



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): 18-MAR-2021
ORM Number: SAC-2020-01058
Associated JDs: Adjacent JD SAC-2020-00061 dated May 6, 2020
Review Area Location¹: East of and adjacent to Thomas Road
State: SC City: Conway County: Horry County
Center Coordinates of Review Area: Latitude 33.8527 Longitude -78.8571

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
JD Tributary 1	799 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary 1 is an unnamed perennial tributary that is shown as a drainage pattern on NWIs maps that continue offsite to become a solid blue line offsite. The tributary is a naturally occurring surface water channel with site photos submitted by the agent depicting a tributary with a clear bed and bank and free of leaf litter.. SC Stream Stats depicts the tributary continuing off-site to the north where it intersects with Jones Big Swamp, an (a)(2) water.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

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.

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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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(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
JD Wetland 1	20.07 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 1 is part of a larger wetland system that continues offsite to the north where it eventually abuts the OHWM of Jones Big Swamp, a named tributary of the Waccamaw River (TNW).
JD Wetland 2	3.28 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 2 directly abuts the OHWM of the onsite perennial tributary
JD Wetland 3	0.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 3 directly abuts the OHWM of the onsite perennial tributary
JD Wetland 4	2.75 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 4 is part of a larger wetland system that continues off-site to the north where it eventually abuts the OHWM of Jones Big Swamp, a named tributary of the Waccamaw River (TNW).

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Water 1	0.05 acres	(b)(1) Non-adjacent wetland	Excluded Water 1 (wetland) continues offsite and is a closed boundary polygon that does not abut and is not inundated by an (a)(1)-(3). The excluded water lacks a direct or indirect surface connection to (a)(1)-(3) waters. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water (b)(1).
Excluded Water 2	4.52 acres	(b)(1) Non-adjacent wetland	Excluded Water 2 (wetland) continues offsite and is a closed boundary polygon that does not abut and is not inundated by an (a)(1)-(3). The excluded water lacks a direct or indirect surface connection to (a)(1)-(3) waters. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water (b)(1).
Excluded Water 3	0.09 acres	(b)(1) Non-adjacent wetland	Excluded Water 3 (wetland) continues offsite and is a closed boundary polygon that does not abut and is not inundated by an (a)(1)-(3). The excluded water lacks a direct or indirect surface connection to (a)(1)-(3) waters. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water (b)(1).
Excluded Water 4	0.02 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)	The pond is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water.
Excluded Water 5	411 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a	Excluded Water 5 (ditch) located within the review area is excavated from uplands and does not meet the

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		ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	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.
Excluded Water 6	377 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 6 (ditch) located within the review area is excavated 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.

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 Southern Palmetto Environmental, on behalf of Shawn Godwin, on August 1, 2020. Sketch submitted by the agent titled "Wetland Delineation (8/2020)/ Canebrake Tract (87.2 +/- acres)/ TMS#'s 126-00-01-047 (Portion of)/ Horry County, South Carolina) dated August 12, 2020.

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: *Title(s) and/or date(s)*.

Photographs: (*aerial and other*) USGS National Map 3D Elevation Program (3DEP) published August 13, 2020, 2019 Google Earth Imagery, site photos submitted by the agent (July 27, 2020).

Corps Site visit(s) conducted on: *Date(s)*.

Previous Jurisdictional Determinations (AJDs or PJDs): Adjacent JD SAC-2020-00061 dated May 6, 2020

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

USDA NRCS Soil Survey: Soil Survey Geographic Database (SSURGO) Map service dated April 4, 2019 revised August 26, 2020; The project area is comprised of the hydric soils Bladen fine sandy loam, Meggett Loam, and the partially hydric soil Yauhannah fine sandy

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loam.

- X** USFWS NWI maps: Wetlands Raster REST Map Service dated May 29, 2012 and revised July 17, 2020; NWIs depict the project area as a combination of uplands and forested wetlands (PFO1B, PFO4B)
- X** USGS topographic maps: 7.5 Minute Index/ Hand Quad / 1:24000; USGS topographic survey information depicts the project boundary as a forested area with wetland symbols present in the eastern portion of the boundary.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Topographic Map
USDA Sources	South Carolina StreamStats 2018 Release
NOAA Sources	N/A.
USACE Sources	SAC Reg Viewer accessed on 01/07/2020
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 data forms (July 27, 2020). Output from the APT indicated "wetter than normal Conditions" at the time of data collection by the agent (Southern Palmetto Environmental) with a value of 18. 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 7 weather stations within an approximate radius of 20 miles. Results of the APT indicate the site visit was conducted outside of conditions considered by the Corps to be outside a "typical year". However, even under the elevated hydrologic conditions indicated by the APT output, the flow regime of the tributary, jurisdictional status of the wetlands, and non-jurisdictional status of the excluded waters remains as identified in this basis form.
- C. Additional comments to support AJD:** This form address 87.20 acres near Conway, SC. Present on site is a single tributary ((a)(2) water), four jurisdictional wetlands ((a)(4) waters), three excluded (b)(1) waters, two excluded (b)(5) waters and one excluded (b)(8) water. The (a)(2) water continues off-site where is discharges into Jones Big Swamp, a named Tributary of the Waccamaw River, a named TNW influenced by the tide. The (a)(4) waters on site abuts the OHWM of the onsite (a)(2) water or continue offsite and abuts the OHWM of the offsite tributary Jones Big Swamp. The onsite (b)(1) waters do not abut and are not inundated by an (a)(1)-(3). The onsite (b)(8) water was constructed entirely in uplands and does not contribute flow to (a)(1-4) waters. The (b)(5) waters located within the review area are excavated from uplands and do not meet the criteria of a jurisdictional water.

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