



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): November 17, 2020
ORM Number: SAC-2008-01322
Associated JDs: N/A Review Area Location¹: Located at the International Industrial Park on Redbank Road.
State: SC City: Orangeburg County: Orangeburg County
Center Coordinates of Review Area: Latitude 33.563228 Longitude -80.834159

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)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

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 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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Ditch/T1	560feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories	Based on a review of offsite resource information, the ditch was excavated from uplands, and does not meet the definition of tributary.
W1	4.3 acres	(b)(1) Non-adjacent wetland	Wetland W1 is a closed polygon wetland that is surrounded by uplands, and is not contiguous or directly abutting and (a)(1)-(a)(3) water. Based on a review of a Google Earth photo dated 2/6/2019 and Google Earth Street View photo dated 8/2019, the offsite portion of the wetland ends at or near the project review area boundary. SA In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1). Additional discussion is provided below in Section III.
W2	0.12 acre	(b)(1) Non-adjacent wetland	Wetland W2 is a closed boundary polygon that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1). Additional discussion is provided below in Section III.
W3	0.06 acre	(b)(1) Non-adjacent wetland	Wetland W3 is a closed polygon boundary that is not contiguous or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1). Additional discussion is provided below in Section III.

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: ECS Southeast, LLP

This information (is) sufficient for purposes of this AJD.

Rationale: N/A

Data sheets prepared by the Corps:

Photographs: Google Earth 2/6/2019 and Google Earth Street view August, 2019.

Corps Site visit(s) conducted on: N/A

Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2008-01322 dated April 8, 2015.

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

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- USDA NRCS Soil Survey: Soil Survey Geographic Database (SSURGO): Johnston sandy loam
- USFWS NWI maps: Wetlands Raster REST Service: upland
- USGS topographic maps: Orangeburg North 7.5-Minute Quad

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	.Reg Viewer
State/Local/Tribal Sources	N/A.
Other Sources	Google Earth Pro

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: The wetlands located within the project review area are closed boundary polygon wetlands that are non-adjacent to an (a)(1) – (a)(3) water. Additionally, the ditch was excavated from uplands and does not meet the definition of any category of jurisdictional water. Therefore, the wetlands and ditch are non-jurisdictional excluded waters and not regulated by Section 404 of the CWA.

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