

# GREENVILLE-SPARTANBURG INTERNATIONAL AIRPORT



**APPENDIX B**  
**AGENCIES CORRESPONDENCE**  
MASTER PLAN EA  
NOVEMBER 2021



**McFarland Johnson**

## David Rosa

---

**From:** Wolf, Morgan <morgan\_wolf@fws.gov> on behalf of Charleston Regulatory, FW4 <charleston\_regulatory@fws.gov>  
**Sent:** Thursday, July 7, 2022 7:38 AM  
**To:** David Rosa  
**Cc:** Olds, Melanie J; Caldwell, Mark  
**Subject:** Fw: [EXTERNAL] Greenville Spartanburg Airport Request for Technical Assistance  
**Attachments:** 2021\_09\_20\_Greenville\_Spartanburg\_Airport.pdf; FW Greenville Spartanburg Airport - Request for SCDNR Assistance

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi David,

After reviewing your below request, the Service has determined that while still recommended, the tree clearing window adherence is not required if clearing will take place before December 30<sup>th</sup> of 2022. We would like to remind you that the NLEB is currently undergoing a status change from threatened to endangered, which is expected to be finalized at the end of the year. This will change the framework of consultations. Below is some guidance we have received on how to approach consultations during this transitional period.

We recommend project proponents to handle projects that may affect the NLEB during the interim period as follows:

- **Projects that are likely to be completed before December 30, 2022, the potential effective date of a change in status to endangered** – conclude consultation as has been done since 2016. The existing IPaC determination key remains a valid way to consult on projects that may affect the NLEB. If the species' status is changed to endangered, the existing key will go away, but it's valid for use for projects completed while the species is still designated as threatened with the existing 4(d) rule and related programmatic biological opinion in effect.
- **Projects that are likely to be ongoing on December 30, 2022 or that are planned for implementation after that date** – if there's a reasonable likelihood that the project may affect, but is not likely to adversely affect the NLEB, you should wait to use the new determination key when it becomes available later this year. If there is a reasonable likelihood that the action is likely to adversely affect the NLEB, it may be prudent to advise the agency to prepare for formal consultation, which could potentially include conducting a survey for the NLEB during the upcoming active season. We are evaluating options to cover NLEB consultations that were completed under the 4(d) rule but where the actions won't be complete prior to December 30, 2022.

Please let us know if you have any additional questions.

Thanks,

Morgan

---

**From:** Olds, Melanie J <melanie\_old@fws.gov>  
**Sent:** Wednesday, July 6, 2022 4:58 PM  
**To:** Charleston Regulatory, FW4 <charleston\_regulatory@fws.gov>  
**Subject:** Fw: [EXTERNAL] Greenville Spartanburg Airport Request for Technical Assistance

---

**From:** David Rosa <drosa@mjinc.com>  
**Sent:** Wednesday, July 6, 2022 3:56 PM  
**To:** Caldwell, Mark <mark\_caldwell@fws.gov>  
**Cc:** Olds, Melanie J <melanie\_olds@fws.gov>  
**Subject:** RE: [EXTERNAL] Greenville Spartanburg Airport Request for Technical Assistance

Dear USFWS,

Thank you for your response below and technical assistance. Considering that there are no known species protected under the ESA within the project boundaries, please I would like to confirm if the tree clearing – conservation cutting window (Nov 01 – March 31) for the NLEB is still required to be implemented for this project or if can be waived.

We coordinated with SCDNR (email attached), and they also concurred no records of threatened and endangered species or state species of conservation concern on the project site.

Thank you,



## McFarland Johnson

David Rosa | Senior Project Manager

☎ 305-705-4871

📠 305-726-4247

Visit our [website](#) to see how MJ employee owners are innovating to improve our world.



---

**From:** Daniel R. Good <DGood@mjinc.com>  
**Sent:** Wednesday, September 22, 2021 3:14 PM  
**To:** David Rosa <drosa@mjinc.com>; Corinne Steinmuller <CSteinmuller@mjinc.com>  
**Subject:** FW: [EXTERNAL] Greenville Spartanburg Airport Request for Technical Assistance



## McFarland Johnson

Daniel R. Good, PE | Assistant Engineer

☎ 864-326-0520

Direct Dial: 864-568-4641

Visit our [website](#) to see how MJ employee owners are innovating to improve our world.



---

**From:** Caldwell, Mark <>  
**Sent:** Wednesday, September 22, 2021 3:06 PM  
**To:** Daniel R. Good <[DGood@mjinc.com](mailto:DGood@mjinc.com)>

Cc: Olds, Melanie J < >

Subject: RE: [EXTERNAL] Greenville Spartanburg Airport Request for Technical Assistance

Daniel,

The Service has received and reviewed the proposed plan for improvements to the Greenville-Spartanburg International Airport (attached) in Greenville County, South Carolina. Pursuant to the National Environmental Policy Act an Environmental Assessment is being prepared for the Airport's Master Plan and you are seeking a letter of concurrence for protected species that may be in the project area. Upon review of the proposal we find that there are no known species protected under the Endangered Species Act of 1973 (ESA) within the project boundaries. Therefore, we offer no objections to the project at this time. You may visit our website [www.fws.gov/southeast/charleston/project-planning](http://www.fws.gov/southeast/charleston/project-planning) and download the Species and Habitat Assessment Clearance Letter to serve as our response.

Please note that obligations under the ESA must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered, (2) this action is subsequently modified in a manner, which was not considered in this assessment, or (3) a new species is listed or critical habitat is determined that may be affected by the identified action. If any of the above applies to a revised project, you must submit the project to the South Carolina Ecological Services Field Office for our review before construction starts.

The Service recommends that you contact the South Carolina Department of Natural Resources regarding potential impacts to State protected species. If the proposed project will impact streams or wetlands, you should contact the U.S. Army Corps of Engineers, Charleston District.

Mark

Mark A. Caldwell  
Deputy Field Supervisor  
US Fish and Wildlife Service  
South Atlantic-Gulf Region  
South Carolina Ecological Services  
176 Croghan Spur Road, Suite 200  
Charleston, SC 29407  
843-300-0426 (direct line)  
843-870-0041 (cell)  
843-300-0189 – facsimile

**This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act and may be disclosed to third parties.**

---

From: Charleston ES, FW4 <[charleston@fws.gov](mailto:charleston@fws.gov)>

Sent: Tuesday, September 21, 2021 1:14 PM

## David Rosa

---

**Subject:** FW: Greenville Spartanburg Airport - Request for SCDNR Assistance

---

**From:** Greg Mixon <[MixonG@dnr.sc.gov](mailto:MixonG@dnr.sc.gov)>  
**Sent:** Monday, September 27, 2021 3:54 PM  
**To:** Daniel R. Good <[DGood@mjinc.com](mailto:DGood@mjinc.com)>  
**Subject:** RE: Greenville Spartanburg Airport - Request for Assistance

Mr. Good,

Personnel with the South Carolina Department of Natural Resources (SCDNR) have reviewed the proposed project, evaluated its impact on natural resources and offer the following comments.

According to SCDNR data, there are currently no records of threatened and endangered species or state species of conservation concern on the project site. Please keep in mind that this information is derived from existing databases, and we do not assume that it is complete. Areas not yet inventoried by SCDNR biologists may contain significant species or communities. Any wetland or stream impacts may require a permit from the U.S. Army Corps of Engineers, as well as a compensatory mitigation plan. For more information, please visit their website at [www.sac.usace.army.mil/Missions/Regulatory](http://www.sac.usace.army.mil/Missions/Regulatory).

The SCDNR has no objection to the proposed work at this time. Please note SCDNR reserves the right to review and comment on any required federal or state permits at the time of public notice issuance.

Thank you for the opportunity to review this project and provide comments. Should you have any questions or need more information, please do not hesitate to contact me by email at [mixong@dnr.sc.gov](mailto:mixong@dnr.sc.gov) or by phone at 803.734.3282.

**Greg Mixon**  
**Office of Environmental Programs**  
**South Carolina Department of Natural Resources**  
**1000 Assembly Street, PO Box 167**  
**Columbia, SC 29202**  
**Office 803-734-3282**

---

**From:** Daniel R. Good <[DGood@mjinc.com](mailto:DGood@mjinc.com)>  
**Sent:** Thursday, September 23, 2021 10:07 AM  
**To:** Greg Mixon <[MixonG@dnr.sc.gov](mailto:MixonG@dnr.sc.gov)>  
**Cc:** David Rosa <[drosa@mjinc.com](mailto:drosa@mjinc.com)>; Corinne Steinmuller <[CSteinmuller@mjinc.com](mailto:CSteinmuller@mjinc.com)>; Katie Eleam <[keleam@gspairport.com](mailto:keleam@gspairport.com)>  
**Subject:** Greenville Spartanburg Airport - Request for Assistance



September 17, 2021

Michael Keith O'Neal  
Senior Archaeologist  
Archaeological Consultants of the Carolinas, Inc.  
121 E. First Street  
Clayton, NC 27520  
[michaelloneal@archconsultants.org](mailto:michaelloneal@archconsultants.org)

Re: Greenville-Spartanburg International Airport Expansion Tracts  
Greenville and Spartanburg Counties, South Carolina  
SHPO Project No. 21-RP0120 Due diligence

Dear Michael Keith O'Neal:

Our Office has received the documentation dated August 23, 2021 that you submitted as due diligence for the project referenced above and we received August 25, 2021, including Draft Report titled, *Archaeological Survey of the Greenville-Spartanburg International Airport Expansion Tracts Greenville and Spartanburg Counties South Carolina*. This letter is for preliminary, informational purposes only and does not constitute consultation or agency coordination with our Office as defined in 36 CFR 800: "Protection of Historic Properties" or by any state regulatory process. The recommendation stated below could change once the responsible federal and/or state agency initiates consultation with our Office.

