



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): 10-MAR-2021

ORM Number: SAC-2020-01515

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State: SC City: Little River County: Horry County

Center Coordinates of Review Area: Latitude 33.863 Longitude -78.72

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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

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

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide and 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
EWb8 #1	0.6 acre	(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)	This feature is a man-made stormwater pond that was constructed in approximately 2003 (see attached aerial photographs). It was constructed partially in uplands and partially in wetlands. This pond was permitted for construction under Department of the Army Permit No. 2001-1C-527, issued June 26, 2002. In the delineation associated with the permit plans the wetland appears to have been surrounded on all sides by uplands and separated from an (a)(1)-(a)(3) water by multiple natural and man made barriers. The wetland is not depicted on any desktop resources. The wetland impacted by the excavation of this pond was completely filled by permitted fill associated with Department of the Army Permit No. 2001-1C-527, issued June 26, 2002 and no longer exist on site. This pond would also meet the (b)(10) exclusion for stormwater features.
EWb8 #2	0.2 acre	(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)	This feature is a man-made stormwater pond that was constructed in uplands between 1994 and 2003 (see attached aerial photographs). The pond would also meet the (b)(10) exclusion for stormwater features.
EWb8 #3	0.07 acre	(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)	This feature is a man-made stormwater pond that was constructed in uplands between 1994 and 2003 (see attached aerial photographs). The pond would also meet the (b)(10) exclusion for stormwater features.

**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: Request for Jurisdictional Determination and Verification, submitted by S&ME, Inc. on behalf of Horry County Schools for the “Riverside Elementary School Tract”. 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*

  X   Photographs: Google Earth Aerial Photos: 1994 and 2003; Site photos submitted by the agent titled, “Site Photographs / Riverside Elementary School Tract / Little River, Horry County, South Carolina,” dated 10/30/20.

       Corps Site visit(s) conducted on: *N/A*

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- Previous Jurisdictional Determinations (AJDs or PJDs): N/A
- Antecedent Precipitation Tool: Normal Conditions. Detailed discussion provided in Section III.B.
- USDA NRCS Soil Survey: Exhibit 4 USDA SCS Soil Survey Map, 1982; The site contains Ogeechee and Eulonia soils.
- USFWS NWI maps: Exhibit 5 USFWS NWI, 1994
- USGS topographic maps: Exhibit 2 USGS 7.5 Minute Index (Nixonville Quad). Topographic map depicts uplands that do not contain any blue line features or symbols that would typically represent a WOUS.

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Topographic Maps (Nixonville Quad), 3DEPElevation- Slope and 3DEPElevation – Hillshade /LiDAR overlays
USDA Sources	USDA NRCS Soil Survey dated 1982
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer Accessed on March 4, 2021, permit #2001-1C-527, dated June 26, 2002
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 (October 30, 2020). Output from the APT indicated “normal” conditions at the time of data collection by the agent (S&ME) with a condition value of 13. For this assessment, a total 3 weather stations within a 15-mile radius were used.

**C. Additional comments to support AJD:** This form addresses a 17.8 acre tract that contains 0.87 acre of excluded waters (man-made ponds constructed in uplands or non-jurisdictional wetlands) and 1.18 acres of protect area associated with Department of the Army No. 2001-1C-527 issued on June 26, 2002. The protected area is not included under this review. The site consists of developed uplands that contain an Elementary school.

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