



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): 26-MAR-2021  
ORM Number: SAC-2021-00407  
Associated JDs: SAC-2009-00445-3JH letter dated August 28, 2009, SAC-2009-00445-3B letter dated October 28, 2015, SAC-2009-00445 letter dated September 29, 2020.  
Review Area Location<sup>1</sup>: South of and adjacent to Little Neck Road  
State: SC City: Little River County: Horry County  
Center Coordinates of Review Area: Latitude 33.8527 Longitude -78.6022

**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
TNW 1	0.067 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	TNW 1 is subject to ebb and flow of the tide
TNW 2	0.037 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	TNW 2 is subject to ebb and flow of the tide
TNW 3	0.021 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	TNW 3 is subject to ebb and flow of the tide

**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
TNW 1	0.067 acres	(a)(1) Water is also subject to	TNW 1 is subject to ebb and flow of the tide

<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 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.

<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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		Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	
TNW 2	0.037 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	TNW 2 is subject to ebb and flow of the tide
TNW 3	0.021 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	TNW 3 is subject to ebb and flow of the tide

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
Wetland 1	0.005 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 1 directly abuts the onsite (a)(1) water TNW 2

**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
N/A	N/A	N/A	N/A

**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 Southern Palmetto Environmental, on behalf of Steve Sobek, on December 3, 2020. Sketch submitted by the agent titled “Wetland Determination/ Overland Park Project (29.41 +/- acres)/ TMS#’s 131-00-04-038 & 131-00-04-024/ Horry County, South Carolina” dated December 3, 2020 revised March 26, 2021.

This information is sufficient for purposes of this AJD.

Rationale: The wetland data forms, and additional information submitted by the agent are a

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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*) Google Earth aerial photo 2019, and site photos taken by the agent dated November 20, 2020.

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

Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2009-00445-3JH letter dated August 28, 2009, SAC-2009-00445-3B letter dated October 28, 2015, SAC-2009-00445 letter dated September 29, 2020.

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 March 4, 2020, ESRI Map Service depicts the soil types of Lakeland and Centenary.

USFWS NWI maps: Wetlands Raster REST Map Service dated May 29, 2012, updated July 17, 2020; USFWS NWI Map Service Maps depicts majority of site as uplands with a small portion being wetlands.

USGS topographic maps: USGS Topographic Map / 7.5 Minute Index / Little River Quad / 1:24000. Topographic map depicts the review area as forest uplands adjacent to Saltworks Creek and tidal marsh.

**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	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Reg Viewer accessed on 3/17/2020
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 (November 20, 2020). Output from the APT indicated " Normal Conditions" at the time of

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data collection by the agent (Southern Palmetto Environmental) with a value of 13. 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 9 weather stations within an approximate radius of 14 miles. Results of the APT indicate the site visit was conducted under conditions considered by the Corps to be within a "typical year".

- C. Additional comments to support AJD:** The review area is comprised of uplands with three (a)(1) waters and one (a)(4) water. The (a)(1) waters on site are subject to the ebb and flow of the tide associated with Saltworks Creek. The onsite (a)(4) (Wetland 1) abuts the onsite (a)(1) water (TNW 2). A portion of the review area has had three previous Jurisdictional Determinations (2009, 2015 & 2020).

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