



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): 25-JUN-2020

ORM Number: **SAC-2020-00660 Prince Creek Howell Lot**

Associated JDs: **N/A**

Review Area Location<sup>1</sup>:

State/Territory: **SC** City: **Murrells Inlet** County/Parish/Borough: **Horry County**

Center Coordinates of Review Area: Latitude **33.574524** Longitude **-79.048491**

**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 or describe rationale.
- ☐ 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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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
Impoundment	0.12 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The onsite impoundment contributes surface water directly to an (a)(1) water (Collins Creek / TNW) in a typical year through (a)(2) and (a)(4) features.

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

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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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Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland	0.5 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	The onsite wetland is part of a larger wetland complex that continues offsite and would abut Collins Creek (TNW) but for the construction of Prince Creek Parkway (artificial structure). A direct hydrologic surface connection (DHSC) to the downstream (a)(1) water is provided through culverts and provides a surface connection within a typical year.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
N/A	N/A	N/A	N/A

**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: **Prince Creek Parkway / Archie Howell Lot - Wetland Delineation Forms / Atlantic and Gulf Coastal Plain Region dated April 27, 2020.**  
This information (*is/is not/is and is not*) sufficient for purposes of this AJD.  
Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency).*
- ☐ Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- ☒ Photographs: **2019 Google Earth Imagery, Horry County LiDAR imagery, 2006 SCDNR infrared imagery / Site visit photographs taken by the consultant during initial data collection were included with the original submittal.**
- ☐ 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: *Title(s) and/or date(s).* **Horry County Soil Survey / depicts the following soils: Yauhannah (hydic for 2% of its mapped component) and Johnston (100% hydic)**
- ☒ USFWS NWI maps: *Title(s) and/or date(s).* **Horry County NWI**
- ☒ USGS topographic maps: *Title(s) and/or date(s).* **Brookgreen 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	SAC Regulatory Viewer

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State/Local/Tribal Sources	N/A.
Other Sources	N/A.

**B. Typical year assessment(s):** N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.

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 (April 27, 2020). Output from the APT indicated "wetter than normal" conditions at the time of data collection by the agent (Southern Palmetto Environmental) with a condition value of 15. ATP outputs with a condition value greater than 14 indicate "wetter than normal" conditions onsite and may not accurately represent typical year hydrologic conditions. For this assessment, a total of 10 weather stations within a 20 (approximately) mile radius was used. Although the results of the APT indicate the time of site visit was conducted outside of conditions considered by the Corps to be within a "typical year", this would not bring the adjacency of the onsite wetland into question due to a DHSC with Collins Creek (TNW). Additionally, the impoundment located within the review area is excavated from jurisdictional wetlands and contributes surface water indirectly to a downstream (a)(1) water (Collins Creek) in a typical year through offsite (a)(2) and onsite (a)(4) features. As such, no additional documentation or resources are necessary to assert jurisdiction of the onsite wetland and impoundment.

**C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.

The site in review totals 1.847 acres and includes a jurisdictional wetland (0.5 acre) and a jurisdictional impoundment (0.12 acre). As depicted above in Figures 1 & 2, the onsite wetland maintains a DHSC within a typical year to the downstream (a)(1) water. A review of LiDAR aerial imagery indicates the artificial structure (Prince Creek Parkway) to be constructed within the boundaries of the offsite wetland system. Additionally, were it not for Prince Creek Parkway, the wetland would continue offsite and abut the Mean High Water of Collins Creek. The culvert located underneath Prince Creek Parkway (Figure 1) serves as the DHSC and LiDAR imagery supports this in its depiction of an (a)(4) wetland with an (a)(2) perennial tributary passing through it. Both the wetland and tributary continue west and eventually become the tidal water body denoted as Collins Creek (TNW). The point of tidal influence for Collins Creek is unknown.

