



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): November 5, 2020

ORM Number: SAC-2020-01261

Associated JDs: N/A

Review Area Location¹:

State: SC City: Murrells Inlet County: Georgetown County

Center Coordinates of Review Area: Latitude 33.5404 Longitude -79.0498

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: There are no open water features, features that exhibit tributary characteristics or meet the three parameters of a wetland. No portions of the site lie below the high tide line of a jurisdictional water. The site consists entirely of uplands.
- 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 |

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.



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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 |

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

| Exclusion Name | Exclusion Size | Exclusion ⁵ | 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.

- Information submitted by, or on behalf of, the applicant/consultant: “Jurisdictional Determination Request,” dated September 8, 2020, submitted by The Brigman Company on behalf of Mr. Jeff Tanner for the “Nance’s Creekfront Restaurant”. 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
- Photographs: Site photos titled “Nance’s Creekfront Restaurant Site Photos,” and dated September 8, 2020, submitted by the Brigman Company. Aerial photographs provided by the Brigman Company, in the submittal dated September 8, 2020. All photos depict a partially cleared graded site with no signatures of potential aquatic resources. USGS National Map 3D Elevation Program (3DEP) published August 13, 2020. Corps Site visit(s) conducted on: N/A
- Previous Jurisdictional Determinations (AJDs or PJDs):
- Antecedent Precipitation Tool: Output from the APT indicated “wetter than normal” conditions See 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. ESRI Map Service depicts the soil type Lakeland fine sand.
- USFWS NWI maps: USFWS NWI Map Service dated May 29, 2012, updated July 17, 2020. USFWS NWI Maps do not depict any aquatic features within the project boundary.
- USGS topographic maps: USGS 7.5 Minute Index (Brookgreen Quad). Topographic map depicts cleared uplands that do not contain any symbols that would typically represent the presence of an aquatic feature.

Other data sources used to aid in this determination:

| Data Source (select) | Name and/or date and other relevant information |
|----------------------|---|
| | |

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|----------------------------|--|
| USGS Sources | Topographic Maps, 3DEPElevation-Slope and 3DEPElevation – Hillshade /LiDAR overlays. |
| USDA Sources | N/A. |
| NOAA Sources | N/A. |
| USACE Sources | SAC Regulatory Viewer Accessed on October 14, 2020 |
| State/Local/Tribal Sources | N/A. |
| Other Sources | N/A. |

- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) data for the typical year assessment was calculated based on the field collection date denoted on the wetland determination data forms (September 8, 2020). Output from the APT indicated “wetter than normal” conditions at the time of data collection by the agent (The Brigman Company) with a condition value of 15. 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 an 16-mile radius were used.
- C. Additional comments to support AJD:** This review covers a 1.66 acre site with no open water features, features that exhibit characteristics of a tributary, or areas that meet the three parameters of a wetland located within the project area. No portions of the site lie below the high tide line of a jurisdictional water. The site consists entirely of uplands.

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