



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): 16 OCT 2020

ORM Number: SAC-2020-00995

Associated JDs: N/A

Review Area Location¹: The 110.11-acre site (Review Area) is located west of and adjacent to Collins Jollie Road, just south of the intersection of Collins Jollie Road and SC Road-668, Portion of TMS# 295-00-00-0010

State: SC City: Conway County: Horry County

Center Coordinates of Review Area: Latitude 33.9067 Longitude -78.9937

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 (a)(2)	2139.5 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 unnamed tributary that flows directly to Maple Swamp, an (a)(2) water that flows directly to Kingston Lake which is an (a)(1) water. The onsite tributary was determined to have a perennial flow regime and satisfies the flow conditions and criteria included in the tributary definition (c)(12) of the NWPR. Therefore, the Corps has determined the tributary to an (a)(2) water of the U.S.

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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Jurisdictional Tributary 2 (a)(2)	393.16 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The tributary is a naturally occurring unnamed tributary that flows to the above documented Jurisdictional Tributary 2 ((a)(2) water) that flows directly to Maple Swamp, an (a)(2) water that flows directly to Kingston Lake which is an (a)(1) water. The onsite tributary was determined to have an intermittent flow regime. It has been determined by review of the information submitted by the applicant that the tributary flows continuously during certain times of the year and more than in direct response to precipitation. The tributary satisfies the flow conditions and criteria included in the tributary definition (c)(12) of the NWPR. Therefore, the Corps has determined the tributary to be an (a)(2) water of the U.S.
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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
Jurisdictional Wetland 1 (a)(4)	2.61 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	Wetland is separated by an artificial structure – upland dirt road/Silviculture road. Jurisdictional Wetlands 1 & 2 are divided wetlands by an upland barrier with a direct hydrologic surface connection in a typical year via a break in the upland barrier/road that extends into both wetlands 1&2. Review of the submitted plat and wetland maps, Jurisdictional Wetland 1 appears, onsite, to be separated by a man-made barrier or uplands. However, Jurisdictional Wetland 1 continues offsite where it is not separated by the onsite man-made upland feature (i.e. Upland road/Silviculture Road). The upland road was broken where connection and flow of wetland continues offsite where it abuts the OWHM of Tributary 2. Lidar DEM imagery displays the break in the upland road and continued flow of wetlands to tributary 2.
Jurisdictional Wetland 2 (a)(4)	0.97 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland directly abuts the OWHM of the onsite tributary (Jurisdictional Tributary 2).
Jurisdictional Wetland 3 (a)(4)	7.13 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland directly abuts the OWHM of the onsite tributary (Jurisdictional Tributary 1).

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Water 1 (Wetland 1) (b)(1)	0.24 acres	(b)(1) Non-adjacent wetland	Excluded Water 1 (wetland) does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water 1 is surrounded by uplands (review of NWI, Topographic Maps, aerial, and soils maps) and lacks a direct or

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			indirect surface connection to (a)(1)-(3) waters. Additionally, the USGS TNM-National Hydrology Dataset updated July 2020, depicts no flow of the onsite 0.24-acre wetland to any (a)(1)-(3) water. Excluded Water 1 is approximately 1,200 linear feet from an (a) (2) water. Excluded Water 1 is separated from an (a)(2) by 1,200 linear feet of uplands.
Excluded Water 2 (Ditch) (b)(5)	2205 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 Water 2 (Ditch) located within the review area is a man-made ditch excavated entirely from within uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. Flow, if any, within the feature appears to be directly in response to precipitation.
Excluded Water 3 (Ditch) (b)(5)	128.29 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 Water 3 (Ditch) located within the review area is a man-made ditch excavated entirely from within uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. Flow, if any, within the feature appears to be directly in response to precipitation.

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: *AJD request submitted by The Brigman Company, on behalf of John Mock, Collins Jollie Holdings, LLC, dated July 22, 2020.*

This information is sufficient for purposes of this AJD.

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

Photographs: *(aerial and other) Goggle Earth aerial photo 2019, USGS National Map 3D Elevation Program (3DEP) published August 13, 2020, 2006 SCDNR aerial photo, Site photos taken by the agent dated July 14, 2020, and supplement site photos provided by the agent dated September 9, 2020.*

___ Corps Site visit(s) conducted on: *N/A.*

___ 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 dated April 4, 2019, updated August 26, 2020, ESRI Map Service depicts the soil types of Eulonia, Yonges, Ogeechee, Bladen, and Yauhannah.*

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- USFWS NWI maps: *USFWS NWI - 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 portions being wetlands; specifically, the onsite delineated wetlands.*
- USGS topographic maps: *USGS Topographic Map / 7.5 Minute Index / Shell Quad / 1:24000. Topographic map depicts the review area as forest uplands adjacent to un-named blue line feature.*

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- Hillshade & DEM (LiDAR).
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 on the agent’s data forms (14 JUL 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 18, which indicates that typical year hydrologic conditions may not be present. For this assessment, eight weather stations located within an 26-mile radius were used. Although the data indicates wetter than normal conditions during the field collection date, the Jurisdictional Tributary 2 geomorphic features indicate evidence of flow during drier months of the year as well. In relation to the road bed break between Wetlands 1 & 2, in the additional photos provided by the agent dated September 8, 2020, water was observed in the break contiguous to both wetlands 1 & 2 as well as sedimentation build up in the outlet area of the break in wetland 2 due flow of wetland 1. Therefore, the above is sufficient additional information to support that both of these features (Jurisdictional Tributary 2-intermittent tributary and upland road break-a direct hydrologic connection) support flow during a typical year.
- C. Additional comments to support AJD:** Waters described on this form include both jurisdictional and excluded features. A site visit was not performed; however, the agent was requested to go back on site and provide additional site photos and data points.

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