



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-2018-00140

Associated JDs: Preliminary JD SAC-2018-00140 issued on January 28, 2019

Review Area Location¹:

State/Territory: SC City: Myrtle Beach County: Horry County

Center Coordinates of Review Area: Latitude 33.651999 Longitude -79.028121

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
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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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 (B)(5)	174 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)	(b)(5) Excluded water 3 (Ditch) is partially located in uplands and partially excavated from wetlands within the review area but do not meet the criteria of a jurisdictional water based on the following: 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).
Excluded Waters (b)(1) #1	12.24 acres	(b)(1) Non-adjacent wetland	Excluded Waters (b)(1) #1 (wetland) does not abut and is not inundated by an (a)(1)-(3) water. Additionally, this wetland is physically separated from an (a)(2) water by multiple physical, man-made barriers and/or uplands. Excluded Waters 1 is completely surrounded by uplands and lacks a direct connection to (a)(1)-(3) waters. The only protentional connection between this wetland and an (a)(2) water would be through a series of upland excavated drainage ditches. A ditch can not render an otherwise isolated wetland an adjacent wetland unless the ditch itself is a tributary, which in this case it is not.
Excluded Waters (b)(1) #2	39.79 acres	(b)(1) Non-adjacent wetland	Excluded Waters (b)(1) #2(wetland) does not abut and is not inundated by an (a)(1)-(3) water. Additionally, this wetland is physically separated from an (a)(2) water by multiple physical, man-made barriers and uplands. Excluded Waters 2 is completely surrounded by uplands and lacks a direct connection to (a)(1)-(3) waters. The only protentional connection between this wetland and an (a)(2) water is through would be through a series of upland excavated drainage ditches. A ditch can not render an otherwise isolated wetland an adjacent wetland unless the ditch itself is a tributary, which in this case it is not.
Excluded Waters (b)(1) #3	1.89 acres	(b)(1) Non-adjacent wetland	Excluded Waters (b)(1) #3 (wetland) does not abut and is not inundated by an (a)(1)-(3) water. Additionally, this wetland is physically separated from an (a)(2) water by multiple physical, man-made barriers and uplands. Excluded Waters 3 is completely surrounded by uplands and lacks a direct connection to (a)(1)-(3) waters. The only protentional connection between this wetland and an (a)(2) water would be through a series of upland excavated drainage ditches. A ditch can not render an otherwise isolated wetland an adjacent wetland unless the ditch itself is a tributary, which in this case it is not.
Excluded Waters (b)(1) #4	0.72 acres	(b)(1) Non-adjacent wetland	Excluded Waters (b)(1) #4 (wetland) does not abut and is not inundated by an (a)(1)-(3) water. Additionally, this wetland is physically separated from an (a)(2) water by multiple physical, man-made barriers and uplands.

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		Excluded Waters 4 is completely surrounded by uplands and lacks a direct connection to (a)(1)-(3) waters. The only protentional connection between this wetland and an (a)(2) water would be through a series of upland excavated drainage ditches.. A ditch can not render an otherwise isolated wetland an adjacent wetland unless the ditch itself is a tributary, which in this case it is not.
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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: Submittal titled “Robert Hatfield Tract (82.44+/- acres) / Request for Jurisdictional Determination and Verification / TMS: 184-00-02-167 / Horry County, South Carolina”, dated January 26, 2021, submitted by Southern Palmetto Environmental on behalf of Mr. Tidelands Health and Mr. Robert Hatfield. 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*

Photographs: Site photos titled “Representative Photos of the Site / Robert Hatfield Site,” and dated December 17, 2020, submitted by Southern Palmetto Environmental. Aerial photographs provided by Southern Palmetto Environmental, in the submittal dated January 26, 2021. USGS National Map 3D Elevation Program (3DEP) published August 13, 2020. Photos taken by the Corps during a site visit conducted on June 11, 2021.

