



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): March 17, 2021

ORM Number: SAC-2020-01543

Associated JDs: N/A

Review Area Location¹: A 64.15-acre site identified as a portion of TMS# 123-00-02-083, situated adjacent to Cultra Road, Skipper Road, and Oak Street

State/Territory: SC City: Conway County: Horry County

Center Coordinates of Review Area: Latitude 33.8669 Longitude -79.0635

I. 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.



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

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 1	2.8 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 Water 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). These roads are Oak Street, Skipper Road, Cultra Road, and US Highway 701.
Excluded Water 2	0.18 acre	(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 Water 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). These roads are Oak Street, Skipper Road, Cultra Road, and US Highway 701.
Excluded Water 3	0.06 acre	(b)(1) Non-adjacent wetland	Excluded Waters 3 (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 Water 3 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). These roads are Oak Street, Skipper Road, Cultra Road, and US Highway 701.
Excluded Water 4	0.36 acre	(b)(1) Non-adjacent wetland	Excluded Waters 3 (wetland) does not abut and is not inundated by an (a)(1)-(3) water. Additionally, this

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.



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

			wetland is physically separated from an (a)(2) water by multiple physical, man-made barriers (residential lots, roads, etc.) and uplands. Excluded Water 4 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). These roads are Oak Street, Skipper Road, Cultra Road, and US Highway 701.
Excluded Water 5	0.37 acre	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	The Stormwater pond was constructed from within uplands. The Stormwater pond is for a planned single-family residential subdivision. The pond has been excavated during the year of 2020 and designed to convey, treat, infiltrate or store stormwater runoff.
Excluded Water 6	0.99 acre	(b)(1) Non-adjacent wetland	Excluded Waters 6 (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 Water 6 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). These roads are Oak Street, Skipper Road, Cultra Road, and US Highway 701.
Excluded Water 7	3.78 acres	(b)(1) Non-adjacent wetland	Excluded Waters 7 (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 Water 7 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). These roads are Oak Street, Skipper Road, Cultra Road, and US Highway 701.

II. SUPPORTING INFORMATION

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.



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

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 The Brigman Company, on behalf of Charlie Brown, dated November 6, 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.*

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 30, 2020 & October 7, 2020.*

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

Previous Jurisdictional Determinations (AJDs or PJDs): *none.*

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

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 Wahee, and Bladen.*

USFWS NWI maps: *USFWS NWI - Wetlands Raster REST Map Service dated May 29, 2012, updated July 17, 2020, USFWS NWI Map Service Maps depict uplands and wetlands. NWI map depicts excluded water 5 a (B)(10) water (stormwater pond) as uplands.*

USGS topographic maps: *USGS Topographic Map / 7.5 Minute Index / Conway Quad / 1:24000. Topographic map depicts the review area as upland forested area. 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(3) 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	See Above and USGS TNM-National Hydrology Dataset, updated July 2020
USDA Sources	See Above.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed on 17 MAR 2020.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): Aquatic resources onsite are excluded and a typical year analysis is not warranted.

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.



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

- C. **Additional comments to support AJD:** The project site is comprised of 64 acres of which 8.54 acres are 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 is surrounded by the following public roads: U.S. highway 701, Skipper Road, Oak Street, and Cultra Road. A site visit was performed for this Jurisdictional 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.