



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): 01-SEPT-2020
ORM Number: SAC-2016-01080
Associated JDs: PJD SAC-2016-01080 dated 10/26/2016
Review Area Location¹:
State: SC City: Conway County: Horry County
Center Coordinates of Review Area: Latitude 33.8650 Longitude -79.0112

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
Wet 1	8.1 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 1 is part of a larger wetland system that continues offsite and eventually abuts the Mean High

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 and 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.

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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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			Water (MHW) of Kingston Lake. Kingston Lake is a named (a)(1) water, subject to the ebb and flow of the tide.
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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
Wet 2	0.32 acres	(b)(1) Non-adjacent wetland	Wetland 2 was determined to be an excluded water based on a lack of direct hydrologic surface connection to an (a)(1), (a)(2), or (a)(3) water in a typical year. The wetland does not abut and is not inundated by an (a)(1)-(3). The wetland is physically separated from an (a)(1)-(3) water by uplands and multiple man-made barrier (roads). Wetland 2 continues offsite and abuts a man-made ditch feature that continues through a culvert under Padagett lane. While the continuation of the wetland does drain into the off-site ditch system, the drainage network does not meet the criteria of an (a)(1)-(3) water. Since, wetland 2 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, it was determined to be a non-adjacent wetland as described by (b)(1) Excluded waters.
Wet 3	0.05 acres	(b)(1) Non-adjacent wetland	Wetland 3 is a closed boundary polygon that is not contiguous to or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded Water pursuant to (b)(1).
Wet 4	0.03 acres	(b)(1) Non-adjacent wetland	Wetland 4 is a closed boundary polygon that is not contiguous to or directly abutting an (a)(1)-(a)(3) water. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded Water pursuant to (b)(1).
Wet 5	0.73 acres	(b)(1) Non-adjacent wetland	Wetland 5 was determined to be an excluded water based on a lack of direct hydrologic surface connection to an (a)(1), (a)(2), or (a)(3) water in a typical year. The wetland does not abut and is not inundated by an (a)(1)-(3). The wetland is physically separated from an (a)(1)-(3) water by uplands and multiple man-made barrier (roads). Wetland 5 continues offsite and abuts a man-made ditch feature that continues through a culvert under Padagett lane. While the continuation of the wetland does drain into the off-site ditch system, the drainage network does not meet the criteria of an (a)(1)-(3) water. Since, wetland 5 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, it was determined to be an excluded water pursuant to (b)(1).

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Wet 6	0.07 acres	(b)(1) Non-adjacent wetland	Wetland 6 was determined to be an excluded water based on a lack of direct hydrologic surface connection to an (a)(1), (a)(2), or (a)(3) water in a typical year. The wetland does not abut and is not inundated by an (a)(1)-(3). The wetland is physically separated from an (a)(1)-(3) water by uplands and multiple man-made barrier (roads). Wetland 5 continues offsite and abuts a man-made ditch feature that continues through a culvert under Padagett lane. While the continuation of the wetland does drain into the off-site ditch system, the drainage network does not meet the criteria of an (a)(1)-(3) water. Since, wetland 6 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, it was determined to be an excluded water pursuant to (b)(1).
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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 Venture Engineering, on July 5, 2016. Map submitted by the agent titled "Wetland Delineation of / Padgett Lane Property / Conway Township, / Horry County, South Carolina/ Tax Map Number 124-00-01-172" dated 6/29/2016, revised 7/28/2020.

This information (is) sufficient for purposes of this AJD.

Rationale: Wetland data forms and supplemental 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: *Title(s) and/or date(s)*.

Photographs: *aerial and other*: USGS National Map 3D Elevation Program (3DEP), 2019 Google Earth Imagery, 2006 SCDNR infrared imagery, site photos submitted by the agent dated June 28, 2016.

Corps Site visit(s) conducted on: *Date(s)*.

Previous Jurisdictional Determinations (AJDs or PJDs): PJD SAC-2016-01080 dated October 26, 2016

Antecedent Precipitation Tool: provide detailed discussion in Section III.B.

USDA NRCS Soil Survey: Soil Survey Geographic Database (SSURGO) map service; "The project area is comprised of the following soils: Eulonia & Wahee (2% hydric for their mapped component), Meggett (100% hydric for its mapped component)

USFWS NWI maps: Wetlands Raster REST map Service; NWIs map the project area as uplands and forested wetlands (PF04B).

USGS topographic maps: 7.5 Minute Index/ Conway Quad / 1:24000: The USGS topographic survey information depicts a forested area in a rural setting void of blue lines and wetland

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symbols. Wetlands 2, 5 & 6 continue offsite to the east and abut an offsite dashed blue line on the USGS Map. This line did not meet the tributary requirements to be considered an (a)(2) water.

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
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Reg Viewer accessed on 7/31/2020
State/Local/Tribal Sources	N/A.
Other Sources	N/A

- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) data for a typical year determination was calculated based on field collection dated denoted on wetland delineation data forms (June 28, 2016). Output from the APT indicated “wetter than normal” conditions at the time of data collection by the agent (Brigman) with a condition value of 17. ATP outputs 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 of 8 weather stations within a 24 mile radius were used. Although the results of the APT indicate the time of was conducted outside of conditions considered by the Corps to be a “typical year”, this would not bring the adjacency of Wetland 1 into question as it is part of a larger wetland system that directly abuts an (a)(1) water (Kingston Lake).

Additional comments to support AJD: The review area addresses 27.94 acres in Conway, SC and includes a single jurisdictional water and six excluded waters.

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Figure 1. Google Street view looking east towards the project boundary. Google Street view depicts the non-jurisdictional ditch that waters 2,5 & 6 abut, flowing in response to a rainfall even. Although not included in the review area, the feature does not include jurisdictional characteristics as it is not naturally occurring, created within the channel of an existing tributary, and does not originate in jurisdictional wetlands.

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Figure 2. Google street view from Padgett Lane, facing west away from the project boundary showing continuation of the non-jurisdictional ditch that waters 2,5 & 6 abut.

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