



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-2021-00625  
Associated JDs: Adjacent JD 2018-01094 & 2020-01231  
Review Area Location<sup>1</sup>: A 17.5-acre site located west of and adjacent to McDowell Shortcut Road  
State/Territory: SC City: Murrells Inlet County: Horry County  
Center Coordinates of Review Area: Latitude 33.5903 Longitude -79.0344

**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: Potential wetlands were assessed; however, these areas lacked all three (3) parameters that define a wetland as outlined in the Corps' 1987 Wetland Delineation Manual and/or Coastal Plain Regional Supplement. Specifically, based on the review of the data sheets prepared and submitted by S&ME, Inc., dated March 31, 2021, the parameters of hydric soil and hydrology are not present in all areas. Based on review of the Antecedent Precipitation data for the recording of March 31, 2021, the site visit was performed under normal conditions with a value of 14. Four weather stations were utilized for the data that were located 5 – 24 miles from the review area.
- 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

<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 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.

<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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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))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	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 S&ME, Inc., on behalf of David Curry, BDHP Partners, LLC, dated April 2, 2021.*

This information is sufficient for purposes of this AJD.

Rationale: *The wetland data forms, and additional information submitted by the agent are 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 photos submitted by S&ME in the submittal dated June 15, 2021, and 2019 Google Earth and 2006 SCDNR aerial photos.*

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

Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*

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

USDA NRCS Soil Survey: *NRCS / Soil Survey Geographic Database (SSURGO) Map Service dated March 31, 2021, updated April 26, 2021, ESRI Map Service depicts the soil types of Ogeechee and Yemassee.*

USFWS NWI maps: *USFWS NWI Map Service Maps depicts review area as partially ditched/draind wetlands. NWI map depicts potential wetland areas as partially ditched/draind wetlands as PFO4Bd and PFO1/4Ad.*

USGS topographic maps: *USGS Topographic Map / 7.5 Minute Index / Brookgreen Quad / 1:24000. Topographic map depicts the review area as forested uplands and wetlands.*

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

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Topographic map.

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USDA Sources	Soil Survey.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed on 24 JUN 2021.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Antecedent Rainfall Calculator data for typical year determination was calculated based on the field collection date provided on the agent's data forms (31 March 2021). The Antecedent Rainfall Calculator data showed "Normal" conditions at the time of data collection by the agent with a condition value of 14, which indicates that typical year hydrologic conditions were present at the time of the field inspection. For this assessment, four (4) weather stations located within a 24-mile radius were used.
- C. Additional comments to support AJD:** The review area is 17.5-acre site surrounded by adjacent development. Adjacent JDs were performed for the undeveloped parcels located to the west and east of the review area and determined those parcels to be comprised of uplands with potential wetland areas (Documented under SAC-2018-01094, & SAC-2020-1231). A review of Antecedent Precipitation Tool data revealed the site visit performed by the Agent collecting data for the delineation was performed under normal conditions. The site contains potential wetland areas; however, based on the submitted datasheets dated March 31, 2021 lacked all three parameters that define a wetland. A site visit by the Corps was not performed

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