The proposed project is defined as an expansion of the Greenville-Spartanburg International Airport. The project area is defined as a three tracts around the Airport. The Westside Maintenance Repair and Overhaul (MRO) Development measures approximately 112 acres (45.3 ha) and is located on the northeast side of the airport runways. It is characterized by open grassy fields and wooded areas. The South MRO is located in the southeast side of the airport runways and measures approximately 42 acres (17.0 ha). This project tract is contains areas of planted pines, mixed pines, and hardwoods. A portion of the South MRO is grassy field, artificial drainages, and an airport access road. The Fixed Base Operator (FBO) Expansion is on the northeast side of the airport and measures approximately 28 acres (11.3 ha). This area contains existing buildings, a construction area, and a small wooded area.

According to the Archaeological Consultants of the Carolinas, Inc. (ACC) Research Report of August 2021, there were 35 previously recorded archaeological sites within 1.6 kilometers of the project area. These table summarizes the sites and their National Register for Historic Places

Eligibility:

Site number	Site Description	NRHP Eligibility
38GR0192	Late 19 <sup>th</sup> - Early 20 <sup>th</sup> Century House Site	Not Eligible
38GR0193	Late 19 <sup>th</sup> - Early 20 <sup>th</sup> Century Artifact Scatter	Not Eligible
38GR0222	19 <sup>th</sup> - 20 <sup>th</sup> Century House Site	Unevaluated
38GR0224	20 <sup>th</sup> Century House Site	Not Eligible
38SP0079	Unknown Historic rock piles	Not Eligible
38SP0080	Unknown Historic Structural Remains	Not Eligible
38SP0162	Unknown Prehistoric Lithic Scatter, Late 19 <sup>th</sup> - Early 20 <sup>th</sup> Century Dump	Not Eligible
38SP0163	Late 19 <sup>th</sup> - Early 20 <sup>th</sup> Century House Site	Not Eligible
38SP0164	Late 19 <sup>th</sup> - Early 20 <sup>th</sup> Century House Site	Not Eligible
38SP0166	Unknown Historic Structural Ruins	Not Eligible
38SP0205	Unknown Prehistoric Lithic Scatter, 19 <sup>th</sup> - 20 <sup>th</sup> Century Artifact Scatter	Not Eligible
38SP0210	20 <sup>th</sup> Century House Site	Not Eligible
38SP0212	Unknown Prehistoric Lithic Scatter	Not Eligible
38SP0213	20 <sup>th</sup> Century House Site	Not Eligible
38SP0214	Unknown Prehistoric Lithic Scatter, 19 <sup>th</sup> - 20 <sup>th</sup> Century Artifact Scatter	Not Eligible
38SP0216	Unknown Prehistoric Lithic Scatter	Not Eligible
38SP0220	19 <sup>th</sup> - 20 <sup>th</sup> Century Farm Complex	Not Eligible
38SP0221	Middle to Late Woodland Lithic Scatter	Not Eligible
38SP0222	19 <sup>th</sup> - 20 <sup>th</sup> Century House Complex	Not Eligible
38SP0223	Unknown Prehistoric Lithic Scatter	Not Eligible
38SP0224	Unknown Prehistoric Lithic Scatter, 19 <sup>th</sup> - 20 <sup>th</sup> Century Artifact Scatter	Not Eligible
38SP0225	Unknown Prehistoric Lithic Scatter	Not Eligible
38SP0227	20 <sup>th</sup> Century House Site	Not Eligible
38SP0228	20 <sup>th</sup> Century Farm Complex	Not Eligible
38SP0243	20 <sup>th</sup> Century House Site	Not Eligible
38SP0244	Prehistoric Lithic Scatter, 20 <sup>th</sup> Century House Site	Not Eligible
38SP0268	19 <sup>th</sup> -20 <sup>th</sup> Century House Site	Not Eligible
38SP0317	19 <sup>th</sup> Century Smith Family Cemetery	Not Eligible
38SP0319	20 <sup>th</sup> Century Artifact Scatter	Not Eligible
38SP0320	19 <sup>th</sup> -20 <sup>th</sup> Century Artifact Scatter	Not Eligible
38SP0322	19 <sup>th</sup> -20 <sup>th</sup> Century Artifact Scatter	Not Eligible
38SP0352	19 <sup>th</sup> -20 <sup>th</sup> Century Artifact Scatter and Outbuildings	Not Eligible
38SP0353	19 <sup>th</sup> -20 <sup>th</sup> Century House Site	Not Eligible
38SP0446	Unknown Prehistoric Lithic Scatter	Not Eligible
38SP0450	Unknown Prehistoric Lithic Scatter	Not Eligible

A total of 34 of the 35 previously recorded archaeological sites within 1.6 kilometers of the project area were determined Not Eligible for the NRHP. Only one of the previously recorded archaeological sites has been determined to be unevaluated for the NRHP (38GR0222). There is

one cemetery among the sites (38SP0317) which is protected by state law. The archaeological field survey by ACC was conducted from July 26 to 28, 2021. The three tracts were designated Westside MRO Development, the South MRO, and FBO Expansion. Areas determined to have high probability were shovel tested at 30 m intervals (80 acres) and areas determined to have low probability (102 acres) were examined by pedestrian walkover with judgmentally placed shovel tests. No previously recorded sites are located in the survey areas. Archaeological site 38SP0478 was recorded in the South MRO during the investigation. According to ACC, site 38SP0478 is a middle 20<sup>th</sup> century artifact scatter with minimal remains and no further research potential, therefore this site is recommended Not Eligible for the NRHP. Our office concurs with ACC's finding of site 38SP0478 not eligible for the NRHP.

Our office knows of no significant archaeological resources that will be impacted in the proposed project area by the airport expansion.

If the Greenville- Spartanburg International Airport Expansion were to require state permits or federal permits, licenses, funds, loans, grants, or assistance for development, we would recommend to the federal or state agency or agencies that additional cultural resources/historic property identification survey are not needed.

Additional consultation with our office is needed if the proposed alignment changes. The federal or state agency or agencies will take our recommendation(s) into consideration when evaluating the project and will determine if clearance to proceed is recommended.

The State Historic Preservation Office will provide comments regarding historic architectural and archaeological resources and effects to them once the federal or state agency initiates consultation. Project Review Forms and additional guidance regarding our Office's role in the compliance process and historic preservation can be found on our website at: <http://shpo.sc.gov/programs/revcomp>.

Our office accepts the draft report as final. To complete the reporting process, please provide at least two (2) hard copies of a final report: a digital copy in ADOBE Acrobat PDF format for the SHPO; one (1) bound and one (1) unbound hard copies and a digital copy in ADOBE Acrobat PDF format for SCIAA. Investigators should send all copies directly to the SHPO. The SHPO will distribute the appropriate copies to SCIAA. Please ensure that a copy of our comments letter is included in the Appendices and Attachments of the final report.

Please provide GIS shapefiles for the surveyed area (and architectural sites as applicable). Shapefiles for identified archaeological sites should be coordinated with SCIAA. Shapefiles should be compatible with ArcGIS (.shp file format) and should be sent as a bundle in .zip format. For additional information, please see our [GIS Data Submission Requirements](#).

Please ensure that all Draft and Final survey deliverables (reports, survey forms and photographs, and GIS shapefiles) are sent to the SHPO at the same time using the same medium (e.g., DVD-RW, thumb drive, or FTP/file sharing site) to assist in project tracking. Files should be sent to [rc@scdah.sc.gov](mailto:rc@scdah.sc.gov). This new email address is only to be used for submitting survey deliverables. Contact your assigned reviewer directly for any questions or concerns.

Please refer to SHPO Project Number 21RP-0120 in any future correspondence regarding this project. If you have any questions, please contact me at (803) 896-6181 or at RPando@scdah.sc.gov

Sincerely,

*Roberto G. Muñoz-Pando*

Roberto G. Muñoz-Pando

Archaeologist

State Historic Preservation Office



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

July 19, 2022

Regulatory Division

Mr. Daniel Good  
McFarland Johnson, Inc  
330 E Coffee Street  
Greenville, South Carolina 29601  
dgood@mjinc.com

Dear Mr. Good:

This is in response to your request for an Approved Jurisdictional Determination (AJD) (SAC-2022-00915) received in our office on October 8, 2021, for a 5-acre site located west of GSP Drive and south of Stevens Road in Greer, Spartanburg County, South Carolina (Latitude: 34.8913°, Longitude: -82.2169°). An AJD is used to indicate the Corps 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 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 "Concourse Expansion" and dated June 2022 prepared by your office. Based on an on-site inspection, a review of aerial photography, topographic maps, National Wetlands Inventory maps, soil survey information, and Wetland Determination Data Form(s), we conclude the site, as shown on the referenced depiction, does not contain any aquatic resources, including aquatic resources that would be subject to regulatory jurisdiction under Section 404 of the CWA or Section 10 of the RHA.

Attached is a form describing the basis of jurisdiction for the delineated area(s). Note that some or all of these areas may be regulated by other state or local government agencies and you should contact the South Carolina Department of Health and Environmental Control, Bureau of Water to determine the limits of their jurisdiction.

This AJD is valid for five (5) years from the date of this letter unless new information warrants revision before the expiration date. This AJD is an appealable action under the Corps of Engineers administrative appeal procedures defined at 33 CFR Part 331. The administrative appeal options, process and appeals request form is attached for your convenience and use.

This AJD was conducted pursuant to Corps of Engineers' regulatory authority to identify the limits of Corps of Engineers' jurisdiction for the particular site identified in

this request. This AJD 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.

