



DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
150 EXECUTIVE CENTER DRIVE, SUITE 205
GREENVILLE, SOUTH CAROLINA 29615

November 7, 2019

Regulatory Division

Mr. Chris Daves
S&ME, Inc
134 Suber Road
Columbia, South Carolina 29210
cdaves@smeinc.com

Dear Mr. Daves:

This is in response to your request for a Preliminary Jurisdictional Determination (PJD) (SAC-2019-01546) received in our office on September 18, 2019, for a 396-acre site located west of Interstate 26 and north of Highway 92, near Enoree, Spartanburg County, South Carolina (Latitude: 34.6719°, Longitude: -81.9452°). A PJD is used to indicate the approximate location(s) and boundaries of wetlands and/or other aquatic resources presumed to be waters of the United States on a site pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. § 1344) and/or navigable waters of the United States pursuant to Section 10 of the Rivers and Harbors Act of 1899 (RHA) (33 U.S.C. § 403).

The site is shown on the attached depiction entitled "Aerial Exhibit, Hannah Enoree Site +/- 396 Acres" and dated September 17, 2019 prepared by your office. Based upon a review of aerial photography, topographic maps, National Wetlands Inventory maps, soil survey information, LiDAR Data, and Wetland Determination Data Form(s), we conclude the boundaries shown on the referenced depiction are a reasonable approximation of the aquatic resources found within the site that are presumed to be subject to regulatory jurisdiction of the Corps of Engineers. The site contains a total of approximately 2.72 acres and 17,071 linear feet of federally defined wetlands and other aquatic resources that are presumed to be waters of the United States subject to Corps' jurisdiction under Section 404 of the CWA. Of these aquatic resources, the site contains approximately 1.58 acres of federally defined wetlands, approximately 1.14 acres of open water, and approximately 17,071 linear feet of other aquatic resources that are presumed to be waters of the United States subject to Corps' jurisdiction under Section 404 of the CWA.

You are cautioned the boundaries of the delineated wetlands and/or other aquatic resources presumed to be subject to regulatory jurisdiction of the Corps of Engineers shown on the attached depiction are approximate and subject to change.

By providing this PJD, the Corps of Engineers is making no legally binding determination of any type regarding whether jurisdiction exists over the particular aquatic resource(s) in question. This PJD is not a definitive determination of the presence or absence of areas within the Corps of Engineers' jurisdiction, and, therefore, it does not have an expiration date. Also note this PJD is not an appealable action under the Corps of Engineers' administrative appeal procedures defined at 33 CFR 331 as it is not a final action. A PJD is "preliminary" in the sense that a recipient of a PJD can later request and obtain an Approved Jurisdictional Determination (AJD) for a definitive, official determination of the presence or absence of jurisdictional aquatic

resources on a site, including the identification of the geographic limits of the jurisdictional aquatic resources. To receive a definitive determination of jurisdiction, you must submit an AJD request.

Be aware a permit from this office may be required for certain activities in the areas identified as wetlands and/or other aquatic resources that are presumed to be subject to regulatory jurisdiction of the Corps of Engineers. These areas may further be subject to restrictions or requirements of other state or local government agencies. A PJD may be used as the basis of a permit decision however, when computing impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a PJD will treat all aquatic resources affected in any way by the permitted activity as jurisdictional. If you intend to request an AJD in the future, you are advised not to commence work in these wetlands and/or other aquatic resources presumed to be jurisdictional prior to receiving the AJD. Attached is a Preliminary Jurisdictional Determination Form describing the areas in question and clarifying the option to request an AJD.

If you submit a permit application as a result of this PJD, include a copy of this letter and the depiction as part of the application. Not submitting the letter and depiction will cause a delay while we confirm a PJD was performed for the proposed permit project area. Note that some or all of these areas may be regulated by other state or local government entities, and you should contact the South Carolina Department of Health and Environmental Control, Bureau of Water, to determine the limits of their jurisdiction.

This PJD was conducted to identify approximate location(s) of aquatic resources presumed to be subject to regulatory jurisdiction of the Corps of Engineers on the particular site identified in this request. This PJD may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

Attached is a copy of the Preliminary Jurisdictional Determination Form signed by our office. Please sign, retain a copy for your records, and return a signed copy to this office within 30 days of receipt of this letter.

In all future correspondence, please refer to file number SAC-2019-01546. A copy of this letter is being forwarded to State and/or Federal agencies for their information. If you have any questions, please contact me at (864) 609-4324, or by email at Kristin.B.Andrade@usace.army.mil.

Sincerely,



Digitally signed by
ANDRADE.KRISTIN.BLAIR.128
9378231
Date: 2019.11.07 09:06:19
-05'00'

Kristin B. Andrade
Watershed Manager

Attachments:

Preliminary Jurisdictional Determination Form

Notification of Appeal Options

"Aerial Exhibit, Hannah Enoree Site +/- 396 Acres"

Copies Furnished:

Mr. Bruce Smith

Luck Companies

P.O. Box 29682

Richmond, Virginia 23242

brucesmith@luckcompanies.com

SCDHEC - Bureau of Water

2600 Bull Street

Columbia, South Carolina 29201

WQCWetlands@dhec.sc.gov

ATTACHMENT

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): November 7, 2019

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:

Applicant:

Mr. Bruce Smith
Luck Companies
Post Office Box 29682
Richmond, VA 23242
brucesmith@luckcompanies.com

Consultant:

Mr. Chris Daves
S&ME, Inc.
134 Suber Road
Columbia, SC 29210
cdaves@smeinc.com

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: Charleston District, Hannah Enoree Site: SAC 2019-01546

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION: The site is located west of Interstate 26 and north of Highway 92, near Enoree, Spartanburg County, South Carolina.

(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: SC County/parish/borough: Spartanburg City: Enoree

Center coordinates of site (lat/long in degree decimal format):

Site Location: Lat. 34.6740° Long. -81.9441°

Universal Transverse Mercator: NAD83

Name of nearest waterbody: Hannah Creek

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

Office (Desk) Determination. Date: 7-November-2019

Field Determination. Date(s):

**TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH “MAY BE”
SUBJECT TO REGULATORY JURISDICTION.**

Site number	Latitude	Longitude	Estimated amount of aquatic resource in review area	Type of Aquatic Resource	Geographic Authority to which the Aquatic Resource “may be” Subject
Wetland A	34.6759	-81.9438	0.03 ac	Wetland	Section 404
Wetland B	34.6762	-81.9439	0.01 ac	Wetland	Section 404
Wetland C	34.6771	-81.9440	0.07 ac	Wetland	Section 404
Wetland D	34.6702	-81.9493	0.01 ac	Wetland	Section 404
Wetland E	34.6694	-81.9476	0.46 ac	Wetland	Section 404
Wetland F	34.6684	-81.9481	0.07 ac	Wetland	Section 404
Wetland G	34.6684	-81.9470	0.003 ac	Wetland	Section 404
Wetland H	34.6688	-81.9456	0.37 ac	Wetland	Section 404
Wetland I	34.6714	-81.9388	0.12 ac	Wetland	Section 404
Wetland J	34.6716	-81.9386	0.01 ac	Wetland	Section 404
Wetland K	34.6693	-81.9417	0.005 ac	Wetland	Section 404
Wetland L	34.6657	-81.9450	0.30 ac	Wetland	Section 404
Wetland M	34.6703	-81.9398	0.12 ac	Wetland	Section 404
Wetland N	34.6645	-81.9431	0.003 ac	Wetland	Section 404
Wetland O	34.6644	-81.9431	0.003 ac	Wetland	Section 404
NWW-1 (Trib)	34.6758	-81.9483	474 LF/0.03 ac	Non-Wetland Water	Section 404
NWW-2 (Trib)	34.6786	-81.9453	2,429 LF/0.56 ac	Non-Wetland Water	Section 404
NWW-3 (Trib)	34.6792	-81.9478	579 LF/0.12 ac	Non-Wetland Water	Section 404
NWW-4 (Trib)	34.6765	-81.9438	1,424 LF/0.13 ac	Non-Wetland Water	Section 404
NWW-5 (Trib)	34.6773	-81.9433	691 LF/0.06 ac	Non-Wetland Water	Section 404
NWW-6 (Trib)	34.6784	-81.9409	1,070 LF/0.07 ac	Non-Wetland Water	Section 404
NWW-7 (Trib)	34.6717	-81.9506	2,078 LF/1.43 ac	Non-Wetland Water	Section 404
NWW-8 (Trib)	34.6686	-81.9475	4,704 LF/1.64 ac	Non-Wetland Water	Section 404
NWW-9 (Trib)	34.6689	-81.9481	242 LF/0.08 ac	Non-Wetland Water	Section 404
NWW-10 (Trib)	34.6697	-81.9446	1,194 LF/0.27 ac	Non-Wetland Water	Section 404
NWW-11 (Trib)	34.6663	-81.9521	273 LF/0.03 ac	Non-Wetland Water	Section 404
NWW-12 (Trib)	34.6661	-81.9515	27 LF/0.002 ac	Non-Wetland Water	Section 404

NWW-13 (Trib)	34.6708	-81.9390	818 LF/0.09 ac	Non-Wetland Water	Section 404
NWW-14 (Trib)	34.6646	-81.9433	987 LF/0.05 ac	Non-Wetland Water	Section 404
NWW-15 (Trib)	34.6669	-81.9416	80 LF/0.01 ac	Non-Wetland Water	Section 404
NWW (Pond 1)	34.6703	-81.9403	0.78 ac	Non-Wetland Water	Section 404
NWW (Pond 2)	34.6697	-81.9476	0.36 ac	Non-Wetland Water	Section 404

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring “pre-construction notification” (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant’s acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331,

and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there “*may be*” waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply)

Checked items should 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: S&ME

Map: “Aerial Exhibit, Hannah Enoree Site +/- 396 Acres”

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Office concurs with data sheets/delineation report. This office agrees with the conclusions of the submitted data sheets and report.

Office does not concur with data sheets/delineation report.

Data sheets prepared by the Corps:

Corps navigable waters’ study: SAC 1977 Navigability Study.

U.S. Geological Survey Hydrologic Atlas: HA 730-G, 1990.

USGS NHD data.

USGS 8 and 12 digit HUC maps. 03050108-02 (Middle Enoree River Watershed (Broad River Basin).

U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Enoree

USDA Natural Resources Conservation Service Soil Survey. Citation: Spartanburg County Soil Survey, dated 1968.

National wetlands inventory map(s). Cite name: USFWS NWI Data Enoree Quad.

State/Local wetland inventory map(s):

FEMA/FIRM maps: 45083C0490D, dated 1-6-11.

100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

Photographs: Aerial (Name & Date): World Imagery 2016 Aerial, Google Earth Aerial Photographs (1994-2018), and SCDNR Spartanburg County Aerial Index (1999 and 2006).

or Other (Name & Date): Photos provided by S&ME, Inc. in PJD submittal dated September 17, 2019.

Previous determination(s). File no. and date of response letter:

Other information (please specify): Spartanburg County LIDAR Data.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.



Digitally signed by
ANDRADE.KRISTIN.BLAIR.12
89378231
Date: 2019.11.07 09:08:22
-05'00'

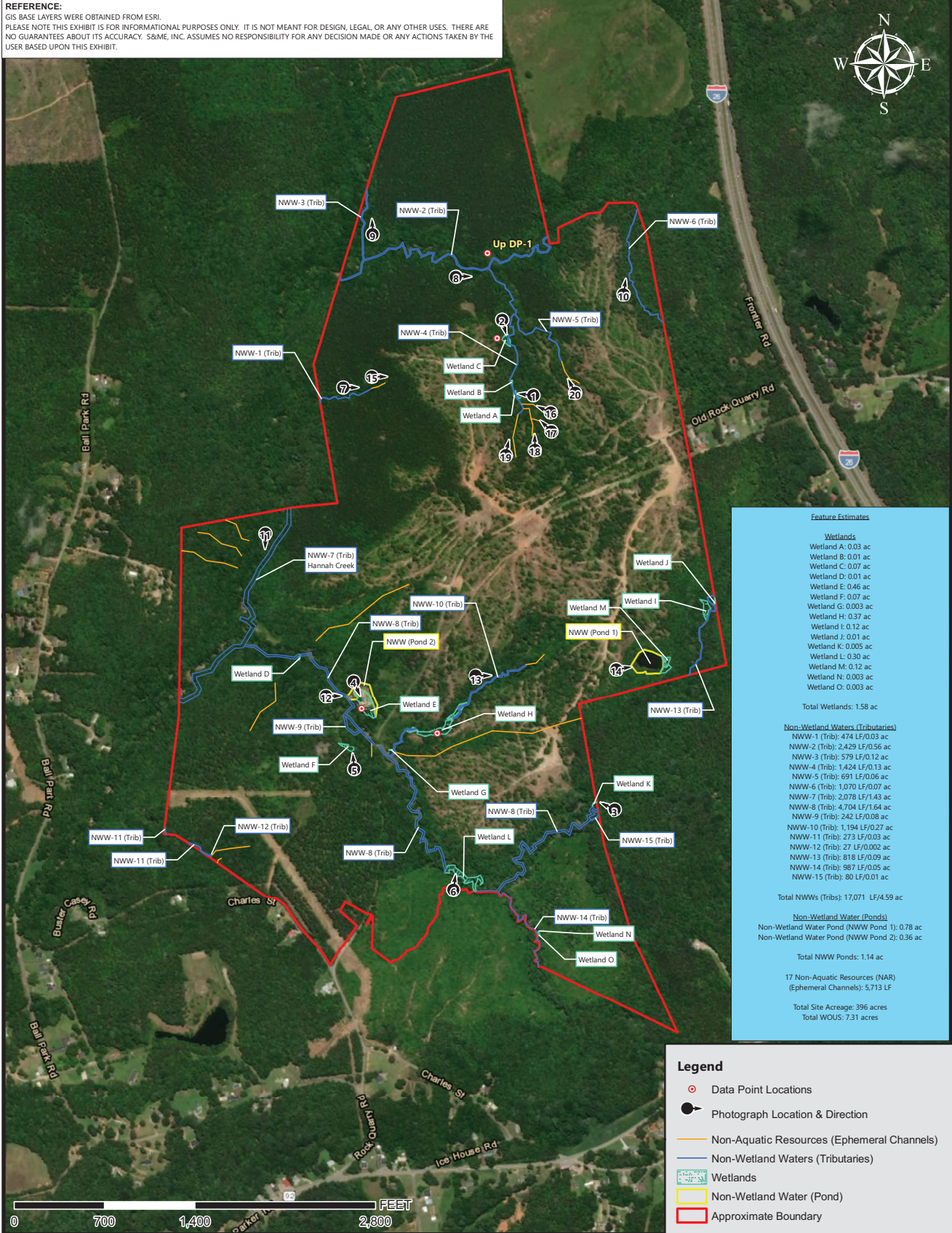
Signature and date of
Regulatory Project Manager
(REQUIRED)



11-7-2019

Signature and date of
person requesting preliminary JD
(REQUIRED, unless obtaining the
signature is impracticable)

REFERENCE:
 GIS BASE LAYERS WERE OBTAINED FROM ESRI.
 PLEASE NOTE THIS EXHIBIT IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR ANY OTHER USES. THERE ARE NO GUARANTEES ABOUT ITS ACCURACY. S&ME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION MADE OR ANY ACTIONS TAKEN BY THE USER BASED UPON THIS EXHIBIT.



Feature Estimates	
Wetlands	
Wetland A:	0.03 ac
Wetland B:	0.01 ac
Wetland C:	0.07 ac
Wetland D:	0.01 ac
Wetland E:	0.46 ac
Wetland F:	0.07 ac
Wetland G:	0.003 ac
Wetland H:	0.37 ac
Wetland I:	0.12 ac
Wetland J:	0.01 ac
Wetland K:	0.005 ac
Wetland L:	0.30 ac
Wetland M:	0.12 ac
Wetland N:	0.003 ac
Wetland O:	0.003 ac
Total Wetlands: 1.58 ac	
Non-Wetland Waters (Tributaries)	
NWW-1 (Trib):	474 LF/0.03 ac
NWW-2 (Trib):	2,429 LF/0.56 ac
NWW-3 (Trib):	579 LF/0.12 ac
NWW-4 (Trib):	1,424 LF/0.13 ac
NWW-5 (Trib):	691 LF/0.06 ac
NWW-6 (Trib):	1,070 LF/0.07 ac
NWW-7 (Trib):	2,078 LF/1.43 ac
NWW-8 (Trib):	4,704 LF/1.64 ac
NWW-9 (Trib):	242 LF/0.08 ac
NWW-10 (Trib):	1,194 LF/0.27 ac
NWW-11 (Trib):	273 LF/0.03 ac
NWW-12 (Trib):	27 LF/0.002 ac
NWW-13 (Trib):	818 LF/0.09 ac
NWW-14 (Trib):	987 LF/0.05 ac
NWW-15 (Trib):	80 LF/0.01 ac
Total NWWs (Trib): 17,071 LF/4.59 ac	
Non-Wetland Water (Ponds)	
Non-Wetland Water Pond (NWW Pond 1):	0.78 ac
Non-Wetland Water Pond (NWW Pond 2):	0.36 ac
Total NWW Ponds: 1.14 ac	
17 Non-Aquatic Resources (NAR)	
(Ephemeral Channels): 5,713 LF	
Total Site Acreage: 396 acres	
Total WOUIS: 7.31 acres	

Legend	
	Data Point Locations
	Photograph Location & Direction
	Non-Aquatic Resources (Ephemeral Channels)
	Non-Wetland Waters (Tributaries)
	Wetlands
	Non-Wetland Water (Pond)
	Approximate Boundary

Drawing Path: T:\Projects\2019\ENW4261-19-083 Lueck Companies\Enoree Hannah Site\Enoree\GIS\mxd\Hannah_Site_Enoree\GIS\mxd\Exhibit.mxd plotted by chandley 09-17-2019

SCALE: 1 inch = 700 feet
DATE: 9/17/2019
DRAWN BY: CCH
PROJECT NO: 4261-19-083



Aerial Exhibit
 Hannah Enoree Site +/- 396 Acres
 Enoree, Spartanburg County, South Carolina
 Source: World Imagery 2017

EXHIBIT NO.
3

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant:	File Number:	Date:
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer, South Atlantic Division, 60 Forsyth St, SW, Atlanta, GA 30308-8801. This form must be received by the Division Engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD **is not appealable**. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact the Corps biologist who signed the letter to which this notification is attached. The name and telephone number of this person is given at the end of the letter.

