



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 3, 2020

ORM Number: SAC-2020-00306

Associated JDs: N/A

Review Area Location¹:

State/Territory: SC City: Ridgeland County/Parish/Borough: Jasper County

Center Coordinates of Review Area: Latitude 32.333102 Longitude -80.950861

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)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

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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Wetland	19.49 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland located onsite continues offsite and is part of a larger wetland system known as Thomas Swamp that flows to the west towards the New River. Thomas Swamp is a contiguous wetland system with the New River, which is an (a)(2) perennial tributary. The New River flows through the wetland system and therefore, the wetland system abuts the New River. Based on a review of aerial photographs, there are three roads between the onsite wetland and the downstream New River that appear to have been constructed through the large wetland system. The first road, Carolina Drive, is immediately west of the site. The second road, also west of the site, is an unnamed road. Both Carolina Drive and the unnamed road appear to have culverts present as there is no evidence in aerial photographs that water is being impounded because of the roads. The third road, New River Parkway, has culverts that are visible in Google Earth aerial photographs. Therefore, there is a hydrologic connection from the onsite wetland to the downstream New River, the (a)(2) perennial tributary.
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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
N/A	N/A	N/A	N/A

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: Newkirk Environmental
This information is sufficient for purposes of this AJD.

Rationale: *N/A*

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

Photographs: Aerial Google Earth January 25, 2019

Corps Site visit(s) conducted on: *Date(s)*.

Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s)*.

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

USDA NRCS Soil Survey: Cape Fear loam, Bladen fine sandy loam

USFWS NWI maps: PFO1C

USGS topographic maps: *Title(s) and/or date(s)*.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.

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USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** The Antecedent Precipitation rainfall calculator was run for February 19, 2020, which is the date of the submittal of this Jurisdictional Determination request. In November 2019, the area was experiencing above normal rainfall. By December 2019, the rainfall amount decreased significantly and December 2019 had below average rainfall conditions. The rainfall amount increased significantly and by mid-January 2020, the rainfall was above normal. By the beginning of February 2020, the rainfall amount decreased significantly but remained within the normal range through to February 19, 2020. During this period, the site was experiencing normal conditions. The Drought Index (PDSI) indicated moderate wetness for this period.
- C. Additional comments to support AJD:** The New River, the (a)(2) tributary is located offsite. It is a named tributary, is visible in aerial photographs, is shown as a blue line stream in topographic maps, and has an expansive abutting wetland system known as the Great Swamp. For these reasons, the New River was determined to have perennial flow. The onsite wetland is part of a larger wetland system that is adjacent to and abuts the New River. For these reasons, the onsite wetland is jurisdictional and subject to regulation by Section 404 of the CWA.

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