



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): 14 July 2020

ORM Number: SAC-2020-00637 Eddie Dean Hughes AJD

Associated JDs: N/A

Review Area Location¹:

State/Territory: SC City: County/Parish/Borough: Horry County

Center Coordinates of Review Area: Latitude 33.919003 Longitude -78.767033

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.

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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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Pond 1	0.17 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)	Pond 1 is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water.
Pond 2	0.48 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)	Pond 2 is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water.
Wetland 1	0.26 acres	(b)(1) Non-adjacent wetland	Wetland 1 does not abut and is not inundated by an (a)(1)-(3) water. Additionally, wetland 1 is physically separated from an (a)(1)-(3) water by multiple physical, man-made barriers (berms, roads, etc.) Wetland 1 is completely encompassed entirely by uplands and lacks a direct or indirect surface connection to (a)(1)-(3) waters.
Wetland 2	3.54 acres	(b)(1) Non-adjacent wetland	Wetland 2 does not abut and is not inundated by an (a)(1)-(3) water. Additionally, wetland 2 is physically separated from an (a)(1)-(3) water by multiple physical, man-made barriers (berms, roads, etc.) Wetland 2 continues offsite to the south where they are physically separated from the nearest (a)(1)-(3) water by a road (Dusty Lane) and a series of ditches and man-made berms. While the continuation of the wetland does drain into the off-site ditch system, the drainage network does not meet the criteria of an (a)(1)-(3) water. Since, wetlands 1-3 do not abut an (a)(1)-(3) water, are not inundated by an (a)(1)-(3) water, and are physically separated by more than a single artificial barrier, they are determined to be non-jurisdictional.
Wetland 3	0.95 acres	(b)(1) Non-adjacent wetland	Wetland 3 does not abut and is not inundated by an (a)(1)-(3) water. Additionally, wetland 3 is physically separated from an (a)(1)-(3) water by multiple physical, man-made barriers (berms, roads, etc.) Wetland 3 continues offsite to the south where they are physically separated from the nearest (a)(1)-(3) water by a road (Dusty Lane) and a series of ditches and man-made berms. While the continuation of the wetland does drain into the off-site ditch system, the drainage network does not meet the criteria of an (a)(1)-(3) water. Since, wetlands 1-3 do not abut an (a)(1)-(3) water, are not inundated by an (a)(1)-(3) water, and are physically separated by more than a single artificial barrier, they are determined to be non-jurisdictional.

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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: **Eddie Dean Hughes Tract submittal dated May 4, 2020 / Wetland Delineation Forms dated November 20, 2019**

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: *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)**

USFWS NWI maps: **USFWS NWI - Wetlands Raster REST service**

USGS topographic maps: *Title(s) and/or date(s).* **USGS Topographic Maps / 7.5 Minute Index / Hammond Quad**

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	USACE-SAC Regulatory Viewer
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 (November 19, 2019). Output from the APT indicated "Normal Conditions" at the time of data collection by the agent (The Brigman Company) with a value of 14. 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 14 miles. Results of the APT indicate the site visit was conducted within conditions considered by the Corps to be within a "typical year".

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C. **Additional comments to support AJD:** The area in review contains 31.62 acres and includes five excluded waters. Wetland 1 is completely encompassed entirely by uplands and lacks a direct or indirect surface connection to (a)(1)-(3) waters. Wetlands 2 & 3 continue offsite to the south where they are physically separated from the nearest (a)(1)-(3) water by a road (Dusty Lane) and a series of ditches and man-made berms. While the continuation of the wetland does drain into the off-site ditch system, the drainage network does not meet the criteria of an (a)(1)-(3) water. Since, wetlands 1-3 do not abut an (a)(1)-(3) water, are not inundated by an (a)(1)-(3) water, and are physically separated by more than a single artificial barrier, they are determined to be non-jurisdictional.

Ponds 1 & 2 were constructed wholly in uplands and meet the criteria set forth in (b)(8) for an excluded water (pond).

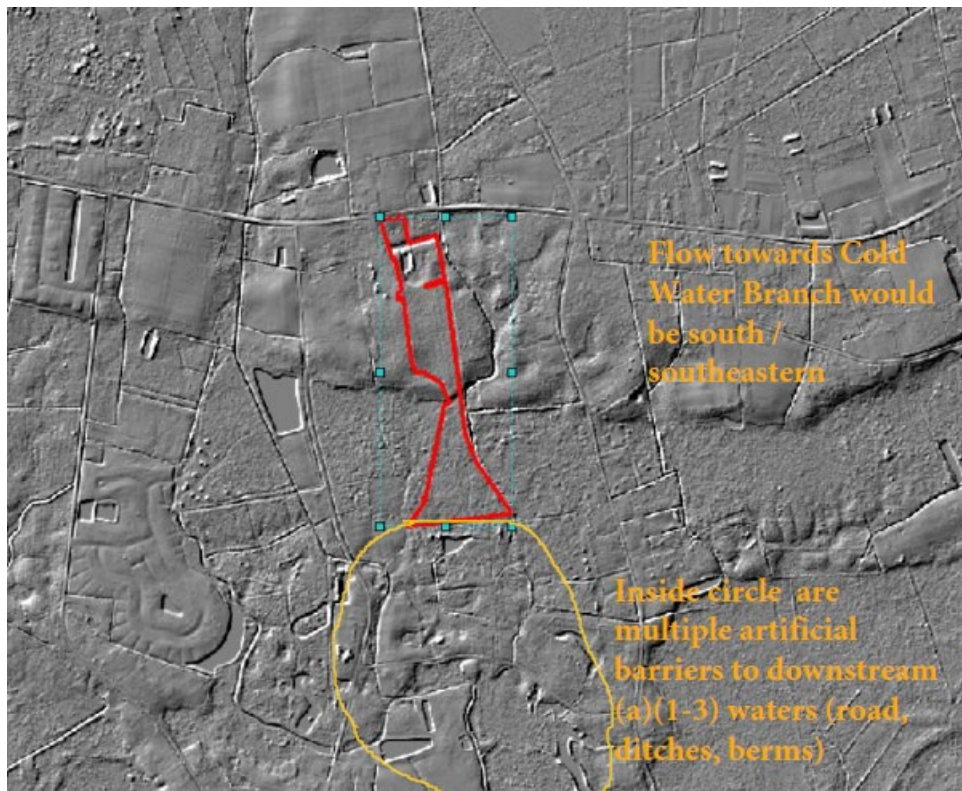


Figure 1: LiDAR (hillshade) aerial imagery depicting the multiple barriers to the offsite (a)(2) water - Cold Water Branch

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Figure 2: Aerial Imagery (ESRI Basemap) showing Cold Water Branch in relation to site. Additionally depicted are the myriad of physical barriers separating wetlands 2&3 and any (a)(1-3) waters.

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