



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-APR-2021
 ORM Number: SAC-2021-00051
 Associated JDs: SAC-82-2002-0002 letter dated January 3, 2002, SAC-2006-01746 letter dated September 25, 2006, SAC 2012-01170 letter dated March 13, 2013, and SAC-2018-01026 letter dated June 25, 2018
 Review Area Location¹: 101 Phillip Gray Drive
 State: SC City: Myrtle Beach County: Horry County
 Center Coordinates of Review Area: Latitude 33.7239 Longitude -78.929

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):

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

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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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(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
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
Excluded Water 1 (b)(5)	657 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) located within the review area is excavated from uplands 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.
Excluded Water 2 (b)(5)	667 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 2 (ditch) located within the review area is excavated from uplands 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.

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 Hynes Environmental, on behalf of Grayco Steel, on December 29, 2020. Plat submitted by the agent titled "LENGTH OF DITCHES (UPDATED)" dated March 10, 2021 and revised March 26, 2021 and April 15, 2021.

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: 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 December 21, 2020.

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

Previous Jurisdictional Determinations (AJDs or PJDs): Adjacent JDs: SAC-82-2002-0002 letter dated January 3, 2002, SAC-2006-01746 letter dated September 25, 2006, SAC 2012-01170 letter dated March 13, 2013, and SAC-2018-01026 letter dated June 25, 2018.

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- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: NRCS / Soil Survey Geographic Database (SSURGO) Map Service dated April 4, 2019, updated March 4, 2020; Soil survey information depicts the project area as the hydric soil Meggett Loam.
- USFWS NWI maps: Wetlands Raster REST Map Service dated May 29, 2012, updated July 17, 2020; USFWS NWI Map Service Maps depicts the site as uplands.
- USGS topographic maps: USGS Topographic Map / 7.5 Minute Index /Myrtle Beach Quad/ 1:24000; USGS topographic survey information depicts a cleared, developed area with a solid blue line on the northern project boundary. This blue line was determined to an upland excavated excluded (b)(5) water and not a tributary. Historical topographic maps dating back to 1937 do not depict the blue line appearing until the 1985 map.

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 04/08/2021
State/Local/Tribal Sources	N/A.
Other Sources	NETRonline: Historic Aerials

- 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 (December 21, 2020). Output from the APT indicated “normal” conditions at the time of data collection by the agent (Hynes Environmental) with a value of 11. 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 30 miles. Results of the APT indicate the site visit was conducted under conditions considered by the Corps to be within a "typical year". However, APT results being on the drier end of normal conditions in combination with the geographic positioning of waters and uplands onsite are such that it would not change the jurisdictional status of those features.
- C. Additional comments to support AJD:** This form address 7.5 acres in Myrtle Beach, SC. The majority of the site is a developed industrial area with paved surface lots and structures. Both (b)(5)

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excluded waters onsite are neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland. USGS National Hydrography Dataset (NHD) labels the excluded waters as a canal/ditch. Previous jurisdictional determinations (2002, 2006, 2013, 2018) encompassing the entirety of the surrounding areas did not depict a tributary or wetlands within the project boundary.

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