



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): 5-Aug-21

ORM Number: SAC-2007-00444

Associated JDs: 2007-0444-3B dated 7/27/12; 2007-0444-3JJ dated 3/22/2007; 81-97-0593 dated 6/19/97; 26-97-1101 dated 10/6/97; 82-96-1092 dated 8/30/96; and 82-96-1196 dated 9/6/96

Review Area Location¹: east of adjacent to U.S. Highway 17 By-pass

State: SC City: Surfside Beach County: Horry County

Center Coordinates of Review Area: Latitude 33.6186 Longitude -79.0046

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 |
|-------------|-------------|-----------------|------------------------------------|
| | | | |

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 or 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.

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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 |
|-----|-----|-----|-----|

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
|----------------|----------------|--|---|
| EW 1 (b)(5) | 520 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 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. |
| EW 2 (b)(5) | 608 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 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. |
| EW 3 (b)(5) | 58 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 3 (ditch) located within the review area is excavated 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. |
| EW 4 (b)(5) | 697 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 4 (ditch) located within the review area is excavated 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. |
| EW 5 (b)(8) | 0.43 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 (pond) is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water. |
| EW 6 (b)(8) | 0.14 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 6 (pond) is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water. |

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: AJD request submitted by The Brigman Company, on behalf of Bates and Evans III LLC, on April 12, 2021. Sketch submitted by the agent titled "Wetland Delineation/Determination/ **Bates and Evans III, LLC**

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Tract/ Socastee Township/ Horry County, South Carolina/ Tax Map umber 191-00-02, 130, 017, 071, &127" dated April 12, 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*) USGS National Map 3D Elevation Program (3DEP) published August 13, 2020, 2020 Google Earth Imagery, site photos submitted by the agent (March 31, 2021).

___ Corps Site visit(s) conducted on: *Date(s)*.

Previous Jurisdictional Determinations (AJDs or PJDs): 2007-0444-3B dated 7/27/12; 2007-0444-3JJ dated 3/22/2007; 81-97-0593 dated 6/19/97; 26-97-1101 dated 10/6/97; 82-96-1092 dated 8/30/96; and 82-96-1196 dated 9/6/96

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: Soil Survey Geographic Database (SSURGO) Map service dated March 31, 2021 revised April 26, 2021; The project area is mapped the hydric soil Ogeechee loamy fine sand and the partially hydric soil Yemassee loamy fine sand.

USFWS NWI maps: Wetlands Raster REST Map Service dated March 30, 2021, and revised May 19, 2021; NWIs depict the project boundary as uplands and the ponds on site as freshwater ponds (PUBHx).

USGS topographic maps: USGS Topographic Map / 7.5 Minute Index / Brookgreen Quad/ 1:24000; USGS topographic survey information depicts a forested area void of any wetland symbology.

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. |

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| | |
|----------------------------|---|
| USACE Sources | National Reg Viewer accessed on 7/29/2021 |
| State/Local/Tribal Sources | N/A. |
| Other Sources | Imagery Resources USC Imagery (1939-1980)00 |

- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) data for typical year determination was calculated based on field collection data denoted on the originally included wetland delineation data forms (March 31, 2021). Output from the APT indicated "Normal" Conditions at the time of data collection by the agent (Brigman Company) with a 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, the APT tool pulled data from 10 weather stations within an approximate radius of 21 miles. Results of the APT indicate the site visit was conducted under conditions considered by the Corps to be during a "typical year".
- C. Additional comments to support AJD:** This form address 11.47 acres in Surfside Beach. Present on site are 6 excluded waters. The 4 (b)(5) excluded waters onsite were excavated from uplands and do not meet the criteria of a jurisdictional water. The 2 (b)(8) waters constructed wholly in uplands and do not contribute flow to an (a)(1)-(3) water. These features were also called non-jurisdictional under previous determinations.

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