



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): 1/26/2020

ORM Number: SAC-2020-01352

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State: South Carolina City: Batesburg County: Lexington

Center Coordinates of Review Area: Latitude 33.9273 Longitude -81.4843

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Jurisdictional Wetland B	1 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland B is contiguous and directly abutting an (a)(3) water. Wetland B is not shown on USGS mapping or

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

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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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			<p>NWI data. However, Wetland B is visible on LiDAR data, aerial imagery, and has been observed multiple times during flagging/Corps site visit. According to the agent, Palmetto Environmental Consulting Inc., the wetland has been observed to be part of a contiguous wetland system that directly abuts an off-site (a)(3) water of an unnamed stream mapped by USGS as a dashed blue line (indicating possible intermittent flow). Adjacency is further supported by USGS mapping, NWI, LiDAR data, and aerial imagery, that shows a series of small impoundments of an unnamed stream which carries flow to Little Creek an off-site stream mapped by USGS as a dashed/solid blue line, which flows to Hollow Creek, and ultimately to Lake Murray, an (a)(1) Section 10 water. On this basis, Wetland B is an (a)(4) water.</p>
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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Excluded Water Wetland A	0.2 acres	(b)(1) Non-adjacent wetland	Wetland A 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 Requests submitted by Palmetto Environmental Consulting Inc., dated 09/22/2020**

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 provided by the applicant 1-8 of 8 dated 09/22/2020. Aerial provided by the applicant titled “Figure 2. Aerial/Soils Map” dated 09/22/2020.**

Corps Site visit(s) conducted on: **12/02/2020**

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

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

USDA NRCS Soil Survey: **Provided by the applicant titled “Figure 2. Aerial/Soils Map” dated 09/22/2020. Johnston, Blaney, Fuquay, Dothan, Pelion.**

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- USFWS NWI maps: **Provided by the applicant titled “Figure 3. NWI” dated 09/22/2020.**
- USGS topographic maps: **Provided by the applicant titled “Figure 4. USGS Topo” dated 09/22/2020.**

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	LiDAR data provided by the applicant titled “Figure 5. LiDAR” dated 09/22/2020.

- 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 (09/21/2020), and the date of the Corps site visits (12/02/2020). Output from the APT indicated “wetter than normal” conditions at the time of data collection by the agent in September 2020 with a condition value of 15. The site was observed by Corps during “normal” conditions in December 2020 with a condition value of 13. 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 67-acre site that includes one wetland (a)(4) water that was determined to be waters of the United States.

The site also includes own (b)(1) excluded waters that was determined not to be waters of the United States. Additionally, the NWI data, and the USGS mapping depicts a solid blueline stream through where Excluded Water Wetland A is located. However, there is no available evidence to demonstrate this feature exists and was not observed during flagging/Corps site visit.

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