



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): 16 NOV 2020

ORM Number: SAC-2020-01563

Associated JDs: N/A

Review Area Location¹: 130.8-acre site identified as TMS# 172-00-05-015 & 256, situated north of and adjacent to the intersection of George Bishop Parkway and Fantasy Harbour Boulevard,

State: SC City: Myrtle Beach County: Horry County

Center Coordinates of Review Area: Latitude 33.7130 Longitude -78.9345

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 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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| | | | |
|-----|-----|-----|-----|
| N/A | N/A | N/A | N/A |
|-----|-----|-----|-----|

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
|----------------|----------------|--|---|
| EWb8 #1 | 8.5 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) | EWb8 #1 is a pond located within the review area and was determined to be wholly excavated from uplands, does not contribute flow to an (a)(1-3) water, and does not meet the criteria of a jurisdictional feature as identified in paragraph (c)(6). The onsite pond is an upland excavated stormwater pond. |
| EWb8 #2 | 1.2 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) | EWb8 #2 is a pond located within the review area and was determined to be wholly excavated from uplands, does not contribute flow to an (a)(1-3) water, and does not meet the criteria of a jurisdictional feature as identified in paragraph (c)(6). The onsite pond is an upland excavated stormwater pond. |
| EWb8 #3 | 0.4 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) | EWb8 #3 is a pond located within the review area and was determined to be wholly excavated from uplands, does not contribute flow to an (a)(1-3) water, and does not meet the criteria of a jurisdictional feature as identified in paragraph (c)(6). The onsite pond is an upland excavated stormwater pond. |
| EWb8 #4 | 2.8 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) | EWb8 #4 is a pond located within the review area and was determined to be wholly excavated from uplands, does not contribute flow to an (a)(1-3) water, and does not meet the criteria of a jurisdictional feature as identified in paragraph (c)(6). The onsite pond is an upland excavated stormwater pond. |

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, Inc., on behalf of FTTP Bishop Parkway, LLC, dated November 13, 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: *N/A.*

Photographs: *Aerial and other photos submitted by S&ME in the submittal dated November 13, 2020, and 2019 Google Earth and 2006 SCDNR aerial photos.*

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

Previous Jurisdictional Determinations (AJDs or PJDs): *None.*

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

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- X** USDA NRCS Soil Survey: *NRCS / Soil Survey Geographic Database (SSURGO) Map Service dated April 4, 2019, updated August 26, 2020, ESRI Map Service depicts the soil types of Udorthents and Uipsaments, Bladen, and Meggett*
- X** USFWS NWI maps: *USFWS NWI - Wetlands Raster REST Map Service dated May 29, 2012, updated July 17, 2020, USFWS NWI Map Service Maps depicts review area as uplands with open water upland ponds as PUBHx.*
- X** USGS topographic maps: *USGS Topographic Map / 7.5 Minute Index / Myrtle Beach Quad / 1:24000. Topographic map depicts the review area as uplands with one open water feature (EXb8#1). This feature according to the USDA NRCS Soil Survey was excavated from Udorthents and Udipsaments. EWb8#1 was excavated after 1977 but before 1983 according to the submitted 1977 & 1983 aerial photos provided by S&ME in the Submittal dated November 13, 2020.*

Other data sources used to aid in this determination:

| Data Source (select) | Name and/or date and other relevant information |
|----------------------------|---|
| USGS Sources | 3DEPElevation- DEM and 3DEPElevation – Hillshade (LiDAR), and Topographic map |
| USDA Sources | N/A. |
| NOAA Sources | Soil Survey. |
| USACE Sources | SAC Regulatory Viewer accessed on 16 NOV 2020. |
| State/Local/Tribal Sources | N/A. |
| Other Sources | N/A. |

B. Typical year assessment(s): N/A.

C. Additional comments to support AJD: The review area is a developed recreational, abandoned amusement park. Onsite are four (4) upland excavated stormwater ponds determined not to be an impoundment of any waters of the U.S.

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