



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): 17-MAY-2021
ORM Number: SAC-2021-00080
Associated JDs: N/A
Review Area Location¹: northwest of and adjacent to Folly Rd
State: SC City: Myrtle Beach County: Horry County
Center Coordinates of Review Area: Latitude 33.6958 Longitude -78.9680

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
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
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

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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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	795 feet	(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 1 (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 2	2.56 acres	(b)(1) Non-adjacent wetland	Excluded Water 2 (wetland) is a closed boundary polygon that does not abut and is not inundated by an (a)(1)-(3). The excluded water lacks a direct or indirect surface connection to (a)(1)-(3) waters. Uplands and multiple artificial barriers separate the wetland from the closest (a)(1) water (AIWW). 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 Southern Palmetto Environmental, on behalf of Joseph Barrientos, on January 7, 2021. Sketch submitted by the agent titled “**Wetland Determination/ Morales Folly Rd Tract (8.65 +/- acres)/ TMS# 179-00-04-188/ Horry Country, South Carolina**” dated January 7, 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*) Google Earth aerial photo 2019, USGS National Map 3D Elevation Program (3DEP) published August 13, 2020 and site photos taken by the agent dated January 5, 2021.

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

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

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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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- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Project area is comprised of the hydric soil Younges fine sandy loam.
- USFWS NWI maps: NWIs map the project area as uplands with a pocket of freshwater forested/shrub wetland (PFO1B).
- USGS topographic maps: Myrtle Beach Quad; USGS topographic survey information depicts a forested area void of blue lines and wetlands symbols

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 Hydrography Dataset (NHD)
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Reg Viewer accessed on 5/04/2021
State/Local/Tribal Sources	N/A.
Other Sources	SC StreamStats 2018 Release,

- 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 (January 5, 2021). Output from the APT indicated "wetter than normal Conditions" at the time of data collection by the agent (Southern Palmetto Environmental) with a value of 18. 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 11 miles. Results of the APT indicate the site visit was conducted under conditions considered by the Corps to be outside a "typical year". However, even under the elevated hydrologic conditions indicated by the APT output, the waters onsite remain non-jurisdictional.
- C. Additional comments to support AJD:** This form addresses 8.46 acres in Myrtle Beach, SC. Present on site are 2 excluded waters. Excluded water 1 (ditch) is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. The ditch isn't depicted as a feature on USGS National Hydrography dataset or Stream Stats. Excluded Water 2 (wetland) is a closed boundary polygon that does not abut and is not inundated by an (a)(1)-(3).

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