



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): August 25, 2020

ORM Number: SAC-2020-01032

Associated JDs: N/A

Review Area Location<sup>1</sup>: Located north of and adjacent to the intersection of S.C. Highway 31 and S.C. Highway 707, adjacent to Leonard Road, TMS# 184-00-02-086,

State: SC City: Socastee County: Horry County

Center Coordinates of Review Area: Latitude 33.6559 Longitude -79.0208

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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
Tributary	191 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The tributary is a naturally occurring named tributary (Mill Creek) that flows directly to the Atlantic Intracoastal Waterway an (A)(1) water. The tributary was determined to have a perennial flow regime.

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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<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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	1.42 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland directly abuts the onsite tributary
Jurisdictional Wetland #2	1.46 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland directly abuts the onsite tributary
Jurisdictional Wetland #3	0.73 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	Wetland is separated by an artificial structure - a public access road (Leonard Road). Jurisdictional Wetlands 2 & 3 are divided wetlands with a direct hydrologic surface connection in a typical year via a culvert under Leonard Road that extends into both wetlands 2&3. Water was observed flowing through the culvert at time of Site visit and at the time wetlands were delineated January 27, 2020, by the agent.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Excluded Water #1	16.58 acres	(b)(1) Non-adjacent wetland	Excluded Water #1 (wetland) does not abut and is not inundated by an (a)(1)-(3) water. Additionally, excluded wetland 1 is physically separated from an (a)(2) water by multiple physical, man-made barriers (residential lots, roads, etc.) and uplands. Excluded Wetland 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.
Excluded Water #2	675 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 #2 (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 within the feature appears to be in response to precipitation.

**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: *Alan B. Vereen Tract (37.81 +/- acres)* submittal by Southern Palmetto Environmental dated July 28, 2020.
- This information is sufficient for purposes of this AJD.
- Rationale: *Wetland data forms and information included in the original submittal is considered to be a reasonable representation of site conditions at the time of collection.*
- Data sheets prepared by the Corps: N/A.
- Photographs: *aerial and other*: Google Earth 2019, Site photos taken by agent and provided in the submittal dated July 28, 2020.
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- Corps Site visit(s) conducted on: August 17, 2020, Site photos taken of culvert under Leonard Road.
- 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 dated April 4, 2019, updated March 4, 2020, Soil Survey & CIR (2006)(Applicant's submittal) ESRI Map Service depicts the soil types of Yemassee, Yauhannah, Yonges and Ogeechee.*
- USFWS NWI maps: *USFWS NWI - Wetlands Raster REST Map Service dated May 29, 2012, updated July 17, 2020, USFWS NWI Map (Applicant's submittal) 1994, USFWS NWI Map Service Maps depict uplands and wetlands. NWI map depicts excluded wetland 1 as being surrounded by uplands.*
- USGS topographic maps: *Title(s) and/or date(s). USGS Topographic Map / 7.5 Minute Index / Bucksville Quad / 1:24000 (Applicant's submittal USGS Topography Map) 1984. Topographic map depicts a solid blue line linear feature that typically represents a tributary with the flow regime of perennial. In addition, depicts symbols that typically represents wetlands in the areas of the delineated wetlands located within the review area.*

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS 3D Elevation	3DEPElevation- DEM and 3DEPElevation – Hillshade (LiDAR).
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	USACE-SAC Regulatory Viewer
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

**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 (January 27, 2020). Output from the APT indicated “Normal Conditions” at the time of data collection by the agent (J. Burlison) with a condition value of 12. ATP outputs with a condition value greater than 14 indicate "wetter than normal" conditions, “normal” conditions range from 10-14, and values less than 10 are considered “drier than normal”. For this assessment, a total of 10 weather stations within a 10 mile radius were used.

**B. Additional comments to support AJD:** A site visit was performed on August 17, 2020, where water was observed flowing through a direct hydrologic connection between Jurisdictional Wetlands 2 and 3 (pictured below). Water Flow of onsite tributary was observed during the site visit as well as bed and

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banks of a naturally occurring feature (tributary). The flow of the tributary (Mill Creek) was determined to be perennial based on site visit and review of available desktop resources. Tributary discharges directly into the AIWW.



Culvert located under Leonard Road situated between Jurisdictional Wetlands 2 & 3: Culvert is a direct hydrologic surface connection in a typical year.

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