



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): **19-JULY-2021**

ORM Number: SAC-2021-00057

Associated JDs: N/A

Review Area Location¹:

State: South Carolina City: Travelers Rest County: Greenville County

Center Coordinates of Review Area: Latitude 34.976147 Longitude -82.459028

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
Jurisdictional Tributary B	335.54 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary B is shown as a solid blue line on the topo map and on the NWI map. The tributary was seen to have flowing water during flagging and during the Corps site visit. The following ordinary high water mark (OHWM) indicators were observed along the tributary: sediment deposition, destruction of terrestrial vegetation, wrack lines, bed and bank features, water staining, and the presence of litter and debris. It flows directly to Jurisdictional Tributary C, which flows to the Reedy River, which flows to the Saluda River (TNW). Therefore, the Corps has

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

			determined the tributary to be an (a)(2) water and a water of the U.S.
Jurisdictional Tributary C	162.63 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary C is shown as a solid blue line on the topo map and on the NWI map. The tributary was seen to have flowing water during flagging and during the Corps site visit. The following ordinary high water mark (OHWM) indicators were observed along the tributary: sediment deposition, destruction of terrestrial vegetation, wrack lines, bed and bank features, water staining, and the presence of litter and debris. It 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.
Jurisdictional Tributary D	70.5 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary D is a surface water channel located within a naturally occurring drainage feature as depicted on the topo map. The tributary was seen to have standing water at the time of the Corps site visit. The following ordinary high water mark (OHWM) indicators were observed along the tributary: scour, water staining, matted down vegetation, wrack lines, and the presence of litter and debris. This feature flows directly into Jurisdictional Tributary E, which flows directly to the Reedy River, which flows to the Saluda River (TNW). Therefore, the Corps has determined this feature to be a tributary and thus an (a)(2) water of the U.S.
Jurisdictional Tributary E	395.79 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary E is shown as a solid blue line on the topo map and on the NWI map. The tributary was seen to have flowing water during flagging and during the Corps site visit. The following ordinary high water mark (OHWM) indicators were observed along the tributary: sediment deposition, destruction of terrestrial vegetation, wrack lines, bed and bank features, water staining, and the presence of litter and debris. It 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.
Jurisdictional Tributary F	9.07 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary F is a surface water channel located within a naturally occurring drainage feature as depicted on the topo map. The tributary was seen to have standing water at the time of the Corps site visit. The following ordinary high water mark (OHWM) indicators were observed along the tributary: scour, water staining, matted down vegetation, wrack lines, and the presence of litter and debris. This feature flows directly into Jurisdictional Tributary E, which flows directly to the Reedy River, which flows to the Saluda River (TNW). Therefore, the Corps has determined this feature to be a tributary and thus an (a)(2) 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 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

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 A	0.34 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland A directly abuts the OHWM of Jurisdictional Tributary B 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
Excluded Water Stormwater Pond	0.34 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	This pond is constructed entirely in uplands and does not contribute flow to an (a)(1)-(a)(3) water in a typical year and thus, is a (b)(1) excluded 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: Newkirk Environmental, Map “Wetland Plat for Cureton Investments, LLC” dated January 13, 2021, revised May 24, 2021
This information is sufficient for purposes of this AJD.
Rationale: The Corps agrees with the conclusions of the submitted data sheets and submittal.
Data sheets prepared by the Corps:
- Photographs: Google Earth Aerial dated January 28, 2021; Photos 1-25 of 25 taken by USACE dated May 17, 2021; Photos 1-22 of 22 taken by the consultant dated December 4, 2020, December 15, 2020; USGS National Map 3D Elevation Program (3DEP) created March 29, 2021, updated April 19, 2021
- Corps Site visit(s) conducted on: May 17, 2021
Previous Jurisdictional Determinations (AJDs or PJDs): N/A
- Antecedent Precipitation Tool: See Section B below.
- USDA NRCS Soil Survey: NRCS / Soil Survey Geographic Database (SSURGO) Map Service, SSURGO 2020 Cartecay and Toccoa, Cecil, Cecil-Urban land complex
- USFWS NWI maps: USFWS NWI - Wetlands Raster REST Map Service
- USGS topographic maps: 1:24,000 Paris Mountain Quad

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

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 dated May 14, 2021
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed May 14, 2021
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) results for typical year determination were calculated for the dates the site was visited by the consultant (12/4/2020, 12/15/2021) and the date the site was visited by the Corps (5/17/2021). On December 4, 2020, the conditions were wetter than normal with a value of 18 during the wet season. On December 15, 2020, the conditions were wetter than normal with a value of 15 during the wet season. On May 17, 2021, the conditions were also wetter than normal with a value of 15 but during the dry season. However, even under the elevated hydrologic conditions indicated by the APT output, the waters onsite remain non-jurisdictional.
- C. Additional comments to support AJD:** The determination covers 35.94 acres with 6 jurisdictional features and 1 excluded (non-jurisdictional) feature. The project area includes 5 (a)(2) waters, 1 (a)(4) water, and 1 (b)(10) water. Jurisdictional Tributaries B, C, and E are perennial (a)(2) waters. Jurisdictional Tributaries D and F are intermittent (a)(2) waters. Jurisdictional Wetland A directly abuts the OWHM of Jurisdictional Tributary B making it an (a)(4) water. Excluded Water Stormwater Pond is completely encompassed by uplands and lacks a direct or indirect surface water connection to (a)(1)-(3) waters. Since the pond does not contribute flow and is not inundated by an (a)(1)-(3) water, the Corps has determined the pond to be excluded under the Navigable Waters Protection Rule.

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.