



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): 24-JUN-2021

ORM Number: SAC-2020-01786

Associated JDs: SAC-2016-00053 letter dated January 21, 2016 and SAC 2010-00371 Letter dated January 12, 2011.

Review Area Location¹: North of and adjacent to Marina Parkway

State: SC City: Myrtle Beach County: Horry County

Center Coordinates of Review Area: Latitude 33.759 Longitude -78.825

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
TNW	0.3 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	Subject to ebb and flow of the tide

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
TNW	0.3 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	Subject to ebb and flow of the tide

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

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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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

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	1.19 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 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	1.12 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 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	1.67 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 is an excluded water based on the determination that it is a man-made pond, wholly excavated out of uplands on site.
Excluded Water #4	81 LF	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	Excluded Water 4 (Ditch) is located in uplands within the review area and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland and, therefore, does not meet the criteria of a tributary as outlined in (c)(12).
Excluded Water #5	4.42 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 5 is an excluded water based on the determination that it is a man-made pond, wholly excavated out of uplands on site. Historic Aerial photos show the pond was excavated between 1973 and 1983.
Excluded Water #6	794 LF	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	Excluded Water 6 (Ditch) is located in uplands within the review area and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland and, therefore, does not meet the criteria of a tributary as outlined in (c)(12).

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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 S&ME, on behalf of Freehold Communities, on December 16, 2020. Plat (Sheets 1-4 of 4) submitted by the agent titled "WETLAND MAP OR/ GRANDE DUNES MARINA TRACT/ PARCEL 1/ PARCEL 2/ PARCEL 3/ PARCEL 4/ REMAINDER PARCEL 5/ REMAINDER PARCEL 8/ PARCEL P-12/ TRACT 1/ CITY OF MYRTLE BEACH, HORRY COUNTY, SOUTH CAROLINA/ PREPARED FOR:/ FREEHOLD COMMUNITIES" dated December 7, 2020.

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, USGS National Map 3D Elevation Program (3DEP) published August 13, 2020 and site photos taken by the agent dated October 28, 2020.

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

☒ Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2016-00053 letter dated January 21, 2016 and SAC 2010-00371 Letter dated January 12, 2011.

☒ 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; The project area is comprised of the non-hydric soil Udorthents and Udipasmments well drained and the hydric soils Brookman loam and Leon 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 a combination of uplands, open water features (PUBHx) and forested wetlands (PFO4B) and partially drained/ditched wetlands (PFO4Bd). Data points taken by in the areas marked as wetlands show the are lacked the 3 parameters of a wetland as set forth in the 1987 Manual.

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- ☒ **USGS topographic maps:** Map / 7.5 Minute Index / Hand Quad/ 1:24000; USGS topographic survey information depicts a partially cleared (sand pit) forested area void of wetland symbology.

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, USGS National Map 3D Elevation Program (3DEP), USGS National
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Reg View accessed on June 17, 2021
State/Local/Tribal Sources	N/A.
Other Sources	Historic Aerials by Netronline

- 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 (October 27, 2020). Output from the APT indicated "normal" conditions at the time of data collection by the agent (S&ME) with a value of 13. 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 4 weather stations within an approximate radius of 21 miles. Results of the APT indicate the site visit was conducted under conditions considered by the Corps to be within a "typical year". However, APT results being on the wetter end of 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 address 133.65 acres in Myrtle Beach, SC. A previous determination (2016) covered a larger tract and included this project boundary. Present on site is one (a)(1) NW subject to ebb flow of the adjacent AIWW. The remaining waters on site are excluded. All four (b)(8) excluded waters were excavated out of uplands. Excluded waters 1-3 were excavated out of uplands delineated under the previous JD (2016). Excluded Water 5 was excavated out of uplands between 1973 and 1983 as seen on historic aerials. Excluded Waters 4 and 6 are (b)(5) ditches excavated in uplands within the review area and do not meet the criteria of a jurisdictional water.

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