



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 27, 2021

ORM Number: SAC-2020-01596

Associated JDs: N/A

Review Area Location¹: A 5.2-acre site located south of and adjacent to Dirty Branch Road, PIN# 369-10-04-0011, 0022, & 0021

State: SC City: Conway Township County: Horry

Center Coordinates of Review Area: Latitude 33.8190 Longitude -79.1028

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

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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N/A	N/A	N/A	N/A
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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(b)(5) Ditch	927 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)	Excluded Water (b)(5) (Ditch) located within the review area is 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.

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 Arnold Spain, dated November 17, 2020.*

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: *N/A*

Photographs: *(aerial and other) Goggle Earth aerial photo 2019, 2006 SCDNR aerial photo, Site photos taken by the agent dated November 10, 2020.*

Corps Site visit(s) conducted on: *N/A*

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 April 4, 2019, updated August 26, 2020, ESRI Map Service depicts the soil types are Ogeechee, Yemassee, and Yauhannah.*

USFWS NWI maps: *USFWS NWI - Wetlands Raster REST Map Service dated May 29, 2012, updated July 17, 2020, USFWS NWI Map Service Maps depicts the review area as Uplands and partially ditched/drained wetlands (PFO1/4Bd). Note: a data point was taken within the areas identified as PFO1/4Bd. These areas lacked all three parameters (specifically hydrology and vegetation) that define a wetland as outlined in the Corps' 1987 Wetland Delineation Manual.*

USGS topographic maps: *USGS Topographic Map / 7.5 Minute Index / Conway Quad / 1:24000. Topographic map depicts the review area as forested with a portion map as uplands and the remaining with a symbol that typically represents wetlands. Note: a data point was taken within the areas identified as PFO1/4Bd. These areas lacked all three*

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parameters (specifically hydrology and vegetation) that define a wetland as outlined in the Corps' 1987 Wetland Delineation Manual.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Listed Above in Section IIIA.
USDA Sources	Listed above in Section IIIA.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed on 13 January 2021.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Antecedent Rainfall Calculator data for typical year determination was calculated based on the field collection date provided on the agent's data forms (10 NOV 2020). The Antecedent Rainfall Calculator data showed "Normal" conditions at the time of data collection by the agent with a condition value of 12, which indicates that typical year hydrologic conditions were present at the time of the field inspection. For this assessment, twelve (12) weather stations located within a 21-mile radius were used.
- C. Additional comments to support AJD:** Based on the review of the Antecedent Rainfall Calculator data, it was determined that the site visit performed by the agent was under normal climatic conditions for the area. The submitted data sheets revealed that the potential wetland areas lacked all three parameters that define a wetland as outlined in the Corps' 1987 Wetland Delineation Manual, therefore, not meeting the definition of a wetland. Specific parameters not present were hydrology and vegetation. The Review Area is a 5.2 acre site that has been recently timber harvested.

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