



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): 24-AUG-2021

ORM Number: SAC-2021-00161

Associated JDs: N/A

Review Area Location¹:

State/Territory: SC City: Myrtle Beach County: Horry County

Center Coordinates of Review Area: Latitude 33.6716 Longitude -78.9665

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 or describe rationale.
- 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	1221 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional tributary 1 is a naturally occurring, man altered tributary that has a represented historical presence on aerial imagery. LiDAR depicts sinuosity in upstream portions of this tributary and a site visit on 8/16/21 revealed flowing water, a channel with OHWM, a bed and banks clear of debris and a firm sandy bottom. This feature is depicted on USGS topographic maps as a solid blue line situated in a naturally low lying area, and NHD data classifies this tributary as a perennial stream. Soil are depicted as hydric within the boundaries of the tributary. This feature flows through a large box culvert beneath U.S. 17 Bypass and then

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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.

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.

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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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			beneath two bridges before emptying into the Atlantic Intracoastal Waterway, an (a)(1) water.
Jurisdictional Tributary 2	1337 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional tributary 2 is a naturally occurring, man altered tributary that has a represented historical presence on aerial imagery. NHD data classifies this tributary as a natural intermittent stream however a site visit on 8/16/21 revealed indicators of perennial flow including flowing water, a channel with OHWM, a bed and banks clear of debris and a firm sandy bottom. This feature is depicted on USGS topographic maps as a solid blue line situated in a naturally low lying area. Soils are depicted as hydric within the boundaries of the tributary. This feature flows into jurisdictional tributary 1, then through a large box culvert beneath U.S. 17 Bypass and then beneath two bridges before emptying into the Atlantic Intracoastal Waterway, an (a)(1) water.

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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Water 1	0.21 acres	(b)(1) Non-adjacent wetland	Excluded Waters 1 (wetland) a depressional feature and does not abut and is not inundated by an (a)(1)-(3) water. This wetland is physically separated from an (a)(2) water by physical, man-made barriers (berm) and uplands. Excluded Waters 1 is completely surrounded by uplands and lacks a direct or indirect connection to (a)(1)-(3) waters (i.e. no culvert was identified connecting the wetland to the tributary) This wetland (and lack of hydraulic connection) was observed in the field during a site visit conducted on 8/16/21.
Excluded Water 2	0.03 acres	(b)(1) Non-adjacent wetland	Excluded Waters 2 (wetland) a depressional feature and does not abut and is not inundated by an (a)(1)-(3) water. This wetland is physically separated from an (a)(2) water by physical, man-made barriers (berm) and uplands. Excluded Waters 1 is completely surrounded by uplands and lacks a direct or indirect connection to (a)(1)-(3) waters (i.e. no culvert was identified connecting the wetland to the tributary) This wetland (and lack of hydraulic connection) was observed in the field during a site visit conducted on 8/16/21.

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Excluded Water 3	0.2 acres	(b)(1) Non-adjacent wetland	Excluded Waters 3 (wetland) a depressional feature and does not abut and is not inundated by an (a)(1)-(3) water. This wetland is physically separated from an (a)(2) water by physical, man-made barriers (berm) and uplands. Excluded Waters 1 is completely surrounded by uplands and lacks a direct or indirect connection to (a)(1)-(3) waters (i.e. no culvert was identified connecting the wetland to the tributary) This wetland (and lack of hydraulic connection) was observed in the field during a site visit conducted on 8/16/21.
Excluded Water 4	0.15 acres	(b)(1) Non-adjacent wetland	Excluded Waters 4 (wetland) is a depressional feature and does not abut and is not inundated by an (a)(1)-(3) water. This wetland is physically separated from an (a)(2) water by physical, man-made barriers (berm) and uplands. Excluded Waters 1 is completely surrounded by uplands and lacks a direct or indirect connection to (a)(1)-(3) waters (i.e. no culvert was identified connecting the wetland to the tributary) This wetland (and lack of hydraulic connection) was observed in the field during a site visit conducted on 8/16/21.
Excluded Water 5	0.49 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 was constructed in 2005 in an area determined to be uplands by this approved jurisdictional determination. The area did not satisfy all three wetland factors (specifically no hydrology indicators were observed during a period of wetter than normal conditions). Additionally, the location of the pond does not lie below the ordinary high-water mark or the high tide line of a jurisdictional water. Therefore, the Corps has determined the pond to be situated in uplands and therefore an excluded non-jurisdictional water.
Excluded Water 6	0.82 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 was constructed in 2005 in an area determined to be uplands by this approved jurisdictional determination. The area did not satisfy all three wetland factors (specifically no hydrology indicators were observed during a period of wetter than normal conditions). Additionally, the location of the pond does not lie below the ordinary high-water mark or the high tide line of a jurisdictional water. Therefore, the Corps has determined the pond to be situated in uplands and therefore an excluded non-jurisdictional water.
Excluded Water 7	203 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)	This feature is a man-made ditch excavated in uplands and draining only uplands.
Excluded Water 8	1006 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)	This feature is a man-made ditch excavated in uplands and draining only uplands.

