



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): 06-JUL-2021

ORM Number: SAC-2020-01524

Associated JDs: N/A

Review Area Location¹:

State: SC City: Myrtle Beach County: Horry County

Center Coordinates of Review Area: Latitude 33.695319 Longitude -79.029499

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	0.69 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland 1 continues offsite to the north where it abuts the OHWM of tow jurisdictional features:

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

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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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			1.) an (a)(3) water depicted on USGS topographic maps as Mill Pond 2.) an unnamed perennial tributary (a)(2) water discharging into Mill Pond. Both of these features are located with a natural drain / wetland complex that continues to the Waccamaw River and its adjacent wetlands and maintain a direct hydrologic surface connection within a typical year.
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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	6.21 acres	(b)(1) Non-adjacent wetland	Excluded Water #1 does not abut and is not inundated by an (a)(1)-(3) water. Additionally, this feature is physically separated from (a)(1)-(3) waters by multiple physical, man-made barriers (berms, roads, etc.) as well as uplands and lacks a direct or indirect surface connection to (a)(1)-(3) waters.
Excluded Water #2	382 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 #2 (Ditch) is constructed from uplands and does not meet the criteria of a jurisdictional water based on the following: The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland and, therefore, does not meet the criteria of a tributary as outlined in (c)(12).
Excluded Water #3	695 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 #3 (Ditch) is constructed from uplands and does not meet the criteria of a jurisdictional water based on the following: The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland and, therefore, does not meet the criteria of a tributary as outlined in (c)(12).
Excluded Water #4	776 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 #4 (Ditch) is constructed from uplands and does not meet the criteria of a jurisdictional water based on the following: The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland and, therefore, does not meet the criteria of a tributary as outlined in (c)(12).
Excluded Water #5	719 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 #5 (Ditch) is constructed from uplands and does not meet the criteria of a jurisdictional water based on the following: The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland and, therefore, does not meet the criteria of a tributary as outlined in (c)(12).
Excluded Water #6	131 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 #6 (Ditch) is constructed from uplands and does not meet the criteria of a jurisdictional water based on the following: The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland and, therefore, does not meet the criteria of a tributary as

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Excluded Water #7	474 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)	outlined in (c)(12). Excluded water #7 (Ditch) is constructed from uplands and does not meet the criteria of a jurisdictional water based on the following: The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland and, therefore, does not meet the criteria of a tributary as outlined in (c)(12).
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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: **Robert E Lee Estates Tract submittal dated May 4, 2020 / Wetland Delineation Forms dated October 20, 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.**

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) Published August 13, 2021, USDA Farm Service Normalized Difference Vegetation Index (NDVI) imagery created June 30, 2014, Updated November 5, 2020.**

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 April 4, 2019, updated August 26, 2020.**

USFWS NWI maps: **USFWS NWI - Wetlands Raster REST service created May 29, 2012, updated July 17, 2020**

USGS topographic maps: *Title(s) and/or date(s).* **USGS Topographic Maps / 7.5 Minute Index / Bucksville 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	CESAC-Reg-viewer accessed on July 6, 2021
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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- 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 (October 22, 2020). Output from the APT indicated "Wetter than Normal Conditions" at the time of data collection by the agent (Southern Palmetto Environmental) with a value of 15. 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 10 weather stations within an approximate radius of miles. Results of the APT indicate the site visit was conducted outside of conditions considered by the Corps to be within a "typical year". However, even under the elevated hydrologic conditions indicated by the APT output, Excluded Water 1-7 onsite remain non-jurisdictional, with a single jurisdictional wetland.
- C. Additional comments to support AJD:** The area in review contains 42.82 acres and includes seven excluded waters and a single jurisdictional wetland. Excluded Water #1 is a 6.21-acre wetland that lacks the criteria for wetland adjacency.

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