If you only have questions regarding the appeal process you may also contact: Jason W. Steele
Administrative Appeals Review Officer
USACE South Atlantic Division
60 Forsyth St, SW
Atlanta, GA 30308-8801
(404) 562-5137

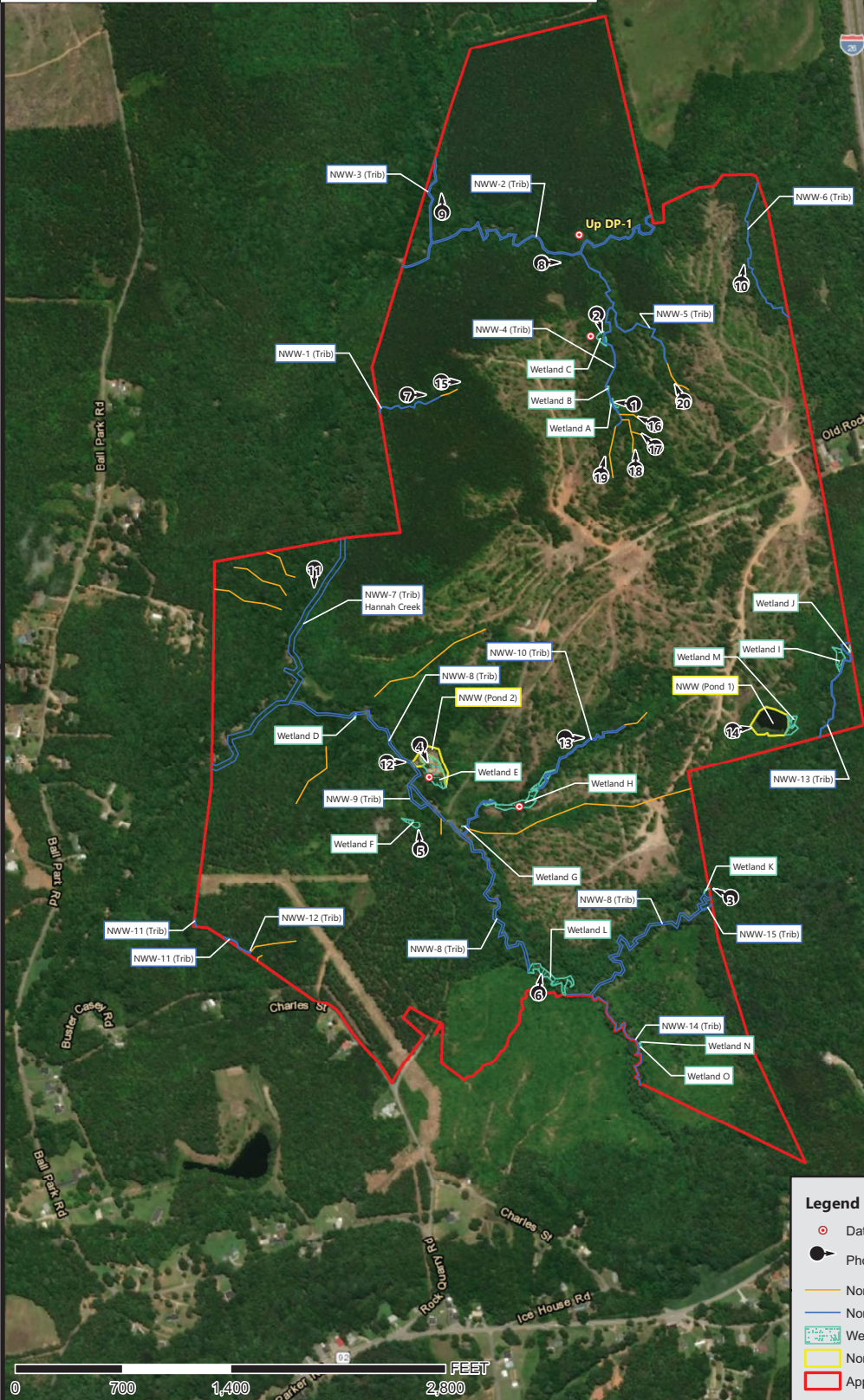
RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

REFERENCE:
 GIS BASE LAYERS WERE OBTAINED FROM ESRI.
 PLEASE NOTE THIS EXHIBIT IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR ANY OTHER USES. THERE ARE NO GUARANTEES ABOUT ITS ACCURACY. S&ME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION MADE OR ANY ACTIONS TAKEN BY THE USER BASED UPON THIS EXHIBIT.



Feature Estimates

Wetlands
 Wetland A: 0.03 ac
 Wetland B: 0.01 ac
 Wetland C: 0.07 ac
 Wetland D: 0.01 ac
 Wetland E: 0.46 ac
 Wetland F: 0.07 ac
 Wetland G: 0.003 ac
 Wetland H: 0.37 ac
 Wetland I: 0.12 ac
 Wetland J: 0.01 ac
 Wetland K: 0.005 ac
 Wetland L: 0.30 ac
 Wetland M: 0.12 ac
 Wetland N: 0.003 ac
 Wetland O: 0.003 ac

Total Wetlands: 1.58 ac

Non-Wetland Waters (Tributaries)
 NWW-1 (Trib): 474 LF/0.03 ac
 NWW-2 (Trib): 2,429 LF/0.56 ac
 NWW-3 (Trib): 579 LF/0.12 ac
 NWW-4 (Trib): 1,424 LF/0.13 ac
 NWW-5 (Trib): 691 LF/0.06 ac
 NWW-6 (Trib): 1,070 LF/0.07 ac
 NWW-7 (Trib): 2,078 LF/1.43 ac
 NWW-8 (Trib): 4,704 LF/1.64 ac
 NWW-9 (Trib): 242 LF/0.08 ac
 NWW-10 (Trib): 1,194 LF/0.27 ac
 NWW-11 (Trib): 273 LF/0.03 ac
 NWW-12 (Trib): 27 LF/0.002 ac
 NWW-13 (Trib): 818 LF/0.09 ac
 NWW-14 (Trib): 987 LF/0.05 ac
 NWW-15 (Trib): 80 LF/0.01 ac

Total NWWs (Trib): 17,071 LF/4.59 ac

Non-Wetland Water (Ponds)
 Non-Wetland Water Pond (NWW Pond 1): 0.78 ac
 Non-Wetland Water Pond (NWW Pond 2): 0.36 ac

Total NWW Ponds: 1.14 ac

17 Non-Aquatic Resources (NAR)
 (Ephemeral Channels): 5,713 LF

Total Site Acreage: 396 acres
 Total WOUS: 7.31 acres

- Legend**
- Data Point Locations
 - Photograph Location & Direction
 - Non-Aquatic Resources (Ephemeral Channels)
 - Non-Wetland Waters (Tributaries)
 - Wetlands
 - Non-Wetland Water (Pond)
 - Approximate Boundary

Drawing Path: T:\Projects\2019\EN\4261-19-083\Luck Companies\Enoree Hannah Site_Enoree\GIS\mxds\Hannah_Site_Enoree\GIS\mxds\Features\Exhibit.mxd plotted by chandley 09-17-2019

SCALE: 1 inch = 700 feet
DATE: 9/17/2019
DRAWN BY: CCH
PROJECT NO: 4261-19-083



Aerial Exhibit
 Hannah Enoree Site +/- 396 Acres
 Enoree, Spartanburg County, South Carolina
 Source: World Imagery 2017

EXHIBIT
NO.
3

U.S. Army Corps of Engineers – Charleston District - Regulatory Division
REQUEST FOR CORPS JURISDICTIONAL DETERMINATION (JD) / DELINEATION
 (For Jurisdictional Status and Identifying Wetlands and Other Aquatic Resources)

I. PROPERTY AND AGENT INFORMATION

A. Site Details/Location:

Site Name: Enoree Quarry Additional Site Date: March 3, 2021
 City/Township/Parish: Enoree County: Spartanburg
 Latitude/Longitude: 34.6849N, -81.9421W Acreage: 105.1
 Tax Map Sequence (TMS) #(s): Spartanburg County Tax Parcel 4-50-00-007.00 (Appendix D)
 Property Address(es): south of Hanna Creek Road and west of I-26

Please attach a survey/plat map and vicinity map identifying location and review area for the JD/delineation.
 An accurate depiction of the review area must be provided (survey, tax map, or GPS coordinates). Tax maps may only be used if the site includes the entire tax map parcel.

B. Requestor of Jurisdictional Determination/Delineation (if there are multiple property owners, please attach additional pages)

Name: Bruce Smith, Greenfield Project Manager
 Company Name (if applicable): Luck Companies
 Address: PO Box 29682 Richmond, VA 23242
 Phone: 804-476-6406 Email: brucesmith@luckcompanies.com
 Check one: I currently own this property
 I plan to purchase this property
 Other, please explain Due diligence

C. Agent/Environmental Consultant Acting on Behalf of the Requestor (if applicable):

Consultant/Agent Name: Chris Daves, P.W.S.
 Company Name: S&M, Inc.
 Address: 134 Suber Road Columbia, SC 29210 Phone: 803-561-9024
 Email: cdaves@smeinc.com

II. REASON FOR REQUEST (check all that apply)

- I intend to construct/develop a project or perform activities on this site which would be designed to avoid all aquatic resources.
- I intend to construct/develop a project or perform activities on this site which would be designed to avoid all jurisdictional aquatic resources under Corps authority.
- I intend to construct/develop a project or perform activities on this site which may require authorization from the Corps, and the Jurisdictional Determination would be used to avoid and minimize impacts to jurisdictional aquatic resources and as an initial step in a future permitting process.
- I intend to construct/develop a project or perform activities on this site which may require authorization from the Corps; this request is accompanied by my permit application and the jurisdictional determination is to be used in the permitting process.
- I intend to construct/develop a project or perform activities in a navigable water of the U.S. which is subject to the ebb and flow of the tide.
- A Corps jurisdictional determination is required in order to obtain my local/state authorization.
- I intend to contest jurisdiction over a particular aquatic resource and the request the Corps to confirm that jurisdiction does/does not exist over the aquatic resource on the parcel.
- I believe that the site may be comprised entirely of dry land.
- Other: _____

Charleston Office: US Army Corps of Engineers Regulatory Division 69A Hagood Avenue Charleston, SC 29403 (ph) 843-329-8044	Columbia Office: US Army Corps of Engineers Regulatory Office 1835 Assembly Street, Room 865 B-1 Columbia, SC 29201 (ph) 803-253-3444	Conway Office: US Army Corps of Engineers Regulatory Office 1949 Industrial Park Road, Room 140 Conway, SC 29526 (ph) 843-365-4239
--	---	--

***Authorities:** Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.
Principal Purpose: The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the project area subject to federal jurisdiction under the regulatory authorities referenced above.
Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in the approved jurisdictional determination (AJD), which will be made available to the public on the District's website and on the Headquarters USACE website.
Disclosure: Submission of requested information is voluntary; however, if information is not provided, the request for an jurisdictional determination cannot be evaluated nor can a jurisdictional determination be issued.

III. TYPE OF REQUEST:

Delineation Concurrence¹

Approved² Jurisdictional Determination (AJD) Only

Preliminary³ Jurisdictional Determination (PJD) Only

Approved Jurisdictional Determination (AJD) with submittal of a Pre-Construction Notification or Department of the Army permit application

Preliminary Jurisdictional Determination (PJD) with submittal of a Pre-Construction Notification or Department of the Army permit application

Delineation of Wetlands and/or Other Aquatic Resources Only Conducted By Agent/Environmental Consultant with submittal of a Pre-Construction Notification or Department of the Army permit application (No jurisdictional determination requested)

I request that the Corps delineate the wetlands and/or other aquatic resources that may be present on my property with the attached Pre-Construction Notification or Department of the Army permit application

I request that the Corps delineate the wetlands and/or other aquatic resources that may be present on my property with a Delineation Only, an AJD or PJD

"No Permit Required" (NPR) Letter as I believe my proposed activity is not regulated⁴

Unclear as to which jurisdictional determination I would like to request and require additional information to inform my decision

¹ Delineation Concurrence (DC) – A DC provides concurrence that the delineated boundaries of wetlands on a property are a reasonable representation of the aquatic resources on-site. A DC does not address the jurisdictional status of the aquatic resources.

²Approved – An AJD is defined in Corps regulations at 33 CFR 331.2. As explained in further detail in RGL 16-01, an AJD is used to indicate that this office has identified the presence or absence of wetlands and/or other aquatic resources on a site, including their accurate location(s) and boundaries, as well as their jurisdictional status. AJDs are valid for 5 years.

³Preliminary – A PJD is defined in Corps regulations at 33 CFR 331.2. As explained in further detail in RGL 16-01, a PJD is used to indicate that this office has identified the approximate location(s) and boundaries of wetlands and/or other aquatic resources on a site that are presumed to be subject to regulatory jurisdiction of the Corps of Engineers. Unlike an AJD, a PJD does not represent a definitive, official determination that there are, or that there are not, jurisdictional aquatic resources on a site, and does not have an expiration date.

⁴ "No Permit Required" (NPR) Letter- A NPR letter may be provided by the Corps to notify the requestor that an activity will not require a permit (authorization) from the Corps; this letter can only be used if the proposed activity is not a regulated activity, regardless of where the activity may occur. A NPR letter cannot be used to indicate the presence or absence of wetlands and/or other aquatic resources, nor can it be used to determine their jurisdictional status.

IV. LEGAL RIGHT OF ENTRY

By signing below, I am indicating that I have the authority, or am acting as the duly authorized agent of a person or entity with such authority, to and do hereby grant U.S. Army Corps of Engineers personnel right of entry to legally access the property(ies) subject to this request for the purposes of conducting on-site investigations (e.g., digging and refilling shallow holes) and issuing a jurisdictional determination. I acknowledge that my signature is an affirmation that I possess the requisite property rights to request a jurisdictional determination on the properties subject to this request.

134 Suber Road, Columbia, SC 29210

Mailing Address

cdaves@smeinc.com

Email Address

Chris Daves

*Signature:

One Spartanburg Co. TPN (See Appendix D)

Property Address / TMS #(s)

803-561-9024

Daytime Phone Number

Chris Daves, P.W.S.

Printed Name and Date

*Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.

Principal Purpose: The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the project area subject to federal jurisdiction under the regulatory authorities referenced above.

Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in the approved jurisdictional determination (AJD), which will be made available to the public on the District's website and on the Headquarters USACE website.

Disclosure: Submission of requested information is voluntary; however, if information is not provided, the request for an jurisdictional determination cannot be evaluated nor can a jurisdictional determination be issued.



March 3, 2021

U.S. Army Corps of Engineers
Greenville Regulatory Office
150 Executive Drive, Suite 205
Greenville, South Carolina 29615

Attention: Greenville Regulatory Project Manager

Reference: **Request for Jurisdictional Determination
Enoree Quarry Additional Site +/- 105.1 Acres**
Enoree, Spartanburg County, South Carolina
S&ME Project No. 210009

Dear Regulatory Project Manager:

On behalf of Luck Companies, S&ME, Inc. (S&ME) has completed a Wetland Delineation at the above-referenced site. The overall site consists of approximately 105.1-acres and is located south of Hanna Creek Road and west of I-26 near Enoree, Spartanburg County, South Carolina. The site is represented by a one Spartanburg County tax parcel, currently owned by M&D Virk, LLC (**Appendix D**). Please refer to **Exhibits 1-6 in Appendix A** for depictions of the site and surrounding features. We are seeking an Approved Jurisdictional Determination for the site.

◆ Wetland Delineation

On January 25 and February 24, 2021, S&ME Biologists, Chris Daves, P.W.S. and James Trotter, conducted the Wetland Delineation. The following features were observed:

- ◆ 1 Jurisdictional Wetland (a)(4) water
- ◆ 6 Jurisdictional Tributaries (a)(2) waters
- ◆ 6 Non-Jurisdictional Ephemeral Drainages (b)(3) excluded waters

Jurisdictional Wetland (a)(4) Water

One (1) jurisdictional wetland (0.05 acre) was observed on the southwestern portion of the site (Photograph 1). The wetland is classified as a riparian, depression, forested and emergent wetland.



Jurisdictional Tributaries (a)(2) Waters

Six jurisdictional tributaries (4,195 linear feet [LF]/0.77 acre) were observed on various locations within the site (Photographs 2-8). The tributaries consisted of two perennial and four seasonal/intermittent channels. The tributaries had varying widths (2-12 feet) and substrates including sands, gravel, cobbles, boulders, and bedrock. According to the U.S Geological Survey (USGS) topographic mapping, one blue-stream feature was located on the southern portion of the site. The blue-line feature was observed on the site.

Non-Jurisdictional Features

Ephemeral Drainages (b)(3) Waters

Six ephemeral drainages (981 LF total) were observed on the site (Photographs 9-14). These features are ephemeral in nature and did not exhibit flow or an ordinary high-watermark (OHWM).

In summary, the site contains approximately **0.82 acre** of JWOUS.

◆ Uplands

Upland areas on the site consist of mixed hardwoods, and open fields (cattle farm). These portions of the site consist of the non-hydric soil series Catula, Madison, and Pacolet as listed in the Soil Survey of Spartanburg County, South Carolina, and the U.S. Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Web Soil Survey (Exhibit 4 – Soils Exhibit). Wetland vegetation, hydric soils, or hydrology were not observed in the upland areas.

◆ Enclosures

Attached in Appendices A-E, please find the following information for your review:

Appendix A

Exhibit 1 - Vicinity Exhibit, Exhibit 2 - Topographic Exhibit, Exhibit 3 - Aerial Exhibit, Exhibit 4 - Soils Exhibit, Exhibit 5 - NWI Exhibit, Exhibit 6 – LIDAR Exhibit, Exhibit 7 - Tax Parcel Exhibit, Site Photographs

Appendix B

Wetland/Upland Datasheets

Appendix C

Approved JD Form

Appendix D

Owner Information



Appendix E

Antecedent Precipitation Tool

◆ Closing

Thank you for your time and attention to this project. If we can provide additional information, please do not hesitate to contact us at 803-561-9024.