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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: Request for Jurisdictional Determination and Verification titled, "Burroughs & Chaplin Company Inc. Parcels B&C / TMS# 185-00-04-008 & 009 / Horry County, South Carolina," dated December 18, 2020, submitted by The Brigman Company on behalf of Mr. Bentley Thompson.

This information is sufficient for purposes of this AJD.

Rationale: Wetland data forms and information included in the original submittal are considered to be a reasonable representation of site conditions at the time of collection and were verified during a site visit conducted on 8/16/21.

Data sheets prepared by the Corps: N/A

Photographs: Site photos titled "Burroughs & Chapin Company, Inc. Parcels B & C," and dated December 12, 2020. Site photos taken by the Corps' during the site visit conducted on 8/16/21. Aerial photographs provided by the The Brigman Company, in the submittal dated December 12, 2020. USGS National Map 3D Elevation Program (3DEP) published August 13, 2020. University of South Carolina Historic Aerial Imagery 1983.

Corps Site visit(s) conducted on August 16, 2021

Previous Jurisdictional Determinations (AJDs or PJDs): N/A

Antecedent Precipitation Tool: Wetter than normal conditions; See detailed discussion in Section III.B.

USDA NRCS Soil Survey: NRCS Soil Survey Geographic Database (SSURGO) created 4 Apr 2019 and updated 26 Aug 2020.

USFWS NWI maps: USFWS NWI Map Service dated May 29, 2012, updated July 17, 2020.

USGS topographic maps: USGS 7.5 Minute Index (Myrtle Beach Quad). Topographic map depicts vegetated uplands bisected by two solid blue line features situated in naturally low-lying drainage areas, that flow into a third named solid blue line feature (Field Swamp) and eventually the Atlantic Intracoastal Waterway.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Topographic Maps, 3DEPElevation- Slope and 3DEPElevation – Hillshade /LiDAR overlays, National Hydrography Dataset.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer Accessed on August 24, 2021
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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B. Typical year assessment(s):

Antecedent Precipitation Tool (APT) data for the typical year assessment was calculated based on the field collection date denoted on the wetland determination data forms (December 12, 2020). Output from the APT indicated “wetter than normal” conditions at the time of data collection by the agent (Southern Palmetto Environmental) with a condition value of 16. APT Output with a condition value greater than 14 indicates “wetter than normal” conditions onsite and may not accurately represent typical year hydrologic conditions. For this assessment, a total of 8 weather stations within an 18-mile radius were used. Although wetter than normal conditions were indicated by the APT, these findings would not affect the wetland boundary, location of the jurisdictional tributary, of their respective jurisdictional status.

- C. Additional comments to support AJD:** This form addresses a 28.2 acre site that was determined to consist of uplands, two man altered jurisdictional tributaries, two upland excavated non jurisdictional ditches, two upland excavated ponds, and four non-adjacent wetlands that did not abut and were not inundated by the jurisdictional tributaries onsite. A site visit conducted on 8/16/24 revealed that wetlands on site were depressional features separated from Jurisdictional Tributary one by an upland berm. There were no culverts or breaks in the berm observed onsite. The tributary observed during a wetter than normal period, it was deeply incised and it was determined that it was not likely to overtop its banks and inundate nearby wetlands during a typically year.

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