



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-NOV-2020

ORM Number: SAC-2020-00444

Associated JDs: N/A

Review Area Location¹:

State: South Carolina City: Simpsonville County: Greenville County

Center Coordinates of Review Area: Latitude 34.747492 Longitude -82.299986

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
Waters of the US 1 Jurisdictional Tributary	1317.91 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary 1 is shown as a blue line on the topo map and on the NWI map. The tributary was seen to have flowing water at the time of flagging. According to the consultant, waters were clear in the tributary, and fish and amphibians were observed within waters at the time of flagging. The substrate was made up of cobble, gravel, sand, and mud. The following ordinary high water mark (OHWM) indicators were observed along the tributary: sediment deposition, destruction of terrestrial vegetation, wrack lines, bed and bank features, water staining, and the presence of litter and debris. It flows directly to the Reedy River which flows

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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.

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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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			to the Saluda River (TNW). Therefore, the Corps has determined the tributary to be an (a)(2) water and a water of the U.S.
Waters of the US 5 Jurisdictional Tributary	156.27 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary 5 is shown as a drainage feature on the topo map. The tributary has an OHWM, bed and bank, a defined channel, and flowing water at the time of the Corps site visit and at the time of flagging. According to the consultant, waters were clear in the tributary at the time of flagging. The substrate was made up of gravel and sand. The following OHWM indicators were observed along the tributary: sediment sorting, wracking, matted down vegetation, and water staining. It flows directly into Tributary 1 which flows directly into the Reedy River which flows to the Saluda River (TNW). Therefore, the Corps has determined the tributary to be an (a)(2) water and a water of the U.S.
Waters of the US 7 Jurisdictional Tributary	942.32 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary 7 is shown as a drainage feature on the topo map. The tributary has an OHWM, bed and bank, a defined channel, and flowing water at the time of the Corps site visit and at the time of flagging. According to the consultant, waters in the tributary were mostly clear at the time of flagging. The substrate was made up of bedrock, cobble, gravel, sand, and mud. The following OHWM indicators were observed along the tributary: scour, sediment sorting and deposition, shelving, wrack lines, destruction of terrestrial vegetation, and the presence of litter and debris. It flows directly into Tributary 1 which flows directly into the Reedy River which flows to the Saluda River (TNW). Therefore, the Corps has determined the tributary to be an (a)(2) water and a water of the U.S.
Waters of the WOUS 8 Jurisdictional Tributary	499.94 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary 8 is shown as a drainage feature on the topo map. The tributary has an OHWM, bed and bank, a defined channel, and flowing water at the time of the Corps site visit and at the time of flagging. According to the consultant, waters were mostly clear at the time of flagging. The substrate was made up mostly of sand and mud. Amphibians were observed along the tributary. The following OHWM indicators were observed along the tributary: scour, shelving, sediment deposition, water staining, bed and banks, wrack lines, and the destruction of terrestrial vegetation. The tributary flows east and enters a 36-inch reinforced concrete pipe (RCP) and continues as WOUS 9 on the other side of the pipe. It flows directly into Tributary 1 which flows directly into the Reedy River which flows to the Saluda River (TNW). Therefore, the Corps has determined the tributary to be an (a)(2) water and a water of the U.S.
Waters of the WOUS 9 Jurisdictional Tributary	1205.81 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary 9 is shown as a drainage feature on the topo map. The tributary has an OHWM, bed and bank, a defined channel, and flowing water at the time of the Corps site visit and at the time of flagging. According to

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			the consultant, waters were clear at the time of flagging. The substrate was primarily sand with places of gravel and silt. The following OHWM indicators were observed along the tributary: sediment deposition, sediment sorting, shelving, scour, water staining, bed and banks, destruction of terrestrial vegetation, matted down vegetation, wrack lines, and the presence of litter and debris. WOUS 9 originates from a 36-inch RCP that connects to WOUS 8 and it flows directly into Tributary 1 which flows directly into the Reedy River which flows to the Saluda River (TNW). Therefore, the Corps has determined the tributary to be an (a)(2) water and a water of the U.S.
Waters of the US WOUS 13 Jurisdictional Tributary	15.15 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary 13 is shown as a drainage feature on the top map. The tributary has an OHWM, bed and bank, a defined channel, and standing water at the time of the Corps site visit. According to the consultant, there was no flowing water and the substrate was made up of gravel, sand, and silt. The following OHWM indicators were observed along the tributary: scour, shelving, sediment deposition, and water staining. It flows directly into Tributary 9, which then flows into Tributary 1, which flows directly into the Reedy River which flows to the Saluda River (TNW). Therefore, the Corps has determined the tributary to be an (a)(2) water and a water of the U.S.
Waters of the US WOUS 15 Jurisdictional Tributary	25.36 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary 15 is shown as a drainage feature on the top map. The tributary has an OHWM, bed and bank, a defined channel, and standing water at the time of the Corps site visit. According to the consultant, there was no flowing water and the substrate was made up of gravel, sand, and mud. The following OHWM indicators were observed along the tributary: scour, sediment deposition, bed and banks, and matted down vegetation. It flows directly into Tributary 1 which flows directly into the Reedy River which flows to the Saluda River (TNW). Therefore, the Corps has determined the tributary to be an (a)(2) water and a water of the U.S.

