



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): June 1, 2021

ORM Number: SAC-2021-00478

Associated JDs: N/A

Review Area Location¹: a 146.26-acre site identified as TMS# 01-0446-031-00-00, located east of and adjacent U.S. Highway 17, south of Georgetown,

State: SC City: Georgetown County: Georgetown County

Center Coordinates of Review Area: Latitude 33.3013 Longitude -79.3348

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
Jurisdictional Tributary 1	1679 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The onsite perennial tributary contributes surface water flow indirectly to an (a)(1) water (Winyah Bay) in a typical year. The onsite tributary is part of the wetland system named White Oak Bay which outfalls into Winyah Bay which is an (a)(1) waters.

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

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³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

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



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

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Jurisdictional Wetland 1	14.13 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The onsite wetland directly abuts, the onsite tributary.
Jurisdictional Wetland 2	0.24 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The onsite wetland directly abuts the onsite tributary.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Waters 1	1.69 acres	(b)(1) Non-adjacent wetland	Excluded Waters 1 (wetland) does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water 1 is surrounded by uplands (review of NWI, Topographic Maps, aerial, and soils maps) and lacks a direct or indirect surface connection to (a)(1)-(3) waters. Additionally, the USGS TNM-National Hydrology Dataset updated July 2020, depicts no flow of the onsite wetland to any (a)(1)-(3) water.
Excluded Waters 10	0.77 acres	(b)(1) Non-adjacent wetland	Excluded Waters 10 (wetland) does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water 1 is surrounded by uplands (review of NWI, Topographic Maps, aerial, and soils maps) and lacks a direct or indirect surface connection to (a)(1)-(3) waters. Additionally, the USGS TNM-National Hydrology Dataset updated July 2020, depicts no flow of the onsite wetland to any (a)(1)-(3) water.
Excluded Waters 11	0.56 acres	(b)(1) Non-adjacent wetland	Excluded Waters 11 (wetland) does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water 1 is surrounded by uplands (review of NWI, Topographic Maps, aerial, and soils maps) and lacks a direct or indirect surface connection to (a)(1)-(3) waters. Additionally, the USGS TNM-National Hydrology Dataset updated July 2020, depicts no flow of the onsite wetland to any (a)(1)-(3) water.
Excluded Waters 2	1.69 acres	(b)(1) Non-adjacent wetland	Excluded Waters 2 (wetland) does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water 1 is surrounded by uplands (review of NWI, Topographic Maps, aerial, and soils maps) and lacks a direct or indirect surface connection to (a)(1)-(3) waters. Additionally, the USGS TNM-National Hydrology Dataset updated July 2020, depicts no flow of the onsite wetland to any (a)(1)-(3) water.
Excluded Waters 3	5.17 acres	(b)(1) Non-adjacent wetland	Excluded Waters 3 (wetland) does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water 1 is surrounded by uplands (review of NWI, Topographic Maps, aerial, and soils maps) and lacks a direct or indirect surface connection to (a)(1)-(3) waters. Additionally, the USGS TNM-National Hydrology Dataset updated July 2020, depicts no flow of the onsite wetland to any (a)(1)-(3) water.

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Excluded Waters 4	1.29 acres	(b)(1) Non-adjacent wetland	Excluded Waters 4 (wetland) does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water 1 is surrounded by uplands (review of NWI, Topographic Maps, aerial, and soils maps) and lacks a direct or indirect surface connection to (a)(1)-(3) waters. Additionally, the USGS TNM-National Hydrology Dataset updated July 2020, depicts no flow of the onsite wetland to any (a)(1)-(3) water.
Excluded Waters 5	0.53 acres	(b)(1) Non-adjacent wetland	Excluded Waters 5 (wetland) does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water 1 is surrounded by uplands (review of NWI, Topographic Maps, aerial, and soils maps) and lacks a direct or indirect surface connection to (a)(1)-(3) waters. Additionally, the USGS TNM-National Hydrology Dataset updated July 2020, depicts no flow of the onsite wetland to any (a)(1)-(3) water.
Excluded Waters 6	0.48 acres	(b)(1) Non-adjacent wetland	Excluded Waters 6 (wetland) does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water 1 is surrounded by uplands (review of NWI, Topographic Maps, aerial, and soils maps) and lacks a direct or indirect surface connection to (a)(1)-(3) waters. Additionally, the USGS TNM-National Hydrology Dataset updated July 2020, depicts no flow of the onsite wetland to any (a)(1)-(3) water.
Excluded Waters 7	1.25 acres	(b)(1) Non-adjacent wetland	Excluded Waters 7 (wetland) does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water 1 is surrounded by uplands (review of NWI, Topographic Maps, aerial, and soils maps) and lacks a direct or indirect surface connection to (a)(1)-(3) waters. Additionally, the USGS TNM-National Hydrology Dataset updated July 2020, depicts no flow of the onsite wetland to any (a)(1)-(3) water.
Excluded Waters 8	2.18 acres	(b)(1) Non-adjacent wetland	Excluded Waters 8 (wetland) does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water 1 is surrounded by uplands (review of NWI, Topographic Maps, aerial, and soils maps) and lacks a direct or indirect surface connection to (a)(1)-(3) waters. Additionally, the USGS TNM-National Hydrology Dataset updated July 2020, depicts no flow of the onsite wetland to any (a)(1)-(3) water.
Excluded Waters 9	0.56 acres	(b)(1) Non-adjacent wetland	Excluded Waters 9 (wetland) does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water 1 is surrounded by uplands (review of NWI, Topographic Maps, aerial, and soils maps) and lacks a direct or indirect surface connection to (a)(1)-(3) waters. Additionally, the USGS TNM-National Hydrology Dataset updated July 2020, depicts no flow of the onsite wetland to any (a)(1)-(3) water.

III. SUPPORTING INFORMATION

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

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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: *AJD request submitted by the Brigman Company, on behalf of Greenwave Holdings, LLC, dated March 11, 2021.* This information is sufficient for purposes of this AJD.

Rationale: *The wetland data forms, and additional information submitted by the agent are a reasonable representation of site conditions at the time of collection and are sufficient for purposes of this AJD.*

☐ Data sheets prepared by the Corps: *Title(s) and/or date(s).*

☒ Photographs: *(Aerial and other) photos submitted by the Agent in the submittal dated September 16, 2020, and 2019 Google Earth and 2006 SCDNR aerial photos.*

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

☐ 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: *NRCS / Soil Survey Geographic Database (SSURGO) Map Service dated April 4, 2019, updated August 26, 2020, ESRI Map Service depicts the soil types of Chipley, Leon and Johnston.*

☒ USFWS NWI maps: *USFWS NWI Map Service Maps depicts the majority of the site as uplands with the delineated wetlands as wetlands. NWI information not available on Reg Viewer on the date of review – 1 June 2021.*

☒ USGS topographic maps: *USGS Topographic Map / 7.5 Minute Index / Georgetown South I Quad / 1:24000. Topographic map depicts the review area as forested uplands.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS National Hydrology Dataset (NHD).
USDA Sources	See Above in Section III A.
NOAA Sources	
USACE Sources	SAC Regulatory Viewer accessed on 1 June 2021.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): *N/A.*

C. Additional comments to support AJD: The review area contains jurisdictional wetlands, a jurisdictional tributary and eleven (11) excluded waters all determined to be (b)(1) Non-adjacent wetlands. The eleven (11) excluded waters, wetlands, are separated from the onsite (a)(3) water by onsite uplands and lacks a direct or indirect surface connection to (a)(1)-(3) waters. A site visit was not performed.

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