



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):

ORM Number: SAC-2020-00602

Associated JDs: N/A

Review Area Location¹:

State: SC City: Myrtle Beach County: Horry County

Center Coordinates of Review Area: Latitude 33.6255° N, Longitude -79.0391° W.

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

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

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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.

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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 Waters 1	1.42 acres	(b)(1) Non-adjacent wetland	<p>On-site wetlands do not abut and are not inundated by an (a)(1)-(3) water. The on-site non-adjacent Wetland 1 is physically separated from an (a)(1)-(3) water by off-site uplands and numerous impervious manmade barriers (roads, berms, etc.). There is no clear direct or indirect surface connection from the on-site wetlands to an off-site (a)(1)-(3) water.</p> <p>Since the on-site wetlands do not abut an (a)(1)-(3) water, are not inundated by an (a)(1)-(3) water, and are physically separated from jurisdictional waters by uplands, they are determined to be non-jurisdictional.</p>
Excluded Waters 2	0.07 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)	<p>On-site waters do not abut and are not inundated by an (a)(1)-(3) water. The on-site pond was constructed out of non-jurisdictional waters and, therefore, is not jurisdictional</p> <p>Since the on-site pond does not provide surface water recharge to (a)(1)-(3) water, is not inundated by an (a)(1)-(3) water, and is physically separated from jurisdictional waters by uplands and multiple manmade barriers, it is determined to be non-jurisdictional</p>

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: Jurisdictional determination request with two (2x) data sheets, maps, and ten (10x) site pictures submitted on October 2, 2020, by Southern Palmetto Environmental. Project site map titled: **“Wetland Determination / Nestor Tract (1.85 +/- acres) / TMS:190-00-02-083 / Horry County, South Carolina”** dated October 1, 2020.

This information *is* sufficient for purposes of this AJD.

Rationale: Wetland data forms and information included in the original submittal, as well as follow up communications, are considered to be a reasonable representation of site conditions at the time of collection.

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- Data sheets prepared by the Corps: *Title(s) and/or date(s)*.
- Photographs: *(aerial and other)* 2011-2019 Google Earth Imagery / USGS National Map 3D Elevation Program (3DEP), ten (10x) site pictures were submitted by the applicant's consultant.
- Corps Site visit(s) conducted on: *Date(s)*.
- Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s)*.
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: NRCS / Soil Survey Geographic Database (SSURGO) Map Service, Horry County, dated April 4, 2019, updated August 26, 2020, depicts one soil type within the project site: Ogeechee loamy fine sand, a hydric soil. Soil hydric category was determined using the 2017 South Carolina Hydric Soils List, Horry County, procured from NRCS.
- USFWS NWI maps: USFWS NWI - Wetlands Raster REST Map Service, Horry County, depicts an upland site bounded to the north and south of the site by palustrine wetlands.
- USGS topographic maps: USGS Topographic Maps / 7.5 Minute Index / Brookgreen & Bucksville Quads / 1:24000 depicts a flat forested site bounded to the north by wetland symbology.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Reg Viewer – Accessed on October 8, 2020.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

Typical year assessment(s): Antecedent Precipitation Tool (APT) data for typical year determination was calculated based on field conditions observed on the date of the data forms (July 30, 2020). Output from the APT indicated "wetter than normal" at the time of data collection by the agent with a condition value of 18. For this assessment, a total of 12 weather stations within a ~22 mile radius were used.

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ATP outputs with a condition value of less than 10 indicates “drier than normal” conditions on site, while a condition value of 10 up to 14 indicate “normal” conditions, and a condition value greater than 14 indicates “wetter than normal” conditions on-site. Please note that the site condition value calculated by the APT may, or may not, accurately represent a typical year’s hydrologic conditions. The APT should be used in conjunction with other tools and local guidance to assess “normal” climatologic conditions for specific locations.

It should further be noted that conditions were significantly wetter than normal during the period of data collection and the preceding May and June due to tropical weather systems effecting the region during that period; however, this increase in precipitation did not result in a finding of jurisdiction.

B. Additional comments to support AJD:

This 1.85 acre site consisting of flat, cleared and undeveloped, land was analyzed without a site-visit via remote data sources, including: topographic maps, NWI maps, Chesterfield County soil maps, LiDAR digital elevation model (DEM) data, site pictures (supplied with original submittal), and aeriels from Google Earth (February 4, 2019), the Charleston Regulatory Viewer tool, and coordination with the applicant’s consultant.

After a careful analysis of the aforementioned data sources, this site was found to contain one non-adjacent (non-jurisdictional) wetland meeting the criteria of a (b)(1) exclusion and one non-jurisdictional pond feature meeting the criteria of a (b)(8) exclusion.

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