



**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): 6/23/2020  
 ORM Number: SAC-2010-00422 Peachtree Parcel C  
 Associated JDs: SAC-2010-00422 / PJD letter dated August 26, 2019  
 Review Area Location<sup>1</sup>: State/Territory: South Carolina City: Myrtle Beach County/Parish/Borough: Horry  
 Center Coordinates of Review Area: Latitude 33.685 Longitude -79.022

**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.

<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 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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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 3	1.38	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 3 is part of a larger wetland complex that continues offsite and eventually abuts the Mean High Water (MHW) of the Atlantic Intracoastal Waterway (AIWW). The AIWW is a TNW and subject to the ebb and flow of the tide as well as being a Federal Channel.

**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
Upland Pond	7.84	acre(s)	(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).	Pond is constructed in an area determined to be uplands by this approved jurisdictional determination. The area did not satisfy all three wetland factors (hydrology, hydrophytic vegetation, hydric soils) in normal circumstances for a typical year. Additionally, the location of the pond does not lie below the ordinary high water mark or the high tide line of a jurisdictional water. Therefore, the Corps has determined the pond to be situated in uplands and therefore an excluded non-jurisdictional water.
Wetland 1	0.30	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 does not meet the adjacency criteria for an (a)(4) water and thus is a non-adjacent wetland as described by (b)(1) Excluded Waters."
Wetland 2	0.50	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2 was determined to be an excluded water based on the lack of direct hydrologic surface connection to an (a)(1), (a)(2), or (a)(3) water in a typical year. The documented flow during rain events does not meet the adjacency criteria for an (a)(4) water and thus is a non-adjacent wetland as described by (b)(1) Excluded Waters.

**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: [Peachtree Tract Parcel C Wetland Delineation Forms / Atlantic and Gulf Coastal Plain Region dated March 12, 2020.](#)

<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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This information is sufficient for purposes of this AJD.

Rationale: Wetland data forms are considered to be 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: 2019 Google Earth Imagery, 2006 SCDNR infrared imagery
- Corps site visit(s) conducted on: Date(s).
- Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2010-00365 letter dated July 22, 2010
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Horry County Soil Survey / depicts the following soil series: Kenansville & SAC-2010-00365 letter dated July 22, 2010 (non hydric), Hobonny (100% hydric for their mapped component), Yemassee & Yauhannah (hydric for 2% of their mapped component)
- USFWS NWI maps: Horry County NWI data / depicts the following NWI symbols: U11, U21, U42 (upland symbology) & PFO4B, PFO1/2T (palustrine wetlands)
- USGS topographic maps: Bucksville Quad / depicts upland areas void of wetland symbology with the review area. Wetlands and other waters are in the vicinity of the site on USGS topographic maps

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

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
LiDAR data/maps	Horry County LiDAR aerial imagery
Other Sources	N/A.

**B. Typical year assessment(s):** Antecedent Precipitation Tool (APT) data for typical year determination was calculated based on field collection dated denoted on wetland delineation data forms (March 12, 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 16. ATP outputs with a condition value greater than 14 indicate "wetter than normal" conditions onsite and may not accurately represent typical year hydrologic conditions. For this assessment, a total of 10 weather stations within a 12 mile radius were used. Although the results of the APT indicate the time of site visit was conducted outside of conditions considered by the Corps to be a "typical year", this would not bring the adjacency of Wetland 3 into question as it directly abuts a TNW. As such, no additional documentation or resources are necessary to assert jurisdiction of wetland 3.

**C. Additional comments to support AJD:** The area in review included 35.28 acres and contained both jurisdictional and non-jurisdictional waters.

Wetland 1 (0.30 acre) and Wetland 2 (0.50 acre) are each physically separated from any (a)(1), (a)(2), or (a)(3) waters and each lacked a specific direct hydrologic surface connection to satisfy the guidelines of the 2020 Navigable Waters Protection Rule for adjacency. For each wetland, overland surface flow was documented by the agent on Exhibit No. 6 in the original Jurisdictional Determination Request. As no site visit was conducted, a review of the available LiDAR and topographic contour data did not indicate the presence of a direct hydrologic connection required to establish adjacency. Therefore the Corps has determined Wetland 1 and 2 be excluded waters.



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Wetland 3 (1.38 acres) continues offsite and eventually abuts the MHW of the AIWW, a named TNW subject to the ebb and flow of the tide ((a)(1) water). Based on adjacency to a TNW, the Corps has determined Wetland 3 to be an (a)(4) water.

Located onsite is a single artificial pond (7.84 acres) wholly constructed in uplands which was determined to be an excluded (b)(8) water.

Additionally, in an email dated June 5, 2020, the agent provided a previous PJD issued by the Corps confirming the MHW of the AIWW was located just outside the boundary of the review area.