



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 5, 2021

ORM Number: SAC-2021-00485

Associated JDs: N/A

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

State: SC City: Enoree County: Spartanburg County

Center Coordinates of Review Area: Latitude 34.661534 Longitude -81.941113

**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   |
|-------------|-------------|--|--|
| JT-1        | 298 feet    | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | JT-1 is an intermittent tributary that has flow occurring during certain times of the year and more than in direct response to precipitation. LiDAR and the topographic map depict the tributary within a naturally occurring drainage area, but it is not mapped as a blue line on the topographic map. It flows off-site to Hannah Creek which flows to Twomile Creek which flows to the Enoree River which is an (a)(1) water. According to information provided by the agent, JT-1, has a clear OHWM, bed and banks, and a well-defined channel. During their data collection, they observed a series of standing pools of water and |

<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.

<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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|  |  |   |
|--|--|---|
|  |  | shallow/subsurface/hyporheic water in the channel. Low flow was observed in portions of the channel. The Corps has determined JT-1 to be 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 |
|-------------|-------------|-----------------|------------------------------------|
| 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                                |

**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  |
|----------------|----------------|--|--|
| NJF-1          | 137 feet       | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | Documentation provided by the agent shows NJF-1 originates in uplands, has no OHWM, and had abundant leaf litter and debris in the streambed. The feature only flows in response to precipitation. This feature is considered an excluded water. |
| NJF-2          | 99 feet        | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | Documentation provided by the agent shows NJF-2 originates in uplands, has no OHWM, and had abundant leaf litter and debris in the streambed. The feature only flows in response to precipitation. This feature is considered an excluded water. |
| NJF-3          | 509 feet       | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | Documentation provided by the agent shows NJF-3 originates in uplands, has no OHWM, and had abundant leaf litter and debris in the streambed. The feature only flows in response to precipitation. This feature is considered an excluded water. |
| NJF-4          | 101 feet       | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | Documentation provided by the agent shows NJF-4 originates in uplands, has no OHWM, and had abundant leaf litter and debris in the streambed. The feature only flows in response to precipitation. This feature is considered an excluded water. |
| NJF-5          | 55 feet        | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | Documentation provided by the agent shows NJF-5 originates in uplands, has no OHWM, and had abundant leaf litter and debris in the streambed. The feature only flows in response to precipitation. This feature is considered an 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.

X  Information submitted by, or on behalf of, the applicant/consultant: Jurisdictional Determination Request prepared by S&ME dated February 26, 2021  
This information is sufficient for purposes of this AJD.

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

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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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- Rationale: The Corps agrees with the conclusions of the submitted report and data sheets.
- Data sheets prepared by the Corps: N/A
  - Photographs: Photos provided in submittal by S&ME, "Aerial Exhibit" submitted by agent dated 2/25/2021 (Source: World Imagery 2019)
  - Corps Site visit(s) conducted on: N/A.
  - Previous Jurisdictional Determinations (AJDs or PJDs): N/A
  - Antecedent Precipitation Tool: Detailed discussion in Section III.B.
  - USDA NRCS Soil Survey: "Soils Exhibit" submitted by agent dated 2/9/2021 (Source: World Imagery 2019 & SCDNR (Soils Data))
  - USFWS NWI maps: "NWI Exhibit" submitted by agent dated 2/9/2021 (Source: World Imagery & SCDNR (NWI Data))
  - USGS topographic maps: "Topographic Exhibit" submitted by agent dated 2/9/2021 (Source: USGS 7.5-Minute Topo Quad Enoree, SC 1969)

**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 4/28/2021   |
| State/Local/Tribal Sources | N/A.   |
| Other Sources              | "LIDAR Exhibit" provided by the agent dated 2/9/2021 (Source: World Imagery 2019 & SCDNR (LIDAR Data)) |

- B. Typical year assessment(s):** The Antecedent Precipitation Tool (APT) data for the typical year assessment was calculated based on the field collection date (2/24/2021). 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. Output from the APT indicated normal conditions at the time of data collection by the agent with a condition value of 13.
- C. Additional comments to support AJD:** The review area is for a 6.77-acre tract that has one (a)(2) water and five (b)(3) excluded waters.

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

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