



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): 19-MAY-2021

ORM Number: SAC-2021-00258

Associated JDs: SAC-2012-01188-4M, issued on February 25, 2013

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

State: SC City: Sumter County: Sumter County

Center Coordinates of Review Area: Latitude 33.8669° W Longitude -80.3225° W

**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)<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
Jurisdictional Pond 1	0.31 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Jurisdictional Pond 1 receives direct recharge from the Pocotaligo River and wetlands that intersect the OHWM of the Pocotaligo River.

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

<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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(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A	N/A	N/A	N/A

**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	0.4 acres	(b)(1) Non-adjacent wetland	Excluded Water 1 is a non-adjacent wetland located in the eastern portion of the site and does not abut nor is inundated by an (a)(1)-(3) water. Excluded Waters 1 is completely surrounded by uplands. A review of NWI, Topographic Maps, aerial imagery, LiDAR digital elevation model, and soils maps has led to the discovery that this feature lacks a direct or indirect surface connection to (a)(1)-(3) water.
Excluded Water 2	3.2 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 2 is an upland excavated pond located in the western portion of the site and does not abut nor is inundated by an (a)(1)-(3) water. Excluded Waters 1 is completely surrounded by uplands. A review of NWI, Topographic Maps, aerial imagery, LiDAR digital elevation model, and soils maps has led to the discovery that this feature lacks a direct or indirect surface connection to (a)(1)-(3) water.
Excluded Water 3	2700 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)	Excluded Water 3 is an upland excavated ditch cutting through the central through eastern portion of the site. This feature does not abut nor is inundated by an (a)(1)-(3) water. Excluded Waters 1 is completely surrounded by uplands. A review of NWI, Topographic Maps, aerial imagery, LiDAR digital elevation model, and soils maps has led to the discovery that this feature lacks a direct or indirect surface connection to (a)(1)-(3) 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.

X Information submitted by, or on behalf of, the applicant/consultant: *Jurisdictional determination request with maps and site pictures submitted on February 5, 2021, by the applicant's consultant, Ecological Associates, Incorporated. Project site map titled: "SAC-2021-00258 / Wendemere Site", dated March 25, 2021.*

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

Rationale: *N/A*

\_\_\_ Data sheets prepared by the Corps: *Title(s) and/or date(s).*

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- X Photographs: *Aerial and other site pictures and maps submitted by Ecological Associates, Incorporated, Google Earth Aerials dated September 7, 2017; USGS National Map 3D Elevation Program (3DEP).*
  
- \_\_\_ Corps Site visit(s) conducted on: *Date(s).*
  
- X Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2012-01188-4M, issued on February 25, 2013.
  
- X Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
  
- X USDA NRCS Soil Survey: *NRCS / Soil Survey Geographic Database (SSURGO) Map Service, Sumter County, depicts two soil types within the project site including Norfolk-Noboco complex (0-6% slopes) and Rains sandy loam (0-2% slopes). All on-site soils are listed as hydric for Sumter County in the 2017 South Carolina Hydric Soils List.*
  
- X USFWS NWI maps: *USFWS NWI – Wetlands Raster REST Map Service dated May 29, 2012, updated July 17, 2020, depicts two palustrine forested wetlands and one area of open water within the site. One wetland area is located within the central portion of the site at, and east of, on-site Excluded Waters 2 and Excluded Waters 3. The second wetland is located in the northwest portion of the site, adjacent to Jurisdictional Pond 1. The open waters feature is located approximately at the same location as Jurisdictional Pond 1. No aquatic features are illustrated at the approximate location of Excluded Waters 1.*
  
- X USGS topographic maps: *USGS Topographic Maps / 7.5 Minute Index / Brogdon Quad / 1:24000 depicts a partially forested site with wetland symbology along the northwestern portion of the site, adjacent to Jurisdictional Pond 1, as well as wetland symbology throughout the central portion of the site at the approximate location of Excluded Waters 2 and Excluded Waters 3. Off-site and immediately adjacent to Jurisdictional Pond 1 the Pocatigo River, a braided river system, and wetland symbology is illustrated. Off-site and running through the central portion of the Jurisdictional Pond 1, is one blue line feature that terminates into the Pocatigo River.*

**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 May 11, 2021.

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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 collection date denoted on the wetland determination data forms (January 13, 2021). Output from the APT indicated "normal conditions" at the time of data collection by the agent (Ecological Associates) with a condition value of 13. 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 5 weather stations within a ~14-mile radius was used
- C. Additional comments to support AJD:** This 21.26-acre site can be described as a partially cleared site containing a portion of one Jurisdictional Pond, a non-jurisdictional pond (Excluded Water 2), a non-jurisdictional wetland (Excluded Water 1), and a non-jurisdictional pond (Excluded 3). LiDAR Digital Elevation Model (DEM) data is in agreement with the submitted delineation and USGS Topographic maps (Brogdon Quad). This site had a previous determination issued on February 25, 2013, (SAC-2012-01188-4M). The only changes between the 2013 JD and this JD are slight changes to resource acreages.

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