In all future correspondence, please refer to file number SAC-2022-00915. A copy of this letter is 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](mailto:Kristin.B.Andrade@usace.army.mil).

Sincerely,

Date:



2022.07.19

08:04:02 -04'00'

Kristin B. Andrade  
Team Leader

Attachments:

Dry Land Approved Jurisdictional Determination Form  
"Concourse Expansion"  
Notification of Appeal Options

Copies Furnished:

Ms. Katie Eleam  
Greenville Spartanburg Airport District  
2000 GSP Drive  
Greer, South Carolina 29651  
[keleam@gspairport.com](mailto:keleam@gspairport.com)

SCDHEC – Bureau of Water  
2600 Bull Street  
Columbia, South Carolina 29201  
[WQCWetlands@dhec.sc.gov](mailto:WQCWetlands@dhec.sc.gov)

**DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM<sup>1</sup>**  
**U.S. Army Corps of Engineers**

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

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): July 19, 2022**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** SAC-2022-00915 Greenville-Spartanburg Airport-Concourse Expansion

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: South Carolina County: Spartanburg County City: Greer  
Center coordinates of site (lat/long in degree decimal format): Lat. 34.8913°, Long. -82.2169°  
Universal Transverse Mercator: **NAD 83**

Name of nearest waterbody: Dillard Creek

Name of watershed or Hydrologic Unit Code (HUC): 03050108-01 Upper Enoree River

- Check if map/diagram of review area is available upon request.
- Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

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

- Office (Desk) Determination.  
Date: 5-July-2022
- Field Determination.  
Date(s): 6-May-2022

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

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

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

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

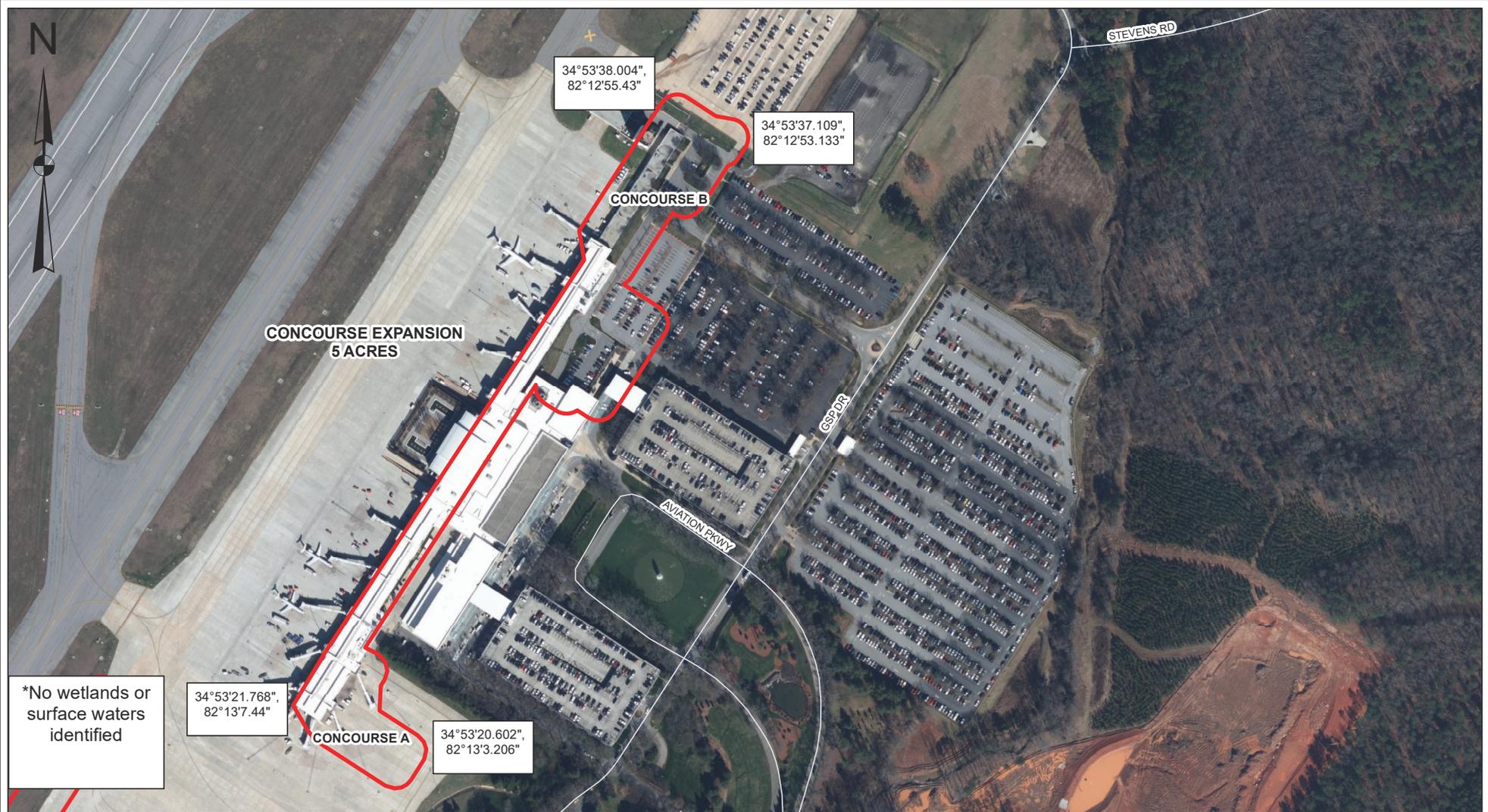
**SECTION III: DATA SOURCES.**

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

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: McFarland Johnson
- 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 report and data sheets.
- Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- U.S. Geological Survey Hydrologic Atlas: HA 730-G, 1990
- USGS NHD data.
- USGS 8 and 12 digit HUC maps. 03050108 and 030501080102/030501080104
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Greer Quad
- USDA Natural Resources Conservation Service Soil Survey. Citation: Drawing titled “Master Plan EA Soils Mapping” submitted by the agent and dated September 2021.
- National wetlands inventory map(s). Cite name: Drawing titled “Master Plan EA Wetlands Mapping” submitted by the agent and dated September 2021.
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Drawing titled “Master Plan EA Aerial Imagery” submitted by the agent and dated September 2021.
- Other (Name & Date): Photos submitted by agent
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify): Corps Site visit on May 6, 2022

**B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:** The site consists entirely of uplands. There are no features that exhibit the three parameters of a wetland or the features of a tributary.

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



\*No wetlands or surface waters identified

34°53'21.768",  
82°13'7.44"

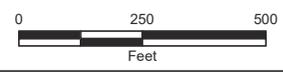
34°53'20.602",  
82°13'3.206"

34°53'38.004",  
82°12'55.43"

34°53'37.109",  
82°12'53.133"

**Legend**

- Project Study Areas
- Delineated Wetlands
- Streets



Greenville-Spartanburg International Airport Greer, Spartanburg County, South Carolina		
<b>Concourse Expansion</b> <b>SAC-2022-00915</b>		
SCALE: 1 inch = 250 feet	DATE: JUNE 2022	FIGURE: Concourse
<b>McFarland Johnson</b>		

K:\Greenville\_Spartanburg\3 Draw\GIS\GACE Maps\Concourse Expansion.mxd

## 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: Mr. Philip A. Shannin  
Administrative Appeal Review Officer  
CESAD-PDS-O  
60 Forsyth Street Southwest, Floor M9  
Atlanta, Georgia 30303-8803

**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:



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

July 19, 2022

Regulatory Division

Mr. Daniel Good  
McFarland Johnson, Inc  
330 E Coffee Street  
Greenville, South Carolina 29601  
dgood@mjinc.com

Dear Mr. Good:

This is in response to your request for an Approved Jurisdictional Determination (AJD) (SAC-2022-00916) received in our office on October 8, 2022, for a 27-acre site located west of Brockman McClimon Road, between Gateway Drive and Stevens Road in Greer, Spartanburg County, South Carolina (Latitude: 34.9000°, Longitude: -82.2096°). An AJD is used to indicate the Corps 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 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 "FBO Expansion" and dated June 2022 prepared by your office. Based on an on-site inspection, a review of aerial photography, topographic maps, National Wetlands Inventory maps, soil survey information, and Wetland Determination Data Form(s), we conclude the referenced depiction accurately reflects the location and boundaries of aquatic resources found within the site. The site contains 1.1 acres of jurisdictional wetlands and 1,138 linear feet of other waters of the United States that are subject to regulatory jurisdiction under Section 404 of the CWA.

Attached is a form describing the basis of jurisdiction for the delineated area(s). Note that a Department of the Army (DA) permit may be required for certain activities in the areas subject to regulatory jurisdiction of the Corps of Engineers, and these areas may be further subject to restrictions or requirements of other state or local government entities.

If you submit a permit application as a result of this AJD, 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 an AJD 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 AJD is valid for five (5) years from the date of this letter unless new information warrants revision before the expiration date. This AJD is an appealable action under the Corps of Engineers administrative appeal procedures defined at 33 CFR Part 331. The administrative appeal options, process and appeals request form is attached for your convenience and use.

This AJD was conducted pursuant to Corps of Engineers' regulatory authority to identify the limits of Corps of Engineers' jurisdiction for the particular site identified in this request. This AJD 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.

In all future correspondence, please refer to file number SAC-2022-00916. A copy of this letter is 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](mailto:Kristin.B.Andrade@usace.army.mil).

