



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 24, 2021

ORM Number: SAC-2020-01528

Associated JDs: N/A

Review Area Location¹:

State: SC City: Indian Land County: Lancaster County

Center Coordinates of Review Area: Latitude 34.9735 Longitude -80.856

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 A	290 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary A is depicted as a dashed blue line on the topographic map and is clearly defined on the 3DEP LiDAR data. This tributary flows off-site into another unnamed dashed blue line to form an unnamed solid blue line tributary which then flows into Sugar Creek which flows into the Catawba River, a Section 10 Waterbody. The NWI maps this tributary as an intermittent and perennial tributary. The Tributary exhibited a defined bed and bank, sediment sorting, and lack of vegetation in the channel. The drainage area is roughly 30 acres. Based on this information, Jurisdictional Tributary A was determined to be an

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.



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			(a)(2) water.
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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
Wetland Area A	0.12 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland Area A is abutting and contiguous with the (a)(2) water Stream A which eventually flows into the Catawba River, a Section 10 TNW.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Waters (Pond1)	0.22 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 Waters (Pond1) is an open water feature that was excavated within a non-jurisdictional feature. There were no signs of inlet or outlet structures. Water appears to collect as runoff from adjacent uplands including roadside drainage of Highway 521.

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: *JD Package submitted by Red Bay Environmental.*
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 Red Bay Environmental in the submittal dated November 4, 2020 and ESRI World Imagery – 2019*
- 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 Web Soil Survey as submitted by the consultant: Helena, Appling*
- USFWS NWI maps: *USFWS NWI Map Service: PUBHx, R5UBH, R4SHC.*
- USGS topographic maps: *USGS 1:24K Quad, Catawba NE.*

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Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	3DEP LiDAR data
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- 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 (September 9, 2020). Output from the APT indicated “wetter than normal” conditions at the time of data collection by the agent (Red Bay Environmental) with a condition value of 16. APT Output with a condition value greater than 14 indicates “wetter than normal” conditions onsite and may not accurately represent typical year hydrologic conditions. For this assessment, a total 8 weather stations within a 20-mile radius were used. Although wetter than normal conditions were indicated by the APT, these findings would not affect the aquatic resource boundaries, locations, or their respective jurisdictional status.
- C. Additional comments to support AJD:** The 15.3-acre project site contains 2 jurisdictional waters, including one jurisdictional (a)(2) tributary and one jurisdictional (a)(4) wetland which directly abut the jurisdictional tributary. This site also contains an excluded water, an artificial pond that was created in uplands. Based on a review of the aerials, topographic map, soil survey, NWIs, and information submitted by the agent, the pond was determined to be a pond that was not created on a jurisdictional feature (created in uplands), and therefor determined to be a (b)(8) excluded water.

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