Sincerely,

S&ME

A handwritten signature in black ink that reads "James Trotter".

James Trotter
Biologist
jtrotter@smeinc.com

A handwritten signature in black ink that reads "Chris Daves".

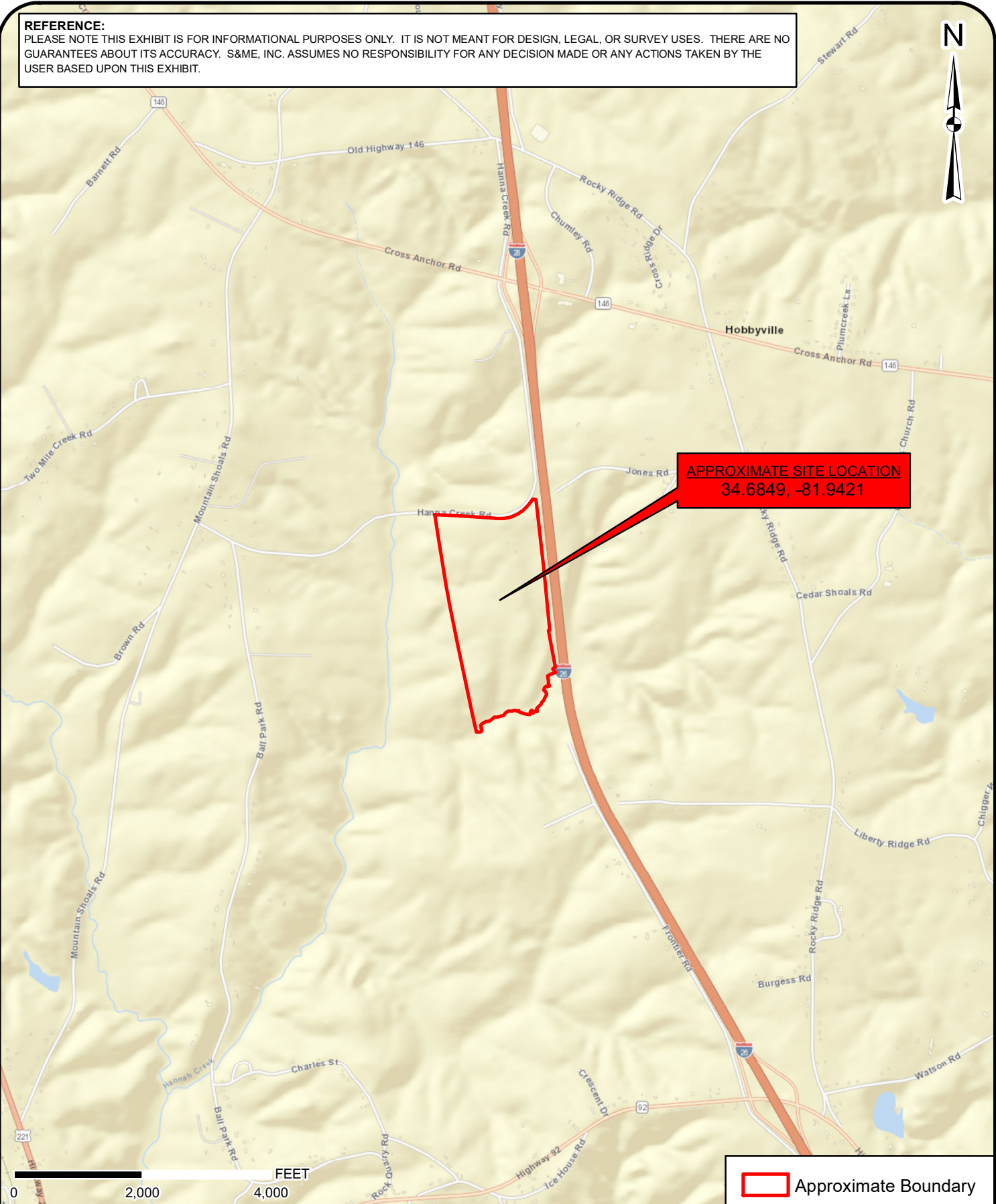
Chris Daves, P.W.S.
Senior Scientist
cdaves@smeinc.com

Attachments

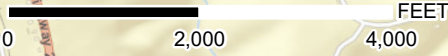
Appendix A


Exhibits and Site Photographs

REFERENCE:
 PLEASE NOTE THIS EXHIBIT IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR SURVEY USES. THERE ARE NO GUARANTEES ABOUT ITS ACCURACY. S&ME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION MADE OR ANY ACTIONS TAKEN BY THE USER BASED UPON THIS EXHIBIT.



APPROXIMATE SITE LOCATION
 34.6849, -81.9421



 **Approximate Boundary**



Vicinity Exhibit

Enoree Quarry Additional Site +/- 105.1 Acres

Enoree, Spartanburg County, South Carolina

Source: World Street Map

SCALE:
 1" = 2,000'

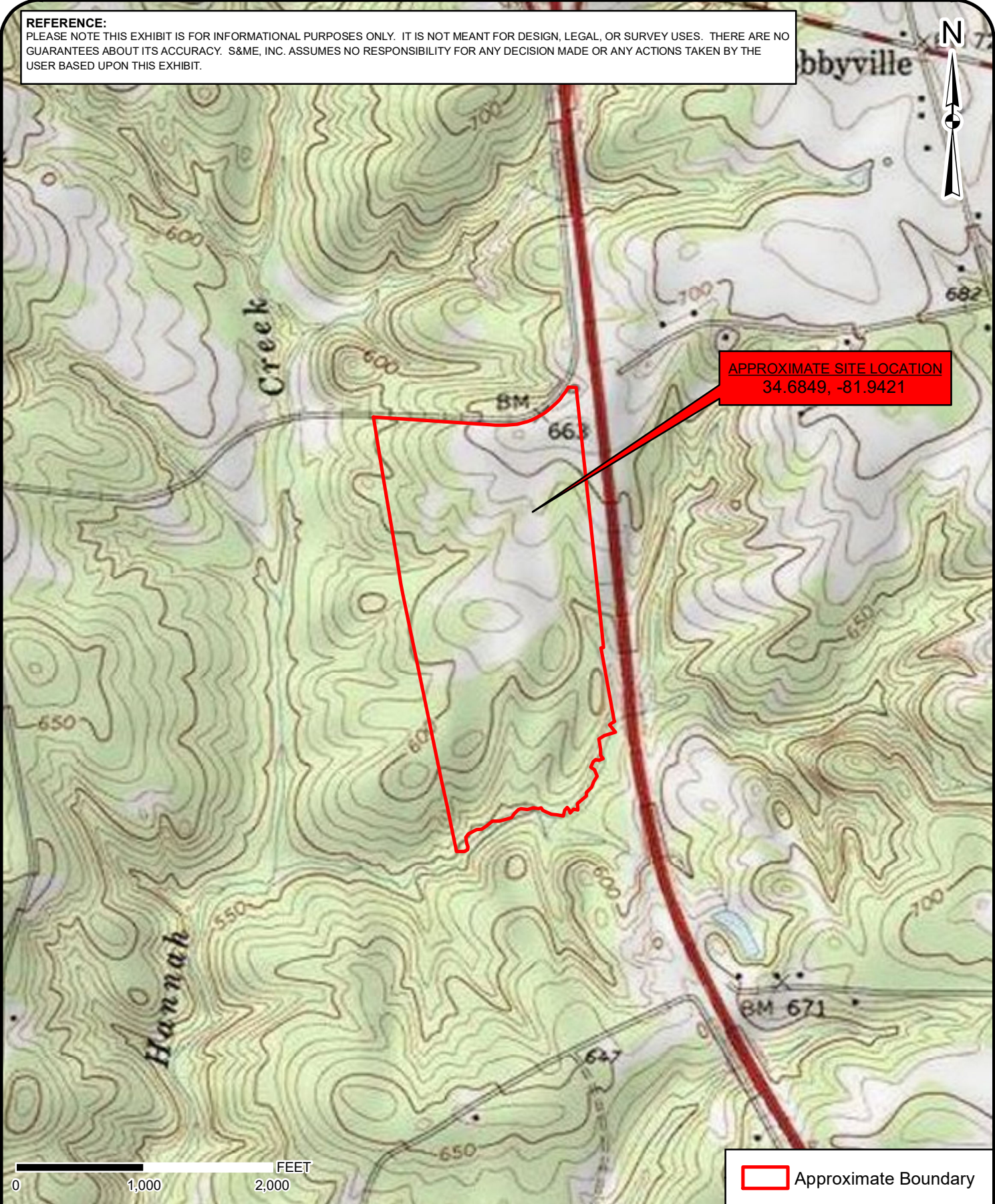
DATE:
 3-3-21

PROJECT NUMBER
 210009

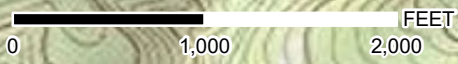
EXHIBIT NO.


1

REFERENCE:
 PLEASE NOTE THIS EXHIBIT IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR SURVEY USES. THERE ARE NO GUARANTEES ABOUT ITS ACCURACY. S&ME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION MADE OR ANY ACTIONS TAKEN BY THE USER BASED UPON THIS EXHIBIT.



APPROXIMATE SITE LOCATION
 34.6849, -81.9421



 **Approximate Boundary**



Topographic Exhibit
 Enoree Quarry Additional Site +/- 105.1 Acres
 Enoree, Spartanburg County, South Carolina
 Source: USGS 7.5-Minute Topo Quad Enoree, SC 1969

SCALE:
 1" = 1,000'
 DATE:
 3-3-21
 PROJECT NUMBER
 210009

EXHIBIT NO.
2

REFERENCE:

PLEASE NOTE THIS EXHIBIT IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR SURVEY USES. THERE ARE NO GUARANTEES ABOUT ITS ACCURACY. S&ME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION MADE OR ANY ACTIONS TAKEN BY THE USER BASED UPON THIS EXHIBIT.

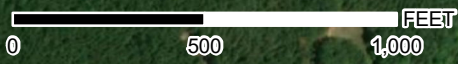


Tax Parcel 4-50-00-007.00



Feature Information	
<u>Jurisdictional Wetland (a)(4) Water</u>	
JW-A:	0.05 ac
<u>Jurisdictional Tributaries (a)(2) Waters</u>	
JT-1:	274 LF/0.02 ac
JT-1A:	12 LF/0.001 ac
JT-2:	2,161 LF/0.30 ac
JT-3:	465 LF/0.04 ac
JT-4:	1,161 LF/0.11 ac
JT-4A:	144 LF/0.01 ac
Total JTs: 4,217 LF/0.481 ac	
<u>Non-Jurisdictional Features Ephemeral Drainages (b)(3) Excluded Waters</u>	
NJF-1:	94 LF
NJF-2:	267 LF
NJF-3:	118 LF
NJF-4:	160 LF
NJF-5:	129 LF
NJF-6:	213 LF
Total NJFs: 981 LF	
Total Site Acreage: 105.1	
Total WOUS: 0.531	
Total Upland Acreage: 104.569	

APPROXIMATE SITE LOCATION
34.6849, -81.9421



	Photograph Location & Direction
	Non-Jurisdictional Feature Ephemeral Drainage (b)(3) Excluded Water
	Jurisdictional Tributaries (a)(2) Waters
	Jurisdictional Wetland (a)(4) Water
	Approximate Boundary

Drawing Path: T:\ENVA\Projects\2021\210009 Luck Companies_Enoree Quarry Additional Site_Enoree\GIS\mxd\Enoree Quarry Aerial Exhibit.mxd plotted by chandley 03-03-2021



Aerial Exhibit

Enoree Quarry Additional Site +/- 105.1 Acres

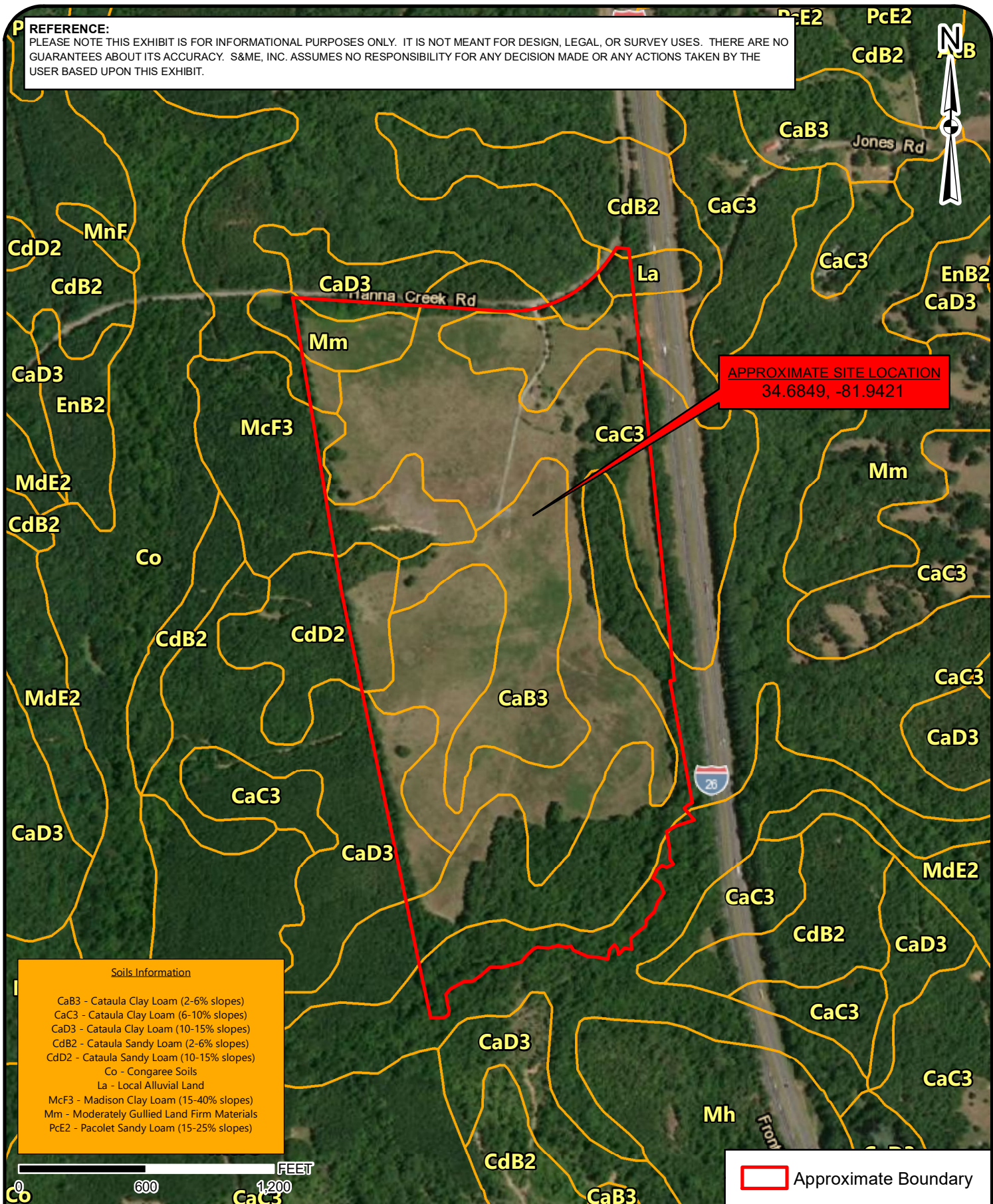
Enoree, Spartanburg County, South Carolina

Source: World Imagery 2019

SCALE:	1" = 500'
DATE:	3-3-21
PROJECT NUMBER	210009

EXHIBIT NO.	3
-------------	----------

REFERENCE:
 PLEASE NOTE THIS EXHIBIT IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR SURVEY USES. THERE ARE NO GUARANTEES ABOUT ITS ACCURACY. S&ME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION MADE OR ANY ACTIONS TAKEN BY THE USER BASED UPON THIS EXHIBIT.



