



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): 5 April 2021
ORM Number: SAC-2006-01970
Associated JDs: SAC-2006-01970 dated December 2, 2014
Review Area Location¹: located north of and adjacent to Crooked Pine Drive
State: SC City: Surfside Beach County: Horry County
Center Coordinates of Review Area: Latitude 33.6338 Longitude -78.97128

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 |
|-------------------|----------------|--|---|
| Excluded Water 10 | 0.3 acre | (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) | Excluded Water 10 is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water. |
| Excluded Water 11 | 0.8 acre | (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) | Excluded Water 11 is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water. |
| Excluded Water 12 | 0.3 acre | (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) | Excluded Water 12 is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water. |
| Excluded Water 13 | 0.1 acre | (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) | Excluded Water 13 is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water. |
| Excluded Water 2 | 0.2 acre | (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) | Excluded Water 2 is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water. |
| Excluded Water 3 | 0.9 acre | (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) | Excluded Water 3 is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water. |
| Excluded Water 4 | 0.9 acre | (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) | Excluded Water 4 is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water. |
| Excluded Water 5 | 1.2 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 | Excluded Water 5 is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water. |

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| | | water that meets (c)(6) | |
|-------------------|----------|--|--|
| Excluded Water 6 | 0.1 acre | (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) | Excluded Water 6 is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water. |
| Excluded Water 8 | 1 acre | (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) | Excluded Water 8 is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water. |
| Excluded Water 9 | 0.7 acre | (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) | Excluded Water 9 is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water. |
| Excluded Water 1 | 0.3 acre | (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) | Excluded Water 1 is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water. |
| Excluded Waters 7 | 0.6 acre | (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) | Excluded Water 7 is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water. |

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: **Eddie Dean Hughes Tract submittal dated May 4, 2020 / Wetland Delineation Forms dated November 20, 2019**

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

Rationale: **Wetland data forms and information included in the original submittal are considered to be a reasonable representation of site conditions at the time of collection.**

Data sheets prepared by the Corps: *N/A.*

Photographs: **2019 Google Earth Imagery / USGS National Map 3D Elevation Program (3DEP) published August 13, 2020,**

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

Previous Jurisdictional Determinations (AJDs or PJDs): **SAC-2006-01970 dated December**

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2, 2014 – determined the area to be comprised of Uplands.

- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: **NRCS / Soil Survey Geographic Database (SSURGO) created April 4, 2019, updated August 26, 2020 & Exhibit 4 from the agent’s submittal, USDA NRCS Soil Survey Map, 1982**
- USFWS NWI maps: **USFWS NWI - Wetlands Raster REST service created May 29, 2012, updated July 17, 2020 & Exhibit 5 from the agent’s submittal, USFWS NWI, 1994**
- USGS topographic maps: **USGS Topographic Maps / 7.5 Minute Index / Myrtle Beach Quad**

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 | CESAC Reg Viewer access on February 3, 2021 |
| State/Local/Tribal Sources | N/A. |
| Other Sources | N/A. |

Typical year assessment(s): Antecedent Precipitation Tool (APT) data for a typical year determination was calculated based on field collection data denoted on wetland delineation forms (May 26, 2020). Output from the APT indicated “normal” conditions at the time of data collection by the agent (S&ME) with a condition value of 12. For this assessment, a total of 10 weather stations within a 20 mile radius were used.

B. Additional comments to support AJD: The area in review contains 121.82 acres and includes 13 excluded waters. All excluded waters (1-13) are uplands excavated ponds with not contribution of flow to (a)(1-3) waters. Note: on the final Corps revised AJD map, Excluded Water 6 is a continuation of Excluded Water 4 but were separated on the basis form due to bisection of a survey boundary line as submitted by the requestor.

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