



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-2020-01156

Associated JDs: N/A

Review Area Location¹:

State/Territory: SC City: Pageland County: Chesterfield County

Center Coordinates of Review Area: Latitude 34.7560° N Longitude -80.3852° W

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
Tributary JT-1	1,202 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Perennial tributary (JT-1) bounds the eastern border of the project site and runs to a culvert where it exits the southeastern portion of the site. This feature is shown on topographic maps as a dashed blue line feature and as a linear blue line feature on NWI maps. This feature is believed to be a naturally occurring tributary and features an ordinary high-water mark (OHWM) with surface flow throughout. The tributary flows through a culvert along SC Highway 151, which empties into Black Creek, which flows into Lake Robinson, which empties into Black Creek, which flows directly into the Pee Dee River (TNW). Therefore, the Corps has

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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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			determined the tributary to be an (a)(2) water and a water of the U.S. This feature is visible on LiDAR Digital Elevation Model Imagery.
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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
NJF-1	192 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This feature, located on the northeastern side of the sloping site, lacked hydrological indicators of hydrological flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge) and drains into JT-1. This feature originates in uplands, exhibited no OHWM, and featured leaf litter and debris within the stream bed. This feature is not visible on LiDAR Digital Elevation Model imagery.
NJF-2	400 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This feature, located in the central portion of the sloping site, lacked hydrological indicators of hydrological flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge) and drains into JT-1. This feature originates in uplands, exhibited no OHWM, and featured leaf litter and debris within the stream bed. This feature is visible on LiDAR Digital Elevation Model imagery.
NJF-3	218 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This feature, located in the central portion of the sloping site, lacked hydrological indicators of hydrological flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge) and drains into JT-1. This feature originates in uplands, exhibited no OHWM, and featured leaf litter and debris within the stream bed. This feature is visible on LiDAR Digital Elevation Model imagery.
NJF-4	164 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This feature, located in the central portion of the sloping site, lacked hydrological indicators of hydrological flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge) and drains into the depression NJW-C is within. This feature originates in uplands, exhibited no OHWM, and featured leaf litter and debris within the stream bed. This feature is not visible on LiDAR Digital Elevation Model imagery.

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NJF-5	966 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This feature bounds the eastern border of the project site and lacked hydrological indicators of hydrological flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge). This feature originates in uplands, exhibited no OHWM, and featured leaf litter and debris within the stream bed. This feature is visible on LiDAR Digital Elevation Model imagery.
Wetland NJW-A	0.001 acres	(b)(1) Non-adjacent wetland	This non-adjacent wetland is located along the western boundary of the site, adjacent to NJF-5. NJF-5 is a non-jurisdictional ephemeral feature, provides occasional flow in response to heavy rainfall; but does not flow to a jurisdictional water. Furthermore, the surface waters within wetland are believed to be confined on-site within a small depression. All water contained within the wetland is retained within the wetland boundary and percolates to an unknown depth. Because of the lack of discernable outfall, topography grades, and lack of evidence of chemical or biological connection, the wetland was determined to be non-adjacent (non-jurisdictional) and not connected to any other waters of the U.S. The onsite isolated wetland was also determined to have no substantial nexus to interstate (nor foreign) commerce. This wetland does not provide hydrologic flow to, nor is it flooded by, an (a)(1)-(3) water. Due to its very small size, this feature is not visible on LiDAR Digital Elevation Model imagery.
Wetland NJW-B	0.168 acres	(b)(1) Non-adjacent wetland	This non-adjacent wetland is located along the western boundary of the site, adjacent to NJF-5. NJF-5 is a non-jurisdictional ephemeral feature, provides occasional flow in response to heavy rainfall; but does not flow to a jurisdictional water. Furthermore, the surface waters within wetland are believed to be confined on-site within a small depression. All water contained within the wetland is retained within the wetland boundary and percolates to an unknown depth. Because of the lack of discernable outfall, topography grades, and lack of evidence of chemical or biological connection, the wetland was determined to be non-adjacent (non-jurisdictional) and not connected to any other waters of the U.S. The onsite isolated wetland was also determined to have no substantial nexus to interstate (or foreign) commerce. This wetland does not provide hydrologic flow to, nor is it flooded by an (a)(1)-(3) water. This feature is visible on LiDAR Digital Elevation Model imagery.
Wetland NJW-C	0.203 acres	(b)(1) Non-adjacent wetland	This non-adjacent wetland is located in the central southern portion of the site and can be clearly seen as a depressional area. Within this wetland is NJF-4, a non-jurisdictional ephemeral feature, which provides occasional flow only in response to rainfall. Additionally, the southeastern edge of the wetland is adjacent to the Highway 151 non-jurisdictional roadside ditch, however

