



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): March 1, 2021

ORM Number: SAC-2020-01489

Associated JDs: N/A

Review Area Location¹:

State: South Carolina City: Newberry County: Newberry

Center Coordinates of Review Area: Latitude 34.2565 Longitude -81.6241

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 Trib BB	150 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Trib BB is a naturally occurring unnamed intermittent tributary that flows directly into Wetland B (described below) where it disperses. At the time of flagging flow was observed in non-jurisdictional drainage swale from Wetland B, to Wetland A, then continue from Wetland A to Trib CC-1. A review of LiDAR data shows this drainage swale, and aerial photographs in conjunction with corresponding date specific APT data, shows this drainage feature, and despite this site being historically and actively utilized for cattle grazing causing vegetation to become highly disturbed, a change in vegetation color within the drainage pattern indicates 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

			surface hydrological connection from Wetland B to Wetland A, and then to the tributary (Trib CC-1) during normal conditions (see APT discussion below). Trib BB has a well-developed OHWM, bed and banks, a well-defined channel, and had a series standing water pools and shallow subsurface/hyporheic water in the channel sediment at the time of the flagging. Based on a review of information submitted by applicant, and information gathered by the Corps, it has been determined that the tributary flows continuously during certain times of the year and more than in direct response to precipitation. Trib BB satisfies the flow conditions and criteria included in the (c)(12) tributary definition of the NWPR. Therefore, Trib BB has been determined to be an (a)(2) water of the U.S.
Jurisdictional Trib CC-1	300 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Trib CC-1 is a naturally occurring unnamed perennial tributary mapped by USGS as a solid blue line, indicating potential perennial flow. During flagging the tributary exhibited strong flow, with associated channel development, active floodplain connectivity, sediment sorting and other indications of perennial flow. Trib CC-1 carries flow to Bush River, ultimately to Lake Murray, an off-site (a)(1) and Section 10 Water. On this basis, Trib CC-1 has been determined to be a tributary with perennial flow and thus an (a)(2) water.
Jurisdictional Trib CC-2	2000 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Trib CC-2 is a naturally occurring unnamed perennial tributary mapped by USGS as a solid blue line, indicating potential perennial flow. Trib CC-2 is the upstream portion of Trib CC-1 (described above). On this basis, Trib CC-2 has been determined to be a tributary with perennial flow and thus an (a)(2) water.
Jurisdictional Trib FF	400 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Trib FF is a naturally occurring unnamed intermittent tributary that directly contributes surface water flow to Trib CC-2 (described above). Trib FF has a well-developed OHWM, bed and banks, a well-defined channel, and had a series standing water pools and shallow subsurface/hyporheic water in the channel sediment at the time of the flagging. Trib FF is not mapped by USGS or NWI, however it is visible on LiDAR data and aerial photos. Based on a review of information submitted by applicant, it has been determined that the tributary flows continuously during certain times of the year and more than in direct response to precipitation. Trib FF satisfies the flow conditions and criteria included in the (c)(12) tributary definition of the NWPR. On this basis, Trib FF has been determined to be an (a)(2) water of the U.S.
Jurisdictional Trib KK	2000 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Trib KK is a naturally occurring unnamed perennial tributary that directly contributes surface water flow to Trib CC-2 (described above). During flagging/Corps site visit the tributary exhibited strong flow, with associated channel development, sediment sorting and other indications of perennial flow. Trib KK is not mapped by

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**

			USGS or NWI, however it is visible on LiDAR data and aerial photos. Trib KK satisfies the flow conditions and criteria included in the (c)(12) tributary definition of the NWPR. On this basis, Trib KK has been determined to be an (a)(2) water of the U.S.
Jurisdictional Trib LL	90 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Trib LL is a naturally occurring unnamed intermittent tributary that directly contributes surface water flow to Trib KK (described above). Trib LL has a well-developed OHWM, bed and banks, a well-defined channel, and had a series standing water pools and shallow subsurface/hyporheic water in the channel sediment at the time of the flagging/Corps site visit. Trib LL is not mapped by USGS or NWI, however it is visible on LiDAR data and aerial photos. Based on a Corps site visit and a review of information submitted by applicant, it has been determined that the tributary flows continuously during certain times of the year and more than in direct response to precipitation. Trib LL satisfies the flow conditions and criteria included in the (c)(12) tributary definition of the NWPR. On this basis, Trib LL has been determined to be an (a)(2) water of the U.S.
Jurisdictional Trib SS-1	200 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Trib SS-1 is a naturally occurring unnamed intermittent tributary that directly contributes surface water flow to Trib SS-2 (described below). Trib SS-1 is the upstream portion of Trib SS-2. It is mapped by USGS as a solid blue line. Trib SS-1 has a well-developed OHWM, bed and banks, a well-defined channel, and had a series standing water pools and shallow subsurface/hyporheic water in the channel sediment at the time of the flagging. Based on a review of information submitted by applicant, it has been determined that the tributary flows continuously during certain times of the year and more than in direct response to precipitation. Trib SS-1 satisfies the flow conditions and criteria included in the (c)(12) tributary definition of the NWPR. On this basis, Trib SS-1 has been determined to be an (a)(2) water of the U.S.
Jurisdictional Trib SS-2	450 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Trib SS-2 is a naturally occurring unnamed perennial tributary mapped by USGS as a solid blue line, indicating potential perennial flow. During flagging the tributary exhibited strong flow, with associated channel development, sediment sorting and other indications of perennial flow. Trib SS-2 carries flows to Trib CC-1 described above. On this basis, Trib SS-2 has been determined to be a tributary with perennial flow and thus an (a)(2) water.

