



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): 1-SEP-2021  
ORM Number: SAC-2020-01548  
Associated JDs: SAC-2014-00151  
Review Area Location<sup>1</sup>:  
State/Territory: SC City: County: Florence County  
Center Coordinates of Review Area: Latitude 34.097965 Longitude -79.918518

**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 or describe rationale.
- 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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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

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<sup>5</sup> 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))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
NJF-1	374 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)	Excluded Water NJF-1 was determined to be excluded based on a review of the aerials, topographic map, NWIs, and soil survey. The aerials depict this feature as a straight ditch located within a forested area, and the topographic map depicts this feature as uplands. This feature is depicted on the NWIs as a palustrine wetland feature surrounded by uplands, and the soil survey maps this area as Coxville. This man-made feature is not naturally occurring, a relocation of a tributary, does not originate in adjacent wetlands, and does not meet the criteria of an (a)(1) or (a)(2) water; therefore, it was determined to be an excluded water.
NJF-10	285 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)	Excluded Water NJF-10 was determined to be excluded based on a review of the aerials, topographic map, and NWIs. The aerials depict this feature as a straight ditch located within a forested area between two wetlands, and the topographic map depicts this feature as uplands. This feature is depicted on the NWIs as uplands. This man-made feature is not naturally occurring, a relocation of a tributary, does not originate in adjacent wetlands, and does not meet the criteria of an (a)(1) or (a)(2) water; therefore, it was determined to be an excluded water.
NJF-11	328 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)	Excluded Water NJF-11 was determined to be excluded based on a review of the aerials, topographic map, NWIs, and soil survey. The aerials depict this feature as a straight ditch located within a forested area, and the topographic map depicts this feature as a straight blue line located within uplands. This feature is depicted on the NWIs as a riverine feature, and the soil survey maps this area as Rains, a hydric soil. However, this man-made feature was determined to not be naturally occurring or a relocation of a tributary, does not originate in adjacent wetlands, and does not meet the criteria of an (a)(1) or (a)(2) water; therefore, it was determined to be an excluded water.
NJF-2	2425 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)	Excluded Water NJF-2 was determined to be excluded based on a review of the aerials, topographic map, NWIs, and soil survey. The aerials depict this feature as a straight ditch located within an ag. field, and the topographic map does not depict this feature. This feature is depicted on the NWIs as uplands, and the soil survey maps this area as Coxville, a hydric soil. However, NJF-2 was determined to be a man-made agricultural ditch that does not flow within wetlands. This feature was determined to not be naturally occurring or a relocation of a tributary, does not originate in adjacent wetlands, and does not meet the

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			criteria of an (a)(1) or (a)(2) water; therefore, it was determined to be an excluded water.
NJF-3	2285 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)	Excluded Water NJF-3 was determined to be excluded based on a review of the aerials, topographic map, NWIs, and soil survey. The aerials depict this feature as a straight ditch located within uplands, and the topographic map does not depict this feature. This feature is depicted on the NWIs as uplands, and the soil survey maps this area as Rains and Goldsboro. This man-made feature was determined to not be naturally occurring or a relocation of a tributary, does not originate in adjacent wetlands, and does not meet the criteria of an (a)(1) or (a)(2) water; therefore, it was determined to be an excluded water.
NJF-4	586 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)	Excluded Water NJF-4 was determined to be excluded based on a review of the aerials, topographic map, NWIs, and soil survey. The aerials depict this feature as a straight ditch located within uplands, and the topographic map does not depict this feature. This feature is depicted on the NWIs as uplands, and the soil survey maps this area as Rains and Lynchburg. This man-made feature was determined to not be naturally occurring or a relocation of a tributary, does not originate in adjacent wetlands, and does not meet the criteria of an (a)(1) or (a)(2) water; therefore, it was determined to be an excluded water.
NJF-5	757 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)	Excluded Water NJF-5 was determined to be excluded based on a review of the aerials, topographic map, NWIs, and soil survey. The aerials depict this feature as a straight ditch located within an agricultural field, and the topographic map depicts this feature as a straight blue line within uplands. This feature is depicted on the NWIs as a riverine system, and the soil survey maps this area as Rains. However, this man-made feature was determined to not be naturally occurring or a relocation of a tributary, does not originate in adjacent wetlands, and does not meet the criteria of an (a)(1) or (a)(2) water; therefore, it was determined to be an excluded water.
NJF-6	1332 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)	Excluded Water NJF-6 was determined to be excluded based on a review of the aerials, topographic map, NWIs, and soil survey. The aerials depict this feature as a straight ditch located within an agricultural field, and the topographic map depicts this feature as a straight blue line within uplands. This feature is depicted on the NWIs as a riverine system, and the soil survey maps this area as Rains. However, this man-made feature was determined to not be naturally occurring or a relocation of a tributary, does not originate in adjacent wetlands, and does not meet the criteria of an (a)(1) or (a)(2) water; therefore, it was determined to be an excluded water.
NJF-7	575 feet	(b)(5) Ditch that is not an (a)(1) or	Excluded Water NJF-7 was determined to be excluded

