



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): 30 June 2021

ORM Number: SAC-2020-01394

Associated JDs: N/A

Review Area Location¹:

State: SC City: Loris County: Horry County

Center Coordinates of Review Area: Latitude 33.911543 Longitude -78.841242

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
Jurisdictional Tributary 2	400 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The tributary (Frank Branch) is a channelized, naturally occurring feature that flows into Todd Swamp an (a)(2) water, and then into the Waccamaw River an (a)(1) water. The tributary was determined to have a perennial flow regime. The tributary is depicted as a solid blue line feature on the topographic map and categorized as a perineal stream/river in the USGS National Hydrography Dataset. LiDAR with hillshade depicts the tributary as being positioned in a naturally low-lying drainage area and having sinuosity. Additionally, site photos depict a continuous ordinary high-water mark, obvious bed and bank, and a sandy

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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Jurisdictional Tributary 1	644 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	bottom indicative of a tributary with perennial flow. The tributary is a channelized, naturally occurring feature that flows into Todd Swamp an (a)(2) water, and then into the Waccamaw River an (a)(1) water. The tributary was determined to have a perennial flow regime. The tributary is depicted as a solid blue line feature on the topographic map and categorized as a perineal stream/river in the USGS National Hydrography Dataset. LiDAR with hillshade depicts the tributary as being positioned in a naturally low-lying drainage area and having sinuosity. Additionally, site photos depict a continuous ordinary high-water mark, obvious bed and bank, and a sandy bottom indicative of
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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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Water Wetland 1	0.6 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	Excluded Water 1 does not abut and is not inundated by an (a)(1)-(3) water. Additionally, Excluded Water 1 is physically separated from an (a)(1)-(3) water by physical, man-made berms associated with the channelization of Todd Swamp. Exclusion of this feature was based on the lack of evidence associated with a surface hydrologic connection to (a)(1-3) waters based on a review of LiDAR, aerial, and topographic maps as well as site photographs included in the original submittal.
Excluded Water Wetland 2	5.99 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	Excluded Water 2 does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water 2 is physically separated from an (a)(1)-(3) water by physical, man-made berms associated with the channelization of Todd Swamp. Exclusion of this feature was based on the lack of evidence associated with a surface hydrologic connection to (a)(1-3) waters based on a review of LiDAR, aerial, and topographic maps as well as site photographs included in the original submittal.

III. SUPPORTING INFORMATION

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

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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: **Tantau Tract submittal dated October 8, 2020 / Wetland Delineation Forms dated September 24, 2020**

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).*

___ 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 / soils maps submitted by agent dated October 8, 2020**

USFWS NWI maps: **USFWS NWI - Wetlands Raster REST service created May 29, 2012, updated July 17, 2020 / NWI maps submitted by agent dated October 8, 2020**

USGS topographic maps: *Title(s) and/or date(s).* **USGS Topographic Maps / 7.5 Minute Index / Hammond 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 30, 2021
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: The area in review contains 9.76 acres and includes two excluded waters and two jurisdictional features.

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