APPROXIMATE SITE LOCATION
 34.6849, -81.9421

Soils Information

- CaB3 - Cataula Clay Loam (2-6% slopes)
- CaC3 - Cataula Clay Loam (6-10% slopes)
- CaD3 - Cataula Clay Loam (10-15% slopes)
- CdB2 - Cataula Sandy Loam (2-6% slopes)
- CdD2 - Cataula Sandy Loam (10-15% slopes)
- Co - Congaree Soils
- La - Local Alluvial Land
- McF3 - Madison Clay Loam (15-40% slopes)
- Mm - Moderately Gullied Land Firm Materials
- PcE2 - Pacolet Sandy Loam (15-25% slopes)



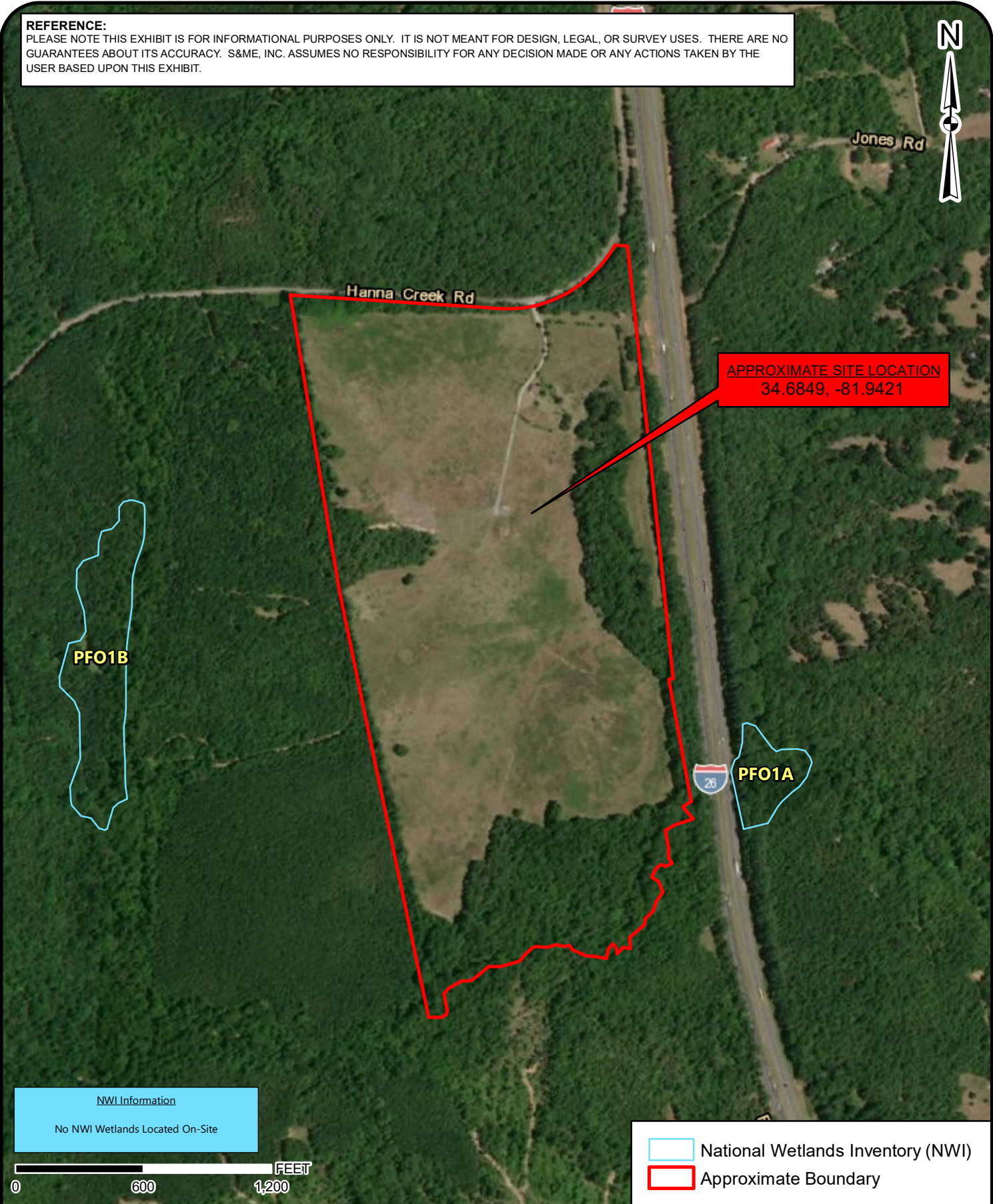
Approximate Boundary

	Soils Exhibit Enoree Quarry Additional Site +/- 105.1 Acres	SCALE: 1" = 600'	EXHIBIT NO. 4
	Enoree, Spartanburg County, South Carolina Source: World Imagery 2019 & SCDNR (Soils Data)	DATE: 3-3-21	
		PROJECT NUMBER 210009	

Drawing Path: T:\ENVA\Projects\2021\210009 Luck Companies_Enoree Quarry Additional Site_Enoree\GIS\mxd\Enoree Quarry Soils Exhibit.mxd plotted by chandley 03-03-2021

REFERENCE:



PLEASE NOTE THIS EXHIBIT IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR SURVEY USES. THERE ARE NO GUARANTEES ABOUT ITS ACCURACY. S&ME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION MADE OR ANY ACTIONS TAKEN BY THE USER BASED UPON THIS EXHIBIT.



NWI Information

No NWI Wetlands Located On-Site



-  National Wetlands Inventory (NWI)
-  Approximate Boundary



NWI Exhibit

Enoree Quarry Additional Site +/- 105.1 Acres

Enoree, Spartanburg County, South Carolina
Source: World Imagery 2019 & SCDNR (NWI Data)

SCALE:
1" = 600'

DATE:
3-3-21

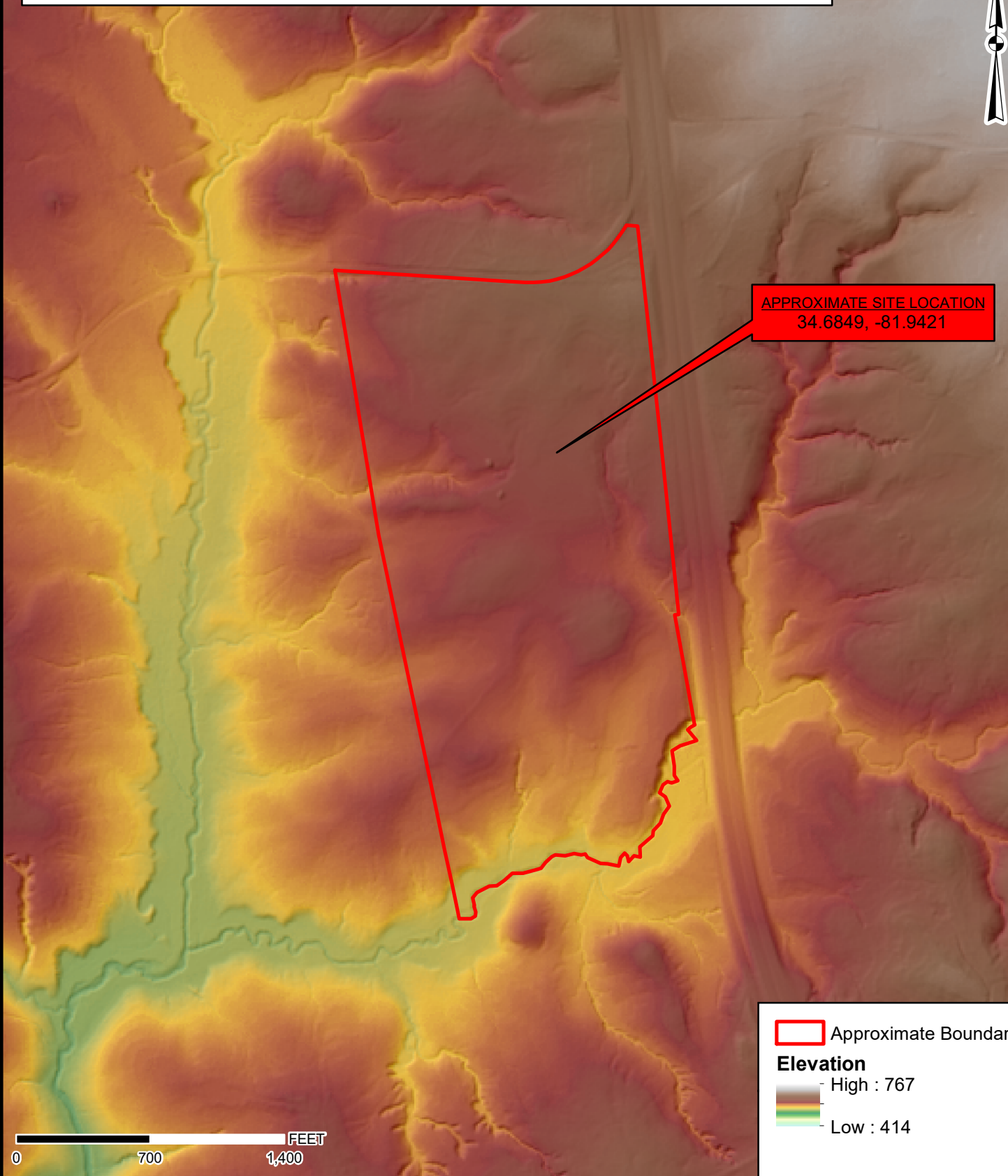
PROJECT NUMBER
210009

EXHIBIT NO.


5

REFERENCE:


PLEASE NOTE THIS EXHIBIT IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR SURVEY USES. THERE ARE NO GUARANTEES ABOUT ITS ACCURACY. S&ME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION MADE OR ANY ACTIONS TAKEN BY THE USER BASED UPON THIS EXHIBIT.



APPROXIMATE SITE LOCATION
34.6849, -81.9421

 Approximate Boundary

Elevation

 High : 767

Low : 414

0 700 1,400 FEET



LIDAR Exhibit

Enoree Quarry Additional Site +/- 105.1 Acres

Enoree, Spartanburg County, South Carolina
Source: World Imagery 2019 & SCDNR (LIDAR Data)

SCALE:
1" = 700'

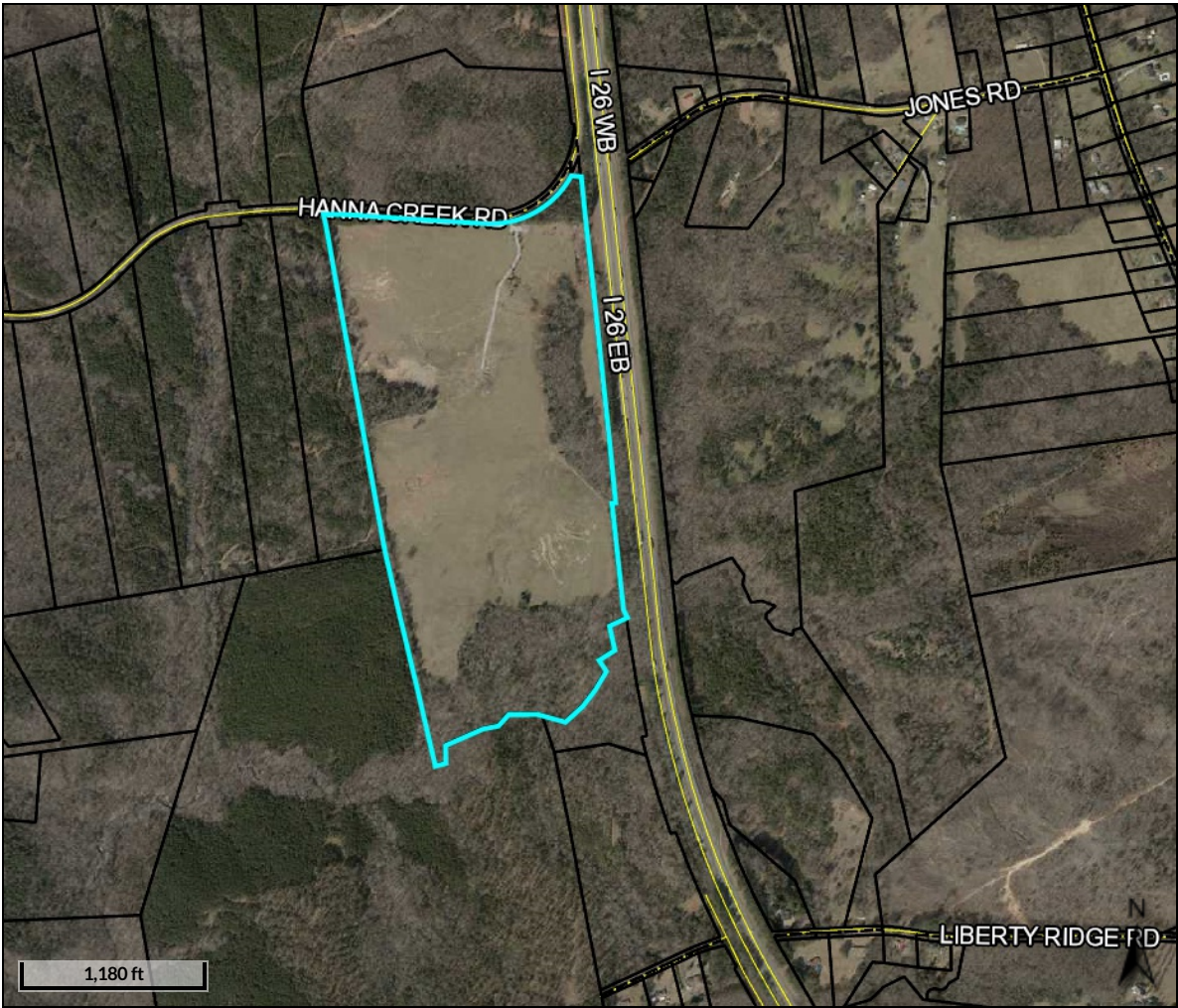
DATE:
3-3-21

PROJECT NUMBER
210009

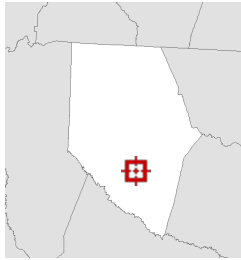
EXHIBIT NO.

6

Drawing Path: T:\ENVA\Projects\2021\210009 Luck Companies_Enoree Quarry Additional Site_Enoree\GIS\mxd\Enoree Quarry LIDAR Exhibit.mxd plotted by chandley 03-03-2021



Overview



Legend

□ Parcels

Parcel ID	4-50-00-007.00	Alternate ID	75478	Owner Address	M & D'VIRK LLC
Sec/Twp/Rng	n/a	Class	Non-Qualified Regular Farm Improved		172 S LAKE EMORY DR
Property Address	810 HANNA CREEK RD ENOREE	Acreage	105.1		INMAN, SC 29349
District	n/a				
Brief Tax Description	S SIDE HANNA CREEK RD & W SIDE RD I-26 PB 152-489 DB 109B-264 PB 169-859 <i>(Note: Not to be used on legal documents)</i>				

Date created: 3/3/2021
Last Data Uploaded: 3/3/2021 2:23:37 AM

Developed by Schneider GEOSPATIAL

Appendix B

Wetland and Upland Datasheets

WETLAND DETERMINATION DATA FORM - Eastern Mountains and Piedmont Region

Project/Site: Enoree Quarry Additional Site **City/County:** Enoree/Spartanburg **Sampling Date:** 24-Feb-21
Applicant/Owner: Luck Companies **State:** SC **Sampling Point:** Wet DP-1
Investigator(s): Chris Daves, P.W.S.-S&ME, Inc. **Section, Township, Range:** S T R
Landform (hillslope, terrace, etc.): Base of hillslope **Local relief (concave, convex, none):** concave **Slope:** 0.0% / 0.0 °
Subregion (LRR or MLRA): MLRA 136 in LRR P **Lat.:** 34.679845 **Long.:** -81.942939 **Datum:** NAD83
Soil Map Unit Name: Congaree (Co) **NWI classification:** Upland

Are climatic/hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
Are Vegetation , **Soil** , **or Hydrology** **significantly disturbed?** **Are "Normal Circumstances" present?** Yes No
Are Vegetation , **Soil** , **or Hydrology** **naturally problematic?** (If needed, explain any answers in Remarks.)

Summary of Findings - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="radio"/> No <input type="radio"/> Hydric Soil Present? Yes <input checked="" type="radio"/> No <input type="radio"/> Wetland Hydrology Present? Yes <input checked="" type="radio"/> No <input type="radio"/>	Is the Sampled Area within a Wetland? Yes <input checked="" type="radio"/> No <input type="radio"/>
Remarks: Data point taken inside of wetland A on southwestern portion of site. Toe of slope wetland.	

Hydrology

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one required; check all that apply)</u>		<u>Secondary Indicators (minimum of two required)</u>	
<input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> High Water Table (A2) <input checked="" type="checkbox"/> Saturation (A3) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Drift deposits (B3) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input checked="" type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> True Aquatic Plants (B14) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input checked="" type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-neutral Test (D5)	
Field Observations: Surface Water Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Depth (inches): _____ Water Table Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Depth (inches): _____ Saturation Present? Yes <input checked="" type="radio"/> No <input type="radio"/> Depth (inches): <u>8</u>		Wetland Hydrology Present? Yes <input checked="" type="radio"/> No <input type="radio"/>	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:			
Remarks: Hydrology indicators were observed.			

VEGETATION (Five/Four Strata)- Use scientific names of plants.

Sampling Point: Wet DP-1

	Absolute % Cover	Dominant Species? Rel.Strat. Cover	Indicator Status	
Tree Stratum (Plot size: <u>30-ft.</u>)				Dominance Test worksheet:
1. <u>Acer rubrum</u>	10	<input checked="" type="checkbox"/> 100.0%	FAC	Number of Dominant Species That are OBL, FACW, or FAC: <u>2</u> (A)
2. _____	0	<input type="checkbox"/> 0.0%		Total Number of Dominant Species Across All Strata: <u>2</u> (B)
3. _____	0	<input type="checkbox"/> 0.0%		Percent of dominant Species That Are OBL, FACW, or FAC: <u>100.0%</u> (A/B)
4. _____	0	<input type="checkbox"/> 0.0%		Prevalence Index worksheet:
5. _____	0	<input type="checkbox"/> 0.0%		Total % Cover of: _____ Multiply by: _____
6. _____	0	<input type="checkbox"/> 0.0%		OBL species <u>0</u> x 1 = <u>0</u>
7. _____	0	<input type="checkbox"/> 0.0%		FACW species <u>0</u> x 2 = <u>0</u>
8. _____	0	<input type="checkbox"/> 0.0%		FAC species <u>20</u> x 3 = <u>60</u>
	10	= Total Cover		FACU species <u>0</u> x 4 = <u>0</u>
Sapling-Sapling/Shrub Stratum (Plot size: <u>15-ft.</u>)				UPL species <u>0</u> x 5 = <u>0</u>
1. _____	0	<input type="checkbox"/> 0.0%		Column Totals: <u>20</u> (A) <u>60</u> (B)
2. _____	0	<input type="checkbox"/> 0.0%		Prevalence Index = B/A = <u>3.000</u>
3. _____	0	<input type="checkbox"/> 0.0%		Hydrophytic Vegetation Indicators:
4. _____	0	<input type="checkbox"/> 0.0%		<input type="checkbox"/> Rapid Test for Hydrophytic Vegetation
5. _____	0	<input type="checkbox"/> 0.0%		<input checked="" type="checkbox"/> Dominance Test is > 50%
6. _____	0	<input type="checkbox"/> 0.0%		<input checked="" type="checkbox"/> Prevalence Index is ≤3.0 ¹
7. _____	0	<input type="checkbox"/> 0.0%		<input type="checkbox"/> Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)
8. _____	0	<input type="checkbox"/> 0.0%		<input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)
9. _____	0	<input type="checkbox"/> 0.0%		¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
10. _____	0	<input type="checkbox"/> 0.0%		Definition of Vegetation Strata:
	0	= Total Cover		Four Vegetation Strata:
Shrub Stratum (Plot size: <u>15-ft.</u>)				Tree stratum – Consists of woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.
1. _____	0	<input type="checkbox"/> 0.0%		Sapling/shrub stratum – Consists of woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.
2. _____	0	<input type="checkbox"/> 0.0%		Herb stratum – Consists of all herbaceous (non-woody) plants, regardless of size, and all other plants less than 3.28 ft tall.
3. _____	0	<input type="checkbox"/> 0.0%		Woody vines – Consists of all woody vines greater than 3.28 ft in height.
4. _____	0	<input type="checkbox"/> 0.0%		Five Vegetation Strata:
5. _____	0	<input type="checkbox"/> 0.0%		Tree - Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and 3 in. (7.6 cm) or larger in diameter at breast height (DBH).
6. _____	0	<input type="checkbox"/> 0.0%		Sapling stratum – Consists of woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and less than 3 in. (7.6 cm) DBH.
7. _____	0	<input type="checkbox"/> 0.0%		Shrub stratum – Consists of woody plants, excluding woody vines, approximately 3 to 20 ft (1 to 6 m) in height.
8. _____	0	<input type="checkbox"/> 0.0%		Herb stratum – Consists of all herbaceous (non-woody) plants, including herbaceous vines, regardless of size, and woody species, except woody vines, less than approximately 3 ft (1 m) in height.
9. _____	0	<input type="checkbox"/> 0.0%		Woody vines – Consists of all woody vines, regardless of height.
10. _____	0	<input type="checkbox"/> 0.0%		Hydrophytic Vegetation Present? Yes <input checked="" type="radio"/> No <input type="radio"/>
11. _____	0	<input type="checkbox"/> 0.0%		
12. _____	0	<input type="checkbox"/> 0.0%		
	10	= Total Cover		
Woody Vine Stratum (Plot size: <u>30-ft.</u>)				
1. _____	0	<input type="checkbox"/> 0.0%		
2. _____	0	<input type="checkbox"/> 0.0%		
3. _____	0	<input type="checkbox"/> 0.0%		
4. _____	0	<input type="checkbox"/> 0.0%		
5. _____	0	<input type="checkbox"/> 0.0%		
6. _____	0	<input type="checkbox"/> 0.0%		
	0	= Total Cover		
Remarks: (Include photo numbers here or on a separate sheet.)				
Hydrophytic vegetation was observed.				

