



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 11, 2020

ORM Number: SAC-2020-01160

Associated JDs: N/A

Review Area Location¹:

State: SC City: Longs Community County: Horry County

Center Coordinates of Review Area: Latitude 33.9198 Longitude -78.7763

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 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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Non-jurisdictional Ditch 2	1395 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 Water (Ditch 2) 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 if any within the feature appears to be directly in response to precipitation.
Non-jurisdictional Ditch 3	761 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 Water (Ditch 3) 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 if any within the feature appears to be directly in response to precipitation.
Non-jurisdictional Ditch 4	1190 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 Water (Ditch 4) 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 directly in response to precipitation.
Non-jurisdictional Ditch 5	242 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 Water (Ditch 5) 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 directly in response to precipitation.
Non-jurisdictional Pond 1	0.34 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	Non-jurisdictional Pond 1 is an excluded water based on the determination that it is a man-made pond, wholly excavated out of uplands on site. Onsite pond appears to be an old livestock watering or irrigation pond. The upland excavated pond is surrounded entirely by natural uplands. Submitted data forms, and topographic maps all indicate the absence of any waters of the US within the pond area as well the entire site.

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.

 X Information submitted by, or on behalf of, the applicant/consultant: *AJD request submitted by Southern Palmetto Environmental, on behalf of Palmetto Land Transaction, LLC, dated August 24, 2020.*

This information is sufficient for purposes of this AJD.

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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: *Goggle Earth aerial photo 2019, 2006 SCDNR aerial photo, Site photos taken by the agent dated August 20, 2020.*
- Corps Site visit(s) conducted on: *N/A.*
- Previous Jurisdictional Determinations (AJDs or PJDs): *None.*
- 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, Soil Survey & CIR (2006)(Applicant's submittal) ESRI Map Service depicts the soil types of Yauhannah, Ogeechee, and Eulonia.*
- USFWS NWI maps: *USFWS NWI - Wetlands Raster REST Map Service dated May 29, 2012, updated July 17, 2020, USFWS NWI Map (Applicant's submittal) 1994, USFWS NWI Map Service Maps depict uplands and wetlands. NWI map depicts excluded water (B)(8) (pond) as being surrounded by uplands.*
- USGS topographic maps: *. USGS Topographic Map / 7.5 Minute Index / Hammond Quad / 1:24000 (Applicant's submittal USGS Topography Map) 1984. Topographic map depicts the review area as open agriculture field with a pond onsite. No other symbols that typically represent a potential water are depicted on the topographic map.*

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 and 3DEPElevation- DEM and 3DEPElevation – Hillshade (LiDAR).
USDA Sources	Horry County Soil Survey
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed on 10 SEP 2020.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s): Antecedent Rainfall Calculator data for typical year determination was calculated based on the field collection date provided on the agent's data forms (20 AUG 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, six weather stations located within a 15 mile radius were used.**
- C. Additional comments to support AJD: The project site, which consists of 17.29 acres, includes five (5) excluded waters. Non-jurisdictional Ditches 2-5 are man-made linear features**

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constructed out of uplands on site and was determined to be Excluded Waters (b)(5). Non-jurisdictional Pond 1 is a man-made pond wholly excavated out of uplands with no potential connection to any aquatic resources and therefore determined to be Excluded Water (b)(8). Based on a review of the information submitted by the agent, as well as the data sources described above, this site does not contain any jurisdictional waters.

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