



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): 2-JUN-2021
ORM Number: SAC-2020-01775
Associated JDs: N/A
Review Area Location¹:
State/Territory: SC City: County: Florence County
Center Coordinates of Review Area: Latitude 34.212742 Longitude -79.687203

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 or describe rationale.
- 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

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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 D1	2200 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Excluded Water D1 was determined to be an excluded water based on a review of the aerials, topographic map, NWIs, and soil survey. The topo map depicts this feature as a blue line, and the aerials depict this Excluded Water as a linear feature. This feature is depicted on the soil survey as Coxville, a hydric soil, and on the NWIs as a riverine system. This feature is naturally occurring; however, it was determined, based on information submitted by the agent such as photographs of D1, to have ephemeral flow. Therefore, it was determined to be an excluded water.
Excluded Water D2	1400 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Excluded Water D2 was determined to be an excluded water based on a review of the aerials, topographic map, and soil survey. The topo map does not depict this feature; however, the aerials depict this Excluded Water as a linear feature. This feature is depicted on the soil survey as Rains, a hydric soil. This feature is naturally occurring; however, it was determined, based on information submitted by the agent such as photographs of D2, to have ephemeral flow. Therefore, it was determined to be an excluded water.
Excluded Water OWA	0.42 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)	Excluded Water OWA was determined to be a man-made pond. Both the aerials and the topographic map depict this rectangular pond as being excavated out of uplands on site. Although the soil survey maps this area as Coxville, a hydric soil, the excluded water was determined to not be an impoundment of a jurisdictional water. Therefore, OWA was determined to be an excluded water.
Excluded Water WA	1.86 acres	(b)(1) Non-adjacent wetland	Excluded Water WA was determined to be non-jurisdictional based on a review of the aerials, soil survey, and information submitted by the agent. This wetland is depicted as abutting Excluded Water D2. Because Excluded Water D2 was determined to have ephemeral flow, and WA 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, WA was determined to not be jurisdictional.
Excluded Water WC	0.34 acres	(b)(1) Non-adjacent wetland	Excluded Water WC was determined to be non-jurisdictional based on a review of the aerials, soil survey, and information submitted by the agent. This wetland is depicted as abutting Excluded Water D2. Because Excluded Water D2 was determined to have ephemeral flow, and WC 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, WC was determined to not be jurisdictional.
Excluded Water	4.51 acres	(b)(1) Non-adjacent wetland	Excluded Water WP was determined to be non-

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WP			jurisdictional based on a review of the aerials, soil survey, and information submitted by the agent. This wetland is depicted as abutting Excluded Water D1. Because Excluded Water D1 was determined to have ephemeral flow, and WP 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, WP was determined to not be jurisdictional.
Excluded Water WQ	3.15 acres	(b)(1) Non-adjacent wetland	Excluded Water WQ was determined to be non-jurisdictional based on a review of the aerials, soil survey, and information submitted by the agent. This wetland is depicted as abutting both Excluded Water D1 and Excluded Water D2. Both D1 and D2 have been determined to have ephemeral flow. Additionally, WQ 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. Therefore, WQ was determined to not be jurisdictional.
Excluded Water WW	1.73 acres	(b)(1) Non-adjacent wetland	Excluded Water WW is a wetland located immediately north of Excluded Water WQ. WW also abuts both Excluded Water D1 and Excluded Water D2, which have ephemeral flow. Additionally, WW 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. Therefore, WW was determined to not be jurisdictional.
Excluded Water WX	0.38 acres	(b)(1) Non-adjacent wetland	Excluded Water WX was determined to be non-jurisdictional based on a review of the aerials, soil survey, and information submitted by the agent. This wetland is depicted as abutting Excluded Water D1, which has been determined to have ephemeral flow. Additionally, WX 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. Therefore, WX was determined to not be jurisdictional.
Excluded Water WY	0.34 acres	(b)(1) Non-adjacent wetland	Excluded Water WY is a closed boundary polygon determined to be non-jurisdictional because it does not abut nor is it inundated by an (a)(1)-(a)(3) water. The aerials depict this site as forested with no linear features present and surrounded by uplands. No blue lines or other potential aquatic resources are depicted on the topographic map. Based on this information, WY was determined to be an excluded water.
Excluded Water WZ	0.34 acres	(b)(1) Non-adjacent wetland	Excluded Water WZ was determined to be non-jurisdictional based on a review of the aerials and information submitted by the agent. This wetland is depicted as abutting Excluded Water D1. Because Excluded Water D1 was determined to have ephemeral flow, and WZ 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, WZ was determined to not be jurisdictional.

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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: *AJD Request submitted by Lowrys Environmental & Ecological Services, LLC, on behalf of Florence County, on 15 DEC 2020.*

This information is sufficient for purposes of this AJD.

Rationale: *The wetland data forms 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: *Photographs submitted by the agent dated 21 Jan 2021. Google Earth aerial dated 21 Sep 2018.*

____ Corps Site visit(s) conducted on: *N/A*

____ Previous Jurisdictional Determinations (AJDs or PJDs): *N/A.*

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 Coxville fine sandy loam, Orangeburg loamy sand, Norfolk loamy sand, and Rains sandy loam.*

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 uplands; however, a blue line intersects the project boundary.*

USGS topographic maps: *USGS Topographic Map / 7.5 Minute Index / Florence East Quad. The topographic map depicts this site as uplands with a blue line intersecting the site from north to south.*

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 20 MAY 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 (20 Nov 2020). The Antecedent Rainfall Calculator data showed “wetter than normal” conditions at the time of data collection by the

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agent with a condition value of 15, which indicates that typical year hydrologic conditions were not present. For this assessment, three weather stations, located within an 8-mile radius, were used.

- C. Additional comments to support AJD:** This 81.57 acre site contains no jurisdictional waters. This site does contain 11 excluded waters, which are comprised of (b)(1), (b)(3), and (b)(8) waters. Based on a review of the aeriels, topographic map, soil survey, NWIs, and information submitted by the agent, the remainder of the site was determined to consist of uplands.

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