



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): 17-DEC-2020

ORM Number: SAC-2020-01304

Associated JDs: SAC-2007-00022 dated March 6, 2007

Review Area Location¹: The project area is located east of and adjacent to Dogwood Road

State: SC City: Conway County: Horry County

Center Coordinates of Review Area: Latitude 33.8541 Longitude -78.7905

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
N/A	N/A	N/A	N/A

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.

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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Waters 1(b)(8)	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)	Excluded Water 1 is a man-made pond constructed wholly in uplands, as depicted on NWIs and soil survey information, 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.

X Information submitted by, or on behalf of, the applicant/consultant: AJD request submitted by The Brigman Company, on behalf of Jaime McLain, on September 14, 2020. Map submitted by the agent titled “Wetland Delineation/Determination/ Parker-Pluta Dogwood Tracts/ Dog Bluff Township/ Horry County, South Carolina/ Tax Map Number 080-00-01-033” dated September 9, 2020.

This information is sufficient for purposes of this AJD.

Rationale: The wetland data forms, and additional information submitted by the agent are considered to be 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)*.

X Photographs: (*aerial and other*): USGS National Map 3D Elevation Program (3DEP) published August 13, 2020, Google Earth aerial photo 2019, and site photos taken by the agent dated September 2, 2020. Aerial photos show the majority of the project boundary as farm field.

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

X Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2007-00022 dated March 6, 2007

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

X USDA NRCS Soil Survey: Soil Survey Geographic Database (SSURGO) Map service dated April 4, 2019 revised August 26, 2020; The project area is comprised of the partially hydric soils Eulonia loamy fine sand and Wahee fine sandy loam.

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- ☒ **USFWS NWI maps:** Wetlands Raster REST Map Service dated May 29, 2012 and revised July 17, 2020; NWIs depict the project boundary as uplands and the pond present on site as an open water feature (PUBHx)
- ☒ **USGS topographic maps:** 7.5 Minute Index/ Hand Quad / 1:24000; USGS topo map depicts a mostly cleared partially forested area void of blue lines and wetlands symbols. The pond on site is depicted as an open water feature.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Topographic Map
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Reg Viewer accessed on 12/10/2020
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- 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 (September 02, 2020). Output from the APT indicated "Wetter than Normal Conditions" at the time of data collection by the agent (Brigman) with a value of 18. 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 6 weather stations within an approximate radius of 18 miles. Results of the APT indicate the site visit was conducted under conditions considered by the Corps to be outside a "typical year". However, even under the elevated hydrologic conditions indicated by the APT output, the waters onsite remains non-jurisdictional.
- C. Additional comments to support AJD:** The area in review contains 27.79 acres and includes 1 excluded water. Excluded water 1 is a pond constructed in wholly in uplands and does not contribute flow to an (a)(1)-(3) water, and meets the criteria set forth in (b)(8) for an excluded water. Additionally, the pond was called upland excavated under previous determination SAC-2007-00022.

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