



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): January 15, 2021

ORM Number: SAC-2020-01480

Associated JDs: N/A

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

State: SC City: Chapin County: Lexington County

Center Coordinates of Review Area: Latitude 34.092622 Longitude -81.382132

**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
JW-A Jurisdictional	0.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	JW-A abuts Lake Murray, an off-site (a)(1) and Section 10 Water which is an impoundment of the Saluda River,

<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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Wetland			an (a)(1) water. On this basis, wetland JW-F is an (a)(4) water.
JW-B Jurisdictional Wetland	0.11 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	JW-B abuts Lake Murray, an off-site (a)(1) and Section 10 Water which is an impoundment of the, Saluda River, an (a)(1) water. On this basis, wetland JW-F is an (a)(4) water.

**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
NJF-1 Excluded Water	404 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). NJF-1 originated in uplands, exhibited no clear and continuous OHWM, and had abundant leaf litter and debris within the streambed. 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 Excluded Water	131 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). NJF-2 originated in uplands, exhibited no clear and continuous OHWM, and had abundant leaf litter and debris within the streambed. NJF-2 does not meet the (c)(12) definition of tributary and thus has been determined to be a (b)(3) ephemeral feature.
NJF-3 Excluded Water	207 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). NJF-3 originated in uplands, exhibited no clear and continuous OHWM, and had abundant leaf litter and debris within the streambed. 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 Excluded Water	229 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). NJF-4 originated in uplands, exhibited no clear and continuous OHWM, and had abundant leaf litter and debris within the streambed. NJF-4 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: **Jurisdictional Determination Request (AJD), prepared by S&ME, Inc., dated 10/26/2020** Rationale: **The wetland data form, and additional information submitted by the agent are a**

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**reasonable representation of site conditions at the time of collection and are sufficient for purposes of this AJD.**

- \_\_\_ Data sheets prepared by the Corps: *NA*
- Photographs: **Photos provided by agent 1-8 of 8 dated 8/26/2020. Aerial photo provided by agent titled "Aerial Exhibit" dated 8/28/2020**
- \_\_\_ Corps Site visit(s) conducted on: *NA*
- \_\_\_ Previous Jurisdictional Determinations (AJDs or PJDs): *NA*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: **Provided by agent titled "Soils Exhibit" dated 8/28/2020**
- USFWS NWI maps: **Provided by agent titled "NWI Exhibit" dated 8/19/2020**
- USGS topographic maps: **Provided by agent titled "Topographic Exhibit" dated 8/19/2020**

**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 provided by agent titled "LiDAR Exhibit" dated 8/19/2020

- 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 (8/26/2020). Output from the APT indicated "normal" conditions at the time of the data collection by the agent with a condition value of 12. APT outputs with condition values between 10 and 14 indicate "normal" conditions. Results of the APT indicate the boundaries of the aquatic resources as documented in this form have been observed during "normal" conditions 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 a 52.14-acre site that has two (a)(4) wetlands that abut Lake Murray and were determined to be waters of the United States.

The site also includes four (b)(3) excluded ephemeral drainage features determined to not be waters of the United States.

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