



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):
ORM Number: SAC-2020-01637
Associated JDs: SAC-2018-00139 Holly View Lane (PJD issued on July 31, 2018)
Review Area Location¹: west of and adjacent to Pond View Road
State: SC City: Loris County: Horry County
Center Coordinates of Review Area: Latitude 34.029644 Longitude -78.928528

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 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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Waters 1	0.75 acres	(b)(1) Non-adjacent wetland	Excluded Waters 1 does not abut and is not inundated by an (a)(1)-(3) water. Additionally, this wetland is physically separated from an (a)(1)-(3) water by multiple physical, man-made barriers (berms, roads, etc.) and lacks a direct or indirect surface connection to (a)(1)-(3) waters.
Excluded Waters 3	11.21 acres	(b)(1) Non-adjacent wetland	Excluded Waters 3 does not abut and is not inundated by an (a)(1)-(3) water. Additionally, this wetland is physically separated from an (a)(1)-(3) water by multiple physical, man-made barriers (berms, roads, etc.) and lacks a direct or indirect surface connection to (a)(1)-(3) waters.
Excluded Waters 4	2.31 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 primarily from uplands, with a small portion connected to Excluded Water 3 (wetland) and does not contribute flow to an (a)(1)-(3) water.
Excluded Waters 5	224 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 Waters 5 (Ditch) is partially located in uplands and partially excavated from wetlands within the review area but 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). Although the ditch in the review area does bisect the onsite wetland (Excluded Waters 2), this specific wetland does not satisfy the requisite adjacency criteria to be an (a)(4) water itself and, therefore, the ditch also cannot satisfy requisite jurisdictional criteria as a tributary (a)(2) water.
Excluded Waters 2	2.01 acres	(b)(1) Non-adjacent wetland	Excluded Waters 2 does not abut and is not inundated by an (a)(1)-(3) water. Additionally, this wetland is physically separated from an (a)(1)-(3) water by multiple physical, man-made barriers (berms, roads, etc.) and lacks a direct or indirect surface connection to (a)(1)-(3) waters.

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

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

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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,*
- Corps Site visit(s) conducted on: *Date(s).*
- Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s). SAC-2018-00139 Holly View Lane (PJD issued on July 31, 2018) – for a portion of the site.*
- 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 March 4, 2020 / depicts the following soil types of Leon, Johnston (all hydric). Soil Survey & CIR (2006)(Applicant's submittal)*
- USFWS NWI maps: *Title(s) and/or date(s). USFWS NWI - Wetlands Raster REST map service dated May 29, 2012, updated July 17, 2020 depict upland portions and wetlands, NWI Map (Applicant's submittal)*
- USGS topographic maps: *Title(s) and/or date(s). Loris Quad / 7.5 Minute Index / 1:24000*

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 9, 2021
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** N/A – only excluded waters onsite.
- C. Additional comments to support AJD:** The area in review contains approximately 21.31 acres and includes five excluded waters. All waters onsite are excluded due to a lack of adjacency and direct surface hydrologic connection to (a)(1-3) waters.

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