



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): 14-APR-2021

ORM Number: SAC-2019-01621

Associated JDs: N/A

Review Area Location¹:

State: SC City: Andrews County: Georgetown County

Center Coordinates of Review Area: Latitude 33.4855° N Longitude -79.5414° 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

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
Black River	180.5 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide.	Water is subject to the ebb and flow of the tide.

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
Black River	180.5 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This section of the Black River is below the high tide line.

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
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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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N/A	N/A	N/A	N/A
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Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A	N/A	N/A	N/A

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 (b)(1)	0.042 acres	(b)(1) Non-adjacent wetland	Excluded Waters 1 (Wetland) is a closed boundary polygon that continues offsite and is located along the western boundary of the site and does not abut and is not inundated by an (a)(1)-(3) water. Additionally, this wetland is physically separated from an (a)(2) water (Black River) by uplands. Excluded Waters 1 is completely 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.

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.

X Information submitted by, or on behalf of, the applicant/consultant: Plat surveyed and submitted by the applicant's consultant, Mr. Wendel Powers. Plat titled: **"MAP / OF LOT 11, ELLEN A. JONES SUBDIVISION / AT RED'S LANDING, PROPERTY OF / DONNA B. FILAW / GEORGETOWN CO., SC TM 02-0134-020-00-00"**, and dated March 2, 2021.

This information is sufficient for purposes of this AJD. Rationale: *Wetland delineated on-site with pin-flags by the Corps on September 15, 2020. Depiction map of delineated wetlands and the Black River provided by consultant March 18, 2021. Two data sheets produced (one upland, one wetland). Visually apparent wetland indicators within Excluded Waters 1 were present at the time of delineation, including: a clear wetland – upland line, standing water within the wetland depression, and dry sandy soil bounding the upland's immediately adjacent to the wetland, thus cutting off the wetland from the Black River. The wetland terminated into an adjacent lot's property line; the Corps did not flag the adjacent lot's aquatic resources.*

X Data sheets prepared by the Corps: Two data sheets produced by the Corps.

X Photographs: *(aerial and other) Google Earth Aerials dated September 7, 2017; USGS National Map 3D Elevation Program (3DEP) published August 13, 2020.*

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- ☒ Corps Site visit(s) conducted on: *September 15, 2020.*
- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*
- ☒ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- ☒ USDA NRCS Soil Survey: *NRCS / Soil Survey Geographic Database (SSURGO) Map Service map date, Georgetown County, depicts Chipley fine sand, 0 to 2 percent slopes, within the project site. The on-site soils are listed as hydric for Sumter County in the 2017 South Carolina Hydric Soils List.*
- ☒ USFWS NWI maps: *USFWS NWI - Wetlands Raster REST Map Service dated May 29, 2012, updated July 17, 2020, depicts an upland site bounded on the northern project border by the Black River.*
- ☒ USGS topographic maps: *USGS Topographic Maps / 7.5 Minute Index / Andrews Quad / 1:24000 depicts forested site, bounded to the north by the Black River, with wetland symbology throughout.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed (last) on March 25, 2021.
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 based on field conditions observed on the date of the on-site delineation (September 15, 2020). Output from the APT indicated "normal conditions" at the time of data collection with a condition value of 14. 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 15 weather stations within a ~26-mile radius was used.
- C. Additional comments to support AJD:** This 0.78-acre JD consists of one residential lot located along the shoreline of the Black River. Within the project site, which mirrors Georgetown TMS 02-0134-020-00-00, are two aquatic resources, including: one excluded water, a 0.04-acre wetland in the western portion of the of site, and a 180.5 linear feet of the tidally influenced Black River's shoreline (TNW). The remaining 0.74 acres of land are uplands; National wetland inventory maps, topographic

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maps, and LiDAR imagery were all consistent in the remote depiction of the site. The remote depiction was verified through a site visit conducted on September 15, 2020. While on site the excluded water ("Excluded Waters 1") was delineated (flagged) by the Corps for surveying by the applicant's agent. Data sheets were not produced at the time, however clear wetland indicators within Excluded Waters 1, were present at the time on delineation, including: an visually apparent wetland – upland line, standing water within the wetland depression, and dry sandy soil bounding the upland's immediately adjacent to the wetland depression thus cutting off the wetland from the Black River. The wetland terminated into an adjacent lot's property line; the Corps did not flag the adjacent lot's aquatic resources. LiDAR Digital Elevation Model (DEM) data furthermore shows an elevation ridge adjacent to, and north of, Excluded Waters 1, which isolates the wetland from the Black River. The uplands surrounding the wetland depression were verified on-site utilizing the Corps 3-part test for hydrophytic vegetation, wetland hydrology, and hydric soils, of which the hydrology was not present within the uplands surrounding the on-site wetlands.

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