



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 26, 2021

ORM Number: SAC-2020-01409

Associated JDs: N/A

Review Area Location¹:

State: SC City: Loris County: Horry County

Center Coordinates of Review Area: Latitude 34.0490 Longitude -78.8623

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
Jurisdictional Tributary 1	150.84 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary 1 originates off-site to the north and flows north to south through the site. Jurisdictional Tributary 1 is displayed as a solid blue line on USGS topo maps, exhibits an ordinary high water mark and water is visible within the channel in photos submitted as part of the JD request. Additionally, according to Civil Engineering Consulting Services the tributary has been significantly modified and straightened with a substrate consisting of silt and sandy clay. Therefore, it has been determined Jurisdictional Tributary 1 exhibits perennial flow. Lastly, Jurisdictional Tributary 1 continues off-site to the south where it eventually flows

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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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			to the Little Pee Dee River, an (a)(1) traditional navigable water, please see Section III C for more information about the flow path. For these reasons, Jurisdictional Tributary 1 has been determined to be an (a)(2) water of the United States.
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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 E	0.045 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland E directly abuts and shares its eastern boundary with Jurisdictional Tributary 1, see above for (a)(2) rationale. As such, Jurisdictional Wetland E is an (a)(4) water of the United States.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded water A	0.138 acre	(b)(1) Non-adjacent wetland	Excluded water A continues off-site to the south and is part of a large wetland complex that only exhibits a direct hydrologic connection to downstream water via a manmade drainage ditch. Therefore, this wetland is not contiguous to or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Excluded water B	0.174 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous to or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Excluded water C	0.247 acre	(b)(1) Non-adjacent wetland	This wetland continues off-site to the south. However, the wetland abuts a manmade ditch that does not contribute flow to a downstream jurisdictional water. Therefore, this wetland is not contiguous to or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Excluded water D	0.573 acre	(b)(1) Non-adjacent wetland	This wetland is a closed boundary polygon that is not contiguous to or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water pursuant to (b)(1).
Excluded water X1	670.76 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	This ditch segment on the site represents 670.76 feet of ditch excavated within uplands and that does not meet the criteria of a jurisdictional water. The ditch's main

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		that do not satisfy the conditions of (c)(1)	function is stormwater conveyance for the adjacent South Carolina Highway 9. On this basis, Excluded water X1 is an excluded water.
Excluded water X2	1272.55 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 ditch segment on the site represents 1,272.55 feet of ditch excavated within uplands and that does not meet the criteria of a jurisdictional water. The ditch's main function is stormwater conveyance for the adjacent Heritage Road and South Carolina Highway 9. On this basis, Excluded water X2 is an excluded water.
Excluded water X3	879.38 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 ditch segment on the site represents 879.38 feet of ditch excavated within uplands and that does not meet the criteria of a jurisdictional water. The ditch's main function is stormwater conveyance for the adjacent Heritage Road and South Carolina Highway 9. On this basis, Excluded water X2 is an excluded water.
Excluded water X4	0.049 acre	(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 X4 is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water. On this basis, Excluded water X4 is an excluded water.
Excluded water X5	1927.52 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 ditch segment on the site represents 1,927.52 feet of ditch excavated within uplands and that does not meet the criteria of a jurisdictional water. The ditch's main function is stormwater conveyance for the adjacent South Carolina Highway 9. On this basis, Excluded water X5 is an excluded water.
Excluded water X6	671.17 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 ditch segment on the site represents 671.17 feet of ditch excavated within uplands and that does not meet the criteria of a jurisdictional water. The ditch's main function is stormwater conveyance for the adjacent South Carolina Highway 9. On this basis, Excluded water X6 is an excluded water.
Excluded water X7	1360.98 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 ditch segment on the site represents 1,360.98 feet of ditch excavated within uplands and that does not meet the criteria of a jurisdictional water. The ditch's main function is stormwater conveyance for the adjacent South Carolina Highway 9. On this basis, Excluded water X7 is an excluded 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: *Request for Corps Jurisdictional Determination (JD) / Delineation dated October 10, 2020.*

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 is sufficient for purposes of this AJD.

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- Data sheets prepared by the Corps: *N/A.*
- Photographs: *Site Photograph Log submitted as part of the October 10, 2020 JD request. 2019 Google Earth Imagery, 2006 SCNDR infrared Imagery, The USGS 3D Elevation Program (3DEP) published August 13, 2020*
- Corps Site visit(s) conducted on: *N/A.*
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A.*
- Antecedent Precipitation Tool: *See Section B below.*
- USDA NRCS Soil Survey: *Figure 4 Sheets 1-3 of 3 titled "NRCS Soils Map" submitted as part of the October 10, 2020 JD request.*
- USFWS NWI maps: *Figure 3 titled "USFWS NWI Map" submitted as part of the October 10, 2020 JD Request.*
- USGS topographic maps: *Figure 2 titled "Topographic Map Goretown Quad" submitted as part of the October 10, 2020.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Reg Viewer accessed on January 25, 2021
State/Local/Tribal Sources	N/A.
Other Sources	Sheets 1-2 of 2 titled DEM Figures and Figure 6 titled Hydrologic Connections submitted as part of the October 10, 2020 JD request.

- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) data for typical year determination were calculated for the date of the site visit conducted by the agent per submitted wetland data sheets, July 23, 2018. The APT data were calculated to determine if flow visible in photographs taken the day of the site visit is indicative of perennial flow during a typical year. According to output from the APT, conditions for this date exhibited "Normal" conditions with a product of 14.
- C. Additional comments to support AJD: The project area includes 42.96 acres and includes 2 jurisdictional waters and 11 excluded waters.** Jurisdictional Tributary 1 continues off-site to the south where it confluences with an unnamed stream, both the on-site portion and off-site portion of Jurisdictional Tributary have been subject to manmade modifications including straightening and relocation of a portion of the off-site tributary. The off-site unnamed stream exhibits an ordinary high water mark and water within the channel through multiple best available aeriels via Google Earth Pro©. Therefore, this office determined this stream exhibited perennial flow. The off-site unnamed stream flows west eventually becoming a part of Pleasant Meadow Swamp. Pleasant Meadow Swamp continues west eventually becoming a part of Lake Swamp which directly flows into the Little Pee Dee River an (a)(1) Traditional Navigable Water.

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