*Indicator suffix = National status or professional decision assigned because Regional status not defined by FWS.

Soil

Sampling Point: Wet DP-1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix			Redox Features					Texture	Remarks
	Color (moist)		%	Color (moist)		%	Type ¹	Loc ²		
1-20	10YR	5/2	90	10YR	5/6	10	C	M	Loam	

¹ Type: C=Concentration. D=Depletion. RM=Reduced Matrix, CS=Covered or Coated Sand Grains ²Location: PL=Pore Lining, M=Matrix

<p>Hydric Soil Indicators:</p> <p><input type="checkbox"/> Histosol (A1)</p> <p><input type="checkbox"/> Histic Epipedon (A2)</p> <p><input type="checkbox"/> Black Histic (A3)</p> <p><input type="checkbox"/> Hydrogen Sulfide (A4)</p> <p><input type="checkbox"/> Stratified Layers (A5)</p> <p><input type="checkbox"/> 2 cm Muck (A10) (LRR N)</p> <p><input type="checkbox"/> Depleted Below Dark Surface (A11)</p> <p><input type="checkbox"/> Thick Dark Surface (A12)</p> <p><input type="checkbox"/> Sandy Muck Mineral (S1) (LRR N, MLRA 147, 148)</p> <p><input type="checkbox"/> Sandy Gleyed Matrix (S4)</p> <p><input type="checkbox"/> Sandy Redox (S5)</p> <p><input type="checkbox"/> Stripped Matrix (S6)</p>	<p><input type="checkbox"/> Dark Surface (S7)</p> <p><input type="checkbox"/> Polyvalue Below Surface (S8) (MLRA 147,148)</p> <p><input type="checkbox"/> Thin Dark Surface (S9) (MLRA 147, 148)</p> <p><input type="checkbox"/> Loamy Gleyed Matrix (F2)</p> <p><input checked="" type="checkbox"/> Depleted Matrix (F3)</p> <p><input type="checkbox"/> Redox Dark Surface (F6)</p> <p><input type="checkbox"/> Depleted Dark Surface (F7)</p> <p><input type="checkbox"/> Redox Depressions (F8)</p> <p><input type="checkbox"/> Iron-Manganese Masses (F12) (LRR N, MLRA 136)</p> <p><input type="checkbox"/> Umbric Surface (F13) (MLRA 136, 122)</p> <p><input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 148)</p> <p><input type="checkbox"/> Red Parent Material (F21) (MLRA 127, 147)</p>	<p>Indicators for Problematic Hydric Soils³:</p> <p><input type="checkbox"/> 2 cm Muck (A10) (MLRA 147)</p> <p><input type="checkbox"/> Coast Prairie Redox (A16) (MLRA 147,148)</p> <p><input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 136, 147)</p> <p><input type="checkbox"/> Very Shallow Dark Surface (TF12)</p> <p><input type="checkbox"/> Other (Explain in Remarks)</p>
--	---	--

³ Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):
 Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes No

Remarks:
 Hydric soil indicators were observed.

WETLAND DETERMINATION DATA FORM - Eastern Mountains and Piedmont Region

Project/Site: Enoree Quarry Additional Site **City/County:** Enoree/Spartanburg **Sampling Date:** 24-Feb-21
Applicant/Owner: Luck Companies **State:** SC **Sampling Point:** UP DP-1
Investigator(s): Chris Daves, P.W.S.-S&ME, Inc. **Section, Township, Range:** S T R
Landform (hillslope, terrace, etc.): Hillslope **Local relief (concave, convex, none):** concave **Slope:** 0.0% / 0.0 °
Subregion (LRR or MLRA): MLRA 136 in LRR P **Lat.:** 34.679869 **Long.:** -81.942982 **Datum:** NAD83
Soil Map Unit Name: Congaree (Co) **NWI classification:** Upland

Are climatic/hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
Are Vegetation , **Soil** , **or Hydrology** **significantly disturbed?** **Are "Normal Circumstances" present?** Yes No
Are Vegetation , **Soil** , **or Hydrology** **naturally problematic?** (If needed, explain any answers in Remarks.)

Summary of Findings - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Hydric Soil Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Wetland Hydrology Present? Yes <input type="radio"/> No <input checked="" type="radio"/>	Is the Sampled Area within a Wetland? Yes <input type="radio"/> No <input checked="" type="radio"/>
Remarks: Data point taken on hillslope north of Wetland A.	

Hydrology

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one required; check all that apply)</u>		<u>Secondary Indicators (minimum of two required)</u>	
<input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Drift deposits (B3) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> True Aquatic Plants (B14) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-neutral Test (D5)	
Field Observations: Surface Water Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Depth (inches): _____ Water Table Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes <input type="radio"/> No <input checked="" type="radio"/> Depth (inches): _____		Wetland Hydrology Present? Yes <input type="radio"/> No <input checked="" type="radio"/>	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:			
Remarks: Hydrology indicators were not observed.			

VEGETATION (Five/Four Strata)- Use scientific names of plants.

Sampling Point: UP DP-1

Tree Stratum (Plot size: <u>30-ft.</u>)					Dominance Test worksheet: Number of Dominant Species That are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>8</u> (B) Percent of dominant Species That Are OBL, FACW, or FAC: <u>25.0%</u> (A/B)
1. <u>Quercus falcata</u>	25	<input checked="" type="checkbox"/>	55.6%	FACU	
2. <u>Juniperus virginiana</u>	10	<input checked="" type="checkbox"/>	22.2%	FACU	
3. <u>Acer rubrum</u>	10	<input checked="" type="checkbox"/>	22.2%	FAC	
4. _____	0	<input type="checkbox"/>	0.0%	_____	
5. _____	0	<input type="checkbox"/>	0.0%	_____	
6. _____	0	<input type="checkbox"/>	0.0%	_____	
7. _____	0	<input type="checkbox"/>	0.0%	_____	
8. _____	0	<input type="checkbox"/>	0.0%	_____	
	45	= Total Cover			
Sapling-Sapling/Shrub Stratum (Plot size: <u>15-ft.</u>)					Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species <u>0</u> x 1 = <u>0</u> FACW species <u>0</u> x 2 = <u>0</u> FAC species <u>15</u> x 3 = <u>45</u> FACU species <u>80</u> x 4 = <u>320</u> UPL species <u>0</u> x 5 = <u>0</u> Column Totals: <u>95</u> (A) <u>365</u> (B) Prevalence Index = B/A = <u>3.842</u>
1. <u>Juniperus virginiana</u>	20	<input checked="" type="checkbox"/>	100.0%	FACU	
2. _____	0	<input type="checkbox"/>	0.0%	_____	
3. _____	0	<input type="checkbox"/>	0.0%	_____	
4. _____	0	<input type="checkbox"/>	0.0%	_____	
5. _____	0	<input type="checkbox"/>	0.0%	_____	
6. _____	0	<input type="checkbox"/>	0.0%	_____	
7. _____	0	<input type="checkbox"/>	0.0%	_____	
8. _____	0	<input type="checkbox"/>	0.0%	_____	
9. _____	0	<input type="checkbox"/>	0.0%	_____	
10. _____	0	<input type="checkbox"/>	0.0%	_____	
	20	= Total Cover			
Shrub Stratum (Plot size: <u>15-ft.</u>)					Hydrophytic Vegetation Indicators: <input type="checkbox"/> Rapid Test for Hydrophytic Vegetation <input type="checkbox"/> Dominance Test is > 50% <input type="checkbox"/> Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
1. <u>Juniperus virginiana</u>	10	<input checked="" type="checkbox"/>	50.0%	FACU	
2. <u>Ostrya virginiana</u>	10	<input checked="" type="checkbox"/>	50.0%	FACU	
3. _____	0	<input type="checkbox"/>	0.0%	_____	
4. _____	0	<input type="checkbox"/>	0.0%	_____	
5. _____	0	<input type="checkbox"/>	0.0%	_____	
6. _____	0	<input type="checkbox"/>	0.0%	_____	
7. _____	0	<input type="checkbox"/>	0.0%	_____	
	20	= Total Cover			
Herb Stratum (Plot size: <u>5-ft.</u>)					
1. <u>Asplenium platyneuron</u>	5	<input checked="" type="checkbox"/>	100.0%	FACU	
2. _____	0	<input type="checkbox"/>	0.0%	_____	
3. _____	0	<input type="checkbox"/>	0.0%	_____	
4. _____	0	<input type="checkbox"/>	0.0%	_____	
5. _____	0	<input type="checkbox"/>	0.0%	_____	
6. _____	0	<input type="checkbox"/>	0.0%	_____	
7. _____	0	<input type="checkbox"/>	0.0%	_____	
8. _____	0	<input type="checkbox"/>	0.0%	_____	
9. _____	0	<input type="checkbox"/>	0.0%	_____	
10. _____	0	<input type="checkbox"/>	0.0%	_____	
11. _____	0	<input type="checkbox"/>	0.0%	_____	
12. _____	0	<input type="checkbox"/>	0.0%	_____	
	5	= Total Cover			
Woody Vine Stratum (Plot size: <u>30-ft.</u>)					
1. <u>Vitis rotundifolia</u>	5	<input checked="" type="checkbox"/>	100.0%	FAC	
2. _____	0	<input type="checkbox"/>	0.0%	_____	
3. _____	0	<input type="checkbox"/>	0.0%	_____	
4. _____	0	<input type="checkbox"/>	0.0%	_____	
5. _____	0	<input type="checkbox"/>	0.0%	_____	
6. _____	0	<input type="checkbox"/>	0.0%	_____	
	5	= Total Cover			
Hydrophytic Vegetation Present? Yes <input type="radio"/> No <input checked="" type="radio"/>					

Remarks: (Include photo numbers here or on a separate sheet.)

Hydrophytic vegetation was not observed.

*Indicator suffix = National status or professional decision assigned because Regional status not defined by FWS.

Soil

Sampling Point: UP DP-1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix			Redox Features			Texture	Remarks
	Color (moist)		%	Color (moist)	%	Type ¹		
1-8	10YR	5/3	100				Sandy Loam	
8-20	10YR	5/6	100				Loamy Sand	

¹ Type: C=Concentration. D=Depletion. RM=Reduced Matrix, CS=Covered or Coated Sand Grains ²Location: PL=Pore Lining, M=Matrix

<p>Hydric Soil Indicators:</p> <input type="checkbox"/> Histosol (A1) <input type="checkbox"/> Histic Epipedon (A2) <input type="checkbox"/> Black Histic (A3) <input type="checkbox"/> Hydrogen Sulfide (A4) <input type="checkbox"/> Stratified Layers (A5) <input type="checkbox"/> 2 cm Muck (A10) (LRR N) <input type="checkbox"/> Depleted Below Dark Surface (A11) <input type="checkbox"/> Thick Dark Surface (A12) <input type="checkbox"/> Sandy Muck Mineral (S1) (LRR N, MLRA 147, 148) <input type="checkbox"/> Sandy Gleyed Matrix (S4) <input type="checkbox"/> Sandy Redox (S5) <input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Dark Surface (S7) <input type="checkbox"/> Polyvalue Below Surface (S8) (MLRA 147,148) <input type="checkbox"/> Thin Dark Surface (S9) (MLRA 147, 148) <input type="checkbox"/> Loamy Gleyed Matrix (F2) <input type="checkbox"/> Depleted Matrix (F3) <input type="checkbox"/> Redox Dark Surface (F6) <input type="checkbox"/> Depleted Dark Surface (F7) <input type="checkbox"/> Redox Depressions (F8) <input type="checkbox"/> Iron-Manganese Masses (F12) (LRR N, MLRA 136) <input type="checkbox"/> Umbric Surface (F13) (MLRA 136, 122) <input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 148) <input type="checkbox"/> Red Parent Material (F21) (MLRA 127, 147)	<p>Indicators for Problematic Hydric Soils³:</p> <input type="checkbox"/> 2 cm Muck (A10) (MLRA 147) <input type="checkbox"/> Coast Prairie Redox (A16) (MLRA 147,148) <input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 136, 147) <input type="checkbox"/> Very Shallow Dark Surface (TF12) <input type="checkbox"/> Other (Explain in Remarks)
---	---	---

³ Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):
 Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes No

Remarks:
 Hydric soil indicators were not observed.

Appendix C

Approved JD Form



**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): 3/3/2021

ORM Number: N/A

Associated JDs: N/A

Review Area Location¹: State/Territory: SC City: Enoree County/Parish/Borough: Spartanburg

Center Coordinates of Review Area: Latitude 34.6849N Longitude -81.9421W

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)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
JT-1	274 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	JT-1 is a naturally occurring unnamed intermittent tributary that flows directly into JT-1A (described below) which flows directly into (a)(2) Hannah Creek and ultimately the traditional navigable waterway (TNW) the Enoree River. JT-1 has a well-developed OHWM, bed and banks, a well-defined

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 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.



**U.S. ARMY CORPS OF ENGINEERS
 REGULATORY PROGRAM
 APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
 NAVIGABLE WATERS PROTECTION RULE**

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
				channel, and a series of standing pools of water and shallow subsurface/hyporheic water in the channel at the time of the site visit. Based on site evaluation, it has been determined that JT-1 flows during certain times of the year. JT-1 satisfies the flow conditions and criteria include in the tributary definition (c)12 of the NWPR. Therefore, the Corps has determined tributary JT-2 to be an (a)(2) water of the U.S.
JT-1A	12	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	JT-1A is a naturally occurring unnamed perennial tributary. JT-1 receives flow from JT-1 (described above) and flows into (a)(2) Hannah Creek offsite, which ultimately flows into the TNW the Enoree River. During site visits the tributary exhibited strong flow, with associated channel development, sediment sorting, and other indications of perennial flow. On this basis, JT-1A has been determined to be a tributary with perennial flow and thus an (a)(2) water of the U.S.



**U.S. ARMY CORPS OF ENGINEERS
 REGULATORY PROGRAM
 APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
 NAVIGABLE WATERS PROTECTION RULE**

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
JT-2	2,139	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	JT-2 is a naturally occurring unnamed perennial tributary. JT-2 receives flow from JT-3 (described below) and flows into (a)(2) Hannah Creek (off-site) which ultimately flows into the TNW the Enoree River. During site visits the tributary exhibited strong flow, with associated channel development, sediment sorting, and other indications of perennial flow. On this basis JT-2 has been determined to be a tributary with perennial flow and thus an (a)(2) water of the U.S.
JT-3	465	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	JT-3 is a naturally occurring unnamed intermittent tributary. JT-3 flows into JT-2 (described above) which flows into (a)(2) Hannah Creek (off-site) which ultimately flows into the TNW the Enoree River. JT-3 has a well-developed OHWM, bed and banks, a well-defined channel, and a series of standing pools of water and shallow subsurface/hyporheic water in the channel at the time of site visits. Based on site evaluation, it has been determined that JT-3 flows during certain times of the year. JT-3 satisfies the flow conditions and criteria included in the tributary definition (c)12 of the NWPR. Therefore, the Corps has determined tributary JT-3 to be an (a)(2) water of the U.S.



**U.S. ARMY CORPS OF ENGINEERS
 REGULATORY PROGRAM
 APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
 NAVIGABLE WATERS PROTECTION RULE**

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
JT-4	1161	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	JT-4 is a naturally occurring unnamed intermittent tributary. JT-4 flows into (a)(2) Hannah Creek (off-site) which ultimately flows into the TNW the Enoree River. JT-4 has a well-developed OHWM, bed and banks, a well-defined channel, and a series of standing pools of water/hyporheic water in the channel at the time of site visits. Based on site evaluation, it has been determined that JT-4 flows during certain times of the year. JT-4 satisfies the flow conditions and criteria included in the tributary definition (c)(12) of the NWPR. Therefore, the Corps has determined JT-4 to be an (a)(2) water of the U.S.
JT-4A	144	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	JT-4A is a naturally occurring unnamed intermittent tributary that flows directly into JT-4 (described above), which then flows (a)(2) Hannah Creek (off-site), which then flows directly into the TNW the Enoree River. JT-4A has a well-developed OHWM, bed and banks, a well-defined channel, and a series of standing pools of water and shallow subsurface/hyporheic water in the channel at the time of site visit. Based on site evaluation, it has been determined that JT-4A flows during certain times of the year. JT-4A satisfies the flow conditions and criteria included in the tributary definition (c)12 of the NWPR. Therefore, the Corps has determined tributary JT-4A to be an (a)(2) water of the U.S.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

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.	N/A.
N/A	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
JW-A	0.05	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	Wetland JW-A is situated behind a natural berm along the banks of JT-2 (described above). On this basis, wetland JW-A is an (a)(4) water.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
NJF-1	94	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Feature lacked hydrological indicators of flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge). Feature originates in uplands, exhibited no OHWM, and had abundant leaf litter and debris within streambed.
NJF-2	267	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Feature lacked hydrological indicators of flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge). Feature originates in uplands, exhibited no OHWM, and had abundant leaf litter and debris within the streambed.
NJF-3	118	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Feature lacked hydrological indicators of flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge). Feature originates in uplands, exhibited no OHWM, and had abundant leaf litter and debris within the streambed.
NJF-4	160	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Feature lacked hydrological indicators of flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge). Feature originates in uplands, exhibited no OHWM, and had abundant leaf litter and debris within the streambed.
NJF-5	129	linear feet	(b)(3) Ephemeral feature, including an ephemeral	Feature lacked hydrological indicators of flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized

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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			stream, swale, gully, rill, or pool.	sheet flow recharge). Feature originates in uplands, exhibited no OHWM, and had abundant leaf litter and debris within the streambed.
NJF-6	213	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Feature lacked hydrological indicators of flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge). Feature originates in uplands, exhibited no OHWM, and had abundant leaf litter and debris within the streambed.

