



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

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 09 December 2020

ORM Number: SAC-2020-00780

Associated JDs: N/A

Review Area Location¹: The perimeter road is located west of and south of the City of Conway and traverses from Highway 378 at the intersection of El Bethel Road to Highway 701 South, just south of Liz Lane.

State/Territory: South Carolina City: Conway County: Horry

Center Coordinates of Review Area: Latitude 33.8251°N Longitude -79.0916°W

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- ☒ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)³

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A	N/A	N/A	N/A

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A	N/A	N/A	N/A

Adjacent wetlands ((a)(4) waters):

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⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Jurisdictional Wetland A1	1.84 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	The onsite wetland is part of a larger wetland system that continues offsite to the east and would abut the downstream unnamed tributary (a)(2) to Crabtree Canal [(a)(1) perennial tributary] but for the artificial structure, Ernest Finney Road. A direct hydrologic surface connection to the downstream (a)(1) water is provided through a culvert under Ernest Finney Road and provides a surface connection within a typical year.
Jurisdictional Wetland E	0.363 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland E is part of a larger wetland complex that continues offsite to the east and is adjacent (directly abutting) to the offsite (a)(2) tributary (Altman Branch). Altman Branch is depicted as a solid blue-line stream on topographic maps and flows directly into Crabtree Canal (a large perennial, man-altered tributary) that traverses the City of Conway.
Jurisdictional Wetland F	0.495 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland F is part of a larger wetland complex that continues offsite to the north and is adjacent (directly abutting) to the offsite (a)(2) tributary (Altman Branch). Wetland F and Wetland E are part of the same larger offsite wetland complex that abuts Altman Branch.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Water 1 Ditch	269.78 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	Excluded Water 1 (Ditch) located within the review area is excavated entirely from uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. Flow if any within the feature appears to be directly in response to precipitation.
Excluded Water 2 Artificial Pond	0.545 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	Excluded Water 2 is a pond located within the review area and was determined to be wholly excavated from uplands, does not contribute flow to an (a)(1-3) water, and does not meet the criteria of a jurisdictional feature as identified in paragraph (c)(6). The onsite pond was excavated in response to a current mining operation.
Excluded Water 5 Artificial Pond	0.587 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	Excluded Water 5 is a pond located within the review area and was determined to be wholly excavated from uplands, does not contribute flow to an (a)(1-3) water, and does not meet the criteria of a jurisdictional feature as identified in paragraph (c)(6). The onsite pond is an upland excavated stormwater pond.
Excluded Water A1 Ditch	398.7 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	Excluded Water A1 (Ditch) located within the review area is excavated entirely from uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. The ditch was excavated solely for drainage purposes and only flows in direct response to

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			precipitation.
Excluded Water A2 Ditch	179.7 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	Excluded Water A2 (Ditch) located within the review area is excavated entirely from uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. The ditch was excavated solely for drainage purposes and only flows in direct response to precipitation.
Excluded Water A2 Wetland	0.65 acres	(b)(1) Non-adjacent wetland	Excluded Water A2 does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water A2 is completely encompassed by natural uplands and lacks a direct or indirect surface connection to (a)(1)-(3) waters.
Excluded Water C Ditch	184.99 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	Excluded Water C (Ditch) located within the review area is excavated entirely from uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. The ditch was excavated solely for drainage purposes and only flows in direct response to precipitation.
Excluded Water C Wetland	0.019 acres	(b)(1) Non-adjacent wetland	Excluded Water C (Wetland) does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water C is completely encompassed by natural uplands and lacks a direct or indirect surface connection to (a)(1)-(3) waters.
Excluded Water D Wetland	0.279 acres	(b)(1) Non-adjacent wetland	Excluded Water D (Wetland) does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water D is completely encompassed by natural uplands and lacks a direct or indirect surface connection to (a)(1)-(3) waters.
Excluded Water D1 Ditch	193.8 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	Excluded Water D1 (Ditch) located within the review area is excavated entirely from uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. The ditch was excavated solely for drainage purposes and only flows in direct response to precipitation.
Excluded Water D2 Ditch	246.93 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	Excluded Water D2 (Ditch) located within the review area is excavated entirely from uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. The ditch was excavated solely for drainage purposes and only flows in direct response to precipitation.
Excluded Water F1 Ditch	518.6 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of	Excluded Water F1 (Ditch) located within the review area is excavated entirely from uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary,

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		(c)(1)	nor constructed within the boundaries of an adjacent wetland. The ditch was excavated solely for drainage purposes and only flows in direct response to precipitation.
Excluded Water F2 Ditch	183.82 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	Excluded Water F2 (Ditch) located within the review area is excavated entirely from uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. The ditch was excavated solely for drainage purposes and only flows in direct response to precipitation.
Excluded Water F3 Ditch	1693.69 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	Excluded Water F3 (Ditch) located within the review area is excavated entirely from uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. The ditch was excavated solely for drainage purposes and only flows in direct response to precipitation.
Excluded Water G1 Ditch	178.91 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	Excluded Water G1 (Ditch) located within the review area is excavated entirely from uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. The ditch was excavated solely for drainage purposes and only flows in direct response to precipitation.
Excluded Water G1 Wetland	3.209 acres	(b)(1) Non-adjacent wetland	Excluded Water G1 (Wetland) does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water G1 is completely encompassed by natural uplands and lacks a direct or indirect surface connection to (a)(1)-(3) waters.
Excluded Water G2 Wetland	0.524 acres	(b)(1) Non-adjacent wetland	Excluded Water G2 (Wetland) does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water G2 is completely encompassed by natural uplands and lacks a direct or indirect surface connection to (a)(1)-(3) waters.
Excluded Water G3 Ditch	183.65 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	Excluded Water G3 (Ditch) located within the review area is excavated through non-jurisdictional wetlands. However, it does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. The ditch was excavated solely for drainage purposes and only flows in direct response to precipitation.
Excluded Water G3 Wetland	2.617 acres	(b)(1) Non-adjacent wetland	Excluded Water G3 (Wetland) does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water G3 is completely encompassed by natural uplands and lacks a direct or indirect surface connection to (a)(1)-(3) waters.
Excluded Water	0.005 acres	(b)(1) Non-adjacent wetland	Excluded Water G4 (Wetland) does not abut and is not

