



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-MAY-2021

ORM Number: SAC-2020-01680

Associated JDs: N/A

Review Area Location¹:

State/Territory: SC City: Loris County: Horry County

Center Coordinates of Review Area: Latitude 34.00657 Longitude -78.75002

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 or describe rationale.
- 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
Jurisdictional Tributary 1A	1883 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary 1A is depicted as a named solid blue line feature on USGS topographic maps (Buck Creek). It is a naturally occurring man altered tributary depicted as being situated in wetlands. Aerial photographs depict an obvious channel with bed and banks filled with water year round. The USGS National Hydrography Dataset categorizes this feature as perennial.
Jurisdictional Tributary 1B	134 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary 1B is depicted as a named solid blue line feature on USGS topographic maps (Buck Creek). It is a naturally occurring man altered tributary depicted as being situated in wetlands. Aerial

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			photographs depict an obvious channel with bed and banks filled with water year round. The USGS National Hydrography Dataset categorizes this feature as perennial.
Jurisdictional Tributary 2	263 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Jurisdictional Tributary 2 is depicted as a named solid blue line feature on USGS topographic maps (Camp Swamp). It is a naturally occurring man altered tributary depicted as being situated in wetlands. Aerial photographs depict an obvious channel with bed and banks filled with water year round. The USGS National Hydrography Dataset categorizes this feature as perennial.

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
Jurisdictional Pond 1	1.01 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	Jurisdictional pond 1 was excavated out of an (a)(4) wetland with a direct surface hydrologic connection to Camp Swamp an (a)(2) water that flows directly into the Waccamaw River an (a)(1) water.

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Jurisdictional Wetland 1	0.4 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	Jurisdictional wetland 1 is separated from an (a)(2) water by a man-made berm associated with ongoing maintenance of Buck Creek and the associated flood control project. However, review of LiDAR depicts several breaks in the berm and evidence of a drainage feature that would provide a direct surface hydrologic connection between the wetland and the (a)(2) water
Jurisdictional Wetland 2	2.42 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	Jurisdictional wetland 2 is separated from an (a)(2) water by a man-made berm associated with ongoing maintenance of Camp Swamp and the associated flood control project. However, review of LiDAR depicts several breaks in the berm and evidence of a drainage feature that would provide a direct surface hydrologic connection between the wetland and the (a)(2) water

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	0.23 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 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

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Excluded Water 2	0.85 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)	therefore an excluded non-jurisdictional water. Excluded Water 2 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.
Excluded Water 3	0.33 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 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.
Excluded Water 4	0.49 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 4 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.
Excluded Water 5	1.08 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 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.
Excluded Water 6	0.51 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 6 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.
Excluded Water 7	0.48 acres	(b)(8) Artificial lake/pond constructed or excavated in upland	Excluded Water 7 is constructed in an area determined to be uplands by this approved jurisdictional

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		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)	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.
Excluded Water 8	0.45 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 8 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.
Excluded Water 9	0.48 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 9 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.

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: "Black Bear Village (88.27+/-acres) / Request for Jurisdictional Determination and Verification / TMS#'s 074-00-02-120 & 074-00-02-089 (portion of) / Horry County, South Carolina," dated December 3, 2020, submitted by Southern Palmetto Environmental on behalf of Mr. Steve Powell. This information is sufficient for purposes of this AJD.

Rationale: Wetland data forms and information included in the original submittal are considered to be a reasonable representation of site conditions at the time of collection.

Data sheets prepared by the Corps: *N/A*

Photographs: Site photos titled "Representative Photos of the Site / Black Bear Billage," and dated December 2, 2020, submitted by the Southern Palmetto Environmental. Aerial photographs provided by Southern Palmetto Environmental, in the submittal dated December 3, 2020. All photos depict a golf course. USGS National Map 3D Elevation Program (3DEP) published August 13, 2020.

Corps Site visit(s) conducted on: *N/A*

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- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*
- Antecedent Precipitation Tool: Output from the APT indicated “wetter than normal” conditions See detailed discussion in Section III.B.
- USDA NRCS Soil Survey: NRCS Soil Survey Geographic Database (SSURGO) created 4 Apr 2019 and updated 26 Aug 2020. ESRI Map Service depicts the soil type Meggett Loam, Witherbee Sand, Yauhannah fine sandy loam, Yonges fine sandy loam and Eulonia Loamy Fine Sand.
- USFWS NWI maps: USFWS NWI Map Service dated May 29, 2012, updated July 17, 2020.
- USGS topographic maps: USGS 7.5 Minute Index (Goretown Quad). Topographic map depicts vegetated wetlands bisected by two named solid blue line feature situated in naturally low-lying drainage areas.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Topographic Maps, 3DEPElevation- Slope and 3DEPElevation – Hillshade /LiDAR overlays, National Hydrography Dataset.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer Accessed on May 24, 2021
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): Antecedent Precipitation Tool (APT) data for the typical year assessment was calculated based on the field collection date denoted on the wetland determination data forms (November 25, 2020). Output from the APT indicated “wetter than normal” conditions at the time of data collection by the agent (Southern Palmetto Environmental) with a condition value of 16. APT Output with a condition value greater than 14 indicates “wetter than normal” conditions onsite and may not accurately represent typical year hydrologic conditions. For this assessment, a total 8 weather stations within a 18-mile radius were used. Although wetter than normal conditions were indicated by the APT, these findings would not affect the wetland boundary, location of the jurisdictional tributary, of their respective jurisdictional status.

C. Additional comments to support AJD: As stated by the Southern Palmetto Environmental in the “Request for Jurisdictional Determination and Verification”, dated December 3, 2020, “The site is located within the old Black Bear Golf course just off SC Highway 9 just east of Loris in Horry County, South Carolina. The project area is 88.27+/- acres and is a portion of the former Black Bear Golf Course (a.k.a. Myrtle West Golf). The golf course closed down from active operation in 2017 and has grown up in shrubs and brushy vegetation throughout. Originally, the golf course was constructed in the 1970’s to the early 1980’s where major land alternations took place to create ponds, hills, valleys, and onsite drainage. In addition to the golf course construction, this site has been directly affected by

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the Buck Creek and Cape Swamp Flood Control projects. Specifically, the site is immediately adjacent to the current channel of Buck Creek and of Camp Swamp. These natural channels were heavily incised in the 1950's to channelize flows, collect surface/subsurface runoff, and to reduce flooding.

There are two jurisdictional wetlands and one jurisdictional {pond} adjacent to one of the wetlands occurring on this site. However, the project area also contains segments of the current location of Buck Creek and Camp Swamp as indicated on the mapping package attached. Buck Creek and Camp Swamp are channelized and is currently in a highly disturbed state with routine maintenance occurring every few years. There are also several ponds on this site that are considered excluded waters according to the Navigable Waters Protection Rule. The upland areas on this parcel lack sufficient indicators in order to be a wetland. Vegetation on the upland section of this site is mostly former fairways, greens, and sand traps within the old golf course with upland shrubs, trees, and herbaceous vegetation. The soils in the uplands appear to be predominantly Yauhannah Series with a few other inclusions.”

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