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 \(AJD\), prepared by S&ME, Inc., dated March 1, 2021.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A.](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Other: Photographs provided in AJD submittal package. Photographs taken on January 25 and February 24, 2021.](#)

Corps site visit(s) conducted on: [Date\(s\).](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Spartanburg County, dated 1968.](#)

USFWS NWI maps: [Enoree, SC Quad.](#)

USGS topographic maps: [USGS 7.5-Minute Topo Quad Enoree, SC 1969.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Spartanburg County LIDAR Data (SCDNR).

B. Typical year assessment(s): [Antecedent Precipitation Tool \(APT\) was used to determine that the site and surrounding areas were in “Normal Conditions” during field visits on January 25 and February 24, 2021.](#)

C. Additional comments to support AJD: [The site includes 6 \(a\)\(2\) waters and 1 \(a\)\(4\) water that are under the jurisdiction of the USACE.](#)

[The site also includes 6 \(b\)\(3\) excluded waters that are are not under the jurisdiction of the USACE.](#)

Appendix D

Owner Information

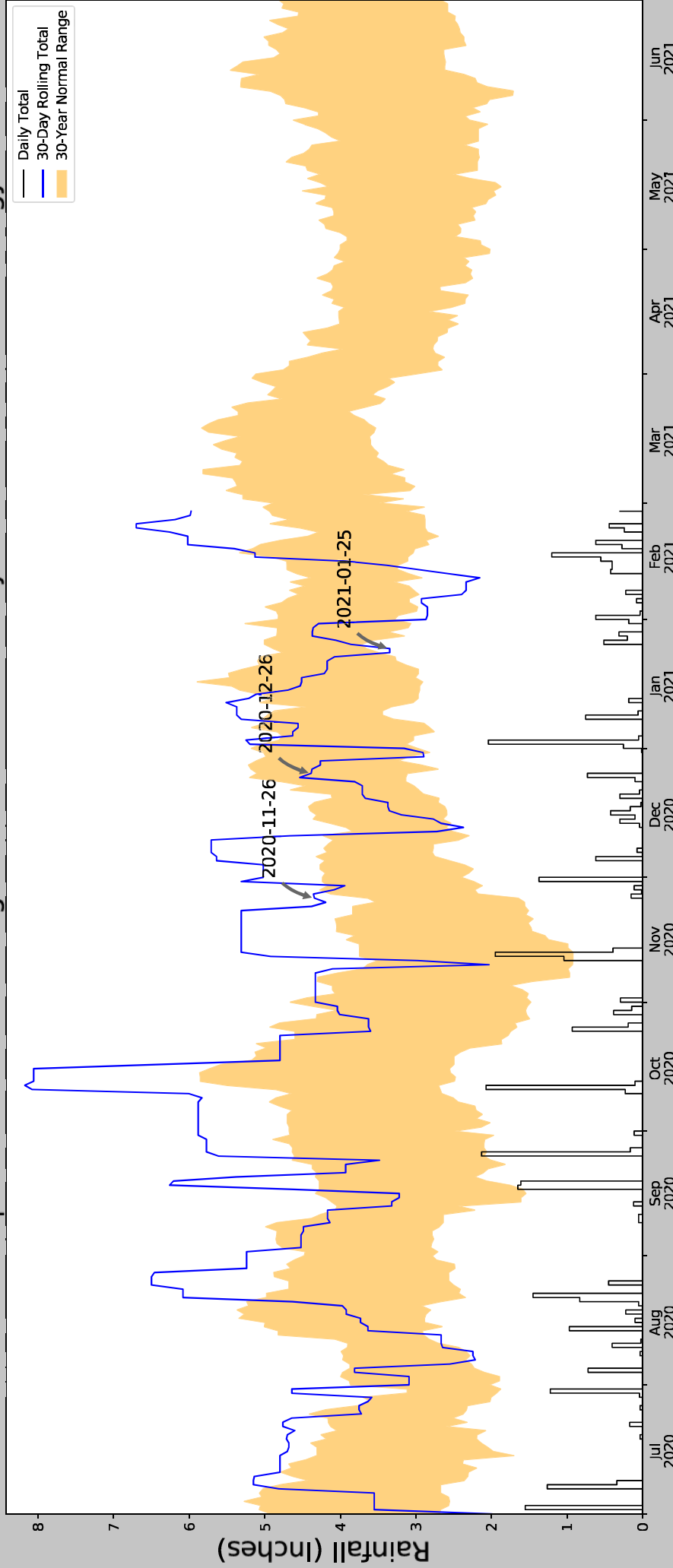
Tax Parcel Owner Information

Tax Parcel No.	Owner(s) Name	Owner Address	Site Contact
4-50-00-007.00	M&D Virk, LLC	172 Lake Emory Dr. Inman, SC 29349	Bruce Smith, Greenfield Project Manager Luck Companies PO Box 29682 Richmond, VA 23242 804-476-6406 brucesmith@luckcompanies.com

Appendix E

Antecedent Precipitation Tool

Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



— Daily Total
— 30-Day Rolling Total
 30-Year Normal Range

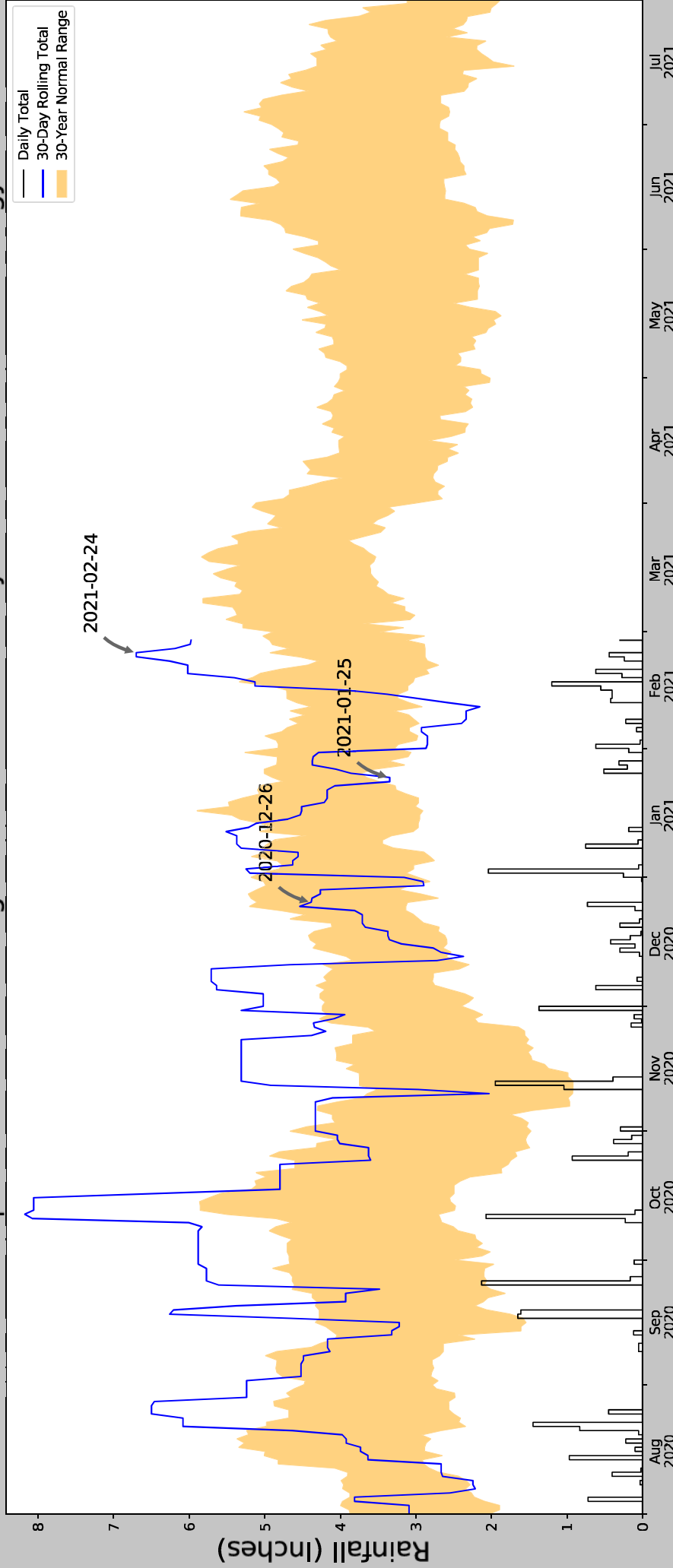
30 Days Ending	30 th %ile (in)	70 th %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2021-01-25	3.654725	4.888977	3.346457	Dry	1	3	3
2020-12-26	3.112599	5.096063	4.385827	Normal	2	2	4
2020-11-26	1.649606	3.632677	4.34252	Wet	3	1	3
Result							Normal Conditions - 10

Coordinates	34.6849, -81.9421
Observation Date	2021-01-25
Elevation (ft)	617.15
Drought Index (PDSI)	Mild wetness
WebWIMP H ₂ O Balance	Wet Season

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days (Normal)	Days (Antecedent)
LAURENS	34.4989, -82.0219	588.911	13.629	28.239	6.518	11275	88
WOODRUFF 3.0 ESE	34.7308, -81.981	661.089	3.865	43.939	1.909	21	0
WOODRUFF 2.5 NNE	34.7754, -82.0191	640.092	7.63	22.942	3.609	10	2
PAULINE 4.1 SSW	34.7786, -81.9013	710.958	6.876	93.808	3.739	1	0
PAULINE 4.5 SSE	34.7689, -81.857	682.087	7.552	64.937	3.889	7	0
PAULINE 4.5 SE	34.7854, -81.8182	649.934	9.885	32.784	4.772	1	0
WOODRUFF 5 NW	34.7636, -82.1061	740.158	10.784	123.008	6.18	37	0
SPARTANBURG 3 SSE	34.9078, -81.9139	609.908	15.484	7.242	7.08	1	0

Figure and tables made by the
Antecedent Precipitation Tool
 Version 1.0
 Written by Jason Deters
 U.S. Army Corps of Engineers

Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



30 Days Ending	30 th %ile (in)	70 th %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2021-02-24	2.879528	4.925984	6.700788	Wet	3	3	9
2021-01-25	3.654725	4.888977	3.346457	Dry	1	2	2
2020-12-26	3.112599	5.096063	4.385827	Normal	2	1	2
Result							Normal Conditions - 13

Coordinates	34.6849, -81.9421
Observation Date	2021-02-24
Elevation (ft)	617.15
Drought Index (PDSI)	Mild wetness (2021-01)
WebWIMP H ₂ O Balance	Wet Season

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days (Normal)	Days (Antecedent)
LAURENS	34.4989, -82.0219	588.911	13.629	28.239	6.518	11275	78
WOODRUFF 3.0 ESE	34.7308, -81.981	661.089	3.865	43.939	1.909	21	0
WOODRUFF 2.5 NNE	34.7754, -82.0191	640.092	7.63	22.942	3.609	10	7
PAULINE 4.1 SSW	34.7786, -81.9013	710.958	6.876	93.808	3.739	1	5
PAULINE 4.5 SSE	34.7689, -81.857	682.087	7.552	64.937	3.889	7	0
PAULINE 4.5 SE	34.7854, -81.8182	649.934	9.885	32.784	4.772	1	0
WOODRUFF 5 NW	34.7636, -82.1061	740.158	10.784	123.008	6.179	37	0
SPARTANBURG 3 SSE	34.9078, -81.9139	609.908	15.484	7.242	7.08	1	0

Figure and tables made by the
Antecedent Precipitation Tool
 Version 1.0
 Written by Jason Deters
 U.S. Army Corps of Engineers

U.S. Army Corps of Engineers – Charleston District - Regulatory Division
REQUEST FOR CORPS JURISDICTIONAL DETERMINATION (JD) / DELINEATION
 (For Jurisdictional Status and Identifying Wetlands and Other Aquatic Resources)

I. PROPERTY AND AGENT INFORMATION

A. Site Details/Location:

Site Name: Rice Site Date: February 26, 2021
 City/Township/Parish: Enoree County: Spartanburg
 Latitude/Longitude: 34.6618N, -81.9408W Acreage: 6.77
 Tax Map Sequence (TMS) #(s): a portion of Spartanburg County Tax Parcel 4-55-00-077.00 (Appendix D)
 Property Address(es): north of Parker Road

Please attach a survey/plat map and vicinity map identifying location and review area for the JD/delineation.
 An accurate depiction of the review area must be provided (survey, tax map, or GPS coordinates). Tax maps may only be used if the site includes the entire tax map parcel.

B. Requestor of Jurisdictional Determination/Delineation (if there are multiple property owners, please attach additional pages)

Name: Bruce Smith, Greenfield Project Manager
 Company Name (if applicable): Luck Companies
 Address: PO Box 29682 Richmond, VA 23242
 Phone: 804-476-6406 Email: brucesmith@luckcompanies.com
 Check one: I currently own this property
 I plan to purchase this property
 Other, please explain Due diligence

C. Agent/Environmental Consultant Acting on Behalf of the Requestor (if applicable):

Consultant/Agent Name: Chris Daves, P.W.S.
 Company Name: S&M, Inc.
 Address: 134 Suber Road Columbia, SC 29210 Phone: 803-561-9024
 Email: cdaves@smeinc.com

II. REASON FOR REQUEST (check all that apply)

- I intend to construct/develop a project or perform activities on this site which would be designed to avoid all aquatic resources.
- I intend to construct/develop a project or perform activities on this site which would be designed to avoid all jurisdictional aquatic resources under Corps authority.
- I intend to construct/develop a project or perform activities on this site which may require authorization from the Corps, and the Jurisdictional Determination would be used to avoid and minimize impacts to jurisdictional aquatic resources and as an initial step in a future permitting process.
- I intend to construct/develop a project or perform activities on this site which may require authorization from the Corps; this request is accompanied by my permit application and the jurisdictional determination is to be used in the permitting process.
- I intend to construct/develop a project or perform activities in a navigable water of the U.S. which is subject to the ebb and flow of the tide.
- A Corps jurisdictional determination is required in order to obtain my local/state authorization.
- I intend to contest jurisdiction over a particular aquatic resource and the request the Corps to confirm that jurisdiction does/does not exist over the aquatic resource on the parcel.
- I believe that the site may be comprised entirely of dry land.
- Other: _____

Charleston Office: US Army Corps of Engineers Regulatory Division 69A Hagood Avenue Charleston, SC 29403 (ph) 843-329-8044	Columbia Office: US Army Corps of Engineers Regulatory Office 1835 Assembly Street, Room 865 B-1 Columbia, SC 29201 (ph) 803-253-3444	Conway Office: US Army Corps of Engineers Regulatory Office 1949 Industrial Park Road, Room 140 Conway, SC 29526 (ph) 843-365-4239
--	---	--

***Authorities:** Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.
Principal Purpose: The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the project area subject to federal jurisdiction under the regulatory authorities referenced above.
Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in the approved jurisdictional determination (AJD), which will be made available to the public on the District's website and on the Headquarters USACE website.
Disclosure: Submission of requested information is voluntary; however, if information is not provided, the request for an jurisdictional determination cannot be evaluated nor can a jurisdictional determination be issued.

III. TYPE OF REQUEST:

Delineation Concurrence¹

Approved² Jurisdictional Determination (AJD) Only

Preliminary³ Jurisdictional Determination (PJD) Only

Approved Jurisdictional Determination (AJD) with submittal of a Pre-Construction Notification or Department of the Army permit application

Preliminary Jurisdictional Determination (PJD) with submittal of a Pre-Construction Notification or Department of the Army permit application

Delineation of Wetlands and/or Other Aquatic Resources Only Conducted By Agent/Environmental Consultant with submittal of a Pre-Construction Notification or Department of the Army permit application (No jurisdictional determination requested)

I request that the Corps delineate the wetlands and/or other aquatic resources that may be present on my property with the attached Pre-Construction Notification or Department of the Army permit application

I request that the Corps delineate the wetlands and/or other aquatic resources that may be present on my property with a Delineation Only, an AJD or PJD

"No Permit Required" (NPR) Letter as I believe my proposed activity is not regulated⁴

Unclear as to which jurisdictional determination I would like to request and require additional information to inform my decision

¹ Delineation Concurrence (DC) – A DC provides concurrence that the delineated boundaries of wetlands on a property are a reasonable representation of the aquatic resources on-site. A DC does not address the jurisdictional status of the aquatic resources.

² Approved – An AJD is defined in Corps regulations at 33 CFR 331.2. As explained in further detail in RGL 16-01, an AJD is used to indicate that this office has identified the presence or absence of wetlands and/or other aquatic resources on a site, including their accurate location(s) and boundaries, as well as their jurisdictional status. AJDs are valid for 5 years.

³ Preliminary – A PJD is defined in Corps regulations at 33 CFR 331.2. As explained in further detail in RGL 16-01, a PJD is used to indicate that this office has identified the approximate location(s) and boundaries of wetlands and/or other aquatic resources on a site that are presumed to be subject to regulatory jurisdiction of the Corps of Engineers. Unlike an AJD, a PJD does not represent a definitive, official determination that there are, or that there are not, jurisdictional aquatic resources on a site, and does not have an expiration date.

