

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). 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 B	80 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary B is defined on the 3DEP LiDAR data, as well as other available mapping cited below. This tributary flows northwest in the central-northeast portion of the property and converges with Jurisdictional Tributary C to form Jurisdictional Tributary D (see below) which eventually flows into Fishing Creek Reservoir, a Section 10 Waterbody. Data collected from the consultant documented this tributary as having a moderate bed and bank, some alluvial deposits and lacking vegetation in the stream bed. Based on this

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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			information, Jurisdictional Tributary B was determined to be an intermittent (a)(2) water.
Jurisdictional Tributary C	50 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary C is defined on the 3DEP LiDAR data, as well as other available mapping cited below. This tributary flows southwest in the central-northeast portion of the property and converges with Jurisdictional Tributary B to form Jurisdictional Tributary D (see below) which eventually flows into Fishing Creek Reservoir, a Section 10 Waterbody. Data collected from the consultant documented this tributary as having a moderate bed and bank, some alluvial deposits and lacking vegetation in the stream bed. Based on this information, Jurisdictional Tributary C was determined to be an intermittent (a)(2) water.
Jurisdictional Tributary D	1475 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary D is clearly defined on the 3DEP LiDAR data, as well as other available mapping cited below. This tributary flows southwest along the center portion of the property and continues into Clinton Branch, which flows into Fishing Creek, which flows into Fishing Creek Reservoir, a Section 10 Waterbody. Data collected from the consultant documented this tributary as having a strong continuing bed and bank, alluvial deposits, depositional bars, iron oxidizing bacteria, lacking vegetation in the stream bed, and a presence of baseflow hydrology. The NRCS Soil Maps depict part of this reach as Chewacla Soil, a hydric soil. Based on this information, Jurisdictional Tributary D was determined to be a perennial (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
Jurisdictional Wetland A	1.1 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland A is abutting and contiguous with the (a)(2) water Jurisdictional Tributary D.
Jurisdictional Wetland E	0.04 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland E is abutting and contiguous with the (a)(2) water Jurisdictional Tributary D.
Jurisdictional Wetland F	0.07 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland F is abutting and contiguous with the (a)(2) water Jurisdictional Tributary D.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Water H (b)(1)	0.1 acre	(b)(1) Non-adjacent wetland	Excluded Water H is a closed polygon wetland 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

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			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.

Information submitted by, or on behalf of, the applicant/consultant: *JD Package submitted by Wetland Environmental Planning Group (WPEG). 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.

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

Photographs: *Photographs and Aerial images submitted by WPEG in the submittal dated September 19, 2020*

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

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

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

USDA NRCS Soil Survey: *NRCS Web Soil Survey: Chewacla, Helena.*

USFWS NWI maps: *USFWS NWI Mapper 2019 as submitted by the consultant*

USGS topographic maps: *USGS 1:24K Quad, Catawba*

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 date denoted on the wetland determination data forms (November 11, 2019). Output from the APT indicated “wetter than normal” conditions at the time of data collection by the agent (WPEG) with a condition value of 15. APT Output with a condition value greater than 14 indicates “wetter than normal” conditions onsite and may not accurately represent typical year hydrologic conditions. For this assessment, a total 7 weather stations within a 20-mile radius were used. Although wetter than normal conditions were indicated by the APT, these findings would not affect the wetland boundaries, location of the jurisdictional tributaries or their respective jurisdictional status.

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- C. Additional comments to support AJD:** The 50-acre project site contains six jurisdictional waters, including three jurisdictional (a)(2) tributaries and three jurisdictional (a)(4) wetlands which all directly abut the (a)(2) water, Jurisdictional Tributary D. This site also contains one non-jurisdictional (b)(1) wetland. Based on a review of the aeriels, topographic map, soil survey, NWIs, and information submitted by the agent, the excluded wetland was determined to be an isolated wetland with no connections to (a)(1) – (a)(3) waters.

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