



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): 08 MAR-2021  
ORM Number: SAC-2020-01738  
Associated JDs: Adjacent JD SAC-2017-00556 dated June 15, 2017  
Review Area Location<sup>1</sup>: 999 US Highway 17  
State: SC City: Surfside Beach County: Horry County  
Center Coordinates of Review Area: Latitude 33.6046 Longitude -78.9884

**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

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

<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 and 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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**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
Excluded Water 1	0.49 acre	(b)(1) Non-adjacent wetland	Excluded Water 1 (wetland) is a closed boundary polygon that does not abut and is not inundated by an (a)(1)-(3). The excluded water is boarded by development on all 4 sides. NWIs show the wetland is surround by uplands. The excluded water lacks a direct or indirect surface connection to (a)(1)-(3) waters. In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water (b)(1).

**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 Terracon, on behalf of 561 Lowcountry, LLC, on December 10, 2020. Sketch submitted by the agent titled “Depiction of Aquatic Resources Map/ 999 US Highway 17/ Surfside Beach, Horry County, South Carolina” dated December 3, 2020.

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*) USGS National Map 3D Elevation Program (3DEP) published August 13, 2020, 2019 Google Earth Imagery, site photos submitted by the agent (November 6, 2020).

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

Previous Jurisdictional Determinations (AJDs or PJDs): Adjacent JD SAC-2017-00556 dated June 15, 2017

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

USDA NRCS Soil Survey: Soil Survey Geographic Database (SSURGO) Map service dated

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April 4, 2019 revised August 26, 2020; The project area is comprised of hydric soil Youngers fine sandy loam and the non-hydric soil Lakeland Sand

- X** USFWS NWI maps: Wetlands Raster REST Map Service dated May 29, 2012 and revised July 17, 2020; NWIs map the project boundary as uplands and freshwater wetlands (PFO1/4B).
- X** USGS topographic maps: 7.5 Minute Index/Surfside Beach Quad / 1:24000; USGS topographic survey information depicts a partially cleared forested area void of wetland symbols. An open water feature is depicted within the project boudnary. This feature was determined not to exist.

**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
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Reg Viewer accessed on 02/26/2021
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- 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 (November 6, 2020). Output from the APT indicated " Normal Conditions" at the time of data collection by the agent (Terracon) with a value of 14. 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 10 weather stations within an approximate radius of 8 miles. Results of the APT indicate the site visit was conducted under normal conditions and is considered by the Corps to be within a "typical year".
- C. Additional comments to support AJD:** This form address 2.24 acres in Surfside Beach, SC. The majority of the project boundary is paved surface lots and maintained structures. Present on site is one (b)(1) excluded water wetland. The excluded water (0.49 acre) is surrounded by uplands, multiple artificial barriers, and lacks a direct or indirect surface connection to (a)(1)-(3) waters. A concrete pipe within the project boundary allows runoff from adjacent roadways and uplands to flow into the excluded water.

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