



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): 15-JUN-2021

ORM Number: SAC-2018-00031

Associated JDs: SAC-2018-00031 issued on February 20, 2018

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

State: SC City: Conway County: Horry County

Center Coordinates of Review Area: Latitude 33.763627 Longitude -79.078721

**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)<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
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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<sup>2</sup> 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.

<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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**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
Excluded Waters 2	0.2 acres	(b)(1) Non-adjacent wetland	Excluded Water 2 is a closed boundary polygon that does not abut and is not inundated by an (a)(1)-(3) water. The wetland entirely encompassed by uplands and lacks a direct or indirect surface connection to (a)(1)-(3) waters.
Excluded Waters 3	2.8 acres	(b)(1) Non-adjacent wetland	Excluded Water 3 continues offsite to the north bud does not abut and is not inundated by an (a)(1)-(3) water. The wetland entirely encompassed by uplands and lacks a direct or indirect surface connection to (a)(1)-(3) waters.
Excluded Waters 5	0.5 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 5 is a pond constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water.
Excluded Waters 6	0.3 acres	(b)(1) Non-adjacent wetland	Excluded Water 6 does not abut and is not inundated by an (a)(1)-(3) water. The wetland entirely encompassed by uplands and lacks a direct or indirect surface connection to (a)(1)-(3) waters.
Excluded Waters 7	1.1 acres	(b)(1) Non-adjacent wetland	Excluded Water 7 does not abut and is not inundated by an (a)(1)-(3) water. Additionally, excluded water 7 is physically separated from an (a)(1)-(3) water by multiple physical, man-made barriers (berms, roads, etc.) and continues offsite to the north it is physically separated from the nearest (a)(1)-(3) water by a Kinlaw Road, SC Highway 701, and a series of ditches and man-made berms. Since, wetlands 1-3 do not abut an (a)(1)-(3) water, and are physically separated by more than a single artificial barrier, they are determined to be non-jurisdictional.
Excluded Waters 1	0.7 acres	(b)(1) Non-adjacent wetland	Excluded Water 1 does not abut and is not inundated by an (a)(1)-(3) water. The wetland entirely encompassed by uplands and lacks a direct or indirect surface connection to (a)(1)-(3) waters.
Excluded Waters 4	5.6 acres	(b)(1) Non-adjacent wetland	Excluded Water 4 continues offsite to the north bud does not abut and is not inundated by an (a)(1)-(3) water. The wetland entirely encompassed by uplands 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: ***D.M. Todd Tract (67.34***

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**+/-) submittal dated October 29, 2020 / Wetland Delineation Forms dated August 25, 2017**

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: *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-2018-00031 issued on February 20, 2018*

\_\_\_ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: *NRCS / [Soil Survey Geographic Database \(SSURGO\)](#) created April 4, 2019, updated August 26, 2020.*

USFWS NWI maps: *USFWS NWI - Wetlands Raster REST service created May 29, 2012, updated July 17, 2020*

USGS topographic maps: *Title(s) and/or date(s). USGS Topographic Maps / 7.5 Minute Index / Conway 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	CESAC Reg viewer accessed on June 15, 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 submittal (October 29, 2020). Output from the APT indicated "Normal Conditions" at the time of data collection by the agent (The Brigman Company) with a value of 13. 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 6 weather stations within an approximate radius of 14 miles. Results of the APT indicate the site visit was conducted within conditions considered by the Corps to be within a "typical year".

**C. Additional comments to support AJD:** The area in review contains 67.3 acres and includes seven excluded waters. Wetlands 1, 2, and 6 is completely encompassed entirely by uplands and lacks a

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direct or indirect surface connection to (a)(1)-(3) waters. Wetlands 3 & 4 continue offsite to the north where they are physically separated from the nearest (a)(1)-(3) water by uplands and artificial barriers. Excluded water 7 continues offsite but is separated by (a)(1)-(3) waters by a combination of uplands and artificial barriers. Additionally, there are 5 non-aquatic resources onsite.

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