



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): December 18, 2020  
ORM Number: SAC-2014-01063-3JY  
Associated JDs: SAC-2007-02626 dated November 25, 2014 & SAC-2014-01063 February 2, 2016  
Review Area Location<sup>1</sup>:  
State/Territory: SC City: Myrtle Beach County: Horry County  
Center Coordinates of Review Area: Latitude 33.790409 Longitude -78.792677

**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
JD Trib. #1	1539 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The tributary onsite is a naturally occurring, man-altered named feature (Long Branch) on USGS topographic maps. Additionally, topographic maps depict a solid blue line and LiDAR imagery depict an incised channel with bed and banks discharging directly into an (a)(1) water (Atlantic Intracoastal Waterway). During two previous AJDs, the Corps has documented perennial flow within this feature and conditions remain the same at the time of determination. All indicators point to the feature (Long Branch) meeting the criteria of a perennial (a)(2) jurisdictional water.

<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 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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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

**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
EWb1#1	3.5 acres	(b)(1) Non-adjacent wetland	EWb1#1 does not abut and is not inundated by an (a)(1)-(3) water. This wetland is primarily encompassed by uplands; however, it drains into man-made ditches that eventually connect with Long Branch. The ditch does not originate within an adjacent and thus negates its ability to meet the criteria of a tributary as defined (c)(12) in the final rule. EWb#1 is an excluded water under the Navigable Waters Projection Rule.
EWb5#1	2779 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)	EWb5#1 (Ditch) 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.
EWb5#2	1605 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)	EWb5#2 (Ditch) 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.
EWb5#3	1993 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)	EWb5#3 (Ditch) 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.
EWb8#3	0.2 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 water that meets (c)(6)	EWb8#3 is constructed wholly in uplands on the grounds of a defunct golf course and does not contribute flow to an (a)(1)-(3) water.
EWb8#1	0.9 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	EWb8#1 is constructed wholly in uplands on the grounds of a defunct golf course and does not contribute flow to an (a)(1)-(3) water.

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<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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		an impoundment of a jurisdictional water that meets (c)(6)	
EWb8#10	0.5 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)	EWb8#10 is constructed wholly in uplands on the grounds of a defunct golf course and does not contribute flow to an (a)(1)-(3) water.
EWb8#11	0.2 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 water that meets (c)(6)	EWb8#11 is constructed wholly in uplands on the grounds of a defunct golf course and does not contribute flow to an (a)(1)-(3) water.
EWb8#2	0.2 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 water that meets (c)(6)	EWb8#2 is constructed wholly in uplands on the grounds of a defunct golf course and does not contribute flow to an (a)(1)-(3) water.
EWb8#4	0.4 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)	EWb8#4 is constructed wholly in uplands on the grounds of a defunct golf course and does not contribute flow to an (a)(1)-(3) water.
EWb8#5	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)	EWb8#5 is constructed wholly in uplands on the grounds of a defunct golf course and does not contribute flow to an (a)(1)-(3) water.
EWb8#6	1.1 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)	EWb8#6 is constructed wholly in uplands on the grounds of a defunct golf course and does not contribute flow to an (a)(1)-(3) water.
EWb8#7	0.9 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)	EWb8#7 is constructed wholly in uplands on the grounds of a defunct golf course and does not contribute flow to an (a)(1)-(3) water.
EWb8#8	0.2 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 water that meets (c)(6)	EWb8#8 is constructed wholly in uplands on the grounds of a defunct golf course and does not contribute flow to an (a)(1)-(3) water.
EWb8#9	0.1 acres	(b)(8) Artificial lake/pond constructed or excavated in upland	EWb8#9 is constructed wholly in uplands on the grounds of a defunct golf course and does not

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		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)	contribute flow to an (a)(1)-(3) water.
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**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: **Waterway Hills Village submittal dated October 30, 2020 / Wetland Delineation Forms dated October 29, 2020**

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

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

Data sheets prepared by the Corps: *Title(s) and/or date(s).*

Photographs: *(aerial and other) Title(s) and/or date(s).* **2019 Google Earth Imagery / ESRI aerial imagery 2018 / USGS National Map 3D Elevation Program (3DEP) published August 13, 2020 / 1939 aerial imagery 1939 Aerial Photograph from SA ArchSite online database included in the submittal / SV photos submitted the agent dated October 29, 2020,**

Corps Site visit(s) conducted on: *Date(s).*

**Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2007-02626 dated November 25, 2014 & SAC-2014-01063 February 2, 2016**

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: **NRCS / Soil Survey Geographic Database (SSURGO) Map Service**

USFWS NWI maps: **USFWS NWI - Wetlands Raster REST Map Service / Soils map included in the submittal (Exhibit 4) entitled "USDA/SCS Soil Survey Exhibit Waterway Hills Village Tract TMS# 155-00-01-001 North Myrtle Beach, Horry County, SC"**

USGS topographic maps: **USGS Topographic Maps / 7.5 Minute Index / Hand Quad – depicts uplands of a defunct golf course and a solid blue line for the perennial tributary Long Branch.**

**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
USDA Sources	N/A.

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NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	CESAC-USACE Reg Viewer accessed on December 18, 2020
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 (October 28, 2020). Output from the APT indicated "Normal Conditions" at the time of data collection by the agent (S&ME. Inc) with a value of 13. 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 4 weather stations within an approximate radius of 20 miles. Results of the APT indicate the site visit was conducted within conditions considered by the Corps to be within a "typical year".

**Additional comments to support AJD:** The area in review contains 229.12 acres and includes 15 excluded waters. EWb1#1 does not abut and is not inundated by an (a)(1)-(3) water. This wetland is primarily encompassed by uplands; however, it drains into man-made ditches that eventually connect with Long Branch. The ditch does not originate within an adjacent and thus negates its ability to meet the criteria of a tributary as defined (c)(12) in the final rule. Ponds 1 through 11 were constructed within the grounds of a defunct golf course, wholly in uplands and meet the criteria set forth in (b)(8) for an excluded water (ponds). Ditches 1-3 are primarily excavated features primarily constructed within upland areas. These features are not naturally occurring, do not relocate a tributary, and are not constructed within adjacent wetlands and therefore do not meet the criteria of a tributary.

A single jurisdictional feature located onsite is a man-altered perennial tributary. The tributary onsite is a naturally occurring, man-altered named feature (Long Branch) on USGS topographic maps. Additionally, topographic maps depict a solid blue line and LiDAR imagery depict an incised channel with bed and banks discharging directly into an (a)(1) water (Atlantic Intracoastal Waterway). During two previous AJDs, the Corps has documented perennial flow within this feature and conditions remain the same at the time of determination. All indicators point to the feature (Long Branch) meeting the criteria of a perennial (a)(2) jurisdictional water.

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