



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): December 7, 2020

ORM Number: SAC-2020-01103

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: SC City: Conway County: Horry County

Center Coordinates of Review Area: Latitude 33.8438 Longitude -79.1005

**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
Jurisdictional Tributary 1	233 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 feature that flows into Oaky Swamp an (a)(2) water, then into Crab Tree Swamp an (a)(2) water, and then into the Waccamaw River an (a)(1) water. The tributary was determined to have a perennial flow regime. The tributary is depicted as a solid blue line feature on the topographic map and categorized as a perineal stream/river in the USGS National Hydrography Dataset. LiDAR with hillshade depicts the tributary as being positioned in a naturally low-lying drainage area and having sinuosity. Additionally, site photos depict a continuous ordinary high-water mark, obvious bed and bank, and a sandy

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

<sup>2</sup> 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.

<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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			bottom indicative of a tributary with perennial flow.
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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
Jurisdictional Wetland 1	0.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 1 is abuts the OHWM of the adjacent (a)(2) water.

**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
N/A	N/A	N/A	N/A

**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: “Jurisdictional Determination Request,” dated August 7, 2020, submitted by the Brigman Company on behalf of Mr. Doug Kreis of the 419 Group for the “Hemingway Tract”. 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. Data sheets prepared by the Corps: N/A
- Photographs: (aerial and other) Site photos titled “Hemingway Tract Site Photos,” and dated August 5, 2020, submitted by the Brigman Company. Aerial photographs provided by the Brigman Company, in the submittal dated August 7, 2020. All photos depict an undeveloped wooded tract of land. USGS National Map 3D Elevation Program (3DEP) published August 13, 2020.
- Corps Site visit(s) conducted on: N/A Review conducted virtually using remote tools
- Previous Jurisdictional Determinations (AJDs or PJD): N/A
- Antecedent Precipitation Tool: Output from the APT indicated “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. ESRI Map Service depicts the soil type Meggett Loam and Eulonia Loamy Fine Sand.
- USFWS NWI maps: USFWS NWI Map Service dated May 29, 2012, updated July 17, 2020.

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

<sup>2</sup> 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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USFWS NWI Maps depict the site as being comprised primarily of palustrine forested wetlands.

- USGS topographic maps: USGS 7.5 Minute Index (Conway Quad). Topographic map depicts vegetated uplands bisected by a solid blue line feature.

**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 25, 2020
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- 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 (August 5, 2020). Output from the APT indicated “wetter than normal” conditions at the time of data collection by the agent (The Brigman Company) with a condition value of 18. 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 10 weather stations within a 20-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 1.72 acres site that was determined to contain 233 linear feet of an (a)(2) water and 0.01 acre of an (a)(4) water. The (a)(2) water on site is depicted as a solid blue line feature on the topographic map and categorized as a perineal stream/river in the USGS National Hydrography Dataset. LiDAR with hillshade depicts the tributary as being positioned in a naturally low-lying drainage area. Additionally, site photos depict a continuous ordinary high-water mark, obvious bed and bank, and a sandy bottom indicative of a tributary with perennial flow. A review of LiDAR and site photos reveal that they are no natural or man-made barriers between the delineated wetland on site and the (a)(2) water.

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