



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): 7/9/2020

ORM Number: SAC-2020-00808

Associated JDs: N/A

Review Area Location¹:

State/Territory: SC City: Greenville County/Parish/Borough: Greenville County

Center Coordinates of Review Area: Latitude 34.7376 Longitude -82.2796

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
Tributary 1	15 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	There is a small portion of Tributary 1 located within the project area. It is shown as a distinct feature on the topo map and LiDAR map. Information provided by the consultant (site photographs) shows the tributary as having strong flow with a clear OHWM and distinct channel. The start of the tributary was observed flowing during a site visit on an adjacent property on 5/2/2018. Tributary 1 flows directly into Tributary 2 which flows directly into Rocky Creek which flows directly to the Reedy River which flows to the Saluda River (TNW). Therefore, the Corps has determined the tributary to be an (a)(2) water and a water of the U.S.

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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Tributary 2	1360 acres	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary 2 is shown as a blue line on the topo map and on the NWI map. It flows directly into Rocky Creek which flows directly to the Reedy River which flows to the Saluda River (TNW). Therefore, the Corps has determined the tributary to be an (a)(2) water and a water of the U.S.
Tributary 3	470 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary 3 is a named stream (Rocky Branch). It is shown as a blue line on the topo map and on the NWI map. Rocky Creek flows directly to the Reedy River which flows to the Saluda River (TNW). Therefore, the Corps has determined the tributary to be an (a)(2) water and a 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
Wetland 1	0.26 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 1 directly abuts Tributary 2 an (a)(2) water. Therefore, the Corps has determined the tributary to be an (a)(4) water and a water of the U.S.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Non-Jurisdictional Feature 1	0.28 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).	The non-jurisdictional feature 1 was constructed in an area determined to be uplands by this approved jurisdictional determination. The area did not meet all three wetland criteria and the location of the pond is outside the OHWM of a jurisdictional water. Therefore, the Corps has determined the pond to be situated in uplands and an excluded non-jurisdictional water.

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: S&ME, Map “2020 Aerial Imagery, Hillpointe Project PCN” dated 6/2/2020

This information is sufficient for purposes of this AJD.

Rationale: N/A

Data sheets prepared by the Corps: *Title(s) and/or date(s)*.

Photographs: Aerial: Greenville County GIS Website

Other: Photos 1-51 of 51 taken by S&ME.

Corps Site visit(s) conducted on: 6/30/2020

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- Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Websoil Survey-2017, Cecil, Wedhadkee, Cartecay and Toccoa
- USFWS NWI maps: USFWS National Wetland Inventory
- USGS topographic maps: Simpsonville Quad

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	SAC Reg Viewer
State/Local/Tribal Sources	SCDNR LiDAR Data -2011
Other Sources	National Flood Hazard FIRMette dated 6/2/2020

- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) data for typical year determination was calculated for the date the site was visited by the consultant (5/25/2020) and the date the site was visited by the Corps (6/30/2020). Both dates were considered to be wetter than normal.
- C. Additional comments to support AJD:** The project area includes 3 (a)(2) waters, 1 (a)(4) water, and an excluded (b)(8) water. Tributary 1, Tributary 2, and Tributary 3 are perennial (a)(2) waters and Wetland 1 directly abuts Tributary 2 making it an (a)(4) water. The Non-Jurisdictional Feature 1 is excavated wholly in uplands making it an excluded water.

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