



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): 3-SEP-2020  
ORM Number: SAC-2020-01127  
Associated JDs: SAC-2009-01257-4, November 19, 2009; SAC 81-2000-1801, May 1, 2003;  
Review Area Location<sup>1</sup>: State: SC City: Aynor County: Horry  
Center Coordinates of Review Area: Latitude 33.9820° N, Longitude -79.1549° 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
EXCLUDED WATER (b)(1)	0.24 acres	(b)(1) Non-adjacent wetland.	<p>EXCLUDED WATER (b)(1) does not abut and is not inundated by an (a)(1)-(3) water. Wetland 1 is physically separated from an (a)(1)-(3) water by off-site uplands (per SAC-2009-01257-4, dated November 19, 2009) and an off-site upland excavated pond designed to retain stormwater. There is no clear direct or indirect surface connection from the on-site wetlands to the closest off-site (a)(1)-(3) water, which is located adjacent to and south of the off-site non-jurisdictional retention pond.</p> <p>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.</p>

**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: Delineation forms and map submitted by the applicant's consultant, S&ME, incorporated. Forms / Atlantic and Gulf Coastal Plain Region dated January 19, 2020. Map titled: "SAC-2020-01127 /Global Metal Powders Tract / Aynor, Horry County, South Carolina", dated August 11, 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.

Data sheets prepared by the Corps: *Title(s) and/or date(s)*.

Photographs: (*aerial and other*): 2019 Google Earth Imagery / USGS National Map 3D Elevation Program (3DEP), Seven (7x) site pictures were included with the original submittal by S&ME, Incorporated.

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

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- x Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2009-01257-4, dated November 19, 2009. SAC 81-2000-1801, dated May 1, 2003.
- x Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- x USDA NRCS Soil Survey: Title(s) and/or date(s). NRCS / Soil Survey Geographic Database (SSURGO) Map Service, Horry County, depicts principally Kenansville fine sand (0-6% slopes), and to a lesser extent Woodington fine sandy loam and Leon fine sand. The 2017 USDA NRCS South Carolina hydric soils list depicts both Woodington fine sandy loam and Leon fine sand as hydric soils within Horry County.
- x USFWS NWI maps: USFWS NWI - Wetlands Raster REST Map Service, Horry County, depicts a linear blue line feature (tributary) that no longer exists within the project area, as well as a non-adjacent palustrine forested wetland in the same approximate area as the on-site excluded waters.
- x USGS topographic maps: Title(s) and/or date(s). USGS Topographic Maps / 7.5 Minute Index / Horry Quad depicts a wetland symbology within the southern portion of the project site, approximately in the same location as the on-site excluded waters. Additionally, off-site, but immediately adjacent to the southwestern project site, a pond is depicted; this feature has been expanded to form an off-site stormwater catchment system.

**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 26, 2020.
State/Local/Tribal Sources	N/A.
Other Sources	N/A

**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. 15, 2020). Output from the APT indicated "wetter than normal" conditions at the time of data collection by the agent (S&ME) with a condition value of 16. APT output values with a condition value greater 14 indicate "wetter than normal" conditions onsite and may not accurately represent typical year hydrologic conditions. For this assessment, a total of 8 weather stations within an approximate 30-mile radius were used.

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- B. Additional comments to support AJD:** The area in review contains 3.65 acres and includes one (1) 0.24 acre excluded wetland. "EXCLUDED WATER (b)(1)" lacks a direct or indirect surface connection to (a)(1-3) water.

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