



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): 12-NOV-2020

ORM Number: SAC-2020-01334

Associated JDs: N/A or ORM numbers and identifiers N/A

Review Area Location¹:

State: SC City: Longs County: Horry County

Center Coordinates of Review Area: Latitude 33.9902 Longitude -78.7465

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
Jurisdictional Tributary #1	1160 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The tributary is a naturally occurring named tributary (Little Cedar Branch) that flows directly into Buck Creek an (a)(2) water the flows into the Waccamaw River an (a)(1) water. The tributary was determined to have a perennial flow regime.

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
Excluded Waters #1	0.19 acres	(b)(1) Non-adjacent wetland	Excluded waters #1 (wetland) is a closed boundary polygon that does not abut and is not inundated by an (a)(1)-(3) water. Additionally, this wetland is physically separated from an (a)(1)-(3) water by multiple physical, man-made barriers (naturally occurring uplands, roads, ditch banks, etc.) The wetland is adjacent to Danford Point Road, and does not have any physical or hydrological connection to a receiving tributary or any other jurisdictional system. Since, this wetland does not abut an (a)(1)-(3) water, is not inundated by an (a)(1)-(3) water and is physically separated by more than a single artificial barrier, excluded water #1 is non-jurisdictional.
Excluded Waters #2	0.05 acres	(b)(1) Non-adjacent wetland	Excluded waters #2 (wetland) is a closed boundary polygon that does not abut and is not inundated by an (a)(1)-(3) water. Additionally, this wetland is physically separated from an (a)(1)-(3) water by multiple physical, man-made barriers (naturally occurring uplands, roads, ditch banks, etc.) The wetland is adjacent to Danford Point Road, and does not have any physical or hydrological connection to a receiving tributary or any other jurisdictional system. Since, this wetland does not abut an (a)(1)-(3) water, is not inundated by an (a)(1)-(3) water and is physically separated by more than a single artificial barrier, excluded water #2 is non-jurisdictional.
Excluded Waters #3	0.47 acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Excluded Waters #3 is an excluded water based on the determination that it is a man-made pond, wholly excavated out of uplands on site. Although the NWIs depict this area as wetlands, information submitted by the agent, including data forms, found no hydric soils or hydrology in this area.
Excluded Waters #4	765 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)	Excluded waters #4 (Ditch) was excavated from uplands within the review area and does not meet the criteria of a jurisdictional water based on the following: The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland and, therefore, does not meet the criteria of a tributary as outlined in (c)(12).
Excluded Waters #5	844 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a	Excluded waters #5 (Ditch) was excavated from uplands within the review area and does not meet the

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		ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	criteria of a jurisdictional water based on the following: The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland and, therefore, does not meet the criteria of a tributary as outlined in (c)(12).
Excluded Waters #6	1652 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)	Excluded waters #6 (Ditch) was excavated from uplands within the review area and does not meet the criteria of a jurisdictional water based on the following: The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland and, therefore, does not meet the criteria of a tributary as outlined in (c)(12).

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: Pre-construction notification package titled, "Tides at Little Creek NWP/AJD / Proposed Nationwide Permit and / Approved Jurisdictional Determination Authorization / Horry County, South Carolina," which contained a "Jurisdictional Determination Request," dated September 24, 2020, submitted by Southern Palmetto Environmental on behalf of Little Town Associates LP for the "Tides at Little Creek".

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: Site photos titled "Photo Representation of Site / Tides at Little Creek (44+/- acres) / Horry County, South Carolina," and dated December 17, 2019, submitted by Southern Palmetto Environmental. Aerial photographs provided by Southern Palmetto Environmental, in the submittal dated September 24, 2020. Photos depict a project area that is partially forested and contains farm fields. 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): *N/A*

X Antecedent Precipitation Tool: Output from the APT indicated "normal" conditions See detailed discussion in Section III.B.

X 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 types as Meggett Loam, Eulonia loamy fine sand, Yauhannah fine sandy loam.

X USFWS NWI maps: USFWS NWI Map Service dated May 29, 2012, updated July 17, 2020.

X USGS topographic maps: USGS 7.5 Minute Index (Longs Quad). Topographic map depicts a combination of cleared and vegetated uplands bisected by a named solid blue line feature

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(Little Cedar Branch).

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
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 typical year determination was calculated based on field collection data denoted on the originally included wetland delineation data forms (December 17, 2019). Output from the APT indicated "Normal Conditions" at the time of 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 7 weather stations within an approximate radius of 17 miles. Results of the APT indicate the site visit was conducted within conditions considered by the Corps to be within a "typical year".

Additional comments to support AJD: This form addresses a 44.63 acre site that was determined to contain one man-altered jurisdictional tributary. As stated in the "Request for Approved Jurisdictional Determination," submitted by Southern Palmetto Environmental, "There are several excluded waters on this site including two-(b)(1) wetlands, one-(b)(8) man-made pond, and three-(b)(3) relic farm ditches. The excluded wetlands are located on the northern side of the site near the former swine farm. These wetlands are adjacent to Danford Point Road, but don't have any physical or hydrological connection to a receiving tributary or any other jurisdictional system. These two small wetlands contain Meggett soils. These wetlands were partially inundated or saturated to the surface during the site visit displaying primary indicators of wetland hydrology. The man-made pond was dug out of uplands more than 50 years ago and all of the ditches are former agriculture drainage ditches.

In addition to the excluded waters, a man-altered, jurisdictional tributary called, Little Cedar Branch bisects the site from west to east. This tributary is considered a perennial waterbody but is deeply incised due to former farming practices. The upland areas on this parcel lack sufficient indicators in order to be a wetland. Vegetation on the upland section of this site is either a loblolly pine forest, mixed stands of hardwood and pine, or active/former agriculture fields. The soils in the uplands are characterized as Yauhannah and Eulonia Series'. The site is located within a mixture of light residential, agriculture, and rural forest lands.

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