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
Jurisdictional Pond N	0.25 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes	Pond N is an open water impoundment of the (a)(4) Wetland M (discussed below). Pond N has been

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**

		surface water flow directly or indirectly to an (a)(1) water in a typical year	observed at the time of flagging/Corps site visit to contribute surface water flow directly through a manmade dam structure to Wetland M. Based on site evaluation and review of information submitted by applicant, it has been determined that Pond N flows continuously during certain times of the year and more than in direct response to precipitation. On this basis Pond N is considered an (a)(3) water.
Jurisdictional Pond Q	0.39 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Pond Q is an open water impoundment of the (a)(2) Trib SS-1 (discussed above). Pond Q has been observed at the time of flagging to contribute surface water flow directly through a manmade dam structure to Trib SS-1. Based on site evaluation and review of information submitted by applicant, it has been determined that Pond Q flows continuously during certain times of the year and more than in direct response to precipitation. On this basis Pond Q is considered an (a)(3) water.

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Jurisdictional Wetland A	0.12 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Wetland A is inundated by Trib CC-1, a perennial (a)(2) water (documented above) during periods of high-water levels in the tributary. According to the FEMA Risk map layer, Wetland A is located within Flood Hazard Area Zone AE (1% Annual Chance Flood Hazard Area). Signs of inundation such as standing water, rack lines, drainage patterns, debris piles, sediment deposits, and disturbed vegetation were observed during the flagging/delineation visit in October 2020. A review of LiDAR data shows drainage patterns within the flood plain. Additionally, aerial photographs in conjunction with corresponding date specific APT data, that shows drainage patterns within the flood plain, and despite this site being historically and actively utilized for cattle grazing causing vegetation to become highly disturbed, a change in vegetation color within the drainage patterns indicates a surface hydrological connection from the wetland to the tributary during normal conditions (see APT discussion below). On this basis, Wetland A is considered an (a)(4) water.
Jurisdictional Wetland B	0.16 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland B is directly abutting to Trib BB (documented above), and is inundated by Trib CC-1, a perennial (a)(2) water (documented above) during periods of high-water levels in the tributary and. According to the FEMA Risk map layer, Wetland B is located within Flood Hazard Area Zone AE (1% Annual Chance Flood Hazard Area). Signs of inundation such as standing water, rack lines, drainage patterns, debris piles, sediment deposits, and disturbed vegetation were observed during the flagging/delineation visit in October 2020. A review of LiDAR data shows drainage patterns

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

			within the flood plain. Additionally, aerial photographs in conjunction with corresponding date specific APT data, that shows drainage patterns within the flood plain, and despite this site being historically and actively utilized for cattle grazing causing vegetation to become highly disturbed, a change in vegetation color within the drainage patterns indicates a surface hydrological connection from the wetland to the tributary during normal conditions (see APT discussion below). On this basis, Wetland B is considered an (a)(4) water.
Jurisdictional Wetland D	0.07 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Wetland D is inundated by Trib CC-2, a perennial (a)(2) water (documented above) during periods of high-water levels in the tributary. According to the FEMA Risk map layer, Wetland D is located within Flood Hazard Area Zone AE (1% Annual Chance Flood Hazard Area). Signs of inundation such as standing water, rack lines, drainage patterns, debris piles, sediment deposits, and disturbed vegetation were observed during the flagging/delineation visit in October 2020. A review of LiDAR data shows drainage patterns within the flood plain. Additionally, aerial photographs in conjunction with corresponding date specific APT data, that shows drainage patterns within the flood plain, and despite this site being historically and actively utilized for cattle grazing causing vegetation to become highly disturbed, a change in vegetation color within the drainage patterns indicates a surface hydrological connection from the wetland to the tributary during normal conditions (see APT discussion below). On this basis, Wetland D is considered an (a)(4) water.
Jurisdictional Wetland E	0.16 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Wetland E is inundated by Trib CC-2, a perennial (a)(2) water (documented above) during periods of high-water levels in the tributary. According to the FEMA Risk map layer, Wetland E is located within Flood Hazard Area Zone AE (1% Annual Chance Flood Hazard Area). Signs of inundation such as standing water, rack lines, drainage patterns, debris piles, sediment deposits, and disturbed vegetation were observed during the flagging/delineation visit in October 2020. A review of LiDAR data shows drainage patterns within the flood plain. Additionally, aerial photographs in conjunction with corresponding date specific APT data, that shows drainage patterns within the flood plain, and despite this site being historically and actively utilized for cattle grazing causing vegetation to become highly disturbed, a change in vegetation color within the drainage patterns indicates a surface hydrological connection from the wetland to the tributary during normal conditions (see APT discussion below). On this basis, Wetland E is considered an (a)(4) water.
Jurisdictional Wetland G	0.3 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland G is contiguous and directly abutting (a)(2) tributary Trib FF described above. On this basis, Wetland G is an (a)(4) water.

