



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): July 28, 2020

ORM Number: SAC-2020-01006

Associated JDs: N/A

Review Area Location¹:

State/Territory: SC City: Myrtle Beach County/Parish/Borough: Horry County

Center Coordinates of Review Area: Latitude 33.7097 Longitude -78.9086

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: There are no features that exhibit tributary characteristics or meet the three parameters of a wetland. The site consists entirely of uplands. There are no excluded waters present within the 6.35 acre project site.
- 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: *“Request for Jurisdictional Determination, Hyatt Frontage Road Tract, on behalf of Mike Wooten, DDC Engineers, dated July 22, 2020. This information is sufficient for purposes of this AJD.*

Rationale: *N/A*

Data sheets prepared by the Corps:

Photographs: *Aerial photograph exhibits 3-5 provided by the S&ME, Inc., in the submittal dated July 22, 2020. Aerial photo sources include ESRI 2018 (Exhibit 3), Google Earth 2018 (Exhibit 3A), SCDNR GIS Site 1982 & 1994 (Exhibits 4 & 5). All aerial photos depict a partially cleared graded site with no signatures of potential aquatic resources.*

Corps Site visit(s) conducted on:

Previous Jurisdictional Determinations (AJDs or PJDs):

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

USDA NRCS Soil Survey: *USDA Soil Survey (Applicant’s submittal Exhibit 4) 1982, and ESRI Map Service (USA Soils Map Units) dated April 4, 2019, updated March 4, 2020. ESRI Map Service depicts the soil type of Bladen fine sandy loam.*

USFWS NWI maps: *USFWS NWI Map (Applicant’s submittal Exhibit 5) 1994, and USFWS NWI Map Service dated May 29, 2012, updated July 17, 2020. Maps depict uplands and a linear feature describe as wetland. The linear feature does not exist within the project boundaries based on review of aerial photos and 3DEPElevation- Slope & Hillshade liDAR maps..*

USGS topographic maps: *USGS Topographic Map (Applicant’s submittal Exhibit 2) 1984, and USGS 7.5 Minute Index (Myrtle Beach Quad). Topographic map depicts a linear feature, drainage feature, located in the center of project site; however, this feature does not exist based on review of aerial photos and 3DEPElevation- Slope & Hillshade liDAR maps.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS 3D Elevation	3DEPElevation- Slope and 3DEPElevation – Hillshade (LiDAR).

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Program (3DEP) USGS Sources	
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed July 29, 2020.
State/Local/Tribal Sources	N/A.
Other	N/A

- B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) data for typical year determination was calculated based on field collection date denoted on wetland determination data forms (July 22, 2020). Output from the APT indicated “wetter than normal” conditions at the time of data collection by the agent (S&ME) with a condition value of 17. APT Output with a condition value greater than 14 indicates “wetter than normal” conditions onsite and may not accurately represent typical year hydrologic conditions. For this assessment, a total 10 weather stations within a 12 mile radius were used.
- C. Additional comments to support AJD:** There are no features that exhibit tributary characteristics, meet the three parameters of a wetland, or lakes/ ponds and impoundments of waters located within the project site. The site consists entirely of uplands.

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