Sincerely,

Date:



2022.07.19

08:29:32 -04'00'

Kristin B. Andrade  
Team Leader

Attachments:

Approved Jurisdictional Determination Form  
Notification of Appeal Options  
"FBO Expansion"

Copies Furnished:

Ms. Katie Eleam  
Greenville Spartanburg Airport District  
2000 GSP Drive  
Greer, South Carolina 29651  
[keleam@gspairport.com](mailto:keleam@gspairport.com)

SCDHEC – Bureau of Water  
2600 Bull Street  
Columbia, South Carolina 29201  
[WQCWetlands@dhec.sc.gov](mailto:WQCWetlands@dhec.sc.gov)

**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

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

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): July 19, 2022**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** JD Form 1 of 1; SAC-2022-00916 Greenville-Spartanburg Airport Proposed FBO Expansion

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:** west of Brockman McClimon Road, between Gateway Drive and Stevens Road in Greer

State: South Carolina County/parish/borough: Spartanburg County City: Greer

Center coordinates of site (lat/long in degree decimal format): Lat. 34.9000°, Long. -82.2096°.

Universal Transverse Mercator: NAD 83

Name of nearest waterbody: Dillard Creek

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Enoree River

Name of watershed or Hydrologic Unit Code (HUC): 03050108-01

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

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

Office (Desk) Determination. Date: 5-July-2022

Field Determination. Date(s): 6-May-2022

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

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

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain: .

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There are "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: Jurisdictional Stream 1= 894 linear feet and Jurisdictional Stream 1A=244 linear feet.

Wetlands: Wetland K=1.1 acres.

**c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual and Established by OHWM**

Elevation of established OHWM (if known): .

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain: .

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

<sup>3</sup> Supporting documentation is presented in Section III.F.

**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs**

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

**1. TNW**

Identify TNW: .

Summarize rationale supporting determination: .

**2. Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is “adjacent”:

**B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):**

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

**1. Characteristics of non-TNWs that flow directly or indirectly into TNW**

**(i) General Area Conditions:**

Watershed size: **Pick List**

Drainage area: **Pick List**

Average annual rainfall: inches

Average annual snowfall: inches

**(ii) Physical Characteristics:**

**(a) Relationship with TNW:**

Tributary flows directly into TNW.

Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.

Project waters are **Pick List** river miles from RPW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Project waters are **Pick List** aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW<sup>5</sup>: .

Tributary stream order, if known: .

<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

<sup>5</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

- Tributary is:**  Natural  
 Artificial (man-made). Explain: \_\_\_\_\_  
 Manipulated (man-altered). Explain: \_\_\_\_\_

**Tributary properties with respect to top of bank (estimate):**

Average width: \_\_\_\_\_ feet  
Average depth: \_\_\_\_\_ feet  
Average side slopes: **Pick List**.

**Primary tributary substrate composition (check all that apply):**

- |                                                |                                                          |                                   |
|------------------------------------------------|----------------------------------------------------------|-----------------------------------|
| <input type="checkbox"/> Silts                 | <input type="checkbox"/> Sands                           | <input type="checkbox"/> Concrete |
| <input type="checkbox"/> Cobbles               | <input type="checkbox"/> Gravel                          | <input type="checkbox"/> Muck     |
| <input type="checkbox"/> Bedrock               | <input type="checkbox"/> Vegetation. Type/% cover: _____ |                                   |
| <input type="checkbox"/> Other. Explain: _____ |                                                          |                                   |

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: \_\_\_\_\_

Presence of run/riffle/pool complexes. Explain: \_\_\_\_\_

Tributary geometry: **Pick List**

Tributary gradient (approximate average slope): \_\_\_\_\_ %

(c) Flow:

Tributary provides for: **Pick List**

Estimate average number of flow events in review area/year: **Pick List**

Describe flow regime: \_\_\_\_\_

Other information on duration and volume: \_\_\_\_\_

Surface flow is: **Pick List**. Characteristics: \_\_\_\_\_

Subsurface flow: **Pick List**. Explain findings: \_\_\_\_\_

Dye (or other) test performed: \_\_\_\_\_

**Tributary has (check all that apply):**

- |                                                                               |                                                                     |
|-------------------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Bed and banks                                        |                                                                     |
| <input type="checkbox"/> OHWM <sup>6</sup> (check all indicators that apply): |                                                                     |
| <input type="checkbox"/> clear, natural line impressed on the bank            | <input type="checkbox"/> the presence of litter and debris          |
| <input type="checkbox"/> changes in the character of soil                     | <input type="checkbox"/> destruction of terrestrial vegetation      |
| <input type="checkbox"/> shelving                                             | <input type="checkbox"/> the presence of wrack line                 |
| <input type="checkbox"/> vegetation matted down, bent, or absent              | <input type="checkbox"/> sediment sorting                           |
| <input type="checkbox"/> leaf litter disturbed or washed away                 | <input type="checkbox"/> scour                                      |
| <input type="checkbox"/> sediment deposition                                  | <input type="checkbox"/> multiple observed or predicted flow events |
| <input type="checkbox"/> water staining                                       | <input type="checkbox"/> abrupt change in plant community           |
| <input type="checkbox"/> other (list): _____                                  |                                                                     |
| <input type="checkbox"/> Discontinuous OHWM. <sup>7</sup> Explain: _____      |                                                                     |

**If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):**

- |                                                                    |                                                                        |
|--------------------------------------------------------------------|------------------------------------------------------------------------|
| <input type="checkbox"/> High Tide Line indicated by:              | <input type="checkbox"/> Mean High Water Mark indicated by:            |
| <input type="checkbox"/> oil or scum line along shore objects      | <input type="checkbox"/> survey to available datum;                    |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings;                            |
| <input type="checkbox"/> physical markings/characteristics         | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges                              |                                                                        |
| <input type="checkbox"/> other (list): _____                       |                                                                        |

(iii) **Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: \_\_\_\_\_

Identify specific pollutants, if known: \_\_\_\_\_

<sup>6</sup>A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

<sup>7</sup>Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width): .
- Wetland fringe. Characteristics: .
- Habitat for:
  - Federally Listed species. Explain findings: .
  - Fish/spawn areas. Explain findings: .
  - Other environmentally-sensitive species. Explain findings: .
  - Aquatic/wildlife diversity. Explain findings: .

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size:        acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: .

Surface flow is: **Pick List**

Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: .

Ecological connection. Explain: .

Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .

Identify specific pollutants, if known: .

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

Riparian buffer. Characteristics (type, average width): .

Vegetation type/percent cover. Explain: .

Habitat for:

Federally Listed species. Explain findings: .

Fish/spawn areas. Explain findings: .

Other environmentally-sensitive species. Explain findings: .

Aquatic/wildlife diversity. Explain findings: .

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately (        ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)      Size (in acres)      Directly abuts? (Y/N)      Size (in acres)

Summarize overall biological, chemical and physical functions being performed: .

### C. SIGNIFICANT NEXUS DETERMINATION

**A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.**

**Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:**

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

**Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:**

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

### D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:  
 TNWs:      linear feet      width (ft), Or,      acres.  
 Wetlands adjacent to TNWs:      acres.
2. **RPWs that flow directly or indirectly into TNWs.**  
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Tributaries 1 and 1A are perennial tributaries. Tributary 1 was observed flowing during flagging and 1A was observed flowing during the Corps site visit. These tributaries are shown as drainage signatures on the topo map and are shown on the hillshade map. These tributaries have bed and bank and a distinct OHWMs that includes a clear, natural line on the bank, vegetation matted down and absent, and leaf litter disturbed. Stream characteristics observed and available data led this office to conclude the tributaries have perennial flow regimes.

- Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: **Jurisdictional Stream 1= 894 linear feet and Jurisdictional Stream 1A=244 linear feet.**  
 Other non-wetland waters:        acres.  
Identify type(s) of waters: .

**3. Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters:        linear feet        width (ft).  
 Other non-wetland waters:        acres.  
Identify type(s) of waters: .

**4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.  
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: **Wetland K is directly abutting Jurisdictional Stream 1A. This was observed in the field.**  
 Wetlands directly abutting an RPW where tributaries typically flow “seasonally.” Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: **Wetland K=1.1** acres.

**5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area:        acres.

**6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area:        acres.

**7. Impoundments of jurisdictional waters.<sup>9</sup>**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from “waters of the U.S.,” or  
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or  
 Demonstrate that water is isolated with a nexus to commerce (see E below).

**E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>10</sup>**

- which are or could be used by interstate or foreign travelers for recreational or other purposes.

<sup>8</sup>See Footnote # 3.

<sup>9</sup>To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>10</sup> Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: .
- Other factors. Explain: .

**Identify water body and summarize rationale supporting determination:** .

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.  
Identify type(s) of waters: .
- Wetlands: acres.

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - Prior to the Jan 2001 Supreme Court decision in “SWANCC,” the review area would have been regulated based solely on the “Migratory Bird Rule” (MBR).
- Waters do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

**SECTION IV: DATA SOURCES.**

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

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: McFarland Johnson.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- Office concurs with data sheets/delineation report. This office agreed 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: 1977 Navigability Study.
- U.S. Geological Survey Hydrologic Atlas: HA 730-G, 1990.
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps. 03050108 and 030501080104
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Greer Quad.
- USDA Natural Resources Conservation Service Soil Survey. Citation: Drawing titled “Master Plan EA Soils Mapping” submitted by the agent and dated September 2021.
- National wetlands inventory map(s). Cite name: Drawing titled “Master Plan EA Wetlands Mapping” submitted by the agent and dated September 2021.
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Drawing titled “Master Plan EA Aerial Imagery” submitted by the agent and dated September 2021.  
or  Other (Name & Date): Photos submitted by agent.

- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): Corps site visit on 5/6/2022.

