



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-2020-00944

Associated JDs: N/A

Review Area Location¹:

State: SC City: Easley County: Pickens County

Center Coordinates of Review Area: Latitude 34.814557 Longitude -82.523953

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
Jurisdictional Tributary 1	1426.25 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary 1 is a perennial tributary that is shown as a blue line on the NWI map and as a blue line on the topo map. It is a naturally occurring tributary that was observed flowing during flagging (under wetter than normal conditions) and during the Corps site visit (under normal conditions). The tributary is shown as a distinct channel on the LiDAR map and this was observed in the field. This tributary flows off-site to Crayton Creek which flows to the Saluda River (TNW). The Corps has determined this tributary to be an (a)(2) water.

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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Jurisdictional Tributary 2	205.59 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary 2 is a perennial tributary that is shown as a drainage pattern on the topo map. It is a naturally occurring tributary that was observed flowing during flagging (under wetter than normal conditions) and during the Corps site visit (under normal conditions). The tributary is shown as a distinct channel on the LiDAR map and this was observed in the field. During flagging, the following OHWM indicators were observed: scouring, water staining, matted down vegetation, and wracking. These were also observed during the Corps site visit. This tributary flows directly into Jurisdictional Tributary 1 (documented above). The Corps has determined this tributary to be an (a)(2) water.
Jurisdictional Tributary 3	83.59 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary 3 is a perennial tributary that is shown as a drainage pattern on the topo map. It is a naturally occurring tributary that was observed flowing during flagging (under wetter than normal conditions) and during the Corps site visit (under normal conditions). The tributary is shown as a distinct channel on the LiDAR map and this was observed in the field. During flagging, the following OHWM indicators were observed: scouring, sediment deposition, water staining, and matted down vegetation were all observed as signs of a clear OHWM. Clear bed and bank features were also observed. These were also observed during the Corps site visit. This tributary flows directly into Jurisdictional Tributary 1 (documented above). The Corps has determined this tributary to be an (a)(2) water.
Jurisdictional Tributary 4	362.2 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary 4 is a perennial tributary that is shown as a drainage pattern on the topo map. This tributary has a clear OHWM and distinct channel that is shown on the LiDAR map. It receives flow from Jurisdictional Tributary 5. This tributary was observed flowing during flagging, which was during the dry season, but under wetter than normal conditions. During flagging, the following OHWM indicators were observed: scouring, shelving, water staining, sediment sorting, matted down vegetation, and the presence of litter and debris. The tributary flows directly into Jurisdictional Tributary 1 (documented above) The Corp has determined this tributary to be an (a)(2) water.
Jurisdictional Tributary 5	175.47 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary 5 is a naturally occurring tributary that has intermittent flow. This tributary is shown as a drainage on the topo map and is shown on the LiDAR map. The tributary has a clear OHWM and the channel is wide and shallow. Water was observed in portions of the channel during flagging, which was during the dry season, but under wetter than normal conditions. Based on information provided by the agent, the site was flagged approximately 4-5 days after any kind of precipitation. During flagging, the following

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			OHWM indicators were observed: wracking, sediment deposition, water staining, matted down vegetation, and debris lines. The tributary also has a small drainage area of approximately 15 acres. Jurisdictional Tributary 5 flows into Jurisdictional Tributary 4 which flows into Jurisdictional Tributary 1 (documented above). The Corps has determined this tributary to be an (a)(2) water.
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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))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: Report submitted by EPC on 7/9/2020
This information is sufficient for purposes of this AJD.
Rationale: This office agrees with the conclusions of the submitted data sheets and report.
Data sheets prepared by the Corps: N/A
- Photographs: Google Maps-2018 Aerial submitted by agent
Photos 1-42 of 42 submitted by agent
- Corps Site visit(s) conducted on: 9/8/2020
Previous Jurisdictional Determinations (AJDs or PJDs): N/A.
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: SSURGO Database for SC, submitted by agent and accessed 6/30/2020
- USFWS NWI maps: USFWS NWI Map Service
- USGS topographic maps: 1:24,000 Easley Quad

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information

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USGS Sources	USGS National Map 3D Elevation Program (3DEP) Map Service
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed 11/10/2020
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** The Antecedent Precipitation Tool (APT) was utilized to determine whether the site was observed in a typical year. The APT was calculated for the day of the Corps site visit (9/8/2020) and the day the site was flagged (6/3/2020). On 9/8/2020, it was the dry season and the conditions were considered to be normal for that time. On 6/3/2020, it was the dry season, but the site was considered to be wetter than normal for that time.
- C. Additional comments to support AJD:** This form documents a 29.91-acre site that has five (a)(2) waters.

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