

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): October 19 2021

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: SAC-2021-00997 Joey Lemmons property at 138 Webber Road in Gaffney, Cherokee County, South Carolina

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: South Carolina County: Cherokee County City: Gaffney
Center coordinates of site (lat/long in degree decimal format): Lat. 35.073503 °, Long. -81.763073 °
Universal Transverse Mercator: **NAD 83**

Name of nearest waterbody: Thicketty Creek

Name of watershed or Hydrologic Unit Code (HUC): 030501051002 Upper Thicketty Creek

- Check if map/diagram of review area is available upon request.
- Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form. An aquatic resource was identified on this parcel as part of a South Carolina Department of Transportation preliminary jurisdictional determination (SAC 2015-00915), drawings revised February 19, 2016 approved by the Corps on April 20, 2016.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date:
October 7, 2021
- Field Determination. Date(s):
June 30, 2021

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are **no** “*navigable waters of the U.S.*” within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are **no** “*waters of the U.S.*” within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report. The Corps agrees with the determination of the absence of aquatic resources represented in the drawings and based on the information provided.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- U.S. Geological Survey Hydrologic Atlas: HA 730-G 1990
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.030501051002 Upper Thicketty Creek, 03050105 Upper Broad River
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Cowpens, SC
- USDA Natural Resources Conservation Service Soil Survey. Citation: Map provided by the agent titled “NRCS Soils Associations” dated August 20, 2021: Cecil Sandy Loam.
- National wetlands inventory map(s). Cite name: Map provided by the agent titled “USFWS NWI Mapped Features” dated August 20, 2021: Freshwater Pond.
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): As provided by the Agent in the AJD request.
 - Other (Name & Date): As provided by the Agent in the AJD request.
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:

¹ This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:

The Corps acknowledges that an aquatic resource was identified on this parcel as part of a South Carolina Department of Transportation preliminary jurisdictional determination for the I-85 widening project (SAC 2015-00915), drawings revised February 19, 2016 approved by the Corps on April 20, 2016. However, since that time there have been alterations within the watershed of the identified shallow open water impoundment since that time. Specifically, the creation of the relocated section of Webber Road to accommodate the I-85 roadway. This roadway is adjacent to the previously identified aquatic feature has effectively intercepted the hydrology that was historically directed into the aquatic feature. The new roadway now routes the overland surface water into new roadway ditches and away from the Lemmons property. This was observed during the Corps field view on June 30, 2021. At that time, it was also observed that the former shallow water impoundment was completely dry, very limited presence of wetland vegetation (large areas were unvegetated) and had soils that did not meet hydric soils criteria (10YR 4/6).

On August 20, 2021, the property owner submitted an Approved JD request prepared by S&ME. This delineation included photo evidence a data sheet within the formerly identified aquatic feature that did not meet all three criteria needed to make a determination that the area was a wetland. There are no features that exhibit tributary characteristics or meet the three parameters of a wetland. The project area consists entirely of uplands.