



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): 29-JUN-2021
ORM Number: SAC-2008-02243
Associated JDs: SAC-2008-02243-3JH
Review Area Location¹: a 21.52-acre site located east of and adjacent to Dayton Drive, parcel identified as Tax Map Number 122-00-05-036,
State/Territory: SC City: Conway County: Horry
Center Coordinates of Review Area: Latitude 33.8465 Longitude -79.1064

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)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
JT 1 Oakley Swamp	776 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The onsite perennial tributary contributes surface water flow indirectly to an (a)(1) water (Waccamaw River) in a typical year. The onsite tributary is part of the wetland system named Oakey Swamp which outfalls into the Waccamaw River which is an (a)(1) waters.

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

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 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.

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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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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
EW 1	476 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 (EW) 1 a (b)(5) (Upland Ditch), located within the review area was excavated entirely from uplands 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. Flow if any within the feature appears to be directly in response to precipitation.
EW 2	362 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 (EW) 2 a (b)(5) (Upland Ditch), located within the review area was excavated entirely from uplands 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. Flow if any within the feature appears to be directly in response to precipitation.

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: *AJD request submitted by the Brigman Company, on behalf of Sammy Spann, dated April 21, 2021.*

This information is sufficient for purposes of this AJD.

Rationale: *The wetland data forms, and additional information submitted by the agent are 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: *N/A*

Photographs: *(Aerial and other) photos submitted by the Agent in the submittal dated September 16, 2020, and 2019 Google Earth and 2006 SCDNR aerial photos.*

Corps Site visit(s) conducted on:

Previous Jurisdictional Determinations (AJDs or PJDs): *SAC-2008-02243-3JH, dated January 29, 2009.*

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 August 26, 2020, ESRI Map Service depicts the soil*

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types of Wahee and Meggett.

- USFWS NWI maps: *USFWS NWI Map Service map depicts the site as uplands with the delineated Oakey Swamp (tributary) as a solid blue line.*
- USGS topographic maps: *USGS Topographic Map / 7.5 Minute Index / Conway Quad / 1:24000. Topo maps depicts Forested uplands abutting Oakey Swamp.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	See Above in Section III A..
USDA Sources	See Above in Section III A..
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed on 29 June 2021.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Antecedent Rainfall Calculator data for typical year determination was calculated based on the field collection date provided on the agent’s data forms (31 March 2021). The Antecedent Rainfall Calculator data showed “Normal” conditions at the time of data collection by the agent with a condition value of 13, which indicates that typical year hydrologic conditions were present at the time of the field inspection. For this assessment, ten (10) weather stations located within a 18-mile radius were used.
- C. Additional comments to support AJD:** The review area is 21.52-acre site surrounded by adjacent development. The site is comprised of uplands except for a jurisdictional tributary located along the northern boundary. On site are also two upland excavated ditches. A review of Antecedent Precipitation Tool data revealed the site visit performed by the agent collecting data for the delineation was performed under normal conditions. The site contains potential wetland areas; however, based on the submitted datasheets dated March 21, 2021, areas lacked all three parameters that define a wetland; specifically, the hydrology parameter. A site visit by the Corps was not performed.

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