



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): September 21, 2020
 ORM Number: SAC-2020-01071
 Associated JDs: SAC-2007-01151, Permenter HEY 90 Site Letter Dated 22-Jan-2008
 Review Area Location¹: The Review Area is located north of and adjacent to S.C. Highway 90, TMS# 129-00-06-016, in the Little River Township (Wampee Area)
 State: SC City: Near North Myrtle Beach County: Horry County
 Center Coordinates of Review Area: Latitude 33.8590 Longitude -78.7158

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

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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N/A	N/A	N/A	N/A
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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	9.84 acres	(b)(1) Non-adjacent wetland	Excluded Waters 1 (wetland) does not abut and is not inundated by an (a)(1)-(3) water. Additionally, this wetland is physically separated from an (a)(2) water by multiple physical, man-made barriers (residential lots, roads, etc.) and uplands. Excluded Waters 1 is completely surrounded by uplands (review of NWI, Topographic Maps, aerial, and soils maps) and lacks a direct or indirect surface connection to (a)(1)-(3) waters. Additionally, the USGS TNM-National Hydrology Dataset updated July 2020, depicts no flow of the wetlands outside the man-made barriers to include subdivisions, and public access roads that surround the entire wetland system (both onsite and offsite). These roads are S.C. Highway 57, S.C. Highway 90, Punk Road, Mt. Zion Road, Robert Edge Parkway, and S.C. Highway 31. The USGS TNM-National Hydrology Dataset map only depicts water flowing into the wetlands from adjacent subdivisions located east of the review area on Waterfall Circle and Carriage Lake Drive.
Excluded Waters 2	1.16 acres	(b)(1) Non-adjacent wetland	Excluded Water 2 (wetland) does not abut and is not inundated by an (a)(1)-(3) water. Additionally, this wetland is physically separated from an (a)(2) water by multiple physical, man-made barriers (residential lots, roads, etc.) and uplands. Excluded Wetland 2 is completely surrounded by uplands (review of NWI, Topographic Maps, aerial, and soils maps) and lacks a direct or indirect surface connection to (a)(1)-(3) waters. Additionally, the USGS TNM-National Hydrology Dataset updated July 2020, depicts no flow of the wetlands outside the man-made barriers to include subdivisions, and public access roads that surround the entire wetland system (both onsite and offsite). These roads are S.C. Highway 57, S.C. Highway 90, Punk Road, Mt. Zion Road, Robert Edge Parkway, and S.C. Highway 31. The USGS TNM-National Hydrology Dataset map only depicts water flowing into the wetlands from adjacent subdivisions located east of the review area on Waterfall Circle and Carriage Lake Drive.
Excluded Waters 3	1035 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 Waters 3 (Ditch) located within the review area was 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 directly

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			in response to precipitation.
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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 Charles L. Permenter, dated August 24, 2020*

This information is sufficient for purposes of this AJD. .

Rationale: *The wetland data forms, and additional information submitted by the agent are considered to be 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, 2006 SCDNR aerial photo, Site photos taken by the agent dated July 31, 2020.*

Corps Site visit(s) conducted on: *August 18, 2020. Offsite out falling upland excavated ditch was observed that crosses under S.C. Highway 57. This offsite feature was not determined to be an A(2) tributary.*

___ Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s). SAC-2007-01151, Permenter HEY 90 Site, Letter Dated 22-Jan-2008*

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 March 4, 2020, ESRI Map Service depicts the soil types of Hocaw, Ogeechee, and Yauhannah.*

USFWS NWI maps: *USFWS NWI - Wetlands Raster REST Map Service dated May 29, 2012, updated July 17, 2020, USFWS NWI Map Service Maps depict uplands and wetlands. NWI map depicts excluded water (B)(5) (ditch) as uplands.*

USGS topographic maps: *USGS Topographic Map / 7.5 Minute Index / Wampee Quad / 1:24000. Topographic map depicts the review area as partially open agriculture fields and the remainder forested wetlands. No other symbols that typically represent a potential water are depicted on the topographic map. Topographic map does not depict a symbol that typically represents an A(1)-A(3) within the review area or in close proximity of review area.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	3DEPElevation- DEM and 3DEPElevation – Hillshade (LiDAR), and, USGS TNM-National Hydrology Dataset, updated July 2020
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed on 17 SEP 2020.
State/Local/Tribal Sources	N/A.

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Other Sources	N/A.
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- B. Typical year assessment(s):** N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD. Antecedent Rainfall Calculator data for typical year determination was calculated based on the field collection date provided on the agent's data forms (29 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, four weather stations located within a 15 mile radius were used.
- C. Additional comments to support AJD:** The project site is comprised of 23.5 acres of which 11.64 acres are determined to be excluded (b)(1) waters (wetlands 1 & 2). These wetlands (excluded waters 1 & 2) do not abut and are not inundated by an (a)(1)-(3) water. Additionally, these wetlands are physically separated from any (a)(1)-(3) waters by multiple physical, man-made barriers (residential lots, roads, etc.) and uplands. The excluded waters are completely surrounded by uplands (review of NWI, Topographic Maps, aerial, and soils maps) and lack a direct or indirect surface connection to (a)(1)-(3) waters. Additionally, the USGS TNM-National Hydrology Dataset updated July 2020, depicts no flow of the wetlands outside the man-made barriers to include subdivisions, and public access roads that surround the entire wetland system, both onsite and offsite. The entire wetland system is surrounded by the following public roads: S.C. Highway 57, S.C. Highway 90, Punk Road, Mt. Zion Road, Robert Edge Parkway, and S.C. Highway 31. The USGS TNM-National Hydrology Dataset map only depicts water flowing into the wetlands from adjacent subdivisions located east of the review area on Waterfall Circle and Carriage Lake Drive. A site visit was performed for this Jurisdictional Determination.

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