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
Water of the US 2 Jurisdictional Wetland	0.028 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 2 directly abuts the OHWM of Tributary 8 an (a)(2) water. Therefore, the Corps has determined the tributary to be an (a)(4) water and a water of the U.S.
Waters of the US 3 Jurisdictional Wetland	0.42 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 3 directly abuts the OHWM of Tributary 1 an (a)(2) water. Therefore, the Corps has determined the tributary to be an (a)(4) water and a water of the U.S.

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Waters of the US 4 Jurisdictional Wetland	0.164 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 4 directly abuts the OHWM of Tributary 5 an (a)(2) water. Therefore, the Corps has determined the tributary to be an (a)(4) water and a water of the U.S.
Waters of the US 6 Jurisdictional Wetland	0.0075 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 6 directly abuts the OHWM of Tributary 1 an (a)(2) water. Therefore, the Corps has determined the tributary to be an (a)(4) water and a water of the U.S.
Waters of the WOUS 10 Jurisdictional Wetland	0.012 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 10 directly abuts the OHWM of Tributary 9 an (a)(2) water. Therefore, the Corps has determined the tributary to be an (a)(4) water and a water of the U.S.
Waters of the WOUS 11 Jurisdictional Wetland	0.16 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 11 directly abuts the OHWM of Tributary 9 an (a)(2) water. Therefore, the Corps has determined the tributary to be an (a)(4) water and a water of the U.S.
Waters of the US WOUS 12 Jurisdictional Wetland	0.074 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 12 directly abuts the OHWM of Tributary 13 an (a)(2) water. Therefore, the Corps has determined the tributary to be an (a)(4) water and a water of the U.S.
Waters of the US WOUS 14 Jurisdictional Wetland	0.012 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 14 directly abuts the OHWM of Tributary 9 an (a)(2) water. Therefore, the Corps has determined the tributary to be an (a)(4) water and a water of the U.S.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Water Wetland 1	0.035 acre	(b)(1) Non-adjacent wetland	This wetland 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).
Excluded Water Wetland 2	0.044 acre	(b)(1) Non-adjacent wetland	This wetland 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).

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: EPC, Map “Stream and Wetland Plat Survey for Crescent Homes, Baldwin Road” dated November 11, 2019, revised November 6, 2020

This information is sufficient for purposes of this AJD.

Rationale: The Corps agrees with the conclusions of the submitted data sheets and submittal.

 Data sheets prepared by the Corps: N/A

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- Photographs: Google Earth Aerial dated May 2, 2020; Photos 1-21 of 21 taken by USACE dated August 18, 2020; Photos 1-72 of 72 taken by the consultant dated March 20-22, 2019 and October 7, 2019; USGS National Map 3D Elevation Program (3DEP)
- Corps Site visit(s) conducted on: August 18, 2020
- Previous Jurisdictional Determinations (AJDs or PJDs): N/A
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: NRCS / Soil Survey Geographic Database (SSURGO) Map Service, SSURGO 2020 Cartecay and Toccoa, Cecil, Madison, Pacolet
- USFWS NWI maps: USFWS NWI - Wetlands Raster REST Map Service
- USGS topographic maps: 1:24,000 Simpsonville

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 dated March 30, 2020
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer dated March 30, 2020
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) results for typical year determination were calculated for the dates the site was visited by the consultant (3/20/2019, 10/7/2019) and the date the site was visited by the Corps (8/18/2020). On March 20, 2019, the conditions were wetter than normal; however, on October 7, 2019, and August 18, 2020, the conditions were normal.
- C. Additional comments to support AJD:** The project area includes 7 (a)(2) waters, 8 (a)(4) waters, and two excluded (b)(2) waters. Tributary 1, Tributary 5, Tributary 7, Tributary 8, and Tributary 9 are perennial (a)(2) waters. Wetland 2 directly abuts Tributary 8, Wetlands 3 and 6 directly abut Tributary 1, Wetland 4 directly abuts Tributary 5, and Wetlands 11 and 14 directly abut Tributary 9, making them (a)(4) waters. Tributary 13 and 15 are intermittent (a)(2) waters and Wetland 12 directly abuts Tributary 12 making it a (a)(4) water. Excluded Water Wetland 1 and Excluded Water Wetland 2 are completely encompassed by uplands and lack direct or indirect surface water connection to (a)(1)-(3) waters. Since the wetlands do not abut (a)(1)-(3) waters and are not inundated by (a)(1)-(3) waters, the Corps has determined the two wetlands to be excluded under the Navigable Waters Protection Rule.

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