



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): 27-JAN-2021
ORM Number: SAC-2020-01226
Associated JDs: SAC-2002-26360 dated 5/23/2002, SAC-2019-0071 dated 01/24/2019
Review Area Location¹: 455 Hospitality Lane
State: SC City: Myrtle Beach County Horry County
Center Coordinates of Review Area: Latitude 33.7471 Longitude -78.9529

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.

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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.

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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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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	0.387 acres	(b)(1) Non-adjacent wetland	Excluded Water 1 (wetland) continues outside the project area and 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. NWIs and soil survey information depict uplands separating the wetland from the closest (a)(2) water (Cross Swamp). In addition, this wetland does not meet any of the other (a)(4) criteria for adjacency and thus is an excluded water (b)(1).
Excluded Water 2	410 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.
Excluded Water 3	2309 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 3 (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 4	273 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 4 (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 5	0.111 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)	Excluded Water 5 (pond) is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) water.
Excluded Water 6	1120 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 6 (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 7	26 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	Excluded Water 7 (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

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		(c)(1)	constructed within the boundaries of an adjacent wetland.
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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 Steve Craig, on September 3, 2020. Sketch submitted by the agent titled "**Wetland Determination/** MB Speedway Redevelopment (47.20 +/- acres)/ TMS# 163-00-01-033;035/ Horry Country, South Carolina" dated August 27, 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: *Title(s) and/or date(s)*.

Photographs: (*aerial and other*) USGS National Map 3D Elevation Program (3DEP) published August 13, 2020, 2019 Google Earth Imagery, site photos submitted by the agent (08/28/2020).

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

Previous Jurisdictional Determinations (AJDs or PJDs): SAC-2002-26360 dated 5/23/2002, SAC-2019-00071 dated 01/24/2019

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

USDA NRCS Soil Survey: Soil Survey Geographic Database (SSURGO) Map service dated April 4, 2019 revised August 26, 2020; The project area is mapped as the hydric soil, Leon fine sand.

USFWS NWI maps: Wetlands Raster REST Map Service dated May 29, 2012 and revised July 17, 2020; NWIs depict the project area as uplands,

USGS topographic maps: 7.5 Minute Index/ Myrtle Beach Quad / 1:24000; USGS topographic survey information depicts a partially cleared forest area void of blue lines or wetlands

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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 01/25/2020
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 (August 28, 2020). 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 9 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 47.20 acres in Myrtle Beach, SC. The majority of the site is a developed motor speedway with maintained parking lots and structures. Present onsite are 7 excluded waters. Excluded Water 1 is a (b)(1) water separated from (a)(1)-(3) waters by uplands. Excluded Water 5 is a (b)(8) water excavated out of uplands. The remaining excluded waters onsite are (b)(5) waters, excavated from uplands and do not meet the criteria of a jurisdictional water.

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