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		(a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	based on a review of the aerials, topographic map, NWIs, and soil survey. The aerials depict this feature as a straight ditch located within uplands, and the topographic map does not depict this feature. This feature is depicted on the NWIs as uplands, and the soil survey maps this area as Rains. This man-made feature was determined to not be naturally occurring or a relocation of a tributary, does not originate in adjacent wetlands, and does not meet the criteria of an (a)(1) or (a)(2) water; therefore, it was determined to be an excluded water.
NJF-8	904 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)	Excluded Water NJF-8 was determined to be excluded based on a review of the aerials, topographic map, NWIs, and soil survey. The aerials depict this feature as a straight ditch located within an agricultural field, and the topographic map depicts this feature as a straight blue line within uplands. This feature is depicted on the NWIs as a riverine system, and the soil survey maps this area as Rains. However, this man-made feature was determined to not be naturally occurring or a relocation of a tributary, does not originate in adjacent wetlands, and does not meet the criteria of an (a)(1) or (a)(2) water; therefore, it was determined to be an excluded water.
NJF-9	4959 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)	Excluded Water NJF-9 was determined to be excluded based on a review of the aerials, topographic map, and NWIs.. The aerials depict this feature as a straight ditch located within uplands, and the topographic map does not depict this feature. This feature is not depicted on the NWIs. Therefore, this man-made feature was determined to not be naturally occurring or a relocation of a tributary, does not originate in adjacent wetlands, and does not meet the criteria of an (a)(1) or (a)(2) water; therefore, it was determined to be an excluded water.
NJP-1	0.26 acres	(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)	Excluded Water NJP-1 was determined to be a man-made pond. Both the aerials and the topographic map depict this pond as being excavated out of uplands on site. Although the soil survey maps this area as Rains, a hydric soil, the excluded water was determined to not be an impoundment of a jurisdictional water. Therefore, NJP-1 was determined to be an excluded water.
NJP-2	0.31 acres	(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)	Excluded Water NJP-2 was determined to be a man-made pond. Both the aerials and the topographic map depict this pond as being excavated out of uplands on site. Although the soil survey maps this area as Coxville, a hydric soil, the excluded water was determined to not be an impoundment of a jurisdictional water. Therefore, NJP-2 was determined to be an excluded water.
NJW-A	0.83 acres	(b)(1) Non-adjacent wetland	Excluded Water NJW-A was determined to be non-jurisdictional based on a review of the aerials, soil

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			survey, and information submitted by the agent. This wetland is depicted as abutting Excluded Water NJF-8. Because Excluded Water NJF-8 was determined to be a non-jurisdictional feature, and NJW-A does not abut an (a)(1)-(a)(3) water nor is it inundated by or physically separated by a natural or artificial barrier from an (a)(1)-(a)(3) water, NJW-A was determined to not be jurisdictional.
NJW-B	0.11 acres	(b)(1) Non-adjacent wetland	Excluded Water NJW-B was determined to be non-jurisdictional based on a review of the aeriels, soil survey, and information submitted by the agent. This wetland is depicted as abutting Excluded Water NJF-9. Because Excluded Water NJF-9 was determined to be a non-jurisdictional feature, and NJW-B does not abut an (a)(1)-(a)(3) water nor is it inundated by or physically separated by a natural or artificial barrier from an (a)(1)-(a)(3) water, NJW-B was determined to not be jurisdictional.
NJW-C	0.51 acres	(b)(1) Non-adjacent wetland	Excluded Water NJW-C was determined to be non-jurisdictional based on a review of the aeriels, soil survey, and information submitted by the agent. This wetland is depicted as abutting Excluded Water NJF-9. Because Excluded Water NJF-9 was determined to be a non-jurisdictional feature, and NJW-C does not abut an (a)(1)-(a)(3) water nor is it inundated by or physically separated by a natural or artificial barrier from an (a)(1)-(a)(3) water, NJW-C was determined to not be jurisdictional.
NJW-D	4.68 acres	(b)(1) Non-adjacent wetland	Excluded Water NJW-D was determined to be non-jurisdictional based on a review of the aeriels, soil survey, and information submitted by the agent. This wetland is depicted as abutting Excluded Water NJF-9. Because Excluded Water NJF-9 was determined to be a non-jurisdictional feature, and NJW-D does not abut an (a)(1)-(a)(3) water nor is it inundated by or physically separated by a natural or artificial barrier from an (a)(1)-(a)(3) water, NJW-D was determined to not be jurisdictional.
NJW-E	0.71 acres	(b)(1) Non-adjacent wetland	Excluded Water NJW-E was determined to be non-jurisdictional based on a review of the aeriels, soil survey, and information submitted by the agent. This wetland is depicted as abutting Excluded Water NJF-10. Because Excluded Water NJF-10 was determined to be a non-jurisdictional feature and is located between NJW-E and NJW-F, and NJW-E does not abut an (a)(1)-(a)(3) water nor is it inundated by or physically separated by a natural or artificial barrier from an (a)(1)-(a)(3) water, NJW-E was determined to not be jurisdictional.
NJW-F	2.53 acres	(b)(1) Non-adjacent wetland	Excluded Water NJW-F was determined to be non-jurisdictional based on a review of the aeriels, soil survey, and information submitted by the agent. This wetland is depicted as abutting Excluded Water NJF-