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G4 Wetland			inundated by an (a)(1)-(3) water. Excluded Water G4 is completely encompassed by natural uplands and lacks a direct or indirect surface connection to (a)(1)-(3) waters.
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III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- ☒ Information submitted by, or on behalf of, the applicant/consultant: Conway Perimeter Road submittal dated May 15, 2020, by Civil Engineering Consulting Services (Robert Hibbitts). This information is sufficient for purposes of this AJD.
Rationale: The Corps agrees with the conclusions of the submitted data sheets and submittal. Data sheets prepared by the Corps: N/A.
- ☒ Photographs: (aerial and other) Google Earth 2019 Imagery / USGS National Map 3D Elevation Program (3DEP) published August 13, 2020 / site photographs from the consultant dated May 2020.
- ☒ Corps Site visit(s) conducted on: July 10, 2020.
Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s)*.
- ☒ Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- ☒ USDA NRCS Soil Survey: USA Soils Map Units (SSURGO) Map Service dated April 4, 2019, updated August 26, 2020 / Soil maps also provided by the agent dated May 2020.
- ☒ USFWS NWI maps: USFWS NWI – Wetlands Raster REST map Service dated May 29, 2012, updated July 17, 2020. / NWI maps also provided by the agent dated May 2020.
- ☒ USGS topographic maps: USGS Topographic Maps / Conway Quad / 7.5 Minute Index / 1:240000.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Topographic Maps
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	USACE-SAC Regulatory Viewer December 2, 2020
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): Antecedent Precipitation Tool (APT) data for typical year determination was calculated on July 10, 2020. Output from the APT indicated "Wetter than Normal Conditions" on July 10, 2020, with a condition value of 15. ATP outputs with a condition value greater than 14 indicate "wetter than normal" conditions onsite and may not accurately represent typical year hydrologic conditions. For this assessment, a total of 10 weather stations were used within a 20-mile radius.

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- C. Additional comments to support AJD:** The area in review is an approximate 3 mile perimeter road located in Conway, South Carolina encompassing 84.89 acres. The entire review area includes three (3) jurisdictional wetlands and twenty (20) excluded waters. Jurisdictional Wetland A1 is part of a larger wetland system that continues offsite to the east and would abut the downstream unnamed tributary (a)(1) to Crabtree Canal [(a)(1) perennial tributary] but for the artificial structure, Ernest Fenney Road. A direct hydrologic surface connection to the downstream (a)(1) water is provided through a culvert under Ernest Fenney Road and provides a surface connection within a typical year. Jurisdictional Wetland E is part of a larger wetland complex that continues offsite to the east and is adjacent (directly abutting) to the offsite (a)(2) tributary (Altman Branch). Altman Branch is depicted as a solid blue-line stream on topographic maps and flows directly into Crabtree Canal (a large perennial, man-altered tributary) that traverses the City of Conway. Jurisdictional Wetland F is also part of a larger wetland complex that continues offsite to the north and is adjacent (directly abutting) to the offsite (a)(2) tributary (Altman Branch). Wetland F and Wetland E are part of the same larger offsite wetland complex that abuts Altman Branch. Excluded Waters A2 (wetland), C (wetland), D (wetland), G1 (wetland), G2 (wetland), G3 (wetland), and G4 (wetland), are non-adjacent wetlands (b)(8) completely surrounded by natural uplands and lack direct and/or indirect surface connection to (a)(1)-(3) waters, and were determined to be non-jurisdictional. Excluded Waters A1 (ditch), A2 (ditch), C (ditch), D1 (ditch), D2 (ditch), F1 (ditch), F2 (ditch), F3 (ditch), 1 (ditch), G1 (ditch), are (b)(5) ditches that are not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1). In addition, these ditches located within the review area are excavated entirely from uplands and do not meet the criteria of a jurisdictional water. The features are neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. The ditches were excavated solely for drainage purposes and only flow in direct response to precipitation. Excluded Water G3 (ditch) is excavated through non-jurisdictional wetlands. However, it does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. The ditch was excavated solely for drainage purposes and only flows in direct response to precipitation. Excluded Waters 2 (artificial pond) and 5 (artificial pond) located within the review area were determined to be wholly excavated from uplands, do not contribute flow to an (a)(1-3) water, and do not meet the criteria of a jurisdictional feature as identified in paragraph (c)(6). Excluded Waters 2 is a borrow pit excavated in response to an ongoing mining operation. Excluded Water 5 was excavated for stormwater purposes.

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