



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): 17-SEP-2020

ORM Number: SAC-2020-00878

Associated JDs: N/A

State: SC City: Georgetown County: Williamsburg County

Center Coordinates of Review Area: Latitude 33.5862° N Longitude -79.4395° 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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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

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<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Ditch 1	634 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)	Ditch 1 (634 LF x 4 LF) located within the review area is excavated entirely from 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 within the feature appears to be in response to precipitation and runoff from the surrounding pervious uplands.
Ditch 2	670 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)	Ditch 2 (670 LF x 4 LF) located within the review area is excavated entirely from 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 within the feature appears to be in response to precipitation and runoff from the surrounding pervious uplands.
Ditch 3	521 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)	Ditch 3 (521 LF x 4 LF) located within the review area is excavated entirely from 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 within the feature appears to be in response to precipitation and runoff from the surrounding pervious uplands.

**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: Jurisdictional determination request dated June 22, 2020, from Southern Environmental Consultants which included maps and site pictures. Project site map titled: "Hemmingway Lane / Williamsburg County / SAC-2020-00878", dated September 10, 2020, submitted by Southern Environmental Consultants.

This information is sufficient for purposes of this AJD.

Rationale: see Section C

Data sheets prepared by the Corps: None

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- Photographs: (aerial and other) 1994-2019 Google Earth Imagery / USGS National Map 3D Elevation Program (3DEP), six (6x) site pictures were submitted by the applicant's consultant.
- 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, Georgetown County, depicts principally Hornsville sandy loam (0-6% slopes), and to a lesser extent Gourdin loam. The 2017 USDA NRCS South Carolina hydric soils list depicts both on-site soils as non-hydric soils within Georgetown County.
- USFWS NWI maps: USFWS NWI - Wetlands Raster REST Map Service, Horry County, depicts a solid blue line feature at the approximate same location as on-site ditch 1 (b)(5). Additionally, a swath of palustrine forested wetlands is depicted in the same at the approximate location as on-site ditch 3 (b)(5).
- USGS topographic maps: USGS Topographic Maps / 7.5 Minute Index / Rhems Quad depicts a solid blue line feature at the approximate same location as on-site ditch 1 (b)(5). Additionally, within the site is an area of wetland depicted within the southern portion of the site, adjacent to the approximate location as on-site ditch 3 (b)(5).

**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 August 17, 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 conditions observed on the date of the consultant's delineation (May 20, 2020). Output from the APT indicated "wetter than normal conditions" at the time of data collection by the agent with a condition value of 15. ATP outputs with a condition value greater than 14 indicate "wetter than normal" conditions onsite and may not accurately represent typical year hydrologic conditions. For this assessment, a total of 13 weather stations within a ~28 mile radius were used.

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- C. Additional comments to support AJD:** This project site contains 40.0 acres of partially developed and cleared land. On-site there are three upland excavated storm-water ditches that meet the criteria of a (b)(5) exclusion. This site was analyzed without a site-visit via remote data sources, including: topographic maps, NWI maps, Sumter County soil maps, LiDAR digital elevation model (DEM) data, site pictures (supplied with original submittal), and aerials from Google Earth (February 2, 1994, - September 21, 2020) and the Charleston Regulatory Viewer tool.

After a careful analysis of the aforementioned data sources, this site was found to contain 40 acres of uplands, three non-jurisdictional ditches ((b)(5) excluded waters) totaling 1,825 linear feet, and no aquatic resources under the Corps jurisdiction.

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