



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): 05-APR-2021

ORM Number: SAC-2020-01709

Associated JDs:

Review Area Location¹:

State: SC City: Little River County: Horry County

Center Coordinates of Review Area: Latitude 33.8906 Longitude -78.5831

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):

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

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

² If the navigable water is not subject to the ebb and flow of the tide and included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where 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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Water B10	0.1 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	This feature is a man-made stormwater retention pond that was constructed in uplands. The pond would also meet the (b)(8) exclusion for Artificial lake/pond constructed or excavated in uplands non-jurisdictional waters, so long as the artificial lake or pond is not an impoundment of a jurisdictional waters that meets (c)(6) and it does not contribute surface water flow to an (a)(1) water in a typical year either directly or through one or more (a)(2-4) 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.

Information submitted by, or on behalf of, the applicant/consultant: “Little River Pavilion / NEI Project #01-4631a / Berkeley County, South Carolina,” dated December 4, 2020, submitted by Newkirk Environmental on behalf of Mr. Robert Sweaney of 5 Peninsula Place, LLC for the “Little River Pavilion” site. This information is sufficient for purposes of this AJD.

___ Data sheets prepared by the Corps:

Photographs: Site photos titled “Little River Pavilion / Little River, South Carolina,” submitted by Newkirk Environmental and dated December 2020. Aerial photographs provided by The Newkirk Environmental, in the submittal dated December 4, 2020. All photos depict a developed grassy site with one potential aquatic resources, which was determined to be an excluded water (b(10)). USGS National Map 3D Elevation Program (3DEP) published August 13, 2020.

___ Corps Site visit(s) conducted on:

___ Previous Jurisdictional Determinations (AJDs or PJDs):

Antecedent Precipitation Tool: Normal Conditions. Detailed discussion provided in Section III.B.

USDA NRCS Soil Survey: NRCS Soil Survey Geographic Database (SSURGO) created 4 Apr 2019 and updated 26 Aug 2020. ESRI Map Service depicts the soil types as Blanton sand, Lakeland sand and Hobcaw Fine Sandy Loam.

USFWS NWI maps: USFWS NWI Map Service dated May 29, 2012, updated July 17, 2020. USFWS NWI Maps do not depict any aquatic features within the project boundary.

USGS topographic maps: USGS 7.5 Minute Index (Calabash Quad). Topographic map depicts uplands that do not contain any blue line features or symbols that would typically represent a WOUS.

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Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Topographic Maps (Calabash Quad), 3DEPElevation- Slope and 3DEPElevation – Hillshade /LiDAR overlays
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer Accessed on March 22, 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 collection date denoted on wetland determination data forms (December 4, 2020). Output from the APT indicated “normal” conditions at the time of data collection by the agent (Newkirk Environmental) with a condition value of 13. For this assessment, a total 8 weather stations within a 17-mile radius were used.
- C. Additional comments to support AJD:** This form addresses a 7.43 acre tract that contains 0.1 acre of excluded waters (man-made storm water control structure / pond constructed in uplands), 3.03 acres of preserved wetlands and upland buffers associated with SAC-29-2004-0754, that were not included as part of this determination, and 4.4 acres of uplands.

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