



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): March 19, 2021

ORM Number: SAC-2007-01514

Associated JDs: Two previous JDs documented under SAC-2007-01514, dated 21 June 2007, and 30 May 2013

Review Area Location¹: A 14.45-acre site located west of and adjacent to Petigru Road,
State: SC City: Pawleys Island County: Georgetown County
Center Coordinates of Review Area: Latitude 33.4496 Longitude -79.1293

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

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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N/A	N/A	N/A	N/A
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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 Waters #1	0.67 acres	(b)(1) Non-adjacent wetland	Excluded Waters 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 (residential lots, roads, etc.) and uplands. Excluded Waters 1 is surrounded by uplands (review of NWI, Topographic Maps, aerial, and soils maps) and lacks a direct or indirect surface connection to (a)(1)-(3) waters. Additionally, the USGS TNM-National Hydrology Dataset updated July 2020, depicts no flow of the wetlands outside the man-made barriers to include subdivisions, and public access roads that surround the entire wetland system (both onsite and offsite).
Excluded Waters #2	0.77 acres	(b)(1) Non-adjacent wetland	Excluded Waters 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 (residential lots, roads, etc.) and uplands. Excluded Waters 2 is surrounded by uplands (review of NWI, Topographic Maps, aerial, and soils maps) and lacks a direct or indirect surface connection to (a)(1)-(3) waters. Additionally, the USGS TNM-National Hydrology Dataset updated July 2020, depicts no flow of the wetlands outside the man-made barriers to include subdivisions, and public access roads that surround the entire wetland system (both onsite and offsite).
Excluded Waters #3	0.78 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 Waters #3 (Non-jurisdictional Pond) is an excluded water based on the determination that it is a man-made pond wholly excavated out of uplands. The NWIs depict this area as open water surrounded by uplands. Topographic map depicts the area of pond and surrounding area as forested uplands.

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: *AJD request submitted by S&ME, Inc, on behalf of Graycliff Capital Partners, LLC, dated September 17, 2020.*

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.

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- ___ Data sheets prepared by the Corps:
- ___ Photographs: *(aerial and other) Goggle Earth aerial photo 2019, 2006 SCDNR aerial photo, Site photos taken by the agent dated September 15, 2020. Supplemental site photos submitted by S&ME, Inc. dated 04/17/2021.*
- X Corps Site visit(s) conducted on: *N/A.*
- X Previous Jurisdictional Determinations (AJDs or PJDs): *Two previous JDs documented under SAC-2007-01514, dated 21 June 2007, and 30 May 2013.*
- ___ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- X 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 types of Leon, and Grifton.*
- X USFWS NWI maps: *USFWS NWI - Wetlands Raster REST Map Service dated May 29, 2012, updated July 17, 2020, USFWS NWI Map Service Maps depicts review area as uplands and forested Wetland. Upland excavated pond surrounded by uplands.*
- X USGS topographic maps: *USGS Topographic Map / 7.5 Minute Index / Waverly Mills Quad / 1:24000. Topographic map depicts the review area as forested uplands. No symbols that typically represent a potential water are depicted on the topographic map. Topographic map does not depict a symbol that typically represents an A(1)-A(4) water within the review area or in close proximity of review area.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	3DEPElevation- DEM and 3DEPElevation – Hillshade (LiDAR), and, USGS TNM-National Hydrology Dataset, updated July 2020
USDA Sources	See Above.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed on 12 NOV 2020, & March 19, 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 project site is comprised of 14.45 acres of which 2.22 acres were determined to be excluded waters. These excluded waters do not abut and are not inundated by an (a)(1)-(3) water. Additionally, these excluded waters are physically separated from any (a)(1)-(3) waters by multiple physical, man-made barriers (residential lots, roads, etc.) and uplands. The excluded waters are surrounded by uplands (review of NWI, Topographic Maps, aerial, and soils maps). Additionally, the USGS TNM-National Hydrology Dataset updated July 2020, depicts no flow of the wetlands outside the man-made barriers to include subdivisions, and public access roads that surround the entire wetland system, both onsite and offsite. The entire wetland system of

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Excluded Waters #1 is surrounded by the following public roads: Petigru Road, Waverley Mills Road and Martin Luther King Road. The applicant on March 17, 2021, provided supplemental site photos that depict no flow/culvert under Waverly Road located to the south of the review area and upland development to the north where culverts have been installed under a residential development and road to handle stormwater flow. At these two locations described above, the wetland system of Excluded Waters #1 is separated from jurisdictional waters by multiple man-made barriers. A site visit was performed for this Jurisdictional Determination.

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