



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): 9-JUL-2021
ORM Number: SAC-2021-00247
Associated JDs: Adjacent JDs SAC-2005-39435 dated 4/26/2005 and SAC-2005-39436 dated 4/26/2005
Review Area Location¹: South of adjacent to Bay Road
State: SC City: Myrtle Beach County: Horry County
Center Coordinates of Review Area: Latitude 33.6553 Longitude -79.0537

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)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
JD Pond 1 (a)(3)	2.27 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The onsite impoundment contributes surface water directly to an (a)(1) water (Waccamaw River/ TNW) in a typical year through (a)(2) and (a)(4) features

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.

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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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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))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Water 1 (b)(8)	1.59 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 Water 1 (pond) is an excluded water based on the determination that it is a man-made pond, wholly excavated out of uplands on site.
Excluded Water 2 (b)(8)	2.06 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 Water 2 (pond) is an excluded water based on the determination that it is a man-made pond, wholly excavated out of uplands on site.
Excluded Water 3 (b)(8)	1.71 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 Water 3 (pond) is an excluded water 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 Southern Palmetto Environment, on behalf of Archie Howell, on January 25, 2021. Map submitted by the agent titled “**Wetland Determination/** Heron Point GC Project (81.91 +/- acres)/ TMS#’s 184-00-01-024 & 184-00-01-021/ Horry County, South Carolina” dated January 22, 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, Historical Aerial imagery,

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USGS National Map 3D Elevation Program (3DEP) published August 13, 2020 and site photos taken by the agent dated January 7, 2021.

- Corps Site visit(s) conducted on: *Date(s)*.
- Previous Jurisdictional Determinations (AJDs or PJDs): Adjacent JDs SAC-2005-39435 dated 4/26/2005 and SAC-2005-39436 dated 4/26/2005
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: NRCS / Soil Survey Geographic Database (SSURGO) Map Service dated April 4, 2019, updated March 4, 2020; Project area is comprised of the partially hydric soils Yemassee loamy fine sand and Eulonia loamy fine sand.
- USFWS NWI maps: Wetlands Raster REST Map Service dated May 29, 2012 and revised July 17, 2020; NWIs depict the project area as uplands and the ponds onsite as freshwater ponds (PUBHx).
- USGS topographic maps: USGS Topographic Map / 7.5 Minute Index / Bucksville Quad/ 1:24000; USGS topographic survey information depicts a mostly cleared forested area. No wetland symbols are present with the project boundary. A solid blue line goes through a portion of the northern project boundary. The use of Horry DEM LiDAR determined this feature not to exist at this location. The line does not appear on USGS Stream Line StreamStats. Additionally a previous JD adjacent to the subject determined the feature not to exist (SAC-2005-39436)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Topo Map, USGS National Map 3D Elevation Program (3DEP)
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Reg Viewer accessed on 7/1/2021 and National Reg Viewer- SAD accessed on 7/7/2021
State/Local/Tribal Sources	N/A.
Other Sources	USC Imagery (1939-1980)

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 (January 7, 2021). Output from the APT indicated “wetter than normal” conditions at the time of data collection by the agent (Southern Palmetto Environmental) with a value of 17. ATP outputs with a condition value greater than 14 indicate “wetter than normal” conditions, “normal”

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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 10 miles. Results of the APT indicate the site visit was conducted under conditions considered by the Corps to be outside 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.

- C. Additional comments to support AJD:** This form addresses 81.91 acres in Myrtle Beach, SC. The site is made up of an abandoned former golf course. The project boundary is surround on all sides by residential development. Present on site is one Jurisdiction feature. JD Pond 1 is an (a)(3) impoundment that contributes surface water to the Waccamaw River, an (a)(1) water. The remaining waters on site are (b)(8) excluded waters.

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