



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): May 18, 2021

ORM Number: SAC-2020-01706

Associated JDs: SAC-2018-01457

Review Area Location<sup>1</sup>:

State: SC City: Lexington County: Lexington County

Center Coordinates of Review Area: Latitude 33.975175 Longitude -81.190104

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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
Jurisdictional Wetland 1	1.87 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an	Jurisdictional Wetland 1 is separated from an off-site (a)(2) tributary by an artificial barrier (dirt parking lot).

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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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		artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	but is connected by an artificial structure (culvert) that provides a direct surface hydrologic connection that is active in a typical year (typical year information is provided in Section III, B below). On this basis, wetland Jurisdictional Wetland 1 is an (a)(4) water.
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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Excluded Water 1	0.2 acre	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	Excluded Water 1 is an artificially constructed pond wholly excavated in upland soils (Troup) according to USDA-NRCS mapping. Excluded Water 1 is not an impoundment of a jurisdictional water and was constructed to meet the requirements of Section 402 of the Clean Water Act. Therefore, the Corps has determined the Excluded Water 1 to be a (b)(10) excluded water.
Excluded Water 2	0.2 acre	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	Excluded Water 2 is an artificially constructed pond wholly excavated in upland soils (Dothan) according to USDA-NRCS mapping. Excluded Water 2 is not an impoundment of a jurisdictional water and was constructed to meet the requirements of Section 402 of the Clean Water Act. Therefore, the Corps has determined the Excluded Water 2 to be a (b)(10) 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: **Jurisdictional Determination Request dated September 25, 2020.**

This information is sufficient for purposes of this AJD.

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

Photographs: **Photos provided by consultant 1-10 of 10 dated November 3, 2020.**

**Aerial photo provided by consultant “Depiction of Aquatic Resources Map, Augusta Road” dated February 10, 2021.**

Corps Site visit(s) conducted on: **February 9, 2021.**

Previous Jurisdictional Determinations (AJDs or PJDs): **SAC-2018-01457 AJD issued December 6, 2018.**

Antecedent Precipitation Tool: provide detailed discussion in Section III.B.

USDA NRCS Soil Survey: **Provided by consultant “2006 Infrared Aerial / USDA NRCS**

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

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<sup>5</sup> 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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**Soils Map” dated November 2, 2020.**

- USFWS NWI maps: Provided by consultant “2006 Infrared Aerial / USGS NHD / USFWS NWI Map” dated November 2, 2020.**
- USGS topographic maps: Provided by consultant “1987 Lexington, SC-USGS Topographic Map” dated November 2, 2020.**

**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 November 2020, and February 2021
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 were calculated based on the field collection dates denoted on the wetland determination data forms and submitted photos (November 3, 2020), and the date of the Corps site visit (February 9, 2021). Output from the APT indicated “drier than normal” conditions at the time of data collection by the agent in November 2020 with a condition value of 9, and “normal” conditions at the time of the Corps site visit in February 2021 with a condition value of 12. 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.
- C. Additional comments to support AJD:** This form documents an approximately 66.33-acre site that includes an (a)(4) wetland water that was determined to be waters of the United States.

The site also includes two (b)(10) excluded waters that were determined not to be waters of the United States.

The USGS topo and NWI show a blueline dissecting the delineated (a)(4) wetland, however at the time of flagging/Corps site visit no tributary was observed.

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