**B. ADDITIONAL COMMENTS TO SUPPORT JD: The waters documented on this form include two perennial RPWs and one wetland that is abutting one of the perennial RPWs. Based on guidance provided, perennial RPWs and wetlands abutting perennial RPWs are considered jurisdictional and within jurisdiction of the Clean Water Act.**

34°54'6.993", 82°12'42.186"

34°54'1.35", 82°12'25.713"

34°53'56.117", 82°12'42.505"

34°53'50.752", 82°12'32.605"

# FBO EXPANSION 27 ACRES

Jurisdictional Wetland K

Jurisdictional Stream 1

Jurisdictional Stream 1A

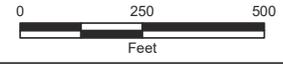
Wetland I.D.	Cowardin Code	Acres	USACE Jurisdiction	Coordinates
Wetland K	PFO	1.1	Yes	34°53'53.88"N, 82°12'35.87"W

Surface Water ID	Hydrology Regime	Linear Feet	USACE Jurisdiction	Coordinates
1	Perennial	894	Yes	34°53'55.90"N, 82°12'32.18"W
1A	Perennial	244	Yes	34°53'52.63"N, 82°12'34.33"W

**Legend**

- Project Study Areas
- Stream Features
- Delineated Wetlands
- Streets



Greenville-Spartanburg International Airport  
Greer, Spartanburg County, South Carolina

**FBO Expansion**  
**SAC-2022-00916**

SCALE: 1 inch = 253 feet    DATE: JUNE 2022    FIGURE: FBO

McFarland Johnson

K:\Greenville\_Spartanburg\3 Draw\GIS\USACE Maps\FBO Expansion.mxd

## 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: Mr. Philip A. Shannin  
Administrative Appeal Review Officer  
CESAD-PDS-O  
60 Forsyth Street Southwest, Floor M9  
Atlanta, Georgia 30303-8803

**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:



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

July 19, 2022

Regulatory Division

Mr. Daniel Good  
McFarland Johnson, Inc  
330 E Coffee Street  
Greenville, South Carolina 29601  
dgood@mjinc.com

Dear Mr. Good:

This is in response to your request for an Approved Jurisdictional Determination (AJD) (SAC-2022-00917) received in our office on October 8, 2021, for a 111-acre site located west of J Verne Smith Parkway and south of State Highway 101 in Greer, Spartanburg County, South Carolina (Latitude: 34.9053°, Longitude: -82.2157°). An AJD is used to indicate the Corps 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 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 "Westside MRO" and dated June 2022 prepared by your office. Based on an on-site inspection, a review of aerial photography, topographic maps, National Wetlands Inventory maps, soil survey information, and Wetland Determination Data Form(s), we conclude the referenced depiction accurately reflects the location and boundaries of aquatic resources within the site. The site contains 0.15 acre of jurisdictional wetlands and 2,743 linear feet of other waters of the United States that are subject to regulatory jurisdiction under Section 404 of the CWA.

The site also contains 0.127 acre of freshwater wetlands as federally defined by the 1987 Corps of Engineers Wetland Delineation Manual and applicable regional supplement; however, the 0.127 acre of freshwater wetlands are not subject to Corps' jurisdiction based upon U.S. Supreme Court decisions. The location and configuration of these non-jurisdictional areas are reflected on the above referenced depiction. It should be clearly noted that decisions of the U.S. Supreme Court to exclude certain waters and wetlands from federal jurisdiction under the CWA have no effect on any state or local government restrictions or requirements concerning wetlands. You are strongly cautioned to ascertain whether such restrictions or requirements exist for the area in question before undertaking any activity which might impact these aquatic resources.

Attached is a form describing the basis of jurisdiction for the delineated area(s). Be aware that a Department of the Army (DA) permit may be required for certain activities in the areas subject to Corps' regulatory jurisdiction, and these areas may be subject to restrictions or requirements of other state or local government agencies.

If you submit a permit application as a result of this AJD, 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 an AJD 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 AJD is valid for five (5) years from the date of this letter unless new information warrants revision before the expiration date. This AJD is an appealable action under the Corps of Engineers administrative appeal procedures defined at 33 CFR Part 331. The administrative appeal options, process and appeals request form is attached for your convenience and use.

This AJD was conducted pursuant to Corps of Engineers' regulatory authority to identify the limits of Corps of Engineers' jurisdiction for the particular site identified in this request. This AJD 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.

In all future correspondence, please refer to file number SAC-2022-00917. A copy of this letter is forwarded to State and/or Federal agencies for their information. If you have any questions, please contact Kristin B. Andrade, Team Leader, at (864) 609-4324, or by email at [Kristin.B.Andrade@usace.army.mil](mailto:Kristin.B.Andrade@usace.army.mil).

Sincerely,



Date: 2022.07.19  
08:59:33 -04'00'

Brice McKoy  
Chief, Northwest Branch

Attachments:  
Approved Jurisdictional Determination Form  
"Westside MRO"  
Notification of Appeal Options

Copies Furnished:

Ms. Katie Eleam  
Greenville Spartanburg Airport District  
2000 GSP Drive  
Greer, South Carolina 29651  
[keleam@gspairport.com](mailto:keleam@gspairport.com)

SCDHEC – Bureau of Water  
2600 Bull Street  
Columbia, South Carolina 29201  
[WQCWetlands@dhec.sc.gov](mailto:WQCWetlands@dhec.sc.gov)

**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

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

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): July 19, 2022**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** JD Form 1 of 2; SAC-2022-00917 Greenville-Spartanburg Airport Proposed West Side MMRO

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:** west of J Verne Smith Parkway and south of State Highway 101 in Greer

State: South Carolina County: Spartanburg County City: Greer  
Center coordinates of site (lat/long in degree decimal format): Lat. 34.9053°, Long. -82.2157°.  
Universal Transverse Mercator: NAD 83

Name of nearest waterbody: Unnamed Tributary of Dillard Creek  
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A  
Name of watershed or Hydrologic Unit Code (HUC): 03050107-03 and 03050108-01

- Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.  
 Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

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

- Office (Desk) Determination. Date: 23-June-2022  
 Field Determination. Date(s): 6-May-2022

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

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

- Waters subject to the ebb and flow of the tide.  
 Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.  
Explain: .

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

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

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

- TNWs, including territorial seas  
 Wetlands adjacent to TNWs  
 Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs  
 Non-RPWs that flow directly or indirectly into TNWs  
 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs  
 Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs  
 Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs  
 Impoundments of jurisdictional waters  
 Isolated (interstate or intrastate) waters, including isolated wetlands

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: linear feet: width (ft) and/or acres.  
Wetlands: acres.

**c. Limits (boundaries) of jurisdiction based on: Pick List**

Elevation of established OHWM (if known): .

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.  
Explain: **Wetland A (0.01 acre), Wetland B (0.01 acre), Wetland D (0.007 acre), Wetland E (0.01 acre), Wetland G (0.02 acre), Wetland H (0.04 acre), and Wetland I (0.03 acre) are all small depressional areas located in a field on the site.**

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least “seasonally” (e.g., typically 3 months).

<sup>3</sup> Supporting documentation is presented in Section III.F.

These wetlands have no drainages leaving them or flowing into them. There were no signs of overland flow or confined connections from the wetlands to the waters of the U.S. located on the site or off-site. These wetlands are depressional areas that have been disturbed by continuous mowing and maintenance by the airport.

There are no signs of jurisdictional drainage features, shallow subsurface flow, or overland flow from the non-jurisdictional wetlands to any other waters on-site or off-site. The non-jurisdictional wetlands show no evidence of biological, chemical, or physical connectivity to waters of the U.S. There is also no apparent connection to interstate or foreign commerce. In addition, there is no apparent evidence of ecological interconnectivity between the non-jurisdictional wetlands and waters of the U.S. This office has determined that the wetlands are isolated from waters of the U.S. and are not within jurisdiction of the Clean Water Act.

### SECTION III: CWA ANALYSIS

#### A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: \_\_\_\_\_

Summarize rationale supporting determination: \_\_\_\_\_

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”: \_\_\_\_\_

#### B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size:  Pick List

Drainage area:  Pick List

Average annual rainfall:  inches

Average annual snowfall:  inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

---

<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.  
Project waters are **Pick List** river miles from RPW.  
Project waters are **Pick List** aerial (straight) miles from TNW.  
Project waters are **Pick List** aerial (straight) miles from RPW.  
Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW<sup>5</sup>:

Tributary stream order, if known:

(b) **General Tributary Characteristics (check all that apply):**

**Tributary is:**  Natural  
 Artificial (man-made). Explain:  
 Manipulated (man-altered). Explain:

**Tributary properties with respect to top of bank (estimate):**

Average width: feet  
Average depth: feet  
Average side slopes: **Pick List**.

**Primary tributary substrate composition (check all that apply):**

Silts  Sands  Concrete  
 Cobbles  Gravel  Muck  
 Bedrock  Vegetation. Type/% cover:  
 Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: **Pick List**

Tributary gradient (approximate average slope): %

(c) **Flow:**

Tributary provides for: **Pick List**

Estimate average number of flow events in review area/year: **Pick List**

Describe flow regime:

Other information on duration and volume:

Surface flow is: **Pick List**. Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks  
 OHWM<sup>6</sup> (check all indicators that apply):  
 clear, natural line impressed on the bank  the presence of litter and debris  
 changes in the character of soil  destruction of terrestrial vegetation  
 shelving  the presence of wrack line  
 vegetation matted down, bent, or absent  sediment sorting  
 leaf litter disturbed or washed away  scour  
 sediment deposition  multiple observed or predicted flow events  
 water staining  abrupt change in plant community  
 other (list):  
 Discontinuous OHWM.<sup>7</sup> Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by:  Mean High Water Mark indicated by:  
 oil or scum line along shore objects  survey to available datum;  
 fine shell or debris deposits (foreshore)  physical markings;

<sup>5</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

<sup>6</sup> A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

<sup>7</sup>Ibid.

