



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): January 22, 2021

ORM Number: SAC-2005-31970

Associated JDs: SAC-2005-31970 / letter dated 14 October 2015

Review Area Location¹:

State: SC City: Georgetown County: Georgetown County

Center Coordinates of Review Area: Latitude 33.32883 Longitude -79.3112

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
Jurisdictional Wetland #1	2.06 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland #1 continues offsite and abuts the OWHM of an unnamed perennial tributary that

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 and 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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			discharges directly into Winyah Bay (TNW).
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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 Water #1 Pond	3.37 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 pond constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water.
Excluded Water #2	0.95 acres	(b)(1) Non-adjacent wetland	Excluded Water #2 (wetland) does not abut and is not inundated by an (a)(1)-(3) water. Additionally, this wetland is a closed boundary polygon that is complete encompassed by uplands with no connections to other WOUS.

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: **711 Partners Tract submittal dated September 28, 2020 / Wetland Delineation Forms dated September 21, 2020**

This information *is* sufficient for purposes of this AJD.

Rationale: **Wetland data forms and information included in the original submittal are a reasonable representation of site conditions at the time of collection.**

_____ Data sheets prepared by the Corps: *Title(s) and/or date(s).*

Photographs: *aerial and other: 2019 Google Earth Imagery / USGS National Map 3D Elevation Program (3DEP),*

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

Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*

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

USDA NRCS Soil Survey: **NRCS / Soil Survey Geographic Database (SSURGO) created May 29, 2012 and updated on July 1, 2020 / layer depicts PSS1C and PFO1/4C Palustrine wetland symbology in the areas of Excluded Water #2 and Jurisdictional Wetland #1.**

USFWS NWI maps: **USFWS NWI - Wetlands Raster REST service / depicts Chipley, Centenary, and Lakeland soils**

USGS topographic maps: *Title(s) and/or date(s).* **USGS Topographic Maps / 7.5 Minute Index / Georgetown South / depicts a forested area with tributary symbology**

Other data sources used to aid in this determination:

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Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Topographic Maps
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Reg viewer access on January 21, 2021
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 21, 2020). Output from the APT indicated "Normal Conditions" at the time of data collection by the agent (Southern Palmetto Environmental) with a value of 13. 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 12 weather stations within an approximate radius of 20 miles. Results of the APT indicate the site visit was conducted within conditions considered by the Corps to be within a "typical year".
- C. Additional comments to support AJD:** The area in review contains 29.06 acres and includes two excluded waters and a single jurisdictional water. Excluded Water #1 (pond) is constructed wholly in uplands and meets the criteria set forth in (b)(8) for an excluded water. LiDAR imagery confirmed that the pond was excavated in uplands. Excluded Water #2 (wetland) is a closed boundary polygon, encompassed entirely by uplands and lacks a direct or indirect surface connection to (a)(1)-(3) waters. Jurisdictional Wetland #1 continues offsite and abuts the OHWM of an unnamed perennial tributary that discharges directly into Winyah Bay (TNW). USPS topographic maps and LiDAR imagery depict the channel of the tributary within the boundary of the continuation of this wetland. Additionally, this wetland system transitions from a palustrine system to become a tidally included marsh wetland system as it encounters the estuarine areas of Winyah Bay.

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