



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): 09-JUL-2021

ORM Number: SAC-2020-01764

Associated JDs: N/A

Review Area Location¹:

State/Territory: SC City: Pawleys Island County: Georgetown County

Center Coordinates of Review Area: Latitude 33.424452 Longitude -79.137881

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 Water 1	0.35 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)	Excluded water one is a pond constructed wholly in what was determined to be uplands in this determination. It is not depicted on USGS topographic maps and it is not depicted in the NHD hydrography dataset. The pond was constructed in predominantly non-hydric soils and NWIs include the modifiers H and x. H indicates that the feature is permanently flooded (i.e. non tidal) and x is used to identify wetland basins or channels that were excavated by humans. This feature does not contribute surface flow to an (a)(1)-(a)(4) water in a give year.
Excluded Water 2	100 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 is an outfall feature constructed in uplands in association with Excluded Water 1. It is not depicted in NWIs, USGS topographic maps, or the NHD dataset. This feature does not contribute surface flow to an (a)(1)-(a)(4) water in a give year.

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 Jurisdictional Determination and Verification titled, “Marsh Point Tract / TMS# 040169-012-00-00 & 04-0169A-001-00-00 (portion of) / Georgetown County, South Carolina,” dated December 10, 2020, submitted by The Brigman Company on behalf of Palmetto Built Real Estate. 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: *N/A*

 X Photographs: Site photos titled “Marsh Point Tract,” and dated December 10, 2020, Supplemental site photos titled “Marsh Point Tract Additional Photos” and dated July 8, 2021 submitted by The Brigman Company. Aerial photographs provided by the The Brigman Company, in the submittal dated December 10, 2020. All photos depict a partially cleared graded with one open water feature. USGS National Map 3D Elevation Program (3DEP) published August 13, 2020.

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

 Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*

 X Antecedent Precipitation Tool: Normal Conditions: *See detailed discussion in Section III.B.*

 X USDA NRCS Soil Survey: NRCS Soil Survey Geographic Database (SSURGO) created 4 Apr 2019 and updated 26 Aug 2020. ESRI Map Service depicts the soil type Chipley Fine Sand,

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- a predominantly non-hydric soil that contains hydric inclusions.
- X** USFWS NWI maps: USFWS NWI Map Service dated May 29, 2012, updated July 17, 2020. NWIs depict one man-made open water feature onsite.
- X** USGS topographic maps: USGS 7.5 Minute Index (Waverly Mills Quad). Topographic map depicts uplands that do not contain any symbols that would typically represent the presence of an aquatic feature.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Topographic Maps, 3DEPElevation- Slope and 3DEPElevation – Hillshade /LiDAR overlays, NHD
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC National Regulatory Viewer Accessed on July 9, 2021
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) data for the typical year assessment was calculated based on the field collection date denoted on the wetland determination data forms (December 10, 2020). Output from the APT indicated “than normal” conditions at the time of data collection by the agent with a condition value of 14. APT Output with a condition value greater than 14 indicates “wetter than normal” conditions onsite and may not accurately represent typical year hydrologic conditions. For this assessment, a total 10 weather stations within a 7-mile radius were used.
- C. Additional comments to support AJD:** This form addresses a 3.9 acre tract that was determined to contain two excluded waters (an upland excavated pond and an upland excavated ditch). Uplands on site did not meet hydric soils or hydrology criteria. Tidal Marsh located just off site is not included within the project boundary.

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