



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): 23-NOV-2020

ORM Number: SAC-2008-01881

Associated JDs: Previous JD for site (SAC-2008-01881-4JJ; letter dated 13 Aug 2009)

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 33.7995 Longitude -79.1184

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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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 (b)(5)	1000 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)	This man-made ditch is not a natural tributary, nor is it a straightened tributary, and it is not depicted on the topographic map as a blue line. This ditch was excavated out of uplands adjacent to an access road for this property site. The ditch and area surrounding the ditch are mapped Uplands on the NWIs, and the soil survey maps this ditch as being excavated out of Echaw and Witherbee sands, which are non-hydric soils with hydric inclusions. On the 2006 Aerials, this area is depicted as an agricultural field, and no linear feature is present. Therefore, this linear feature was determined to be an Excluded Water.
Excluded Water (b)(8)	1.52 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 onsite pond was determined to be a man-made pond based on a review of the NWIs, soil survey, topographic map, and previous JD. The NWIs map this area as uplands, and it is not depicted on the topographic map. The soil survey maps this area as Witherbee Sand, which is a non-hydric soil with hydric inclusions. The previous JD, issued on 13 Aug 2009, determined this area was comprised of uplands. Therefore, this man-made pond, which was constructed out of uplands, was determined to be an excluded water.
Excluded Water 1	0.58 acres	(b)(1) Non-adjacent wetland	Excluded Water 1 was determined to be non-jurisdictional because it does not abut nor is it inundated by an (a)(1)-(a)(3) water. The aerials depict this site as forested with no linear features present, and the NWIs map this site as uplands. The site is mapped Witherbee Sand on the soil survey, which is non-hydric with hydric inclusions. No blue lines or other potential aquatic resources are depicted on the topographic map. Based on this information, Excluded Water 1 was determined to be an excluded water.
Excluded Water 2	0.17 acres	(b)(1) Non-adjacent wetland	Excluded Water 2 was determined to be non-jurisdictional because it does not abut nor is it inundated by an (a)(1)-(a)(3) water. The aerials depict this site as forested with no linear features present, and the NWIs map this site as uplands. The site is mapped Witherbee Sand on the soil survey, which is non-hydric with hydric inclusions. Although the topographic map depicts the northeastern property corner as wetlands, no blue lines or other potential linear features are depicted on the topographic map as being near this wetland. Based on this information, Excluded Water 2 was determined to be an excluded water.
Excluded Water 3	0.01 acres	(b)(1) Non-adjacent wetland	Excluded Water 3 was determined to be non-jurisdictional because it does not abut nor is it inundated by an (a)(1)-(a)(3) water. The aerials depict

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			this site as forested with no linear features present, and the NWIs map this site as uplands. The site is mapped Witherbee Sand on the soil survey, which is non-hydric with hydric inclusions. Although the topographic map depicts the northeastern property corner as wetlands, no blue lines or other potential linear features are depicted on the topographic map as being near this wetland. Based on this information, Excluded Water 3 was determined to be an excluded water.
Excluded Water 4	0.28 acres	(b)(1) Non-adjacent wetland	Excluded Water 4 was determined to be non-jurisdictional because it does not abut nor is it inundated by an (a)(1)-(a)(3) water. The aerials depict this site as forested with no linear features present. The NWIs map this area as wetlands (PSS1Ad), and the soil survey maps this area as Pocomoke, which is a hydric soil. Although the topographic map and LiDAR depict a potential tributary east of the project site, this potential tributary does not intersect with the boundary of this wetland. The LiDAR also depicts an upland ridge between this wetland and any potential waters located east of this site. Based on this information, Excluded Water 4 was determined to be an excluded water.
Excluded Water 5	0.16 acres	(b)(1) Non-adjacent wetland	Excluded Water 5 was determined to be non-jurisdictional because it does not abut nor is it inundated by an (a)(1)-(a)(3) water. The aerials depict this site as forested with no linear features present, and the NWIs map this wetland as uplands. The site is mapped Witherbee Sand on the soil survey, which is non-hydric with hydric inclusions. The previous JD, issued on 13 Aug 2009, determined this wetland was isolated, non-jurisdictional. Based on this information, Excluded Water 5 was determined to be an excluded water.

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 on behalf of Richard Smith by The Brigman Co., Inc., on 27 May 2020 and additional information submitted on 2 Sep 2020.*

This information is sufficient for purposes of this AJD.

Rationale: The original information submitted by the agent and the additional information submitted on 2 Sep 2020 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: *N/A.*

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- ☒ Photographs: *Photographs submitted by the agent dated 21 May 2020 and 2 Sep 2020. Google Earth aerials dated 4 Feb 2019 and 9 Jun 2011.*
- ☐ Corps Site visit(s) conducted on: *N/A.*
- ☒ Previous Jurisdictional Determinations (AJDs or PJDs): *SAC-2008-01881-4JJ; letter dated 13 Aug 2009.*
- ☐ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- ☒ USDA NRCS Soil Survey: *NRCS Soil Survey Geographic Database (SSURGO) Map Service created 4 Apr 2019 and updated 26 Aug 2020. The site consists of Witherbee and Echaw sands, which are non-hydric with hydric inclusions, and Pocomoke, which is a hydric soil.*
- ☒ USFWS NWI maps: *USFWS NWI - Wetlands Raster REST Map service dated May 29, 2012 and updated on July 17, 2020. According to the NWIs, the majority of the site is mapped uplands; however, Excluded Water 4 is mapped palustrine scrub-shrub wetlands (PSS1Ad).*
- ☒ USGS topographic maps: *USGS Topographic Map / 7.5 Minute Index / Conway Quad. The topographic map depicts the majority of this site as uplands with no blue lines present. Excluded Water 2 is depicted as wetlands on the topographic map.*

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 and National Map 3D Elevation Program (3DEP) Map Service (Aug 13, 2020)
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed on 13 Oct 2020.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Antecedent Rainfall Calculator data for typical year determination was calculated based on the field collection date provided by the agent (21 May 2020). The Antecedent Rainfall Calculator data showed “wetter than normal” conditions at the time of data collection by the agent with a condition value of 15, which indicates that typical year hydrologic conditions may not be present. For this assessment, ten weather stations, located within an 18-mile radius, were used. Even though site conditions for the date of the data forms do not represent typical year hydrologic conditions and flow regimes, the status for the excluded waters remain unchanged.

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- C. **Additional comments to support AJD:** The 20.81-acre project site includes seven excluded waters. Excluded Waters (b)(5) and (b)(8) were determined to be an excluded waters (non-jurisdictional) based on a previous AJD issued on 13 Aug 2009 (SAC-2008-01881), which depicts that both were excavated out of uplands. Based on a review of the aeriels, topographic map, soil survey, NWIs, and information submitted by the agent, the five excluded wetlands were determined to have no connection to any (a)(1) – (a)(3) waters.

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