



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): 06-OCT-2020

ORM Number: SAC-2020-01066

Associated JDs: N/

Review Area Location¹:

State: SC City: Georgetown County: Georgetown County

Center Coordinates of Review Area: Latitude 33.334929 Longitude -79.373523

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
Wetland 1	21.2 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland continues offsite and abuts the OHWM of Pennyroyal Creek, an (a)(2) jurisdictional tributary

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 or 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 2	0.2 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland continues offsite and abuts the OHWM of an impoundment (a)(3) water constructed within the continuation of the same wetland. The (a)(3) water discharges directly into an unnamed tributary ((a)(2) water), into Pennyroyal Creek which eventually discharges into the tidally influenced Sampit River ((a)(1) water).
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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 Water Ditch 1	350 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	Ditch 1 located within the review area was excavated entirely from uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland.

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: **PRECONSTRUCTION NOTIFICATION / Winyah West Borrow Area Project submittal dated July 14, 2020 / Wetland Delineation Forms dated May 5, 2020**

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

Rationale: ***Wetland data forms and information included in the original submittal 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).*

Photographs: *(aerial and other):* **2019 Google Earth Imagery / USGS National Map 3D Elevation Program (3DEP), Site photos taken by the agent dated May 5, 2020.**

Corps Site visit(s) conducted on: *Date(s).* **USACE site visit to Winyah Generating Station / September 30, 2020**

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: *Title(s) and/or date(s).* **NRCS Soils map (figure 3) included in the agent's original submittal / NRCS / Soil Survey Geographic Database (SSURGO) – (Grifton soils hydric for Georgetown County),**

USFWS NWI maps: *Title(s) and/or date(s).* **USFWS NWI Map (figure 4) included in the agent's original submittal / USFWS NWI - Wetlands Raster REST service / NWI depicted a portion of the site as PFO1/2T (palustrine wetlands).**

USGS topographic maps: *Title(s) and/or date(s).* **USGS Topographic Map (figure 1)**

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included in the agent's original submittal / depicts upland, wetland, and tributary symbology. Georgetown South Quad

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Topographic Maps
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	USACE-SAC Regulatory Viewer accessed on 02 September 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 collection data denoted on the originally included wetland delineation data forms (May 5, 2020). Output from the APT indicated "Normal Conditions" at the time of data collection by the agent (Geosyntec) with a value of 14. ATP outputs with a condition value greater than 14 indicate "wetter than normal" conditions, "normal" conditions range from 10-14, and values less than 10 are considered "drier than normal". For this assessment, the APT tool pulled data from 6 weather stations within an approximate radius of 14 miles. Results of the APT indicate the site visit was conducted within conditions considered by the Corps to be within a "typical year".
- C. Additional comments to support AJD:** This review discusses a 45.64 acre site that contains two jurisdictional waters(a)(1) and a single excluded water (b)(5).

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