



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): 10-NOV-2020

ORM Number: SAC-2020-00302

Associated JDs: SAC-2015-00618

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

State/Territory: SC City: Gaston County: Calhoun County

Center Coordinates of Review Area: Latitude 33.7997 Longitude -81.0084

**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
N/A	N/A	N/A	N/A

<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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**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
NJW-A	0.59 acres	(b)(1) Non-adjacent wetland	Excluded Water NJW-A is a closed boundary polygon determined to be non-jurisdictional because it does not abut nor is it inundated by an (a)(1)-(a)(3) water. The aerials depict this site as forested with no linear features present, and the NWIs map this site as uplands. The site is mapped Ailey Sand on the soil survey, which is non-hydric. No blue lines or other potential aquatic resources are depicted on the topographic map. This wetland was previously determined to be isolated, non-jurisdictional (SAC-2015-00618, letter dated 18 APR 2015). Based on this information, NJW-A was determined to be 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.

Information submitted by, or on behalf of, the applicant/consultant: *AJD Request submitted by S&ME, Inc., on behalf of Thomas & Hutton, on 24 Feb 2020.*

This information is sufficient for purposes of this AJD.

Rationale: *The wetland data forms and information submitted by the agent are considered to be 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: *N/A.*

Photographs: *Photographs submitted by the agent dated 4 Feb 2020. Google Earth aerial dated 2 May 2018.*

\_\_\_ Corps Site visit(s) conducted on: *N/A.*

Previous Jurisdictional Determinations (AJDs or PJDs): *SAC-2015-00618, letter dated 18 Apr 2015.*

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

USDA NRCS Soil Survey: *NRCS Soil Survey Geographic Database (SSURGO) Map Service created 4 Apr 2019 and updated 26 Aug 2020. The site consists of Ailey sand, a non-hydric soil.*

USFWS NWI maps: *USFWS NWI - Wetlands Raster REST Map service dated May 29, 2012 and updated on July 17, 2020. According to the NWIs, the site is mapped uplands.*

USGS topographic maps: *USGS Topographic Map / 7.5 Minute Index / Gaston Quad. The topographic map depicts this site as uplands with no blue lines or other potential aquatic resources present.*

<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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**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Topographic Map.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed on 2 Nov 2020.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Antecedent Rainfall Calculator data for typical year determination was calculated based on the field collection date provided by the agent (4 Feb 2020). The Antecedent Rainfall Calculator data showed “wetter than normal” conditions at the time of data collection by the agent with a condition value of 18, which indicates that typical year hydrologic conditions may not be present. For this assessment, one weather station, located within a 13-mile radius, was used. Even though site conditions for the date of the data forms do not represent typical year hydrologic conditions and flow regimes, the status for the excluded water remains unchanged.
- C. Additional comments to support AJD:** The 3.5-acre project site includes one excluded water. NJW-A was determined to be an excluded water (non-jurisdictional) in a previous AJD issued on 18 April 2015 (SAC-2015-00618). Based on a review of the aerials, topographic map, soil survey, NWIs, and information submitted by the agent, the excluded wetland was determined to be a closed boundary polygon with no connections to (a)(1) – (a)(3) waters.

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