



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): 09-MAR-2021

ORM Number: SAC-2020-01436

Associated JDs: N/A

Review Area Location¹:

State: SC City: Pawleys Island County: Georgetown County

Center Coordinates of Review Area: Latitude 33.432491 Longitude -79.136065

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
N/A	N/A	N/A	N/A

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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.

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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 1	0.1 acre	(b)(1) Non-adjacent wetland	Excluded Water 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 Wetland 1 is surrounded by uplands and lacks a direct surface connection to (a)(1)-(3) waters. The only connection observed between this wetland and an (a)(2) water, during a site visit conducted on 2/25/21, is through an upland excavated roadside drainage ditch located to the south of the site. A ditch cannot render an otherwise isolated wetland an adjacent wetland unless the ditch itself is a tributary, which in this case it is not. Available evidence, including USGS topographic maps, NHD, NWIs, and LiDAR, does not support the ditch having been constructed in an adjacent wetland or natural waterway, or being any portion of a natural occurring or re-routed tributary. See section C.III for additional details.

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: “Request for Corps Jurisdictional Determination (JD) / Delineation,” dated October 21, 2020, submitted by Salter Wetlands Associates, LLC on behalf of Mr. Aaron Munn for 107 Player Road. This information is sufficient for purposes of this AJD.
- Data sheets prepared by the Corps: N/A
- Photographs: Untitled photographs submitted by the agent in the submittal dated October 21, 2020. Photographs taken by the Corps during a site visit conducted on February 25, 2021. Aerial photographs Salter Wetlands Associates, LLC, in the submittal dated October 21, 2020. Google Earth 2020 aerial and street view photos. USGS National Map 3D Elevation Program (3DEP) published August 13, 2020.
- Corps Site visit(s) conducted on: February 25, 2021.
- Previous Jurisdictional Determinations (AJDs or PJDs): N/A
- Antecedent Precipitation Tool: Wetter than normal conditions. Detailed discussion provided in Section III.B.
- USDA NRCS Soil Survey: NRCS Soil Survey Geographic Database (SSURGO) created 4 Apr 2019 and updated 26 Aug 2020. ESRI Map Service depicts the soil types onsite as Leon Sand, a hydric soil. Further south the soil transition to Chipley fine sand, a non-hydric soil that

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contains hydric inclusions.

- X** USFWS NWI maps: USFWS NWI Map Service dated May 29, 2012, updated July 17, 2020. NWIs do not depict wetlands on site. NWIs do however depict saturated palustrine forest onsite just south of the project area. The onsite wetland is part of a larger wetland system that continues offsite to the south east and is depicted as being surrounded by uplands.
- X** USGS topographic maps: USGS 7.5 Minute Index (Conway Quad). Topographic map depicts vegetated uplands that do not contain any blue line features or symbols that would typically represent a waters of the United States.

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 February 24, 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 date denoted on wetland determination data forms (September 30, 2020). Output from the APT indicated “wetter than normal” conditions at the time of data collection by the agent (Salter Wetlands Associates, LLC) with a condition value of 18. APT Output with a condition value greater than 14 indicates “wetter than normal” conditions onsite and may not accurately represent typical year hydrologic conditions. For this assessment, a total 10 weather stations within a 12-mile radius were used. Although wetter than normal conditions were indicated by the APT, these findings would not affect the wetland boundary or the jurisdictional status.
- C. Additional comments to support AJD:** This form addresses a 1-acre tract (TMS: 04-0165-003-00-1) that was determined to contain approximately 0.10 acre of excluded waters (non-adjacent wetland). The wetland on-site is a depressional feature, separated from uplands by an obvious topographic break (clearly depicted in 3DEPElevation – Hillshade /LiDAR overlays). The wetland is part of a larger wetland that continues offsite to the south. Based on a site visit conducted on February 25, 2021, the wetland is separated from any (a)(1) -(a)(3) waters on all sides by multiple man-made barriers (roads, berms, and residential lots) and uplands. The wetland is bordered to the north and east by uplands consisting of residential and commercial development. The wetland is bordered to the west by Player Road and uplands. The wetland is bordered to the south by uplands and then Blockade Road. Uplands were documented adjacent to blockade road in SAC-2006-01552. There are no culverts located along player road that would provide a hydrologic connection to the west. There is a roadside drainage ditch located along the northeast side of player road which carries water southeast

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to a second ditch located along the north side of Blockade Road. A third ditch constructed in uplands located just north of Blockade Road/south of the wetland, carries water from the wetland directly to the ditch located on the northside of Blockade Road. There is a culvert located beneath Blockade Road that carries water off-site. All three of the ditches that carry water from the wetland through uplands and then offsite were determined to be man-made features constructed in uplands. There is no evidence (LiDAR, topographic maps, NWIs or NHD) to support a determination that the ditches would meet the criteria of a jurisdictional tributary. Therefore, it has been determined that the only connection from the wetland to an (a)(1)-(a)(3) water is through series of upland excavated non-jurisdictional ditches. A ditch cannot render an otherwise isolated wetland an adjacent wetland unless the ditch itself is a tributary, which in this case it is not, the wetland onsite was confirmed to be an excluded water (b)(1).

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