



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): 15-SEP-2020

ORM Number: SAC-2019-01291

Associated JDs: N/A

Review Area Location¹:

State: South Carolina City: Loris County: Horry County

Center Coordinates of Review Area: Latitude 34.0388° N Longitude -78.8681° 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.

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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1 (excluded (b)(1))	2.42 acres	(b)(1) Non-adjacent wetland	On-site wetlands do not abut and are not inundated by an (a)(1)-(3) water. Wetland 1 is physically separated from an (a)(1)-(3) water by off-site uplands and numerous imperious 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. 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

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.

B.
X Information submitted by, or on behalf of, the applicant/consultant: Delineation forms and map submitted by the applicant’s consultant, Southern Palmetto Environmental Consultant, LLC. Forms / Atlantic and Gulf Coastal Plain Region dated January 14, 2020. Map titled: “Brian Lee Taylor Lot (4.00+/- acres) / TMS# 059-00-01-360 / Horry County, South Carolina”, dated September 3, 2020.

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

Rationale: The submitted wetland data forms (2x) are considered to be a reasonable representation of the site conditions at the time of data collection.

- X Data sheets prepared by the Corps: Title(s) and/or date(s).
- X Photographs: (aerial and other) 2019 Google Earth Imagery / USGS National Map 3D Elevation Program (3DEP), eight (8x) site pictures taken by Corps during a site visit (November 4, 2019).
- X Corps Site visit(s) conducted on: November 4, 2019.
- X Previous Jurisdictional Determinations (AJDs or PJDs): N/A

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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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- X Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- X USDA NRCS Soil Survey: NRCS / Soil Survey Geographic Database (SSURGO) Map Service, Horry County, depicts Namsemond loamy fine sand (0-2% slopes) and Pocomoke fine sandy loam. The 2017 USDA NRCS South Carolina hydric soils list for Horry County depicts all on-site soils as hydric.
- X USFWS NWI maps: USFWS NWI - Wetlands Raster REST Map Service, Horry County, depicts palustrine forested wetlands throughout the entire site. Additionally, within and adjacent to the site is one linear blue line feature that illustrates a natural aquatic resource that no longer exists (filled / relocated).
- X USGS topographic maps: USGS Topographic Maps / 7.5 Minute Index / Goretown Quad depicts a wetland symbology throughout the entire site. Additionally, within and adjacent to the site is one solid blue line feature that illustrates a natural aquatic resource that no longer exists (filled / relocated).

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 September 2, 2020.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- C. Typical year assessment(s):** Antecedent Precipitation Tool (APT) data was provided by the applicant’s consult. APT data for a typical year determination was calculated based on field collection data denoted on wetland delineation forms (Jan. 14, 2020). Output from the APT indicated “normal” conditions at the time of data collection by the agent (Southern Palmetto Environmental) with a condition value of 13. For this assessment, a total of 6 weather stations within an approximate 20-mile radius were used.
- D. Additional comments to support AJD:** The area in review contains 4.00 acres and includes one (1) 2.42 acre excluded wetland. “Wetland 1” lacks a direct or indirect surface connection to (a)(1)-(3) water.

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