



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): 15-Jan-2021

ORM Number: SAC-2020-01229

Associated JDs: JD SAC-81-98-0129 dated 02/28/1998, NWP SAC-14-2001-0561 dated 10/29/2001

Review Area Location¹: The project area is southeast of and adjacent to the intersection of Red Wolfe Trail and International Drive.

State: SC City: Myrtle Beach County: Horry County

Center Coordinates of Review Area: Latitude 33.7705 Longitude -78.8678

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: The area in review contains 6.3 acres of uplands and does not include jurisdictional or excluded waters.
- 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):

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 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.

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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(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))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
N/A	N/A	N/A	N/A

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: AJD request submitted by The Brigman Company, on behalf of Phil Elvis, on September 2, 2020. Map submitted by the agent titled “Wetland Delineation/Determination/ Tract 19 Black Creek Plantation (Limits of Non-Wetlands)/ Conway Township/ Horry County, South Carolina/ Tax Map Number 164-00-01-052 (Portion of)” dated August 24, 2020.

This information is sufficient for purposes of this AJD.

Rationale: Wetland data forms and supplemental 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*) USGS National Map 3D Elevation Program (3DEP) published August 13, 2020, 2019 Google Earth Imagery, and site photos submitted by the agent (August 20, 2020).

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

Previous Jurisdictional Determinations (AJDs or PJDs): JD SAC-81-98-0129 dated 02/28/1998, NWP SAC-14-2001-0561 dated 10/29/2001

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; Soil survey information depicts the project area as the hydric soils Lynn Haven sand and Leon fine sand.

USFWS NWI maps: Wetlands Raster REST Map Service dated May 29, 2012 and revised

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July 17, 2020. NWIs depict a combination of uplands and forested wetlands (PFO4B). A data point taken in the area marked was wetlands on NWIs showed the area did not meet the 3 parameters of a wetland as outlined in the 1987 manual. Specifically, the area lacked hydric soils and hydrology parameters.

X USGS topographic maps: 7.5 Minute Index/ Hand Quad / 1:24000: USGS; USGS depicts the immediate project boundary as a forested area void of blue lines and wetland symbols.

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.
NOAA Sources	N/A.
USACE Sources	SAC Reg Viewer accessed on 12/7/2020
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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 (August 20, 2020). Output from the APT indicated "Wetter than Normal Conditions" at the time of data collection by the agent (Brigman Company) with a value of 18. 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 10 weather stations within an approximate radius of 8 miles. Results of the APT indicate the site visit was conducted outside of conditions considered by the Corps to be within a "typical year".

B. Additional comments to support AJD: This form addresses 6.3 acres of uplands in Myrtle Beach, SC. The project boundary is boarded on two sides by roads, to the north by Red Wolfe Trail and the west by International Drive. The project area is immediately adjacent to preserved wetlands associated with DA permit SAC-14-2001-0561 dated October 29, 2001. The 20ft no construction setback (upland buffer) associated with those preserved wetlands falls within the project boundaries of this determination. The project area was determined to be uplands by review are aerial photos, NWIs, data forms and previous determinations.

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