Additionally, the impoundment is partially excavated from wetlands adjacent to an (a)(1) water (Collins Creek / TNW). Horry County Soil Survey maps and SCDNR 2006 infrared aerial maps indicate the impoundment was likely excavated from wetlands, and not wholly constructed / excavated in uplands nor non-jurisdictional waters. Based on its contribution of direct flow to an (a)(1) water through adjacent wetlands (a)(4) waters, and that the impoundment meets the criteria outlined in (c)(6), it was determined to be a jurisdictional (a)(3) water.

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Figure 1: Screen capture from Google Maps street view depicting the direct hydrologic surface connection created by the culvert system when Prince Creek Parkway was originally constructed in wetlands. Photo oriented looking southwest

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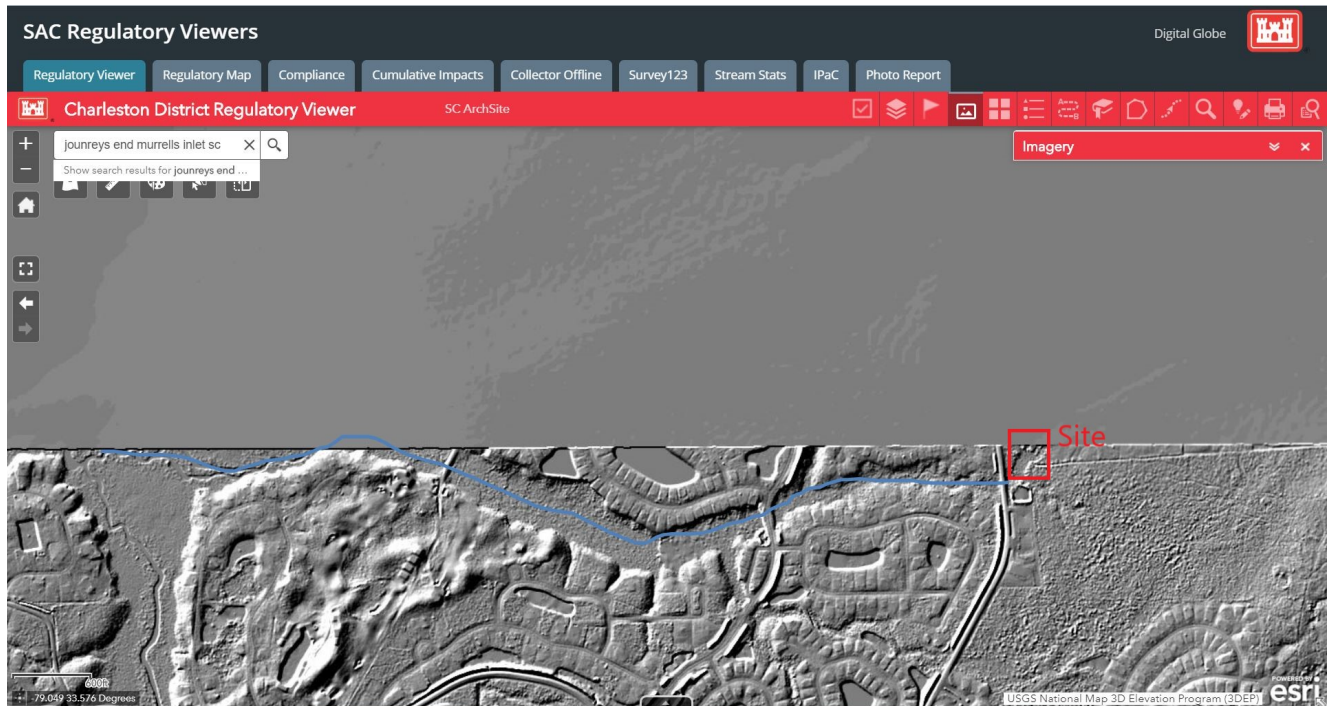


Figure 2: LiDAR aerial imagery / Hillshade view screenshot depicting the adjacency of the wetland as it continues west towards Collins Creek (TNW)

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