



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): May 14, 2021

ORM Number: SAC-2021-00491

Associated JDs: SAC-2019-17681 (Delineation associated with a permit) and AJD SAC-81-94-1176 issued August 10, 1994

Review Area Location¹:

State/Territory: SC City: Myrtle Beach County: Horry County

Center Coordinates of Review Area: Latitude 33.7793 Longitude -78.9636

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

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 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.

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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N/A	N/A	N/A	N/A
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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	0.24 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	This feature is a man-made stormwater retention pond that was constructed in uplands.

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: Request for Corps Jurisdictional Determination (JD) / Delineation received on March 10, 2021 for “Waterford Point Tract,” submitted by Red Bay Environmental, on behalf of Bradley Waterford Pointe, LLC (and all included supporting documentation).

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 “**7.533 Acre Waterford Pointe Tract / TMS #:151-00-04-175 / Myrtle Beach, Horry County, South Carolina**,” submitted by Red Bay Environmental in the submittal received on March 10, 2021. Aerial photographs provided by The Newkirk Environmental, in the submittal dated December 4, 2020. All photos depict a developed grassy site with one potential aquatic resources, which was determined to be an excluded water (b)(10)). USGS National Map 3D Elevation Program (3DEP) published August 13, 2020.

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

Previous Jurisdictional Determinations (AJDs or PJDs): Delineation of Aquatic Resources associated with Department of the Army Permit SAC-1996-17681 issued on March 26, 1997 and Approved JD SAC-81-1994-1176 issued August 10, 1994

Antecedent Precipitation Tool: 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 within the review area as Lynn Haven sand, a hydric soil.

USFWS NWI maps: USFWS NWI Map Service dated May 29, 2012, updated July 17, 2020. USFWS NWI Maps do not depict any aquatic features within the review area.

USGS topographic maps: USGS 7.5 Minute Index (Nixonville Quad). Topographic map

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depicts uplands, within the review area, that do not contain any blue line features or symbols that would typically represent a WOUS.

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
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer Accessed on May 12, 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 date denoted on wetland determination data forms (February 1, 2021). Output from the APT indicated “wetter than normal” conditions at the time of data collection by the agent (Red Bay Environmental) with a condition value of 18. Conditions Value of over 14 indicate wetter than normal conditions. For this assessment, a total 10 weather stations within a 9-mile radius were used.
- C. Additional comments to support AJD:** This form addresses a 7.533 acre tract (TMS# 151-00-04-175) that contains 0.24 acre of excluded waters (man-made storm water control structure / pond constructed in uplands), 2.95 acres of preserved wetlands and upland buffers associated with SAC-1996-17681, that were not included as part of this determination, and 4.34 acres of uplands.

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