



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): 16-OCT-2020
ORM Number: SAC-2019-00585
Associated JDs: N/A
Review Area Location¹: At the northwest intersection of Knights Hill Road and Broad Street
State: SC City: Camden County: Kershaw County
Center Coordinates of Review Area: Latitude 34.274248 Longitude -80.613827

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
N/A	N/A	N/A	N/A

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Waters (b)(8) 0.12 acres	0.12 acre	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	This pond was constructed in uplands or a non-jurisdictional water. The pond flows into a (b)(1) non-adjacent wetland through an outfall pipe. This wetland (Excluded Water (b)(1) 3.93 acres) is documented below.
Excluded Waters (b)(8) 0.05 acres	0.05 acre	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	This pond was constructed in uplands. The area surrounding the pond did not meet the criteria for a wetland and there is no tributary nearby. There is no outfall present within this pond. The pond appears to collect runoff from the surrounding uplands.
Excluded Waters (b)(1) 3.93 acres	3.93 acres	(b)(1) Non-adjacent wetland	The wetland is not contiguous or directly abutting an (a)(1)-(a)(3) water. Furthermore, the wetland does not meet any other of the (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1). The wetland continues off-site to the east where it flows into an ephemeral swale which continues south into a pipe with an unknown destination.
Excluded Water (b)(1) 0.17 acre	0.17 acre	(b)(1) Non-adjacent wetland	The wetland is not contiguous or directly abutting an (a)(1)-(a)(3) water. Furthermore, the wetland does not meet any other of the (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1). The wetland continues off-site to the north. The wetland shows signs of contributing overland sheet flow into the ephemeral swale just off-site to the east. This swale continues south which connects to a pipe with an unknown destination.
Excluded Waters (b)(1) 1.01 acres	1.01 acres	(b)(1) Non-adjacent wetland	The wetland is not contiguous or directly abutting an (a)(1)-(a)(3) water. Furthermore, the wetland does not meet any other of the (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1). The wetland has a closed boundary located within the review areas. The wetland shows signs of contributing overland sheet flow into the ephemeral swale just off-site to the east. This swale continues south which connects to a pipe with an unknown destination.

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: *“Beechwood” survey plat dated March 26, 2019 and revised September 24, 2020*

This information is sufficient for purposes of this AJD.

Rationale: *The wetland data forms, and additional information submitted by the agent are*

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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*
- X Photographs: *Consultant photographs 1-6 of 6 dated July 15, 2020 and 1-21 of 21 dated February 4, 2019; Corps photographs 1-16 of 16 dated May 24, 2019; 1999 and 2006 NAIP Aerial Imagery and 2017 ESRI Basemap Aerial Imagery*
- X Corps Site visit(s) conducted on: *May 24, 2019.*
- X Previous Jurisdictional Determinations (AJDs or PJDs): *SAC-2019-00585 AJD Issued February 27, 2020 and SAC-2006-01834 PJD issued December 18, 2015.*
- Antecedent Precipitation Tool: *N/A.*
- X USDA NRCS Soil Survey: *NRCS SSURGO Map Service accessed 10/8/20: Raines, Ailey, Blanton, Pelion, Wagram*
- X USFWS NWI maps: *USFWS Map Service accessed 10/8/20: None*
- X USGS topographic maps: *USGS ESRI Map Service accessed 10/8/20*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS 3D Elevation Program (3DEP) Lidar
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):** A wetland can be determined as an (a)(4) adjacent wetland when an (a)(2) tributary inundates the wetland by flooding in a typical year. However, since the off-site swale is not an (a)(2) tributary, there is no need for a typical year assessment in this review.
- C. **Additional comments to support AJD:** The review area for this form covers a project area of approximately 63.53 acres. There are two excluded ponds and three excluded wetlands. According to the Navigable Waters Protection Rule, a non-jurisdictional ephemeral swale cannot render an otherwise isolated wetland an “adjacent wetland” and thus jurisdictional on that basis, unless the ditch itself is a tributary. Therefore, Excluded Waters (b)(1) 3.93 acres, Excluded Waters (b)(1) 0.17 acre, and Excluded Waters (b)(1) 1.01 acres were determined to be non-jurisdictional (b)(1) excluded waters and not subject to regulation under Section 404 of the Clean Water Act. Additionally, the two ponds on-site were determined to be excavated in uplands or non-jurisdictional waters and are not subject to regulation under Section 404 of the Clean Water Act.

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