- physical markings/characteristics
- tidal gauges
- other (list):
- vegetation lines/changes in vegetation types.

**(iii) Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain:

Identify specific pollutants, if known:

**(iv) Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

**2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

**(i) Physical Characteristics:**

**(a) General Wetland Characteristics:**

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

**(b) General Flow Relationship with Non-TNW:**

Flow is: **Pick List**. Explain:

Surface flow is: **Pick List**

Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

**(c) Wetland Adjacency Determination with Non-TNW:**

- Directly abutting
- Not directly abutting
  - Discrete wetland hydrologic connection. Explain:
  - Ecological connection. Explain:
  - Separated by berm/barrier. Explain:

**(d) Proximity (Relationship) to TNW**

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

**(ii) Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

**(iii) Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain:
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

**3. Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately ( ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)      Size (in acres)      Directly abuts? (Y/N)      Size (in acres)

Summarize overall biological, chemical and physical functions being performed: .

### C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

**Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:**

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

### D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:  
 TNWs: linear feet width (ft), Or, acres.  
 Wetlands adjacent to TNWs: acres.
2. **RPWs that flow directly or indirectly into TNWs.**  
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: .  
 Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
  - Other non-wetland waters: acres.
- Identify type(s) of waters: .

**3. Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft).
  - Other non-wetland waters: acres.
- Identify type(s) of waters: .

**4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
  - Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
  - Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

**5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

**6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

**7. Impoundments of jurisdictional waters.<sup>9</sup>**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

**E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>10</sup>**

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: .
- Other factors. Explain: .

<sup>8</sup>See Footnote # 3.

<sup>9</sup> To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>10</sup> Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

**Identify water body and summarize rationale supporting determination:**

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.  
Identify type(s) of waters: .
- Wetlands: acres.

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

**SECTION IV: DATA SOURCES.**

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

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: McFarland Johnson.
- 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: 1977 Navigability Study.
- U.S. Geological Survey Hydrologic Atlas: HA 730-G, 1999.
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps. 03050107-03 and 03050108-01
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Greer Quad.
- USDA Natural Resources Conservation Service Soil Survey. Citation: Drawing titled "Master Plan EA Soils Mapping" submitted by the agent and dated September 2021.
- National wetlands inventory map(s). Cite name: Drawing titled "Master Plan EA Wetlands Mapping" submitted by the agent and dated September 2021.
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Drawing titled "Master Plan EA Aerial Imagery" submitted by the agent and dated September 2021.
  - or  Other (Name & Date): Photos 1-9 of 9 submitted by agent.
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): Corps Site visit on May 6, 2022.

**B. ADDITIONAL COMMENTS TO SUPPORT JD: Wetland A (0.01 acre), Wetland B (0.01 acre), Wetland D (0.007 acre), Wetland E (0.01 acre), Wetland G (0.02 acre), Wetland H (0.04 acre), and Wetland I (0.03 acre) are all small depressional areas located in a field on the site. These wetlands have no drainages leaving them or flowing into them. There were no signs of overland flow or confined connections from the wetlands to the waters of the U.S. located on the site or off-site. These wetlands are depressional areas that have been disturbed by continuous mowing and maintenance by the airport.**

There are no signs of jurisdictional drainage features, shallow subsurface flow, or overland flow from the non-jurisdictional wetlands to any other waters on-site or off-site. The non-jurisdictional wetlands show no evidence of biological, chemical, or physical connectivity to waters of the U.S. There is also no apparent connection to interstate or foreign commerce. In addition, there is no apparent evidence of ecological interconnectivity between the non-jurisdictional wetlands and waters of the U.S. This office has determined that the wetlands are isolated from waters of the U.S. and are not within jurisdiction of the Clean Water Act.

**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

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

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): July 19, 2022**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** JD Form 2 of 2; SAC-2022-00917 Greenville-Spartanburg Airport Proposed West Side MMRO

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:** west of J Verne Smith Parkway and south of State Highway 101 in Greer

State: South Carolina County: Spartanburg County City: Greer  
Center coordinates of site (lat/long in degree decimal format): Lat. 34.9053°, Long. -82.2157°.  
Universal Transverse Mercator: NAD 83

Name of nearest waterbody: Unnamed Tributary of Dillard Creek

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Enoree River

Name of watershed or Hydrologic Unit Code (HUC): 03050107-03 and 03050108-01

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

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

Office (Desk) Determination. Date: 23-June-2022

Field Determination. Date(s): 6-May-2022

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

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

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain: .

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: Jurisdictional Water 3=343 linear feet and Jurisdictional Water 4=2,400 linear feet.

Wetlands: Wetland C=0.1 acre and Wetland F=0.05 acre.

**c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual, Established by OHWM**

Elevation of established OHWM (if known): .

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.  
Explain

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

<sup>3</sup> Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

**A. TNWs AND WETLANDS ADJACENT TO TNWs**

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

**1. TNW**

Identify TNW: .

Summarize rationale supporting determination: .

**2. Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is “adjacent”:

**B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):**

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

**1. Characteristics of non-TNWs that flow directly or indirectly into TNW**

**(i) General Area Conditions:**

Watershed size: **Pick List**

Drainage area: **Pick List**

Average annual rainfall: inches

Average annual snowfall: inches

**(ii) Physical Characteristics:**

**(a) Relationship with TNW:**

Tributary flows directly into TNW.

Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.

Project waters are **Pick List** river miles from RPW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Project waters are **Pick List** aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW<sup>5</sup>: .

Tributary stream order, if known: .

<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

<sup>5</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.



- Wetland fringe. Characteristics: .
- Habitat for:
  - Federally Listed species. Explain findings: .
  - Fish/spawn areas. Explain findings: .
  - Other environmentally-sensitive species. Explain findings: .
  - Aquatic/wildlife diversity. Explain findings: .

**2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

**(i) Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size:        acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: .

Surface flow is: **Pick List**

Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: .

Ecological connection. Explain: .

Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

**(ii) Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .

Identify specific pollutants, if known: .

**(iii) Biological Characteristics. Wetland supports (check all that apply):**

Riparian buffer. Characteristics (type, average width): .

Vegetation type/percent cover. Explain: .

Habitat for:

Federally Listed species. Explain findings: .

Fish/spawn areas. Explain findings: .

Other environmentally-sensitive species. Explain findings: .

Aquatic/wildlife diversity. Explain findings: .

**3. Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately (        ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed: .

**C. SIGNIFICANT NEXUS DETERMINATION**

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

**Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:**

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

**Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:**

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

**D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):**

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:  
 TNWs: linear feet width (ft), Or, acres.  
 Wetlands adjacent to TNWs: acres.
2. **RPWs that flow directly or indirectly into TNWs.**  
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Jurisdictional Water 3 and Jurisdictional Water 4 are perennial tributaries. These tributaries were observed flowing during the Corps site visit and during flagging. The tributaries are shown as blue lines on the topo map and have strong features on the hillshade map. These tributaries have bed and bank and a distinct OHWMs that includes a clear, natural line on the bank, vegetation matted down and absent, leaf litter disturbed, and multiple observed flow events. Stream characteristics observed and available data led this office to conclude the tributaries have perennial flow regimes.  
 Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: **Jurisdictional Water 3=343 linear feet and Jurisdictional Water 4=2,400 linear feet.**
- Other non-wetland waters: acres.  
Identify type(s) of waters: .

3. **Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters:            linear feet            width (ft).  
 Other non-wetland waters:            acres.

Identify type(s) of waters:            .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.  
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: **Wetland C and Wetland F are directly abutting Jurisdictional Water 3.**  
 Wetlands directly abutting an RPW where tributaries typically flow “seasonally.” Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:            .

Provide acreage estimates for jurisdictional wetlands in the review area: **Wetland C=0.1 acre and Wetland F=0.05 acre.**

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area:            acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area:            acres.

7. **Impoundments of jurisdictional waters.<sup>9</sup>**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from “waters of the U.S.,” or  
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or  
 Demonstrate that water is isolated with a nexus to commerce (see E below).

E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>10</sup>**

- which are or could be used by interstate or foreign travelers for recreational or other purposes.  
 from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  
 which are or could be used for industrial purposes by industries in interstate commerce.  
 Interstate isolated waters. Explain:            .  
 Other factors. Explain:            .

**Identify water body and summarize rationale supporting determination:**            .

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters:            linear feet            width (ft).

<sup>8</sup>See Footnote # 3.

<sup>9</sup> To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>10</sup> **Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.**

- Other non-wetland waters:      acres.  
Identify type(s) of waters:      .
- Wetlands:      acres.

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - Prior to the Jan 2001 Supreme Court decision in “SWANCC,” the review area would have been regulated based solely on the “Migratory Bird Rule” (MBR).
- Waters do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction. Explain:      .
- Other: (explain, if not covered above):      .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams):      linear feet      width (ft).
- Lakes/ponds:      acres.
- Other non-wetland waters:      acres. List type of aquatic resource:      .
- Wetlands:      acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams):      linear feet,      width (ft).
- Lakes/ponds:      acres.
- Other non-wetland waters:      acres. List type of aquatic resource:      .
- Wetlands:      acres.