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			<p>at the time of inspection by the applicant's consultant, the ditch was dry and did not provide wetland indicators. Furthermore, the surface waters within wetland is believed to be confined on-site within a shallow depression. All water contained within the wetland is retained within the wetland boundary and percolates to an unknown depth. Because of the lack of discernable outfall, topography grades, and lack of evidence of chemical or biological connection, the wetland was determined to be non-adjacent (non-jurisdictional) and not connected to any other waters of the U.S. The onsite isolated wetland was also determined to have no substantial nexus to interstate (or foreign) commerce. This wetland does not provide hydrologic flow to, nor is it flooded by an (a)(1)-(3) water. This feature is visible on LiDAR Digital Elevation Model imagery.</p>
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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: Jurisdictional determination request with three (3x) data sheets, maps, and twelve (12x) site pictures submitted on August 21, 2020, by S&ME, Incorporated. Project site map titled: **"Aerial Exhibit / Project Model +/- 25 Acres / Pageland, Chesterfield County, South Carolina / World Imagery 2018"**, dated August 20, 2020.

This information *is* sufficient for purposes of this AJD.

Rationale: Wetland data forms and information included in the original submittal, as well as follow up communications, are considered to be a reasonable representation of site conditions at the time of collection.

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

 x Photographs: (*aerial and other*) 2011-2019 Google Earth Imagery / USGS National Map 3D Elevation Program (3DEP), twelve (12x) site pictures were submitted by the applicant's consultant.

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

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

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- x** Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- x** USDA NRCS Soil Survey: NRCS / Soil Survey Geographic Database (SSURGO) Map Service, Chesterfield County, depicts Bibb sandy loam (frequently flooding), a hydric soil, along the sides of the site, in the same region of the jurisdictional waters. Principally, the remainder of the site consists of Pelion sandy loam (2-10% slopes), a hydric soil, throughout the central portion of the site. Additionally, within the site is Ailey sand (moderately wet, 2 to 6 percent slopes), a hydric soil, and Rion sandy loam (2 to 6 percent slopes), a non-hydric soil. Soils hydric categories were determined using the 2017 South Carolina Hydric Soils List, procured from NRCS.
- x** USFWS NWI maps: USFWS NWI - Wetlands Raster REST Map Service, Chesterfield County, depicts a line of palustrine wetlands at the approximate location (eastern side of site) as on-site tributary JT-1 (a)(2).
- x** USGS topographic maps: USGS Topographic Maps / 7.5 Minute Index / Pageland Quad / 1:24000 depicts a sloping site (~3-8% grade) with a dotted blue line feature at the approximate same location (eastern side of site) as on-site tributary JT-1 (a)(2).

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	SAC Reg Viewer – Accessed on October 7, 2020.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s):

Antecedent Precipitation Tool (APT) data for typical year determination was calculated based on field conditions observed on the date of the data forms (August 11, 2020). Output from the APT indicated "normal" at the time of data collection by the agent with a condition value of 11. For this assessment, a total of 12 weather stations within a ~22 mile radius were used.

C. Additional comments to support AJD:

This 25 acre site consisting of undeveloped land was analyzed without a site-visit via remote data sources, including: topographic maps, NWI maps, Chesterfield County soil maps, LiDAR digital elevation model (DEM) data, site pictures (supplied with original submittal), and aerials from Google

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Earth (June 9, 2011, - March 23, 2019), the Charleston Regulatory Viewer tool, and coordination with the applicant's consultant.

After a careful analysis of the aforementioned data sources, this site was found to contain one jurisdictional tributary that meets the criteria of an (a)(2) water, three non-adjacent (non-jurisdictional) wetlands meeting the criteria of a (b)(1) exclusion, and five ephemeral features that meet the criteria of a (b)(3) exclusion.

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