



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): September 1, 2021

ORM Number: SAC-2021-00483

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State: SC City: Columbia County: Richland County

Center Coordinates of Review Area: Latitude 33.950272 Longitude -80.892938

**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)<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
Wetland 1	0.27 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 1 (extending partly off the site) is contiguous and directly abutting the off-site (a)(2) tributary Myers

<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 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.

<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.



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			Creek. Myers Creek is a naturally occurring named tributary just off-site mapped by USGS as a solid blue line, indicating potential perennial flow. During flagging the tributary exhibited strong flow, with associated channel development, sediment sorting and other indications of perennial flow. Myers Creek is mapped by the USGS flowing south, off property, under multiple roads, through multiple culverts, directly into Cedar Creek an (a)(2) named tributary, and ultimately flowing into TNW Congaree River. Based on best available imagery via Google Earth Pro dated May 2, 2018 and APT data generated for May 2, 2018, water is visible both upstream and downstream of all downstream culverts leading to the Congaree River during normal conditions. On this basis, Wetland 1 is an (a)(4) water.
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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
Excluded Water 1	102 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 1 is man-made road-side ditch constructed in upland soils (soil map: Dothan), it is not constructed in nor is a rerouted (a)(1)-(a)(4) water. The ditch receives stormwater run-off from the dirt road and surrounding development. On this basis, Excluded Water 1 does not meet the criteria of a jurisdictional feature as identified in paragraph (c)(12), and thus is an excluded water pursuant to (b)(5).

**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: **Jurisdictional Determination Request dated 3/8/2021.**

This information is sufficient for purposes of this AJD.

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

Photographs: **Photos provided by the consultant with JD request. Google Earth Pro aerial imagery dated 5/2/2018**

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

Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*

Antecedent Precipitation Tool: *Detailed discussion in Section III.B.*

USDA NRCS Soil Survey: **Provided by consultant titled “Soil Map—Richland County, South Carolina (Farm at McCords Ferry)” dated 3/3/2021.**

<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.

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- USFWS NWI maps: **Provided by consultant titled “National Wetlands Inventory, McCords Ferry” dated 3/8/2021.**
- USGS topographic maps: **Provided by consultant titled “Topographic map” not dated. 1:24K Quad - Fort Jackson South**

**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) Map Service
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed 3/31/2021
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** The Antecedent Precipitation Tool (APT) data for the typical year assessment was calculated based on the field collection dates denoted on the wetland determination data forms and submitted photos (February 23, 2021). Output from the APT indicated “wetter than normal” conditions at the time of data collection by the agent in February with a condition values of 18 and 15, “wetter than normal” conditions at the time of data collection by the agent and Corps site visit in December 2020 with a condition value of 18. APT Outputs with condition values greater than or equal to 15 indicates “wetter than normal” conditions. Results of the APT indicate the site has only been observed by the agents/Corps during “wetter than normal” conditions, however professional judgement and review of the best available information cited/discussed above, has led the Corps to determine the boundaries of the aquatic resources as documented here are an accurate representation of the extent and boundaries that would be observed within a typical year. APT data was also generated for May 2, 2018 to support assessment of on-site resources and off-site culvert function for Myers Creek as it flows to the Congaree River. Output from the APT indicated “Normal” conditions with a condition value of 12.
- C. Additional comments to support AJD:** This form documents an approximately 125.63-acre site that includes one wetland (a)(4) waters that was determined to be waters of the United States. The site also includes one (b)(5) excluded water, that was determined not to be waters of the United States.

USGS Topo and USFWS NWI maps show Myers Creek continuing upgradient through the middle of the site, however, at the time of flagging no such resource was observed. A review of the data submitted by the agent, and best available aerial imagery further supports the lack of this feature on this site.

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