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			10. Because Excluded Water NJF-10 was determined to be a non-jurisdictional feature and is located between NJW-E and NJW-F, and NJW-F does not abut an (a)(1)-(a)(3) water nor is it inundated by or physically separated by a natural or artificial barrier from an (a)(1)-(a)(3) water, NJW-F was determined to not be jurisdictional.
NJW-G	1.06 acres	(b)(1) Non-adjacent wetland	Excluded Water NJW-G was determined to be non-jurisdictional based on a review of the aerials, soil survey, and information submitted by the agent. This wetland is depicted as abutting Excluded Water NJF-2. Because Excluded Water NJF-2 was determined to be a non-jurisdictional feature, and NJW-G does not abut an (a)(1)-(a)(3) water nor is it inundated by or physically separated by a natural or artificial barrier from an (a)(1)-(a)(3) water, NJW-G was determined to not be jurisdictional.
NJW-H	0.06 acres	(b)(1) Non-adjacent wetland	Excluded Water NJW-H was determined to be non-jurisdictional based on a review of the aerials, soil survey, and information submitted by the agent. This wetland is depicted on the aerials as a depressional wetland that is not located near another water. Because NJW-H does not abut an (a)(1)-(a)(3) water nor is it inundated by or physically separated by a natural or artificial barrier from an (a)(1)-(a)(3) water, NJW-H was determined to not be jurisdictional.
NJW-I	0.62 acres	(b)(1) Non-adjacent wetland	Excluded Water NJW-I was determined to be non-jurisdictional based on a review of the aerials, soil survey, and information submitted by the agent. This wetland is depicted on the aerials as a depressional wetland that is not located near another water. Because NJW-I does not abut an (a)(1)-(a)(3) water nor is it inundated by or physically separated by a natural or artificial barrier from an (a)(1)-(a)(3) water, NJW-I was determined to not be jurisdictional.

**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: *AJD Request submitted by S&ME, Inc., on behalf of Alliance Consulting Engineers, Inc., on 5 Nov 2020.*

This information is sufficient for purposes of this AJD.

Rationale: *The wetland data forms and information submitted by the agent are 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: *Photographs submitted by the agent dated 23 Oct 2020.*

       Corps Site visit(s) conducted on: *N/A*

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- Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2014-00151 dated 23 Dec 2014. Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: NRCS Soil Survey Geographic Database (SSURGO) Map Service created 4 Apr 2019 and updated 26 Aug 2020. The site consists of Duplin, Norfolk, Goldsboro, Lynchburg, Coxville, and Rains soils.
- USFWS NWI maps: USFWS NWI - Wetlands Raster REST Map service dated May 29, 2012 and updated on July 17, 2020. According to the NWIs, the depressional areas are mapped palustrine wetlands. The remainder of the site is mapped uplands.
- USGS topographic maps: USGS Topographic Map / 7.5 Minute Index / Sardis Quad. The topographic map depicts this site as uplands with a blue line intersecting the site. Several isolated bays are also depicted on the topographic map.

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Topographic Map.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAD Regulatory Viewer accessed on 8 Jul 2021.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Antecedent Rainfall Calculator data for typical year determination was calculated based on the field collection date provided by the agent (23 Oct 2020). The Antecedent Rainfall Calculator data showed “wetter than normal” conditions at the time of data collection by the agent with a condition value of 16, which indicates that typical year hydrologic conditions were not present. For this assessment, eleven weather stations, located within a 17-mile radius, were used.
- C. Additional comments to support AJD:** This 260-acre site contains no jurisdictional waters. This site does contain twenty-two excluded waters, eleven of which are non-jurisdictional ditches that were determined to be (b)(5) excluded waters that were man-made and are not (a)(1) nor (a)(2) waters. Additionally, the site contains two non-jurisdictional ponds that were determined to be (b)(8) artificial ponds and nine non-jurisdictional (b)(1) wetlands. Based on a review of the aeriels, topographic map, soil survey, NWIs, and information submitted by the agent, the remainder of the site was determined to consist of uplands.

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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.