⁴ "No Permit Required" (NPR) Letter- A NPR letter may be provided by the Corps to notify the requestor that an activity will not require a permit (authorization) from the Corps; this letter can only be used if the proposed activity is not a regulated activity, regardless of where the activity may occur. A NPR letter cannot be used to indicate the presence or absence of wetlands and/or other aquatic resources, nor can it be used to determine their jurisdictional status.

IV. LEGAL RIGHT OF ENTRY

By signing below, I am indicating that I have the authority, or am acting as the duly authorized agent of a person or entity with such authority, to and do hereby grant U.S. Army Corps of Engineers personnel right of entry to legally access the property(ies) subject to this request for the purposes of conducting on-site investigations (e.g., digging and refilling shallow holes) and issuing a jurisdictional determination. I acknowledge that my signature is an affirmation that I possess the requisite property rights to request a jurisdictional determination on the properties subject to this request.

134 Suber Road, Columbia, SC 29210

Mailing Address

cdaves@smeinc.com

Email Address

Chris Daves

*Signature:

One Spartanburg Co. TPN (See Appendix D)

Property Address / TMS #(s)

803-561-9024

Daytime Phone Number

Chris Daves, P.W.S.

Printed Name and Date

*Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.

Principal Purpose: The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the project area subject to federal jurisdiction under the regulatory authorities referenced above.

Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in the approved jurisdictional determination (AJD), which will be made available to the public on the District's website and on the Headquarters USACE website.

Disclosure: Submission of requested information is voluntary; however, if information is not provided, the request for an jurisdictional determination cannot be evaluated nor can a jurisdictional determination be issued.



February 26, 2021

U.S. Army Corps of Engineers
Greenville Regulatory Office
150 Executive Drive, Suite 205
Greenville, South Carolina 29615

Attention: Greenville Regulatory Project Manager

Reference: **Request for Jurisdictional Determination
Rice Site +/- 6.77 Acres**
Enoree, Spartanburg County, South Carolina
S&ME Project No. 210741

Dear Regulatory Project Manager:

On behalf of Luck Companies, S&ME, Inc. (S&ME) has completed a Wetland Delineation at the above-referenced site. The overall site consists of approximately 6.77-acres and is located north of Parker Road near Enoree, Spartanburg County, South Carolina. The site is represented by a portion of one Spartanburg County tax parcel, currently owned by Donald P. Rice et al (**Appendix D**). Please refer to **Exhibits 1-6** in **Appendix A** for depictions of the site and surrounding features. We are seeking an Approved Jurisdictional Determination for the site.

◆ Wetland Delineation

On February 24, 2021, S&ME Biologists, Chris Daves, P.W.S. and James Trotter, conducted the Wetland Delineation. The following features were observed:

- ◆ 1 Jurisdictional Tributary (a)(2) water
- ◆ 5 Non-Jurisdictional Ephemeral Drainages (b)(3) excluded waters

Jurisdictional Tributary (a)(2) Water

A jurisdictional tributary (298 linear feet [LF]/0.03 acre) was observed on the central portion of the site (Photographs 1-2). The tributary is classified as seasonal. The tributary had varying widths (2-4 feet) and substrates including sands, gravels, cobbles, boulders, and bedrock.

Non-Jurisdictional Features

Ephemeral Drainages (b)(3) Waters

Five (5) ephemeral drainages (901 LF total) were observed on the site (Photographs 5-8, 11-12). These features are ephemeral in nature and did not exhibit flow or an ordinary high water-mark (OHWM).



In summary, the site contains approximately **0.03 acre** of JWOUS.

◆ Uplands

Upland areas on the site consist of mixed hardwoods, pine-mixed hardwoods, and a powerline easement (Photographs 9-10). These portions of the site consist of the non-hydric soil series Catula and Madison as listed in the Soil Survey of Spartanburg County, South Carolina, and the U.S. Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Web Soil Survey (Exhibit 4 – Soils Exhibit). Wetland vegetation, hydric soils, or hydrology were not observed in the upland areas.

◆ Enclosures

Attached in Appendices A-E, please find the following information for your review:

Appendix A

Exhibit 1 - Vicinity Exhibit, Exhibit 2 - Topographic Exhibit, Exhibit 3 - Aerial Exhibit, Exhibit 4 - Soils Exhibit, Exhibit 5 - NWI Exhibit, Exhibit 6 – LIDAR Exhibit, Site Photographs

Appendix B

Wetland/Upland Datasheets

Appendix C

Approved JD Form

Appendix D

Owner Information

Appendix E

Antecedent Precipitation Tool



Request for Jurisdictional Determination
Rice Site +/- 6.77 Acres
Enoree, Spartanburg County, South Carolina
S&ME Project No. 210741

◆ Closing

Thank you for your time and attention to this project. If we can provide additional information, please do not hesitate to contact us at 803-561-9024.

Sincerely,

S&ME

A handwritten signature in black ink that reads "James Trotter".

James Trotter
Biologist
jtrotter@smeinc.com

A handwritten signature in black ink that reads "Chris Daves".

Chris Daves, P.W.S.
Senior Scientist
cdaves@smeinc.com

Attachments

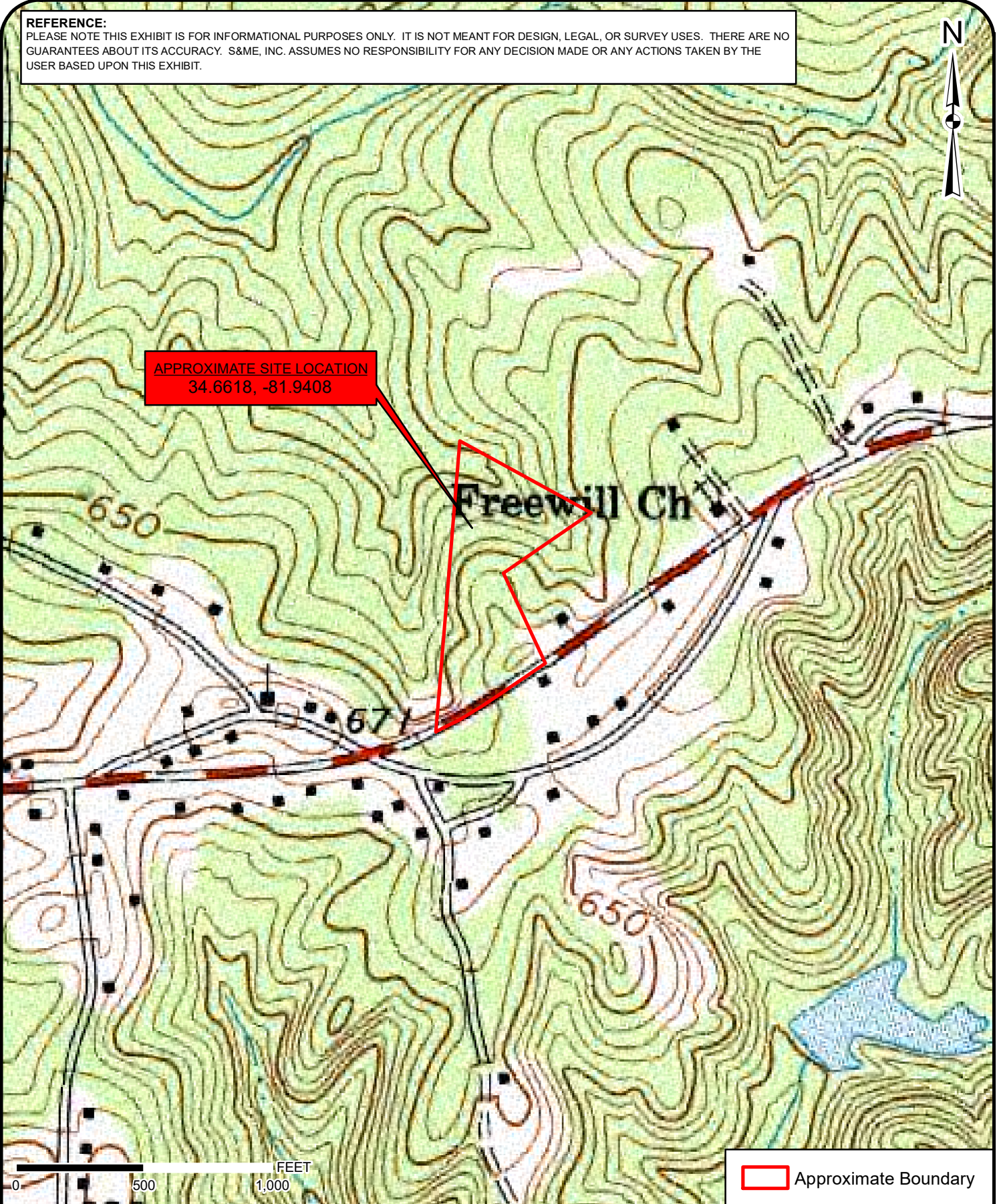
Appendix A

Exhibits and Site Photographs

REFERENCE:
 PLEASE NOTE THIS EXHIBIT IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR SURVEY USES. THERE ARE NO GUARANTEES ABOUT ITS ACCURACY. S&ME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION MADE OR ANY ACTIONS TAKEN BY THE USER BASED UPON THIS EXHIBIT.



APPROXIMATE SITE LOCATION
 34.6618, -81.9408



Approximate Boundary

SCALE:
 1" = 500'

DATE:
 2-9-21

PROJECT NUMBER
 210741

EXHIBIT NO.

2



Topographic Exhibit

Rice Site +/- 6.77 Acres

Enoree, Spartanburg County, South Carolina
 Source: USGS 7.5-Minute Topo Quad Enoree, SC 1969

REFERENCE:

PLEASE NOTE THIS EXHIBIT IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR SURVEY USES. THERE ARE NO GUARANTEES ABOUT ITS ACCURACY. S&ME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION MADE OR ANY ACTIONS TAKEN BY THE USER BASED UPON THIS EXHIBIT.



APPROXIMATE SITE LOCATION
34.6618, -81.9408

NJF-5 (b)(3)
Excluded Water

NJF-4 (b)(3)
Excluded Water

NJF-3 (b)(3)
Excluded Water

JT-1 (a)(2) Water

NJF-1 (b)(3)
Excluded Water

NJF-2 (b)(3)
Excluded Water

Site Location

1. 34.6600, -81.9414
2. 34.6631, -81.9412
3. 34.6623, -81.9395
4. 34.6617, -81.9406
5. 34.6607, -81.9400

Feature Information

Jurisdictional Tributary (a)(2) Water
JT-1: 298 LF/0.03 ac

Non-Jurisdictional Features Ephemeral Drainages

- (b)(3) Excluded Waters
- NJF-1: 137 LF
 - NJF-2: 99 LF
 - NJF-3: 509 LF
 - NJF-4: 101 LF
 - NJF-5: 55 LF

Total NJFs: 901 LF

Total Site Acreage: 6.77
Total WOUS: 0.03 ac
Total Uplands: 6.74 ac

○ Site Location

● Photograph Location & Direction

— Non-Jurisdictional Feature Ephemeral Drainage (b)(3) Excluded Water

— Jurisdictional Tributary (a)(2) Water

□ Approximate Boundary

0 150 300 FEET



Aerial Exhibit

Rice Site +/- 6.77 Acres

Enoree, Spartanburg County, South Carolina

Source: World Imagery 2019

SCALE:
1" = 150'

DATE:
2-25-21

PROJECT NUMBER
210741

EXHIBIT NO.

3

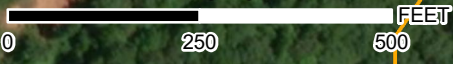
REFERENCE:

PLEASE NOTE THIS EXHIBIT IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR SURVEY USES. THERE ARE NO GUARANTEES ABOUT ITS ACCURACY. S&ME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION MADE OR ANY ACTIONS TAKEN BY THE USER BASED UPON THIS EXHIBIT.



APPROXIMATE SITE LOCATION
34.6618, -81.9408

Soils Information
CaC3 - Cataula Clay Loam (6-10% slopes)
CdB2 - Cataula Sandy Loam (2-6% slopes)
McF3 - Madison Clay Loam (15-40% slopes)



 Approximate Boundary



Soils Exhibit

Rice Site +/- 6.77 Acres

Enoree, Spartanburg County, South Carolina

Source: World Imagery 2019 & SCDNR (Soils Data)

SCALE:
1" = 250'

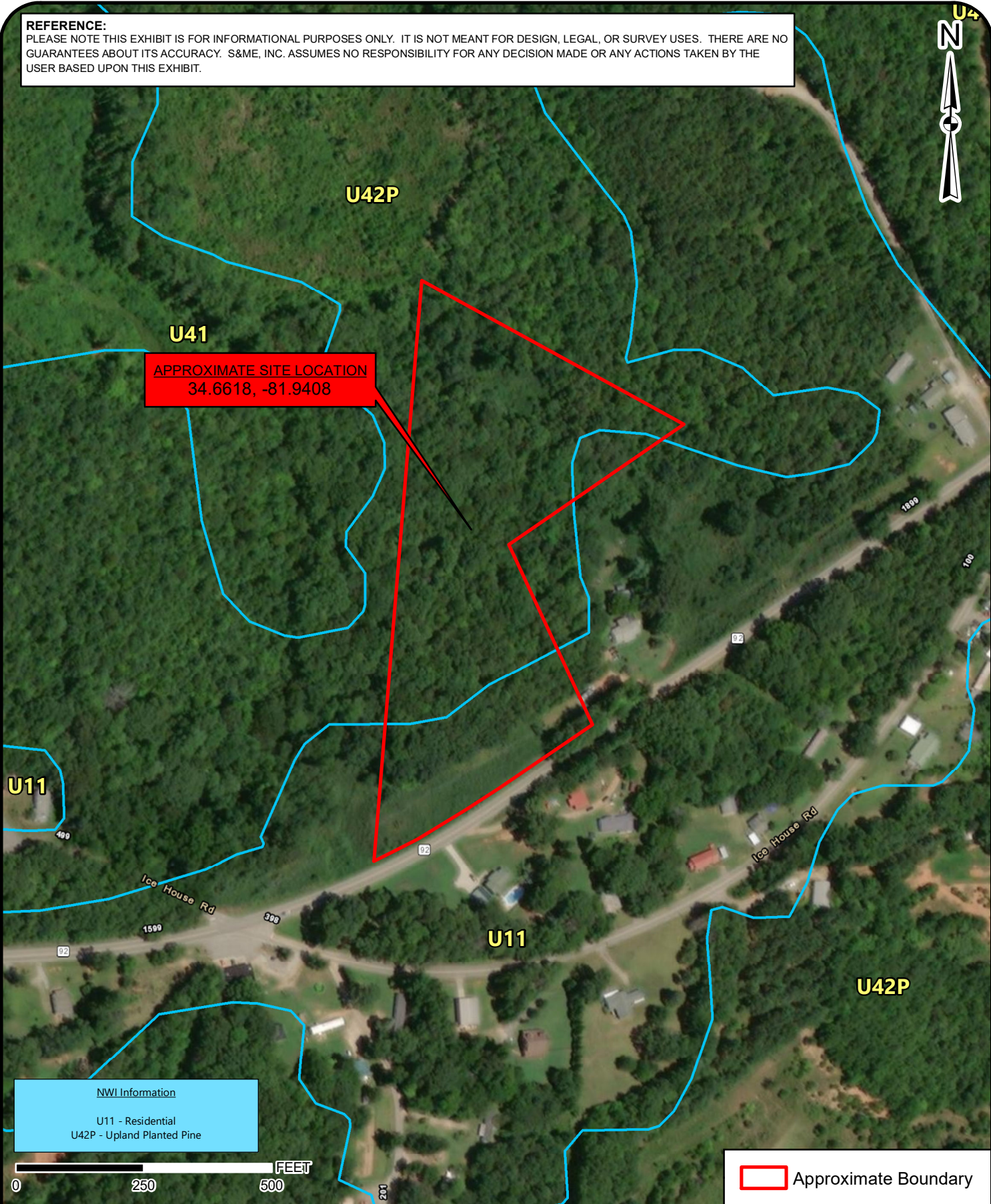
DATE:
2-9-21

PROJECT NUMBER
210741

EXHIBIT NO.

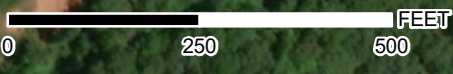
4

REFERENCE:
 PLEASE NOTE THIS EXHIBIT IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR SURVEY USES. THERE ARE NO GUARANTEES ABOUT ITS ACCURACY. S&ME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION MADE OR ANY ACTIONS TAKEN BY THE USER BASED UPON THIS EXHIBIT.



APPROXIMATE SITE LOCATION
 34.6618, -81.9408

NWI Information
 U11 - Residential
 U42P - Upland Planted Pine



Approximate Boundary

SCALE: 1" = 250'	5
DATE: 2-9-21	
PROJECT NUMBER 210741	



NWI Exhibit

Rice Site +/- 6.77 Acres

Enoree, Spartanburg County, South Carolina
 Source: World Imagery 2019 & SCDNR (NWI Data)

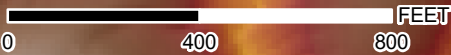
Drawing Path: T:\ENVI\Projects\2021\210741 Luck Companies_Rice Site_Enoree, SC\GIS\mxd\Ice Site NWI Exhibit.mxd plotted by chandley 02-09-2021


REFERENCE:

PLEASE NOTE THIS EXHIBIT IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR SURVEY USES. THERE ARE NO GUARANTEES ABOUT ITS ACCURACY. S&ME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION MADE OR ANY ACTIONS TAKEN BY THE USER BASED UPON THIS EXHIBIT.





APPROXIMATE SITE LOCATION
34.6618, -81.9408



 Approximate Boundary

Elevation

 High : 725

 Low : 458



LIDAR Exhibit

Rice Site +/- 6.77 Acres

Enoree, Spartanburg County, South Carolina

Source: World Imagery 2019 & SCDNR (LIDAR Data)

SCALE:
1" = 400'

DATE:
2-9-21

PROJECT NUMBER
210741

EXHIBIT NO.

6



1 JT-1 located on western portion of site. Low flow was observed in channel following a rain event two days prior to site visit.



2 JT-1 located on eastern portion of site. Low flow was observed in channel following a rain event two days prior to site visit.



