



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): January 28, 2021

ORM Number: SAC-2020-01096

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State: South Carolina City: Myrtle Beach County: Horry

Center Coordinates of Review Area: Latitude 33.7832°N, Longitude -78.7597°W

**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

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<sup>2</sup> 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.

<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 Water (b)(1) A	0.03 acres	(b)(1) Non-adjacent wetland	Excluded Water A is a closed boundary polygon that does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water A is completely encompassed by natural uplands and lacks direct or indirect surface connection to (a)(1)-(3) waters. The uplands that encompass Excluded Water A is an old sand dune system that was created naturally due to its proximity to the ocean. The Corps determined this wetland to be an excluded water after an onsite inspection and a review of aerial photographs, LiDAR maps, topographic maps, NWI maps, and soil survey information. The landowners have witnessed Excluded Water A inundated from the adjacent jurisdictional impoundment. However, they stated that it was very infrequent and only in direct response to extremely heavy rainfall events. The perimeter of the wetland was walked during the site visit and no discernable hydrologic surface connection from the wetland was observed.
Excluded Water (b)(1) B	0.009 acres	(b)(1) Non-adjacent wetland	Excluded Water B is a closed boundary polygon that does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water B is completely encompassed by natural uplands and lacks direct or indirect surface connection to (a)(1)-(3) waters. The uplands that encompass Excluded Water B is an old sand dune system that was created naturally due to its proximity to the ocean. The Corps determined this wetland to be an excluded water after an onsite inspection and a review of aerial photographs, LiDAR maps, topographic maps, NWI maps, and soil survey information. The landowners have witnessed Excluded Water B inundated from the adjacent jurisdictional impoundment. However, they stated that it was very infrequent and only in direct response to extremely heavy rainfall events. The perimeter of the wetland was walked during the site visit and no discernable hydrologic surface connection from the wetland was observed.
Excluded Water (b)(1) C	0.03 acres	(b)(1) Non-adjacent wetland	Excluded Water C is a closed boundary polygon that does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water C is completely encompassed by natural uplands and lacks direct or indirect surface connection to (a)(1)-(3) waters. The uplands that encompass Excluded Water C is an old sand dune system that was created naturally due to its proximity to the ocean. The Corps determined this wetland to be an excluded water after an onsite inspection and a review of aerial photographs, LiDAR maps, topographic maps,

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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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			NWI maps, and soil survey information. The landowners have witnessed Excluded Water C inundated from the adjacent jurisdictional impoundment. However, they stated that it was very infrequent and only in direct response to extremely heavy rainfall events. The perimeter of the wetland was walked during the site visit and no discernable hydrologic surface connection from the wetland was observed.
Excluded Water (b)(1) D	0.006 acres	(b)(1) Non-adjacent wetland	Excluded Water D is a closed boundary polygon that does not abut and is not inundated by an (a)(1)-(3) water. Excluded Water D is completely encompassed by natural uplands and lacks direct or indirect surface connection to (a)(1)-(3) waters. The uplands that encompass Excluded Water D is an old sand dune system that was created naturally due to its proximity to the ocean. The Corps determined this wetland to be an excluded water after an onsite inspection and a review of aerial photographs, LIDAR maps, topographic maps, NWI maps, and soil survey information. The landowners have witnessed Excluded Water D inundated from the adjacent jurisdictional impoundment. However, they stated that it was very infrequent and only in direct response to extremely heavy rainfall events. The perimeter of the wetland was walked during the site visit and no discernable hydrologic surface connection from the wetland was observed.

**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: Meher Spiritual Center Fire Break submittal dated August 4, 2020 by Folk Land Management.  
This information is sufficient for purposes of this AJD.  
Rationale: The Corps agrees with the conclusions of the submitted data sheets and submittal.  
Data sheets prepared by the Corps: N/A
- Photographs: (aerial and other) USGS National Map 3D Elevation Program (3DEP) published August 13, 2020 / Google Earth Imagery dated February 3, 2020 / site photographs from the consultant included with original submittal.
- Corps Site visit(s) conducted on: October 21, 2020
- Previous Jurisdictional Determinations (AJDs or PJDs): N/A
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: USA Soils Map Units (SSURGO) Map Service dated April 4, 2019, updated August 26, 2020, ESRI Map Service depicts the soil type of Newhan (fine sand).
- USFWS NWI maps: USFWS NWI – Wetlands Raster REST Map Service dated May 29,

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2012, updated July 17, 2020, USFWS NWI maps depict the review area as uplands and palustrine forested wetlands within the review area.

- x   USGS topographic maps: USGS Topographic Map / 7.5 Minute Index / Hand Quad / 1:24000. Topographic map depicts the southeast portion of review area as wetlands. No tributaries are depicted within the review area.

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Listed above in Section III A and the USGS National Hydrography Dataset (NHD)
USDA Sources	Listed above in Section III A
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed on 26 January 2021.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** The Antecedent Precipitation Tool (APT) data for a typical year determination was calculated on October 21, 2020. Output from the APT indicated “Normal Conditions” on October 21, 2020, with a conditions value of 13. For this assessment, a total of 6 weather stations were used within a 20-mile radius. APT output with a condition value of 13 indicates normal conditions and potentially represents typical year hydrologic conditions. The wetlands observed within the review area were saturated to the surface on October 21, 2020.
- C. Additional comments to support AJD:** The 1.02 acre review area has been cleared of vegetation for a future fire break road. The review area is bordered by residential condominiums on the west side and natural undisturbed forested uplands on the east side. The review area is the future site of a proposed access road for maintenance of the proposed fire breaks. A site visit was conducted on October 21, 2020. The wetlands observed within the review area do not abut and are not inundated by an (a)(1)-(3) water. The wetlands are completely encompassed by natural uplands and lack direct or indirect surface connection to (a)(1)-(3) waters. The uplands that encompass these wetlands is an old sand dune system that was created naturally due to its proximity to the ocean. The Corps determined these wetlands to be an excluded water (b)(1) after an onsite inspection and a review of aerial photographs, LiDAR maps, topographic maps, NWI maps, and soil survey information. The landowners have witnessed the onsite wetlands inundated from the adjacent jurisdictional impoundment. However, they stated that it was very infrequent and only in direct response to extremely heavy rainfall events.

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