



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): 19-NOV-2020  
ORM Number: SAC-2020-01465  
Associated JDs: SAC-2014-01228 issued on January 20, 2015  
Review Area Location<sup>1</sup>: Project area is located east of and adjacent to Starcrest Circle.  
State: SC City: North Myrtle Beach County: Horry County  
Center Coordinates of Review Area: Latitude 33.816 Longitude -78.684

**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 (b)(1)	0.17 sq. ft.	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories	Excluded Water (wetland) is a closed boundary polygon that does not abut and is not inundated by an (a)(1)-(3) water. Additionally, this wetland is physically separated from an (a)(1) (Atlantic Ocean) water by multiple physical, man-made barriers (residential lots, roads, etc.) and 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 S&ME, on behalf of Maurice Johnson, on October 23, 2020. Plat submitted by the agent titled "WETLAND SURVEY OF/ LOT #'S 5 & 6, BLOCK 'H',/ INGRAM DEVELOPMENT, STARCREST CIRCLE/ HORRY COUNTY, SOUTH CAROLINA/ PREPARED FOR: HILLSIDE DEVELOPMENT, LLC dated January 8, 2019.

This information is sufficient for purposes of this AJD.

Rationale: The wetland data forms, and additional information submitted by the agent are considered to be 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: *N/A*

Photographs: (*aerial and other*) Google Earth aerial photo 2019, and site photos taken by the agent dated October 12, 2020

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

Previous Jurisdictional Determinations (AJDs or PJDs): AJD SAC-2014-01228 issued on January 20, 2015.

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 the partially hydric soil Newhan fine sand and the hydric soil Johnston loam.

- X** USFWS NWI maps: Wetlands Raster REST Map Service dated May 29, 2012 and revised July 17, 2020; NWIs depicted the project area as combination of uplands and forested wetlands (PFO1/4A).
- X** USGS topographic maps: 7.5 Minute Index/ Wampee Quad / 1:24000: USGS topographic survey information depicts the project boundary as a forested area void of blue lines and wetland 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
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Reg Viewer accessed on 11/18/2020
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 (October 12, 2020). Output from the APT indicated " Normal Conditions" at the time of data collection by the agent (S&ME) with a value of 13. 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 3 weather stations within an approximate radius of 8 miles. Results of the APT indicate the site visit was conducted under conditions considered by the Corps to be within a "typical year"
- C. Additional comments to support AJD:** The area in review contains approximately 0.43 acres and includes 1 excluded water. The excluded water onsite **is a closed boundary polygon that** does not abut and is not inundated by an (a)(1)-(3) water. Additionally, these wetlands are physically separated from any (a)(1)-(3) waters by multiple physical, man-made barriers (residential lots, roads, etc.) and uplands. The entire wetland system is surrounded by the following public roads: Starcrest Circle, Hillshade Drive South, Perrin Drive, and 7<sup>th</sup> Ave South. Under previous AJD SAC-2014-01228, which included this project boundary, the excluded water on site was determined to be adjacent to the Atlantic Ocean by continuing offsite and bisecting a man altered ditch and entering the City of North Myrtle Beach's storm water system, crossing under Ocean Boulevard and finally discharging into the Atlantic Ocean. However, under the newly implemented Navigable Waters Protection Rule, this flow

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no longer provides a direct surface connection to (a)(1)-(3) waters thus no longer meets the definition of an (a)(4) water as defined in 33 CFR 328.3(c)(1).

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