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

Jurisdictional Wetland H	0.39 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland H is contiguous and directly abutting (a)(2) tributary Trib CC-2 described above. On this basis, Wetland H is an (a)(4) water.
Jurisdictional Wetland J	0.15 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Wetland J is inundated by Trib CC-2, a perennial (a)(2) water (documented above) during periods of high-water levels in the tributary. According to the FEMA Risk map layer, Wetland J is located within Flood Hazard Area Zone AE (1% Annual Chance Flood Hazard Area). Signs of inundation such as standing water, rack lines, drainage patterns, debris piles, sediment deposits, and disturbed vegetation were observed during the flagging/delineation visit in October 2020. A review of LiDAR data shows drainage patterns within the flood plain. Additionally, aerial photographs in conjunction with corresponding date specific APT data, that shows drainage patterns within the flood plain, and despite this site being historically and actively utilized for cattle grazing causing vegetation to become highly disturbed, a change in vegetation color within the drainage patterns indicates a surface hydrological connection from the wetland to the tributary during normal conditions (see APT discussion below). On this basis, Wetland J is considered an (a)(4) water.
Jurisdictional Wetland M	0.17 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland M is contiguous and directly abutting (a)(2) tributary Trib LL described above. On this basis, Wetland M is an (a)(4) water.
Jurisdictional Wetland R	0.04 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland R is contiguous and directly abutting an off-site portion of (a)(2) tributary Trib SS-1 and Trib SS-2 described above. On this basis, Wetland R is an (a)(4) water.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Water Wetland P	0.21 acres	(b)(1) Non-adjacent wetland	Wetland P is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1)

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 submitted by Palmetto Environmental Consulting, Inc. (consultant) dated 10/26/2020**

This information *is* sufficient for purposes of this AJD.

Rationale: **The wetland data form, and additional information submitted by the agent are**

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

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: **Photos provided by agent 1-19 of 19 dated 10/26/2020. Aerial photos: "Figure 2. Aerial Photo/Soils" dated 10/28/2020 provided by consultant. Google Earth aeriels dated 03/04/2010, 11/24/2011, and 10/12/2016.**
- Corps Site visit(s) conducted on: **12/15/2020**
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: **Provided by consultant titled "Figure 2. Aerial Photo/Soils" dated 10/26/2020: Cecil, Taccoa, Hard Labor.**
- USFWS NWI maps: **Provided by consultant titled "Figure 3. NWI" dated 10/26/2020**
- USGS topographic maps: **Provided by consultant titled "Figure 4. USGS Topo" dated 10/26/2020. Quad name: Newberry West**

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS 3D Elevation Program (3DEP) LiDAR Map Service, published August 13, 2020.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed October and December 2020, January 2021
State/Local/Tribal Sources	N/A.
Other Sources	FEMA RiskMap CDS National Flood Hazard Layer.

B. Typical year assessment(s): The Antecedent Precipitation Tool (APT) data for the typical year assessment was calculated based on the field collection date denoted on the wetland determination data forms (10/13/2020), the date of the Corps site visit (12/15/2020), and the dates of the Google Earth aeriels (03/04/2010, 11/24/2011, and 10/12/2016). Output from the APT indicated "wetter than normal" conditions at the time of data collection by the agent with a condition value of 16, "normal" conditions at the time of the Corps site visit with a condition value of 12. Additionally, corresponding date specific APT outputs for the Google Earth aeriels referenced above indicate "normal" conditions were captured at the time the photos were taken (03/04/2010 condition value of 13, 11/24/2011 condition value of 12, and 10/12/2016 condition value of 14). APT Outputs with condition values greater than or equal to 15 indicates "wetter than normal" conditions, condition values between 10 and 14 indicate "normal" conditions, and condition values less than or equal to 9 indicates "drier than normal conditions. Results of the APT indicate the boundaries of the aquatic resources as documented here have been observed during multiple condition values and are an accurate representation of the extent and boundaries that would be observed within a typical year.

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

- C. Additional comments to support AJD:** This form documents an approximately 184-acre site that has four perennial (a)(2) waters, four intermittent (a)(2) waters, four (a)(4) wetlands that directly abut an (a)(2) water, five (a)(4) wetlands that are inundated by flooding within a typical year by an (a)(2) water (NOTE: Inundation of these wetlands within a typical year was determined based on a review of information submitted by the applicant, a review of remote sensing data including aerial photos and LiDAR data, FEMA mapping data, APT data, and a Corps site visit. See above for resource specific discussions), and one (a)(3) water, that were determined to be waters of the United States. The site also includes one (b)(1) excluded wetland determined to not be waters of the United States.

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.