



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): 15-JUL-2021

ORM Number: SAC-2016-01273

Associated JDs: N/A

Review Area Location¹:

State: SC City: Darlington County: Darlington County

Center Coordinates of Review Area: Latitude 34.279674 Longitude -79.90004

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.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Water (b)(5) "A"	838.61 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 A was determined to be excluded based on a review of the aeriels, topographic map, NWIs, and the previous JD. The aeriels and topo depict this feature as a straight ditch excavated from uplands. This feature is depicted on the NWIs as wetlands; however, it is not depicted on the topographic map. This man-made feature is not naturally occurring, a relocation of a tributary, does not originate in adjacent wetlands, and does not meet the criteria of an (a)(1) or (a)(2) water; therefore, it was determined to be an excluded water.
Excluded Water (b)(5) "B"	275.5 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 B is a man-made feature, that is not naturally occurring nor is it a relocation of a tributary. The topographic map depicts this ditch as a straight blue line, and the liDAR depicts it as a straight ditch with berms on either side. This ditch is excavated from uplands and continues northeast where it flows into an (a)(2) tributary (offsite); however, this ditch was determined to be an excluded water.
Wetland "A"	0.23 acres	(b)(1) Non-adjacent wetland	Excluded Water Wetland "A" was determined to be non-jurisdictional based on a review of the aeriels, liDAR, and information submitted by the agent. This wetland is depicted as a depressional wetland with no hydrological surface connection to an (a)(1)-(a)(3) water. Because Excluded Water Wetland "A" does not abut an (a)(1)-(a)(3) water nor is it inundated by or physically separated by a natural or artificial barrier from an (a)(1)-(a)(3) water, Wetland "A" was determined to not be jurisdictional.
Wetland "B"	0.29 acres	(b)(1) Non-adjacent wetland	Excluded Water Wetland "B" was determined to be non-jurisdictional based on a review of the aeriels, liDAR, and information submitted by the agent. This wetland is depicted as a depressional wetland with no hydrological surface connection to an (a)(1)-(a)(3) water. Because Excluded Water Wetland "B" does not abut an (a)(1)-(a)(3) water nor is it inundated by or physically separated by a natural or artificial barrier from an (a)(1)-(a)(3) water, Wetland "B" was determined to not be jurisdictional.

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: *AJD Request submitted by S&ME, Inc., on behalf of Mr. Steve Miles, on 29 Dec 2020.*

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This information is sufficient for purposes of this AJD.

Rationale: *The wetland data form 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: *Google Earth aerial dated 21 Sep 2018.*
- Corps Site visit(s) conducted on: *N/A.*
- Previous Jurisdictional Determinations (AJDs or PJDs): *PJD issued on 2 Nov 2016.*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *NRCS Soil Survey Geographic Database (SSURGO) Map Service created 4 Apr 2019 and updated 26 Aug 2020. The site consists of Rains sandy loam and Blanton sand.*
- USFWS NWI maps: *USFWS NWI - Wetlands Raster REST Map service dated May 29, 2012 and updated on July 17, 2020. According to the NWIs, the majority of the site is mapped palustrine wetlands (PFO1Cd, PSS1/4Bd, and PFO1/4Bd).*
- USGS topographic maps: *USGS Topographic Map / 7.5 Minute Index / Darlington West Quad. The topographic map depicts this site as uplands with a blue line intersecting the southern property boundary.*

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.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed on July 13, 2021.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Antecedent Rainfall Calculator data for typical year determination was calculated based on the field collection date provided by the agent (8 & 10 Dec 2020). The Antecedent Rainfall Calculator data showed “wetter than normal” conditions at the time of data collection by the agent with a condition value of 16, which indicates that typical year hydrologic conditions were not present. For this assessment, nine weather stations, located within a 12-mile radius, were used. However, even under the elevated hydrologic conditions indicated by the APT output, the waters onsite remain non-jurisdictional.
- C. Additional comments to support AJD:** This 5.23-acre site contains four excluded waters, two of which are non-adjacent (b)(1) wetlands and two which are non-jurisdictional ditches that were determined to be (b)(5) excluded waters. No jurisdictional waters are located on site. A review of aerials indicates that the two excluded wetlands on site were constructed prior to 1982 to function as

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sewage lagoons for the nearby Darlington Co. school and are surrounded by uplands. The two excluded (b)(5) ditches were both determined to be man-made linear features that are not naturally occurring nor are they a relocation of a tributary or located within a jurisdictional wetland system.

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