



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): 23- JUNE - 2021
ORM Number: SAC-2007-01074
Associated JDs: SAC-2007-01074 letter dated March 4, 2008
Review Area Location¹: South of and adjacent to Long Ave. Extension
State: SC City: Conway County: Horry County
Center Coordinates of Review Area: Latitude 33.9289 Longitude -79.0327

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-

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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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
EWb1	0.58 acres	(b)(1) Non-adjacent wetland	Excluded Water b1 (wetland) continues outside the project area and is a closed boundary polygon that does not abut and is not inundated by an (a)(1)-(3). The excluded water lacks a direct or indirect surface connection to (a)(1)-(3) waters. NWIs and soil survey information depict the wetland as being surrounded by uplands. Several artificial barriers (road) separate the wetland from the closest (a)(2) water (Poplar Swamp). In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water (b)(1).
EWb5 #1	1277 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 1 (Ditch) is located in uplands within the review area and does not meet the criteria of a jurisdictional water. 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).
EWb5 #2	907	(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 located in uplands within the review area and does not meet the criteria of a jurisdictional water. 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).
EWb5 #3	501 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 located in uplands within the review area and does not meet the criteria of a jurisdictional water. 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).
EWb5 #4	300 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 located in uplands within the review area and does not meet the criteria of a jurisdictional water. 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).
EWb8	0.19 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 b8 (pond) is an excluded water based on the determination that it is a man-made pond, wholly excavated out of uplands on site.

III. SUPPORTING INFORMATION

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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: JD request submitted by S&ME, on behalf of Conway Atlantic Development, LLC, on Mar 11, 2020. Plat submitted by the agent titled "A Boundary & Wetland Survey/ of/ PIN 275-00-00-037/ 163.63 Acres Total/ Conway Township, Horry County, S.C./ for/ Conway Atlantic Land Dev, LLC" dated February 25, 2021

This information is sufficient for purposes of this AJD.

Rationale: The wetland data forms, and additional information submitted by the agent are considered to be a reasonable representation of site conditions at the time of collection and are sufficient for purposes of this AJD.

___ Data sheets prepared by the Corps: *Title(s) and/or date(s)*.

Photographs: (*aerial and other*) Google Earth aerial photo 2019, USGS National Map 3D Elevation Program (3DEP) published August 13, 2020 and site photos taken by the agent dated February 29, 2021.

___ Corps Site visit(s) conducted on: *Date(s)*.

Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2007-01074 letter dated March 4, 2008

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; Soil survey information depicts the project area as the partially hydric soil Echaw sand and the hydric soil Pocomoke fine sandy loam.

USFWS NWI maps: Wetlands Raster REST Map Service dated May 29, 2012 and revised July 17, 2020 NWIs depict the project area as entirely uplands.

USGS topographic maps: USGS Topographic Map / 7.5 Minute Index / Ocean Forest Quad/ 1:24000; USGS topographic survey information depicts the project boundary as cleared uplands void of any wetland symbology.

Other data sources used to aid in this determination:

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Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Topographic Map
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Reg Viewer accessed on 06/23/2021
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 (February 29, 2021). Output from the APT indicated “wetter than normal” conditions at the time of data collection by the agent (S&ME) 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 5 weather stations within an approximate radius of 25 miles. Results of the APT indicate the site visit was conducted under conditions considered by the Corps to be outside a “typical year”. However, APT results being wetter than normal conditions in combination with the geographic positioning of waters and uplands onsite are such that it would not change the jurisdictional status of those features.
- C. Additional comments to support AJD:** This form address 16.63 acres in Conway, SC. The majority of the site is cleared farm field. Present on site are 6 excluded waters. Ewb1 is a (b)(1) wetland separated from (a)(1)-(3) waters by uplands and artificial barriers (roads). Ewb8 is a man-made pond excavated entirely out of uplands. The remaining excluded waters onsite are (b)(5) waters, excavated from uplands and do not meet the criteria of a jurisdictional water.

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