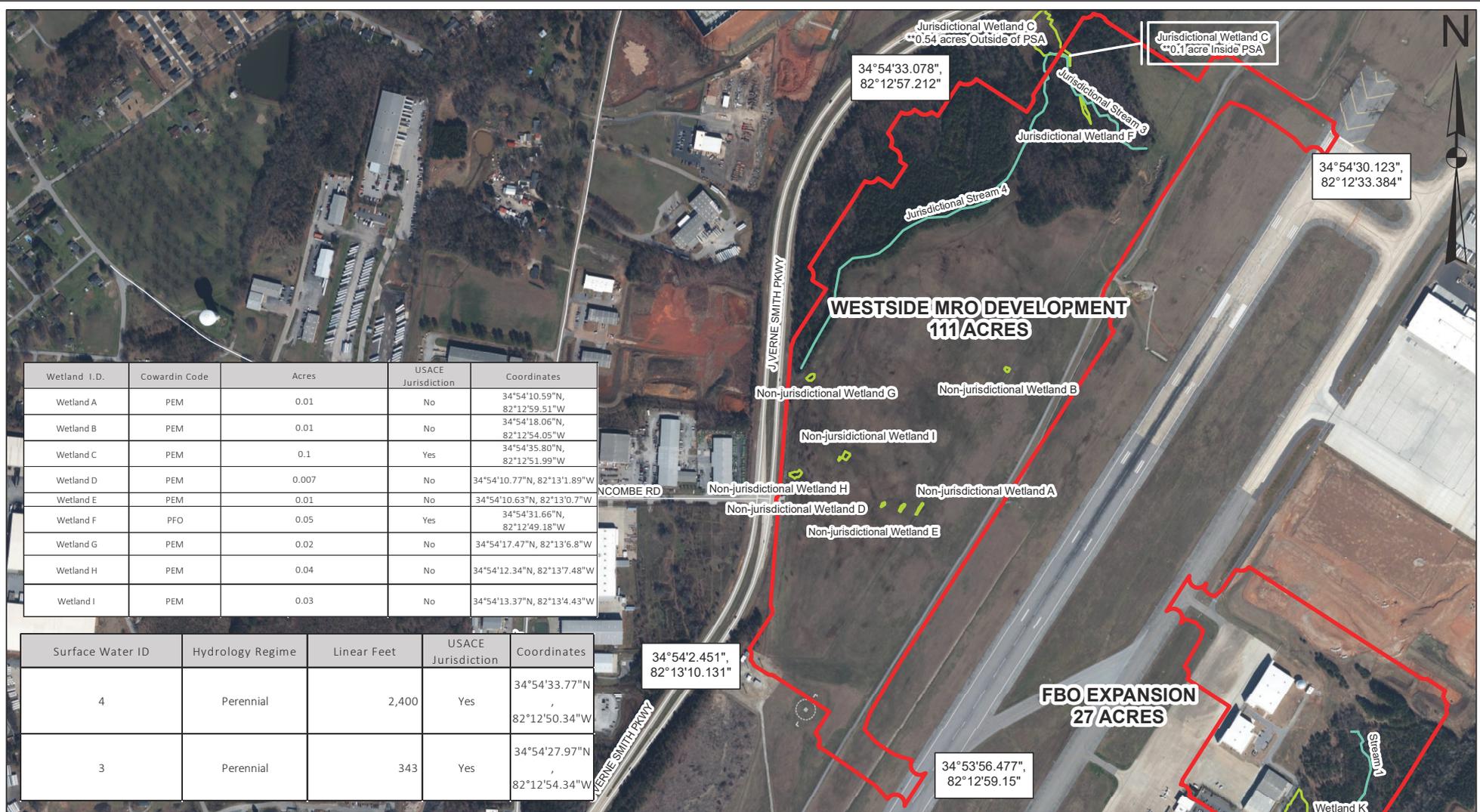
**SECTION IV: DATA SOURCES.**

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

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: McFarland Johnson.
- 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: 1977 Navigability Study.
- U.S. Geological Survey Hydrologic Atlas: HA 730-G, 1999.
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps. 03050107-03 and 03050108-01
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Greer Quad.
- USDA Natural Resources Conservation Service Soil Survey. Citation: Drawing titled “Master Plan EA Soils Mapping” submitted by the agent and dated September 2021.
- National wetlands inventory map(s). Cite name: Drawing titled “Master Plan EA Wetlands Mapping” submitted by the agent and dated September 2021.
- State/Local wetland inventory map(s):      .
- FEMA/FIRM maps:      .
- 100-year Floodplain Elevation is:      (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Drawing titled “Master Plan EA Aerial Imagery” submitted by the agent and dated September 2021.
  - or  Other (Name & Date): Photos submitted by agent.
- Previous determination(s). File no. and date of response letter:      .
- Applicable/supporting case law:      .
- Applicable/supporting scientific literature:      .
- Other information (please specify): Corps Site visit on May 6, 2022.

**B. ADDITIONAL COMMENTS TO SUPPORT JD: The waters documented on this form include two perennial RPWs and two wetlands that are abutting one of the perennial RPWs. Based on guidance provided, perennial RPWs and wetlands abutting perennial RPWs are considered jurisdictional and within jurisdiction of the Clean Water Act.**



Wetland I.D.	Cowardin Code	Acres	USACE Jurisdiction	Coordinates
Wetland A	PEM	0.01	No	34°54'10.59"N, 82°12'59.51"W
Wetland B	PEM	0.01	No	34°54'18.06"N, 82°12'54.05"W
Wetland C	PEM	0.1	Yes	34°54'35.80"N, 82°12'51.99"W
Wetland D	PEM	0.007	No	34°54'10.77"N, 82°13'1.89"W
Wetland E	PEM	0.01	No	34°54'10.63"N, 82°13'0.7"W
Wetland F	PFO	0.05	Yes	34°54'31.66"N, 82°12'49.18"W
Wetland G	PEM	0.02	No	34°54'17.47"N, 82°13'6.8"W
Wetland H	PEM	0.04	No	34°54'12.34"N, 82°13'7.48"W
Wetland I	PEM	0.03	No	34°54'13.37"N, 82°13'4.43"W

Surface Water ID	Hydrology Regime	Linear Feet	USACE Jurisdiction	Coordinates
4	Perennial	2,400	Yes	34°54'33.77"N, 82°12'50.34"W
3	Perennial	343	Yes	34°54'27.97"N, 82°12'54.34"W

**Legend**

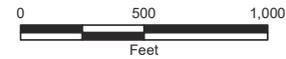
- ▬ Project Study Areas
- ▬ Stream Features
- Delineated Wetlands
- ▬ Streets

Greenville-Spartanburg International Airport  
Greer, Spartanburg County, South Carolina

**Westside MRO**  
**SAC-2022-00917**

SCALE: 1 inch = 500 feet    DATE: JUNE 2022    FIGURE: WMRO

McFarland Johnson



## 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: Mr. Philip A. Shannin  
Administrative Appeal Review Officer  
CESAD-PDS-O  
60 Forsyth Street Southwest, Floor M9  
Atlanta, Georgia 30303-8803

**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:



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

July 19, 2022

Regulatory Division

Mr. Daniel Good  
McFarland Johnson, Inc  
330 E Coffee Street  
Greenville, South Carolina 29601  
dgood@mjinc.com

Dear Mr. Good:

This is in response to your request for an Approved Jurisdictional Determination (AJD) (SAC-2022-00918) received in our office on October 8, 2022, for a 42-acre site located north of Service Center Road and west of Aviation Parkway in Greer, Spartanburg County, South Carolina (Latitude: 34.8839°, Longitude: -82.2231°). An AJD is used to indicate the Corps 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 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 "South MRO" and dated June 2022 prepared by your office. Based on an on-site inspection, a review of aerial photography, topographic maps, National Wetlands Inventory maps, soil survey information, and Wetland Determination Data Form(s), we conclude the referenced depiction accurately reflects the location and boundaries of aquatic resources found within the site. The site contains 0.03 acres of jurisdictional wetlands and 1,806 linear feet of other waters of the United States that are subject to regulatory jurisdiction under Section 404 of the CWA.

Attached is a form describing the basis of jurisdiction for the delineated area(s). Note that a Department of the Army (DA) permit may be required for certain activities in the areas subject to regulatory jurisdiction of the Corps of Engineers, and these areas may be further subject to restrictions or requirements of other state or local government entities.

If you submit a permit application as a result of this AJD, 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 an AJD 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 AJD is valid for five (5) years from the date of this letter unless new information warrants revision before the expiration date. This AJD is an appealable action under the Corps of Engineers administrative appeal procedures defined at 33 CFR Part 331. The administrative appeal options, process and appeals request form is attached for your convenience and use.

This AJD was conducted pursuant to Corps of Engineers' regulatory authority to identify the limits of Corps of Engineers' jurisdiction for the particular site identified in this request. This AJD 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.

In all future correspondence, please refer to file number SAC-2022-00918. A copy of this letter is 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](mailto:Kristin.B.Andrade@usace.army.mil).

Sincerely,

Date:



2022.07.19

09:21:03 -04'00'

Kristin B. Andrade  
Team Leader

Attachments:

Approved Jurisdictional Determination Form  
Notification of Appeal Options  
"South MRO"

Copies Furnished:

Ms. Katie Eleam  
Greenville Spartanburg Airport District  
2000 GSP Drive  
Greer, South Carolina 29651  
[keleam@gspairport.com](mailto:keleam@gspairport.com)

SCDHEC – Bureau of Water  
2600 Bull Street  
Columbia, South Carolina 29201  
[WQCWetlands@dhec.sc.gov](mailto:WQCWetlands@dhec.sc.gov)

**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

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

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): July 19, 2022**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** JD Form 1 of 1; SAC-2022-00918 Greenville-Spartanburg Airport South MRO

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:** north of Service Center Road and west of Aviation Parkway in Greer

State: South Carolina County/parish/borough: Spartanburg County City: Greer

Center coordinates of site (lat/long in degree decimal format): Lat. 34.8839°, Long. -82.2231°.

