



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): July 28, 2020

ORM Number: SAC-2020-00931

Associated JDs: SAC-2019-00884, issued on September 11, 2019.

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 33.9580 Longitude -80.36634

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
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
N/A	N/A	N/A	N/A

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.



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Ditch 1	356 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	Excluded Water 1 (Ditch 1) located within the review area is excavated entirely from uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, or constructed within the boundaries of an adjacent wetland. Flow within feature appears to be in response to precipitation and runoff from the surrounding impervious areas.
Ditch 2	175 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	Excluded Water 2 (Ditch 2) located within the review area is excavated entirely from uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, or constructed within the boundaries of an adjacent wetland. Flow within feature appears to be in response to precipitation and runoff from the surrounding impervious areas.

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 with maps and site pictures submitted on July 6, 2020. Project site map titled: “790 Electric Drive / SAC-2020-00931 / Sumter Tax Parcel 230-00-01-081”, dated July 3, 2020, submitted by GreenePond Consulting, LLC.

This information is sufficient for purposes of this AJD.

Rationale: see Section C.

 Data sheets prepared by the Corps: None

 x Photographs: (aerial and other): Site pictures included with the initial submission, dated June 27, 2020; Google Earth Aerials, dated: February 6, 1994, March 14, 2004, November 4, 2006, April 18, 2011, November 12, 2013, November 23, 2015, September 7, 2017, September 22, 2018; ESRI Aerial Basemap Map Service; USGS 3D Elevation Program (3DEP) Map Service

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 or 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.



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

- ___ Corps Site visit(s) conducted on: Date(s).
- x** Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2019-00884, issued on September 11, 2019, covering 2.39 acres of this project site.
- x** Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- x** USDA NRCS Soil Survey: NRCS SSURGO Map Service (Sumter County) maps depict two soil types within the project area, principally Rains sandy loam (0-2% slopes), and to a lesser extent Norfolk-Noboco complex (0-2% slopes). All on site soils are listed as Hydric for Sumter County on the 2017 South Carolina Hydric Soils List.
- x** USFWS NWI maps: USFWS NWI - Wetlands Raster REST service maps depict approximately ¾ of site (~3 acres) as palustrine forested wetlands.
- x** USGS topographic maps: the USGS Topographic Maps / 7.5 Minute Index / Sumter East / 1:24000 map depicts the site as forested with wetland symbology within and adjacent to the project site. Within the project site no other aquatic features (blue line features) are depicted on topographic maps.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Topographic Map Service;
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A
State/Local/Tribal Sources	N/A.
Other Sources	USFWS NWI Map Service; NRCS SSURGO Map Service; USGS 3D Elevation Program (3DEP) Map Service; ESRI Aerial Basemap Map Service;

- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) data for typical year determination was calculated based on field conditions observed on the date of the data forms (June, 27, 2020). Output from the APT indicated "normal conditions" at the time of data collection by the agent with a condition value of 11. ATP outputs with a condition value greater than 14 indicate "wetter than normal" conditions onsite and may not accurately represent typical year hydrologic conditions. For this assessment, a total of 6 weather stations within a ~19 mile radius was used.
- C. Additional comments to support AJD:** This project site contains 4 acres of undeveloped but cleared land. On-site there are two interconnected upland excavated storm-water ditches that meet the criteria of a (b)(5) exclusion. This site was analyzed without a site-visit via remote data sources, including:

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 or 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.



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

topographic maps, USFWS NWI maps, Sumter County Soil Survey, LiDAR digital elevation model (DEM) data, site pictures (supplied with original submittal), and aerials from Google Earth (February 6, 1994, - September 22, 2018).

In a letter dated September 11, 2019 under SAC-2019-00884, 2.39 acres of this site was previously determined to be uplands. The 4 acres reviewed by the most this recent request includes an additional 1.61 acres of land.

Based on a review of available office resources and information provided in the applicant's original submittal, the Corps determined the site to be comprised of uplands with two excluded water features.

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 or 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.