

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): 11-MAR-2021

ORM Number: SAC-2021-00076

Associated JDs: N/A

Review Area Location¹:

Stat: SC City: Sumter County: Sumter County

Center Coordinates of Review Area: Latitude 33.9911 Longitude -80.3733

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 |

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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.

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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 |
|--------------------------|----------------|---|--|
| Ditch 1 Excluded Water | 283 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) | Ditch 1 Excluded Water located within the review area is excavated entirely from uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. The feature is located within the northeast portion of the site. Flow within the feature appears to be in response to precipitation and runoff from the surrounding areas higher in elevation; this feature provides drainage from an off-site roadside ditch parallel to Hill Road, through uplands within the site, to an offsite tributary located north-east of the site. |
| Wetland 1 Excluded Water | 5.68 acres | (b)(1) Non-adjacent wetland | Wetland 1 Excluded Water is located in the southern portion of the site and does not abut and is not inundated by an (a)(1)-(3) water. Additionally, this wetland is physically separated from an (a)(2) water by multiple physical, man-made barriers (residential lots, roads, etc.) and uplands. Excluded Waters 1 is completely surrounded by uplands (review of NWI, Topographic Maps, aerial, and soils maps) and lacks a direct or indirect surface connection to (a)(1)-(3) waters. |

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 with maps and site pictures submitted on September 17, 2020, by the applicant's consultant, Newkirk Environmental, Inc. Project site map titled: "SAC-2020-00076 / Brewington Site AJD", dated: November 11, 2020.*

This information is sufficient for purposes of this AJD. Rationale: *N/A.*

 Data sheets prepared by the Corps: *N/A*

X Photographs: *(aerial and other) site pictures and maps submitted by Palmetto Environmental Consulting, dated September 17, 2020; Google Earth Aerials dated September 7, 2017; USGS National Map 3D Elevation Program (3DEP).*

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- Corps Site visit(s) conducted on: *February 2, 2021.*
- 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, Sumter County, depicts four soil types within the project site including Coxville-Rains complex (0-2% slopes) Rains sandy loam (0-2% slopes), Rains-Coxville-Lynchburg Complex (0-2% slopes), Norfolk-Noboco complex (0-2% slopes), and Goldsboro-Noboco complex (0-2% slopes). All on-site soils are listed as hydric for Sumter County in the 2017 South Carolina Hydric Soils List.*
- USFWS NWI maps: *USFWS NWI - Wetlands Raster REST Map Service dated May 29, 2012, updated July 17, 2020, depicts one blue line feature in the northeast portion of the site and one palustrine forested wetland within the southern portion of the site. Both features were found to be approximately within the same locations, however, a site visit led to the discovery that this the blue line feature is off-site and directly adjacent to the northeastern corner of the site.*
- USGS topographic maps: *USGS Topographic Maps / 7.5 Minute Index / Sumter East & West Quads / 1:24000 depicts partially-forested site with uplands within the southern portion of the site and blue line feature at, or adjacent to, the northeastern corner of the site boundary; the topographic map is consistent with the NWI map.*

Other data sources used to aid in this determination:

| Data Source (select) | Name and/or date and other relevant information |
|----------------------------|---|
| USGS Sources | N/A. |
| USDA Sources | N/A. |
| NOAA Sources | N/A. |
| USACE Sources | SAC Regulatory Viewer accessed on January 15, 2021. |
| State/Local/Tribal Sources | N/A. |
| Other Sources | N/A. |

B. Typical year assessment(s): Antecedent Precipitation Tool (APT) data for typical year determination was calculated based on field conditions observed on the date of the application form (September 17, 2020). Output from the APT indicated "wetter than normal conditions" at the time of data collection by the agent with a condition value of 18. ATP outputs with a condition value greater than 14 indicate "wetter than normal" conditions onsite and may not accurately represent typical year hydrologic conditions. For this assessment, a total of 6 weather stations within a ~18 mile radius was used.

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- C. **Additional comments to support AJD:** This 79.71 acre JD consists of three lots (49.27 ac, 10.34 ac, and 20.10 ac) split by West Brewington Road and Hill Road. Within the site are two excluded waters, a 5.68 acre non-adjacent wetland in the southern portion of site and a 283 linear foot ditch, which was also deemed an excluded water, in the northeastern portion of the site. The remaining 74.03 acres of land are uplands. National wetland inventory maps, topographic maps, and LiDAR imagery were all consistent in the depiction of the site.

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