Universal Transverse Mercator: NAD 83

Name of nearest waterbody: Dillard Creek

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Enoree River

Name of watershed or Hydrologic Unit Code (HUC): 03050108-01

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

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

Office (Desk) Determination. Date: 5-July-2022

Field Determination. Date(s): 6-May-2022

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

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

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain: .

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There are "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: Jurisdictional Stream 5=484 linear feet and Jurisdictional Drainage Ditch=1,322 linear feet.

Wetlands: Wetland J=0.03 acre.

**c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual and Established by OHWM**

Elevation of established OHWM (if known): .

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain:

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

<sup>3</sup> Supporting documentation is presented in Section III.F.

**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs**

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

**1. TNW**

Identify TNW: .

Summarize rationale supporting determination: .

**2. Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is “adjacent”:

**B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):**

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

**1. Characteristics of non-TNWs that flow directly or indirectly into TNW**

**(i) General Area Conditions:**

Watershed size: **Pick List**

Drainage area: **Pick List**

Average annual rainfall: inches

Average annual snowfall: inches

**(ii) Physical Characteristics:**

**(a) Relationship with TNW:**

Tributary flows directly into TNW.

Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.

Project waters are **Pick List** river miles from RPW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Project waters are **Pick List** aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW<sup>5</sup>: .

Tributary stream order, if known: .

<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

<sup>5</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

- Tributary is:**  Natural  
 Artificial (man-made). Explain: \_\_\_\_\_  
 Manipulated (man-altered). Explain: \_\_\_\_\_

**Tributary properties with respect to top of bank (estimate):**

Average width: \_\_\_\_\_ feet  
Average depth: \_\_\_\_\_ feet  
Average side slopes: **Pick List**.

**Primary tributary substrate composition (check all that apply):**

- |                                                |                                                          |                                   |
|------------------------------------------------|----------------------------------------------------------|-----------------------------------|
| <input type="checkbox"/> Silts                 | <input type="checkbox"/> Sands                           | <input type="checkbox"/> Concrete |
| <input type="checkbox"/> Cobbles               | <input type="checkbox"/> Gravel                          | <input type="checkbox"/> Muck     |
| <input type="checkbox"/> Bedrock               | <input type="checkbox"/> Vegetation. Type/% cover: _____ |                                   |
| <input type="checkbox"/> Other. Explain: _____ |                                                          |                                   |

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: \_\_\_\_\_

Presence of run/riffle/pool complexes. Explain: \_\_\_\_\_

Tributary geometry: **Pick List**

Tributary gradient (approximate average slope): \_\_\_\_\_ %

(c) Flow:

Tributary provides for: **Pick List**

Estimate average number of flow events in review area/year: **Pick List**

Describe flow regime: \_\_\_\_\_

Other information on duration and volume: \_\_\_\_\_

Surface flow is: **Pick List**. Characteristics: \_\_\_\_\_

Subsurface flow: **Pick List**. Explain findings: \_\_\_\_\_

Dye (or other) test performed: \_\_\_\_\_

**Tributary has (check all that apply):**

- |                                                                               |                                                                     |
|-------------------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Bed and banks                                        |                                                                     |
| <input type="checkbox"/> OHWM <sup>6</sup> (check all indicators that apply): |                                                                     |
| <input type="checkbox"/> clear, natural line impressed on the bank            | <input type="checkbox"/> the presence of litter and debris          |
| <input type="checkbox"/> changes in the character of soil                     | <input type="checkbox"/> destruction of terrestrial vegetation      |
| <input type="checkbox"/> shelving                                             | <input type="checkbox"/> the presence of wrack line                 |
| <input type="checkbox"/> vegetation matted down, bent, or absent              | <input type="checkbox"/> sediment sorting                           |
| <input type="checkbox"/> leaf litter disturbed or washed away                 | <input type="checkbox"/> scour                                      |
| <input type="checkbox"/> sediment deposition                                  | <input type="checkbox"/> multiple observed or predicted flow events |
| <input type="checkbox"/> water staining                                       | <input type="checkbox"/> abrupt change in plant community           |
| <input type="checkbox"/> other (list): _____                                  |                                                                     |
| <input type="checkbox"/> Discontinuous OHWM. <sup>7</sup> Explain: _____      |                                                                     |

**If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):**

- |                                                                    |                                                                        |
|--------------------------------------------------------------------|------------------------------------------------------------------------|
| <input type="checkbox"/> High Tide Line indicated by:              | <input type="checkbox"/> Mean High Water Mark indicated by:            |
| <input type="checkbox"/> oil or scum line along shore objects      | <input type="checkbox"/> survey to available datum;                    |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings;                            |
| <input type="checkbox"/> physical markings/characteristics         | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges                              |                                                                        |
| <input type="checkbox"/> other (list): _____                       |                                                                        |

(iii) **Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: \_\_\_\_\_

Identify specific pollutants, if known: \_\_\_\_\_

<sup>6</sup>A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

<sup>7</sup>Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size:        acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain:

Surface flow is: **Pick List**

Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain:
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately (        ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)      Size (in acres)      Directly abuts? (Y/N)      Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

### C. SIGNIFICANT NEXUS DETERMINATION

**A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.**

**Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:**

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

**Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:**

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

### D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:  
 TNWs:      linear feet      width (ft), Or,      acres.  
 Wetlands adjacent to TNWs:      acres.
2. **RPWs that flow directly or indirectly into TNWs.**  
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Tributary 5 is a perennial tributary. Tributary 5 was observed flowing during flagging. This tributary flows into Jurisdictional Drainage Ditch that connects with an off-site RPW. This tributary is shown as a drainage signature on the topo map and is shown on the hillshade map. Jurisdictional Drainage Ditch was originally constructed as part of the stormwater system for the airport but collects water from Tributary 5 and surrounding areas. This feature drains a water of the U.S., has an OHWM, and has relatively permanent flow in the channel. It was observed flowing during flagging. According to guidance, ditches that drain a water of the U.S., carry relatively permanent flow, and meet the tributary parameters are considered tributaries. Available data led this office to conclude the tributaries have perennial flow regimes.

- Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: **Jurisdictional Stream 5=484 linear feet and Jurisdictional Drainage Ditch=1,322 linear feet.**  
 Other non-wetland waters:        acres.  
Identify type(s) of waters: .

**3. Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters:        linear feet        width (ft).  
 Other non-wetland waters:        acres.  
Identify type(s) of waters: .

**4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.  
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: **Wetland J is directly abutting Jurisdictional Stream 5.**  
 Wetlands directly abutting an RPW where tributaries typically flow “seasonally.” Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: **Wetland J=0.03 acre.**

**5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area:        acres.

**6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area:        acres.

**7. Impoundments of jurisdictional waters.<sup>9</sup>**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from “waters of the U.S.,” or  
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or  
 Demonstrate that water is isolated with a nexus to commerce (see E below).

**E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>10</sup>**

- which are or could be used by interstate or foreign travelers for recreational or other purposes.

<sup>8</sup>See Footnote # 3.

<sup>9</sup>To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>10</sup> Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: .
- Other factors. Explain: .

**Identify water body and summarize rationale supporting determination:** .

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.  
Identify type(s) of waters: .
- Wetlands: acres.

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - Prior to the Jan 2001 Supreme Court decision in “*SWANCC*,” the review area would have been regulated based solely on the “Migratory Bird Rule” (MBR).
- Waters do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

**SECTION IV: DATA SOURCES.**

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

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: McFarland Johnson.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- Office concurs with data sheets/delineation report. This office agreed 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: 1977 Navigability Study.
- U.S. Geological Survey Hydrologic Atlas: HA 730-G, 1990.
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps. 03050108 and 030501080104
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Greer Quad.
- USDA Natural Resources Conservation Service Soil Survey. Citation: Drawing titled “Master Plan EA Soils Mapping” submitted by the agent and dated September 2021.
- National wetlands inventory map(s). Cite name: Drawing titled “Master Plan EA Wetlands Mapping” submitted by the agent and dated September 2021.
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Drawing titled “Master Plan EA Aerial Imagery” submitted by the agent and dated September 2021.  
or  Other (Name & Date): Photos submitted by agent.

- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): Corps site visit on 5/6/2022.

**B. ADDITIONAL COMMENTS TO SUPPORT JD: The waters documented on this form include two perennial RPWs and one wetland that is abutting a perennial RPWs. Based on guidance provided, perennial RPWs and wetlands abutting perennial RPWs are considered jurisdictional and within jurisdiction of the Clean Water Act.**



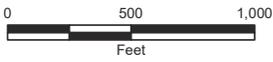
Wetland I.D.	Cowardin Code	Acres	USACE Jurisdiction	Coordinates
Wetland J	PEM	0.03	Yes	34°52'59.76"N, 82°13'20.79"W

Surface Water ID	Hydrology Regime	Linear Feet	USACE Jurisdiction	Coordinates
5	Perennial	484	Yes	34°52'59.88"N, 82°13'23.34"W
Drainage Ditch	Perennial	1322	Yes	34°52'59.88"N, 82°13'23.34"W

**Legend**

- ▭ Project Study Areas
- ▬ Stream Features
- Delineated Wetlands
- ▬ Streets



Greenville-Spartanburg International Airport  
Greer, Spartanburg County, South Carolina

**South MRO**  
**SAC-2022-00918**

SCALE: 1 inch = 500 feet	DATE: JULY 2022	FIGURE: SMRO
-----------------------------	--------------------	-----------------

**McFarland Johnson**

## 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: Mr. Philip A. Shannin  
Administrative Appeal Review Officer  
CESAD-PDS-O  
60 Forsyth Street Southwest, Floor M9  
Atlanta, Georgia 30303-8803

**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: