



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 3, 2021

ORM Number: SAC-2021-01241

Associated JDs: N/A

Review Area Location¹: a 198.43-acre site located north of and adjacent to Ashley Circle, northwest of SC Highway 66

State: SC City: Loris County: Horry County

Center Coordinates of Review Area: Latitude 33.9292 Longitude -78.9140

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
JD Trib #1	3146.5 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 (Alligator Swamp) that flows to Kingston Lake that flows to the Waccamaw River an (A)(1) water. The tributary was determined to have a perennial flow regime by review of USGS Topographic Maps, Horry County Soil Survey, various aerial & site photos submitted by the agent and USGS National Hydrology Dataset (NHD) map.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

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(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
JD WET #1	27.22 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland directly abuts the OHWM of the onsite tributary (Alligator Swamp).

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
EWb1 #1	0.64 acres	(b)(1) Non-adjacent wetland	
EWb5 #1	648.6 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)	EWb5 #1 (Ditch) located within the review area was 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 if any within the feature appears to be directly in response to precipitation.
EWb5 #10	831.3 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)	EWb5 #10 (Ditch) located within the review area was 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 if any within the feature appears to be directly in response to precipitation.
EWb5 #11	1726.2 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)	EWb5 #11 (Ditch) located within the review area was 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 if any within the feature appears to be directly in response to precipitation.
EWb5 #12	236.6 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)	EWb5 #12 (Ditch) located within the review area was 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 if any within the feature appears to be directly in response to precipitation.
EWb5 #13	1843.4 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)	EWb5 #13 (Ditch) located within the review area was 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 if any within the feature appears to be directly in response to precipitation.
EWb5 #14-#20	1493.3 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	EWb5 #14-#20 (Ditch) located within the review area was excavated entirely from uplands and does not meet the criteria of a jurisdictional water. The feature is

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		that do not satisfy the conditions of (c)(1)	neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. Flow if any within the feature appears to be directly in response to precipitation.
EWb5 #2	1898.4 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)	EWb5 #2 (Ditch) located within the review area was 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 if any within the feature appears to be directly in response to precipitation.
EWb5 #3	1635.1 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)	EWb5 #3 (Ditch) located within the review area was 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 if any within the feature appears to be directly in response to precipitation.
EWb5 #4	234.6 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)	EWb5 #4 (Ditch) located within the review area was 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 if any within the feature appears to be directly in response to precipitation.
EWb5 #5	223.7 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)	EWb5 #5 (Ditch) located within the review area was 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 if any within the feature appears to be directly in response to precipitation.
EWb5 #6	654.4 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)	EWb5 #6 (Ditch) located within the review area was 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 if any within the feature appears to be directly in response to precipitation.
EWb5 #7	727.3 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)	EWb5 #7 (Ditch) located within the review area was 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 if any within the feature appears to be directly in response to precipitation.
EWb5 #8	1417.4 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)	EWb5 #8 (Ditch) located within the review area was 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 if any within the feature appears to be directly in response to precipitation.

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EWb5 #9	560.9 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)	EWb5 #9 (Ditch) located within the review area was 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 if any within the feature appears to be directly in response to precipitation.
EWb8 #1	0.19 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)	EWb8 #1 is a pond located within the review area and was determined to be wholly excavated from uplands, does not contribute flow to an (a)(1-3) water, and does not meet the criteria of a jurisdictional feature as identified in paragraph (c)(6). The onsite pond appears to be an abandoned borrow area.

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 S&ME, Inc., on behalf of Kohler Karavan, Highway 66, LLC, dated July 22, 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 photos submitted by S&ME in the submittal dated July 22, 2021, and 2019 Google Earth and 2006 SCDNR aerial photos.*

Corps Site visit(s) conducted on:

Previous Jurisdictional Determinations (AJDs or PJDs): *None*

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

USDA NRCS Soil Survey: *NRCS / Soil Survey Geographic Database (SSURGO) Map Service dated March 31, 2021, updated April 26, 2021, ESRI Map Service depicts the soil types of Eulonia, Bladen, Yauhannah, Wahee, Nansemond, Megget and Ogeechee.*

USFWS NWI maps: *USFWS NWI Map Service Maps depicts review area as uplands with with the delineated wetlands as wetlands. NWI map depicts the upland excavated pond (EWb8 #1) as uplands and EWb1 #1 (wetland) as uplands. All EWb5 waters as located within uplands except for EWb5 #11 & #12 which are located in an area identified as PFO4/1B. A data point (DP #1) was taken in this area and was documented by the agent to lack all three parameters that define a wetland: specifically, hydrology parameter. Jurisdictional waters are depicted as wetlands.*

USGS topographic maps: *USGS Topographic Map / 7.5 Minute Index / Shell Quad / 1:24000. Topographic map depicts the review area as forested uplands and wetlands with a solid blue line feature running through wetlands. Solid blue line features on topographic maps typically*

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represent tributaries with a flow regime of perennial.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Topographic map and National Hydrology Dataset (NHD) map.
USDA Sources	Soil Survey.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed on 23 JUL 2021.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): N/A.

C. Additional comments to support AJD: *The review is a timbered site with non-disturbed forested wetlands. The review area contains the run (tributary) of Alligator Swamp, and freshwater wetlands adjacent, directly abutting the tributary and an upland excavated borrow area determined to be an excluded water. In addition, the review area contains upland excavated ditches that have been determined to be excluded waters. Site visit was not performed.*

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