



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): 27AUG-2021  
ORM Number: SAC-2021-00096  
Associated JDs: SAC-2007-00433 dated April 2, 2007  
Review Area Location<sup>1</sup>: southeast of and adjacent to U.S. Highway 17 Business  
State: SC City: Myrtle Beach County: Horry County  
Center Coordinates of Review Area: Latitude 33.6077 Longitude -78.9855

**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

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<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 Waters (b)(1)	0.25 acres	(b)(1) Non-adjacent wetland	Excluded Water (b)(1) (wetland) does not abut and is not inundated by an (a)(1)-(3). The excluded water is boarded by development on all 4 sides. NWIs show the wetland is surround by uplands. The excluded water lacks a direct or indirect surface connection to (a)(1)-(3) waters. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water (b)(1).
Excluded Waters 1 (b)(8)	0.09 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)	Excluded Waters (b)(8) (pond) is excluded based on the determination that it is a man-made pond, wholly excavated out of uplands on site.
Excluded Waters 2 (b)(8)	0.3 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)	Excluded Waters (b)(8) (pond) is excluded based on the determination that it is a man-made pond, wholly excavated out of uplands on 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.

Information submitted by, or on behalf of, the applicant/consultant: JD request submitted by S&ME, on behalf of AF Land AP, on January 14, 2021. Plat submitted by the agent titled "WETLAND MAP OF/ 2.64 Acre Parcel/ TMS:195-03-64-005 & 006/MYRTLE BEACH, HORRY COUNTY, SOUTH CAROLINA/ PREPARED FOR:/ AF LAND LIMITED PARTNERSHIP" dated January 7, 2021.

This information *is* sufficient for purposes of this AJD.

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: *Title(s) and/or date(s)*.

Photographs: (*aerial and other*) Google Earth aerial photo 2019, USGS National Map 3D Elevation Program (3DEP) published August 13, 2020 and site photos taken by the agent dated December 7, 2020.

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- \_\_\_ Corps Site visit(s) conducted on: *Date(s)*.
- Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2007-00433 dated April 2, 2007
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: Soil Survey Geographic Database (SSURGO) Map service dated April 4, 2019 revised August 26, 2020; The project area is comprised of hydric soil Yonges fine sandy loam and the partially hydric soil Centenary fine sand.
- USFWS NWI maps: Wetlands Raster REST Map Service dated May 29, 2012 and revised July 17, 2020; NWIs map the project boundary as uplands and freshwater wetlands (PFO1/4B)
- USGS topographic maps: 7.5 Minute Index/Surfside Beach Quad / 1:24000; USGS topographic survey information depicts a forested area void blue lines or wetland symbols

**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 5/6/2021
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

**B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) data for typical year determination was calculated based on field collection data denoted on the originally included wetland delineation data forms (December 7, 2020). Output from the APT indicated “wetter than normal” conditions at the time of data collection by the agent (S&ME) with a value of 15. ATP outputs with a condition value greater than 14 indicate “wetter than normal” conditions, “normal” conditions range from 10-14, and values less than 10 are considered “drier than normal”. For this assessment, the APT tool pulled data from 5 weather stations within an approximate radius of 2 miles. Results of the APT indicate the site visit was conducted under conditions considered by the Corps to be within a “typical year”. However, APT results being wetter than normal conditions in combination with the geographic positioning of waters and uplands onsite are such that it would not change the jurisdictional status of those features.

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- C. Additional comments to support AJD:** The majority of the project boundary is paved surface lots, maintained structures, and a mini golf course. Present on site are excluded waters. Excluded Waters (b)(1) is surrounded by uplands, multiple artificial barriers, and lacks a direct or indirect surface connection to (a)(1)-(3) waters. Additionally, under a previous determination (2007), which encompassed this project boundary, determined the Excluded Water to be an isolated wetland under the previously utilized Raponos guidance. Excluded Waters (b)(8) are ponds excavated wholly out of uplands.

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