



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): 14-APR-2021

ORM Number: SAC-2020-01435

Associated JDs: N/A

Review Area Location¹:

State: SC City: Myrtle Beach County: Horry County

Center Coordinates of Review Area: Latitude 33.653 Longitude -78.949

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 Waters (b)(8)	38.7 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)	Based on a review of historical aerial photographs, NWIs, and USGS topographic maps this feature was determined to be man-made and to have been excavated wholly in 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.

 X Information submitted by, or on behalf of, the applicant/consultant: “REQUEST FOR CORPS JURISDICTIONAL DETERMINATION (JD) / DELINEATION,” received on October 15, 2020, submitted by S&ME, Inc. on behalf of Mr. Steve Alger for the “MEPJ Land LP Crystal Lake Tract”.

This information is sufficient for purposes⁵ 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*

 X Photographs: Site photos titled “Site Photographs / MEPJ Land LP Crystal Lake Tract / Myrtle Beach, Horry County, South Carolina,” and dated October 13, 2020, submitted by S&ME, Inc.. Environmental Data Resources, Inc. Aerial Photo Decade Package (1939-2017) dated October 9, 2020. 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): *N/A*

 X Antecedent Precipitation Tool: Normal Conditions. See detailed discussion provide in Section III.B.

 X USDA NRCS Soil Survey: NRCS Soil Survey Geographic Database (SSURGO) created 4 Apr 2019 and updated 26 Aug 2020. ESRI Map Service depicts the soil types Udorthebnts and Updipsammments (Non-hydric), Yauhannah fine sandy loam (Non-hydric with hydric inclusions), Meggett loam (Hydric), and open water.

 X USFWS NWI maps: USFWS NWI Map Service dated May 29, 2012, updated July 17, 2020. USFWS NWI Maps depict the lake onsite as an excavated lacustrine feature that is surrounded on all sides by uplands. Potentially jurisdictional wetlands to the west are not depicted as abutting the open water feature. There are no riverine features depicted.

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- X** USGS topographic maps: 1984 USGS 7.5 Minute Index (Myrtle Beach). Topographic map depicts The site as open water and uplands. Potentially jurisdictional wetlands to the west are not depicted as abutting the open water feature. There are no blue line features depicted

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Topographic Maps, 3DEPElevation- Slope and 3DEPElevation – Hillshade /LiDAR overlays, National Hydrography Dataset.
USDA Sources	Soil Survey
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer Accessed on April 14, 2021
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) data for the typical year assessment was calculated based on the field collection date denoted on the wetland determination data forms (October 11, 2020). Output from the APT indicated “normal” conditions at the time of data collection by the agent (S&ME, Inc.) with a condition value of 10. For this assessment, a total 5 weather stations within a 17-mile radius were used.
- C. Additional comments to support AJD:** This form addresses a 47.9-acre site that was determined to contain 38.7 acres of (b)(8) excluded waters. Review of historic aerial photography indicates that the lacustrine feature onsite is man-made and was excavated wholly out of uplands between 1951 and 1958. Although there are potentially jurisdictional wetlands located offsite just west of the feature, review of NWIs, USGS topographic maps, historic aerial photography and LiDAR does not support the determination that any portion of the lake was excavated out of adjacent wetlands.

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