3 NJF-1 located on central portion of site.



4 NJF-3 located on eastern portion of the site. Erosional gully with no flow or OHWM.





5 NJF-3 located on the central portion of the site. Erosional gully with no flow or OHWM.



6 NJF-3 located on the western portion of the site. Erosional gully with no flow or OHWM.



7 NJF-5 located on the northwestern portion of the site. Erosional gully with no flow or OHWM.



8 NJF-5 located on the northeastern portion of the site. Erosional gully with no flow or OHWM.





9 Mixed hardwood upland on the southern portion of the site.



10 Mixed hardwood upland on the central portion of the site.



11 NJF-2 located on eastern portion of site. Photo taken above JT-1 headcut. No flow or OHWM observed.



12 NJF-2 located on eastern portion of site. Photo taken above JT-1 headcut. No flow or OHWM observed.



Appendix B

Wetland and Upland Datasheets

WETLAND DETERMINATION DATA FORM - Eastern Mountains and Piedmont Region

Project/Site: Rice Site **City/County:** Enoree/Spartanburg **Sampling Date:** 24-Feb-21
Applicant/Owner: Luck Companies **State:** SC **Sampling Point:** Up DP-1
Investigator(s): Chris Daves, P.W.S.-S&ME, Inc. **Section, Township, Range:** S T R
Landform (hillslope, terrace, etc.): Hillside **Local relief (concave, convex, none):** concave **Slope:** 0.0% / 0.0 °
Subregion (LRR or MLRA): MLRA 136 in LRR P **Lat.:** 34.6620 **Long.:** -81.9408 **Datum:** NAD83
Soil Map Unit Name: Catula Clay Loam (CaC3) **NWI classification:** U42P

Are climatic/hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
Are Vegetation , **Soil** , **or Hydrology** **significantly disturbed?** **Are "Normal Circumstances" present?** Yes No
Are Vegetation , **Soil** , **or Hydrology** **naturally problematic?** (If needed, explain any answers in Remarks.)

Summary of Findings - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Hydric Soil Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Wetland Hydrology Present? Yes <input type="radio"/> No <input checked="" type="radio"/>	Is the Sampled Area within a Wetland? Yes <input type="radio"/> No <input checked="" type="radio"/>
Remarks: Data point taken adjacent to JT-1 on hillside.	

Hydrology

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one required; check all that apply)</u>		<u>Secondary Indicators (minimum of two required)</u>	
<input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Drift deposits (B3) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> True Aquatic Plants (B14) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-neutral Test (D5)	
Field Observations: Surface Water Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Depth (inches): _____ Water Table Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes <input type="radio"/> No <input checked="" type="radio"/> Depth (inches): _____		Wetland Hydrology Present? Yes <input type="radio"/> No <input checked="" type="radio"/>	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:			
Remarks: Hydrology indicators were not observed.			

VEGETATION (Five/Four Strata)- Use scientific names of plants.

Sampling Point: Up DP-1

	Absolute % Cover	Dominant Species? Rel.Strat. Cover	Indicator Status	
Tree Stratum (Plot size: <u>30-ft.</u>)				Dominance Test worksheet: Number of Dominant Species That are OBL, FACW, or FAC: <u>1</u> (A) Total Number of Dominant Species Across All Strata: <u>6</u> (B) Percent of dominant Species That Are OBL, FACW, or FAC: <u>16.7%</u> (A/B)
1. <u>Fagus grandifolia</u>	30	<input checked="" type="checkbox"/> 50.0%	FACU	
2. <u>Quercus falcata</u>	30	<input checked="" type="checkbox"/> 50.0%	FACU	
3. _____	0	<input type="checkbox"/> 0.0%	_____	
4. _____	0	<input type="checkbox"/> 0.0%	_____	
5. _____	0	<input type="checkbox"/> 0.0%	_____	
6. _____	0	<input type="checkbox"/> 0.0%	_____	
7. _____	0	<input type="checkbox"/> 0.0%	_____	
8. _____	0	<input type="checkbox"/> 0.0%	_____	
60 = Total Cover				
Sapling-Sapling/Shrub Stratum (Plot size: <u>15-ft.</u>)				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species <u>0</u> x 1 = <u>0</u> FACW species <u>0</u> x 2 = <u>0</u> FAC species <u>5</u> x 3 = <u>15</u> FACU species <u>80</u> x 4 = <u>320</u> UPL species <u>0</u> x 5 = <u>0</u> Column Totals: <u>85</u> (A) <u>335</u> (B) Prevalence Index = B/A = <u>3.941</u>
1. <u>Fagus grandifolia</u>	10	<input checked="" type="checkbox"/> 100.0%	FACU	
2. _____	0	<input type="checkbox"/> 0.0%	_____	
3. _____	0	<input type="checkbox"/> 0.0%	_____	
4. _____	0	<input type="checkbox"/> 0.0%	_____	
5. _____	0	<input type="checkbox"/> 0.0%	_____	
6. _____	0	<input type="checkbox"/> 0.0%	_____	
7. _____	0	<input type="checkbox"/> 0.0%	_____	
8. _____	0	<input type="checkbox"/> 0.0%	_____	
9. _____	0	<input type="checkbox"/> 0.0%	_____	
10. _____	0	<input type="checkbox"/> 0.0%	_____	
10 = Total Cover				
Shrub Stratum (Plot size: <u>15-ft.</u>)				Hydrophytic Vegetation Indicators: <input type="checkbox"/> Rapid Test for Hydrophytic Vegetation <input type="checkbox"/> Dominance Test is > 50% <input type="checkbox"/> Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
1. <u>Ilex opaca</u>	5	<input checked="" type="checkbox"/> 100.0%	FACU	
2. _____	0	<input type="checkbox"/> 0.0%	_____	
3. _____	0	<input type="checkbox"/> 0.0%	_____	
4. _____	0	<input type="checkbox"/> 0.0%	_____	
5. _____	0	<input type="checkbox"/> 0.0%	_____	
6. _____	0	<input type="checkbox"/> 0.0%	_____	
7. _____	0	<input type="checkbox"/> 0.0%	_____	
5 = Total Cover				
Herb Stratum (Plot size: <u>5-ft.</u>)				
1. <u>Polystichum acrostichoides</u>	5	<input checked="" type="checkbox"/> 100.0%	FACU	
2. _____	0	<input type="checkbox"/> 0.0%	_____	
3. _____	0	<input type="checkbox"/> 0.0%	_____	
4. _____	0	<input type="checkbox"/> 0.0%	_____	
5. _____	0	<input type="checkbox"/> 0.0%	_____	
6. _____	0	<input type="checkbox"/> 0.0%	_____	
7. _____	0	<input type="checkbox"/> 0.0%	_____	
8. _____	0	<input type="checkbox"/> 0.0%	_____	
9. _____	0	<input type="checkbox"/> 0.0%	_____	
10. _____	0	<input type="checkbox"/> 0.0%	_____	
11. _____	0	<input type="checkbox"/> 0.0%	_____	
12. _____	0	<input type="checkbox"/> 0.0%	_____	
5 = Total Cover				
Woody Vine Stratum (Plot size: <u>30-ft.</u>)				Hydrophytic Vegetation Present? Yes <input type="radio"/> No <input checked="" type="radio"/>
1. <u>Vitis rotundifolia</u>	5	<input checked="" type="checkbox"/> 100.0%	FAC	
2. _____	0	<input type="checkbox"/> 0.0%	_____	
3. _____	0	<input type="checkbox"/> 0.0%	_____	
4. _____	0	<input type="checkbox"/> 0.0%	_____	
5. _____	0	<input type="checkbox"/> 0.0%	_____	
6. _____	0	<input type="checkbox"/> 0.0%	_____	
5 = Total Cover				

Remarks: (Include photo numbers here or on a separate sheet.)

Hydrophytic vegetation was not observed.

*Indicator suffix = National status or professional decision assigned because Regional status not defined by FWS.

Soil

Sampling Point: Up DP-1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
1-20	10YR	5/6	100				Sandy Loam	

¹ Type: C=Concentration. D=Depletion. RM=Reduced Matrix, CS=Covered or Coated Sand Grains ²Location: PL=Pore Lining. M=Matrix

<p>Hydric Soil Indicators:</p> <input type="checkbox"/> Histosol (A1) <input type="checkbox"/> Histic Epipedon (A2) <input type="checkbox"/> Black Histic (A3) <input type="checkbox"/> Hydrogen Sulfide (A4) <input type="checkbox"/> Stratified Layers (A5) <input type="checkbox"/> 2 cm Muck (A10) (LRR N) <input type="checkbox"/> Depleted Below Dark Surface (A11) <input type="checkbox"/> Thick Dark Surface (A12) <input type="checkbox"/> Sandy Muck Mineral (S1) (LRR N, MLRA 147, 148) <input type="checkbox"/> Sandy Gleyed Matrix (S4) <input type="checkbox"/> Sandy Redox (S5) <input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Dark Surface (S7) <input type="checkbox"/> Polyvalue Below Surface (S8) (MLRA 147,148) <input type="checkbox"/> Thin Dark Surface (S9) (MLRA 147, 148) <input type="checkbox"/> Loamy Gleyed Matrix (F2) <input type="checkbox"/> Depleted Matrix (F3) <input type="checkbox"/> Redox Dark Surface (F6) <input type="checkbox"/> Depleted Dark Surface (F7) <input type="checkbox"/> Redox Depressions (F8) <input type="checkbox"/> Iron-Manganese Masses (F12) (LRR N, MLRA 136) <input type="checkbox"/> Umbric Surface (F13) (MLRA 136, 122) <input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 148) <input type="checkbox"/> Red Parent Material (F21) (MLRA 127, 147)	<p>Indicators for Problematic Hydric Soils³:</p> <input type="checkbox"/> 2 cm Muck (A10) (MLRA 147) <input type="checkbox"/> Coast Prairie Redox (A16) (MLRA 147,148) <input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 136, 147) <input type="checkbox"/> Very Shallow Dark Surface (TF12) <input type="checkbox"/> Other (Explain in Remarks)
---	---	---

³ Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):
 Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes No

Remarks:
 Hydric soil indicators were not observed.

Appendix C

Approved JD Form



**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): 2/26/2021
 ORM Number: N/A
 Associated JDs: N/A
 Review Area Location¹: State/Territory: SC City: Enoree County/Parish/Borough: Spartanburg
 Center Coordinates of Review Area: Latitude 34.6618N Longitude -81.9408W

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)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
JT-1	298 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	JT-1 is a naturally occurring unnamed intermittent tributary that flows west off the site into Hannah Creek, then to Twomile Creek and eventually to the Enoree River (TNW). JT-1 has a well- developed OHWM, bed and banks, a well-defined channel, and a series of standing pools of water and

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 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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
				shallow subsurface/hyporheic water in the channel at the time of site visit. Low flow was observed in most of the channel beginning at a headcut. Based on site evaluation, it has been determined that JT-1 flows during certain times of the year. JT-1 satisfies the flow conditions and criteria included in the tributary definition (c)12 of the NWPR. Therefore, the Corps has determined tributary JT-1 to be an (a)(2) water of the U.S.

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.	N/A.
N/A	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.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
NJF-1	137	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Feature lacked hydrological indicators of flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge). Feature originates in uplands, exhibited no OHWM, and had abundant leaf litter and debris within the streambed.
NJF-2	99	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Feature lacked hydrological indicators of flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge). Feature originates in uplands, exhibited no OHWM, and had abundant leaf litter and debris within the streambed.

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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
NJF-3	509	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Feature lacked hydrological indicators of flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge). Feature originates in uplands, exhibited no OHWM, and had abundant leaf litter and debris within the streambed.
NJF-4	101	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Feature lacked hydrological indicators of flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge). Feature originates in uplands, exhibited no OHWM, and had abundant leaf litter and debris within the streambed.
NJF-5	55	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Feature lacked hydrological indicators of flow greater than ephemeral (flowing only in direct response to precipitation and non-channelized sheet flow recharge). Feature originates in uplands, exhibited no OHWM, and had abundant leaf litter and debris within the streambed.

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 \(AJD\), prepared by S&ME, Inc., dated February 26, 2021.](#)
This information is sufficient for purposes of this AJD.
Rationale: [N/A.](#)
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Other: Photographs provided in AJD submittal package. Photographs taken on February 24, 2021.](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Spartanburg County, dated 1968.](#)
- USFWS NWI maps: [Enoree, SC Quad.](#)
- USGS topographic maps: [USGS 7.5-Minute Topo Quad Enoree, SC 1969.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Spartanburg County LIDAR Data (SCDNR).



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) was used to determine that the site and surrounding areas were in “Normal Conditions” during the site visit on February 24, 2021.
- C. Additional comments to support AJD:** The site includes 1 (a)(2) water that is under the jurisdiction of the USACE.

The site also includes 5 (b)(3) excluded waters that are are not under the jurisdiction of the USACE.

Appendix D

Owner Information

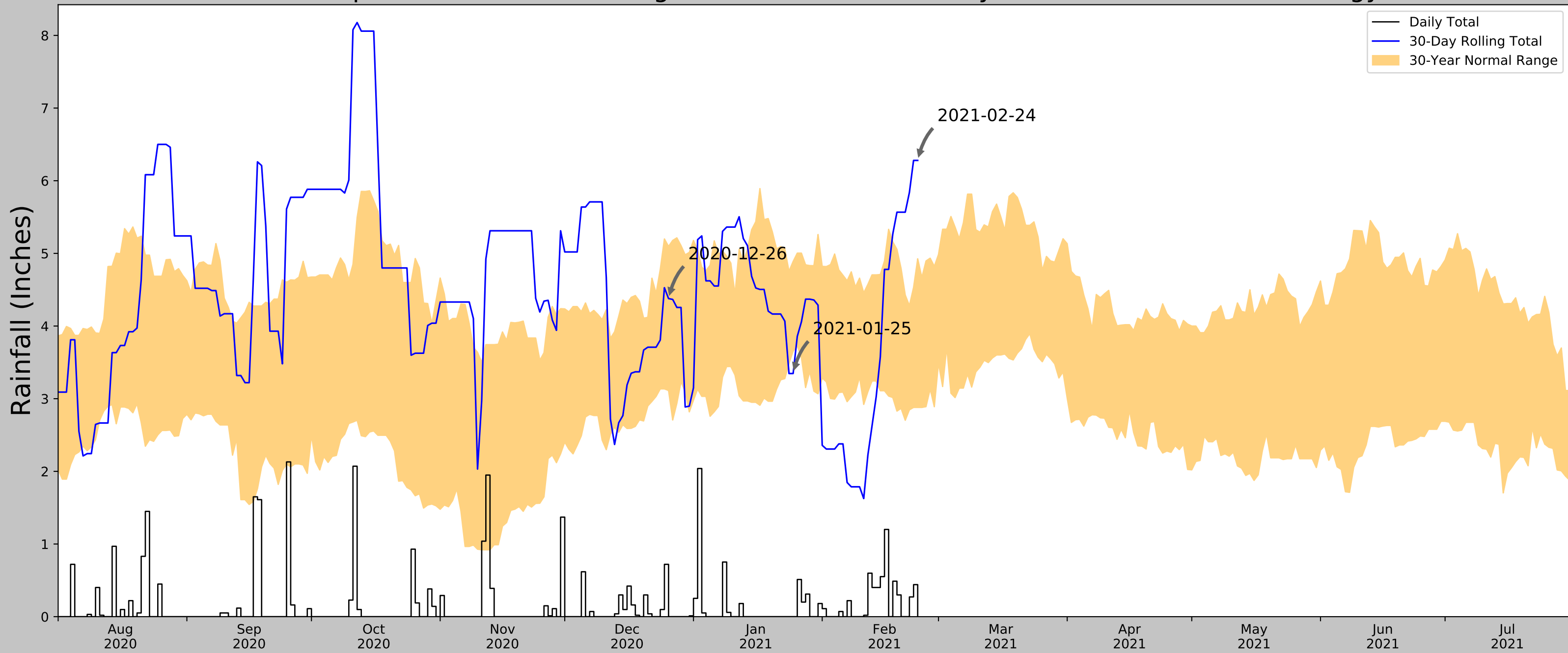
Tax Parcel Owner Information

Tax Parcel No.	Owner(s) Name	Owner Address	Site Contact
4-55-00-077.00	Donald P. Rice et al	207 Parham Road Enoree, SC 29335	Bruce Smith, Greenfield Project Manager Luck Companies PO Box 29682 Richmond, VA 23242 804-476-6406 brucesmith@luckcompanies.com

Appendix E

Antecedent Precipitation Tool

Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	34.6618, -81.9408
Observation Date	2021-02-24
Elevation (ft)	655.89
Drought Index (PDSI)	Mild wetness (2021-01)
WebWIMP H ₂ O Balance	Wet Season

30 Days Ending	30 th %ile (in)	70 th %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2021-02-24	2.879528	4.925984	6.279528	Wet	3	3	9
2021-01-25	3.654725	4.888977	3.346457	Dry	1	2	2
2020-12-26	3.112599	5.096063	4.377953	Normal	2	1	2
Result							Normal Conditions - 13

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days (Normal)	Days (Antecedent)
LAURENS	34.4989, -82.0219	588.911	12.164	66.979	6.289	11275	78
WOODRUFF 3.0 ESE	34.7308, -81.981	661.089	5.286	5.199	2.406	21	0
PAULINE 4.5 SSE	34.7689, -81.857	682.087	8.798	26.197	4.19	15	12
WOODRUFF 2.5 NNE	34.7754, -82.0191	640.092	9.021	15.798	4.202	3	0
PAULINE 4.5 SE	34.7854, -81.8182	649.934	11.018	5.956	5.024	1	0
CLINTON 0.8 NW	34.4857, -81.8757	654.856	12.719	1.034	5.736	8	0
CLINTON 0.7 NW	34.485, -81.875	660.105	12.776	4.215	5.803	2	0
CLINTON 0.6 NW	34.4832, -81.8741	655.84	12.91	0.05	5.81	4	0
CLINTON	34.4714, -81.8847	654.856	13.537	1.034	6.106	1	0
WOODRUFF 5 NW	34.7636, -82.1061	740.158	11.731	84.268	6.267	22	0
SPARTANBURG 3 SSE	34.9078, -81.9139	609.908	17.065	45.982	8.464	1	0

Figure and tables made by the
Antecedent Precipitation Tool
Version 1.0

Written by Jason Deters
U.S. Army Corps of Engineers