Corps Site visit(s) conducted on June 11, 2021
 Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2018-00140 issued January 28, 2019.

Antecedent Precipitation Tool: Output from the APT indicated “normal” conditions See detailed discussion in Section III.B.

USDA NRCS Soil Survey: NRCS Soil Survey Geographic Database (SSURGO) created 4 Apr 2019 and updated 26 Aug 2020. The NRCS Soil Survey depicts the majority of the site as being comprised of Bladen and Ogeechee loamy fine sands. These soils are 100% hydric. The remainder of the site is comprised a Yemassee loamy fine sand which is a non-hydric soil that contains hydric inclusions.

USFWS NWI maps: USFWS NWI Map Service dated May 29, 2012, updated July 17, 2020. PFO1/4Bd NWIs depict the project area as containing saturated palustrine forest that has been artificially ditched or drained.

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X USGS topographic maps: USGS 7.5 Minute Index (Bucksville Quad). The USGS topographic survey information located within Bucksville Quad depicts the project area as a combination of cleared and forested uplands and wetlands. There are no blue line features depicted on site.

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, National Hydrography Dataset.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer Accessed on May 24, 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 17, 2020). Output from the APT indicated “normal” conditions at the time of data collection by the agent (Southern Palmetto Environmental) with a condition value of 11. APT Output with a condition value greater than 14 indicates “wetter than normal” conditions onsite.

C. Additional comments to support AJD:

A preliminary jurisdictional determination was issued for this tract in association with the resolution of an enforcement action in January of 2019. In January of 2021, the property owner requested that the Corps review the aquatic resources onsite under the Navigable Waters Protection Rule. The delineation associated with the 2021 submittal contained slight variations in the wetland lines from that of the 2019 delineation. Areas where there were discrepancies were investigated by the Corps during a site visit conducted on June 11, 2021. The 2021 delineation as shown on the depiction titled “Wetland Determination / Robert Hatfield Tract (82.44 +/- ac) / TMS# 184-00-02-167 / Horry County, South Carolina” and dated June 11, 2021, was determined, by the Corps, to be accurate. See additional information provided by the agent below.

As stated by Southern Palmetto Environmental in the submittal titled “Robert Hatfield Tract (82.44+/- acres) / Request for Jurisdictional Determination and Verification / TMS: 184-00-02-167 / Horry County, South Carolina”, dated January 26, 2021, “The site is located within the Socastee Community of Horry County, South Carolina. The project area is 82.44+/- acres and is located just west of HWY 707. The tract has gone through some minor land alterations over the years with some timber harvesting, minor drainage, and minor clearing, but these past land disturbing activities haven’t changed the wetland composition across the tract. Several wetlands occur on the site and are distributed across most of the site with several upland areas present throughout. Wetlands exhibit

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deep wetland character with active hydrology, hydrophytic plant communities in all strata, and hydric soils that are mostly mapped as Ogeehee and Bladen. The wetlands contain hydric soils with well-established bottomland plant communities with loblolly pine, swamp black gum, red maple, and other hardwood species. The wetlands and uplands abut SC 31 and some residential communities along the periphery. Due to the lack of a connection to a tributary, all wetlands are considered excluded waters according to the Navigable Waters Protection Rule of 2020. Upland areas lack hydric soils and contain slightly different plant communities with a lack of hydrology indicators expressed even during a wet period. Even though most of the soils are mapped on the site as Bladen, Ogeechee, and Yemassee, the majority of the uplands contain high chroma soils. The uplands contain loblolly pine, white oak, sweet gum, and black gum, along with a mixture of facultative shrubs. In addition to the mapped wetlands, there are several old roadside ditches that were cut more than 30 years ago for former public roadways that once passed through this property. These are considered non-aquatic features. The tract is found within a suburban area with residential subdivisions along the majority of the periphery.” This information was determined, by the Corps, to be accurate during a site visit conducted on June 11, 2021.

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