

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): August 17, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CESAC-RD-NE; SAC-2018-01287 Beazear Tract-Parcel A; JD Form 1 of 1;

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **South Carolina** County/parish/borough: **Horry County** City: **Myrtle Beach**

Center coordinates of site (lat/long in degree decimal format): Lat. **33.6719 °**, Long. **-78.9635 °**

Universal Transverse Mercator: **17S 688805 3727451**

Name of nearest waterbody: **Unnamed tributary of the AIWW**

Name of watershed or Hydrologic Unit Code (HUC): **HUC 03040206-09 (Waccamaw River)**

- Check if map/diagram of review area is available upon request.
- Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: **August 9, 2018**

Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are **no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are **no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: **Data sheets, maps, and boundary survey submitted by S&ME. Boundary survey prepared by Cox Surveyors & Associates, titled: "BOUNDARY SURVEY OF / PARCEL A / 9.76 AC. ± / (425,161 S.F. ±) / PREPARED FOR / ALLEN DEVELOPMENT GROUP, INC. / SOCASTEE TOWNSHIP / HORRY COUNTY SOUTH CAROLINA", and dated July 10, 2018.**
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- Office concurs with data sheets/delineation report.
- Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- U.S. Geological Survey Hydrologic Atlas: **HUC 03040206-09 (Waccamaw River)**
- USGS NHD data.
- USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: **Myrtle Beach Quad and USGS Topographic maps depict the project site as forested non-wetland land type. No blue lines (i.e. tributaries) are depicted on the topo map.**
- USDA Natural Resources Conservation Service Soil Survey. Citation: **The Horry County soil survey, Pg. 87 depicts two soils, Yemassee loamy fine sand over the vast majority of the project site, and Yonges fine sandy loam over a small portion of the northeast. The soil survey considers both of these soils to be hydric in nature, however when sampled by S&ME, neither hydric soil indicators nor hydrology was found to meet the criteria of wetlands. Additionally, soil samples taken by the consultant found >30% uncoated sand grains within the A Horizon, a non-hydric soil indicator.**
- National wetlands inventory map(s). Cite name: **National Wetland Inventory (NWI) Maps depict the entire project site as U42P, upland planted pine.**
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): **Google Earth Imagery dated Jan 22, 1994 to Nov 15, 2017 (21 historic aerial images); SCDNR 2006 via ArcGIS; Horry Aerial Index 1999 11222:169 via ArcGIS;**
- or Other (Name & Date): **Site Photos taken by S&ME Environmental consultants, photos taken on Jul 9, 2018; Site photos from previous PJD performed on a portion of this project site, SAC-2016-01011,**

¹ This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

- Previous determination(s). File no. and date of response letter: **SAC-2016-01011, Preliminary Jurisdictional Determination completed on Jul 6, 2016. This determination appears to encompass the entirety of the current project site along with a small portion of the adjacent western property and an adjacent jurisdictional tributary.**
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify): **LiDAR Digital Elevation Model (DEM) obtained via ArcGIS; this model depicts a generally flat site with no elevation depressions nor any features that appear to be aquatic resources or conveyances within the provided project boundaries.**

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:

Given a review of historic jurisdictional determinations and applicable data outlined in Section III Part A, this 9.76 acre site appears to consist entirely of "dry land" uplands.

This project site, along with an adjacent 14 ft. wide by 50 linear ft. jurisdictional tributary that is not included within this project site, was given a preliminary jurisdictional determination on July 6, 2016, under SAC-2016-01011 (File name: Bill Clark Homes of Myrtle Beach). The location of the current project site, Beazer Tract-Parcel A (SAC-2018-01287) as shown in provided maps, was determined to consist entirely of dry land during the previous PJD (SAC-2016-01011).

Aerials reviewed from 1994 until 2017 depict a series of crop rotations of planted pine with no apparent aquatic features on site. The plot itself is bounded by an adjacent pine plantation that abuts Highway 17 on the southwest-west, a densely forested area to the north-west, a number of developments/subdivisions that have been in development since prior to 1994 on the north and east, and a water tower that was built sometime between the years 1999-2003 south of the project site.

Additionally, a line of vegetation can be seen bounding the southeast border of the project on aerial imagery. This tree line initially appeared to be a ditch with emergent vegetation growing out of it, however this feature was deemed an upland tree-break with no elevation change after further inspection utilizing the ArcGIS LiDAR Digital Elevation Model, Horry County USGS topographic maps/quads, NWIs, and historic aerial images.

Site photos were used to verify the lack of aquatic resources within this site. Photos were taken by S&ME Environmental consultants on Jul 9, 2018. Additionally site photos from a previous PJD performed on a portion of this project site, SAC-2016-01011, were taken by Brigman Company on May 9, 2016.

Myrtle Beach Quad and USGS Topographic maps depict the project site as forested non-wetland land type. Approximately 240 ft. from the northwest corner of the project site is an off-site unnamed tributary that splits and continues linearly past the project site boundaries on the north and western boundaries. Recent aerial imagery verifies the presence of these aquatic features and provides the additional contextual detail that the western tributary is likely excavated / maintained for storm-water conveyance away from adjacent subdivisions.

National Wetland Inventory (NWI) Maps depict the entire project site as U42P, upland planted pine. However, it should be noted that just outside of the northeastern project boundary line the NWI depicts an area of palustrine forested wetlands, which is adjacent and abutting an unnamed tributary that can be seen on the USGS topographic maps, as well as on LiDAR. Conversely to the NWIs, a data point with photos was provided by S&ME in vicinity to the northeastern boundary, which is also near the transition point from upland to wetland, according to this data point neither hydric soil nor wetland hydrology was found to be present.

The Horry County soil survey, Pg. 87 depicts two soils, Yemassee loamy fine sand over the vast majority of the project site, and Yonges fine sandy loam over a small portion of the northeast. The soil survey considers both of these soils to be hydric in nature, however when sampled by the S&ME, neither hydric soil indicators nor hydrology was found to meet the criteria of wetlands. Additionally, soil samples taken by the consultant found >30% uncoated sand grains within the A Horizon, a non-hydric soil indicator. The land use of this plot as a pine plantation historically has likely led to the soil being disturbed, although the site appears not to have been bedded for planting, the tillage of the sites soil during site-preparation could explain the lack of hydric soil indicators on the far northern peripheries.

LiDAR Digital Elevation Model (DEM) obtained via ArcGIS; this model depicts a generally flat site with no elevation depressions nor any features that appear to be aquatic resources or conveyances within the provided project boundaries.

It should be highlighted that there are multiple aquatic features adjacent to, but off-site, that can be seen on aerial imagery, especially when utilizing LiDAR DEM. These features include what appears to be a natural channelized tributary just to the north of the site within existing wetlands, excavated ditches along the property line of adjacent parcels on the western side of the project site, a natural tributary to the south-southwest, and an upland excavated storm-water catchment located within the adjacent subdivision to the east.

This site was assessed per the provided property maps and on a single basis form.