APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): November 18, 2014

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: JD Form 1 of 1; SAC 2005-35800-3JY Scott, Alan F. Nelson Rd Tract

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: South Carolina County/parish/borough: **Horry** City: **Little River**
Center coordinates of site (lat/long in degree decimal format): Lat. **33.880°** N, Long. **-78.612°** **W**.
Universal Transverse Mercator:
Name of nearest waterbody: **Unamed perennial RPW (tributary of Mullet Creek)**
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Mullet Creek (tidal waterbody)**
Name of watershed or Hydrologic Unit Code (HUC): **3040208 / PEE DEE Coastal Frontage Basin**
☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
☐ Office (Desk) Determination. Date:
☒ Field Determination. Date(s): **September 19, 2014**

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** *"navigable waters of the U.S."* within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [*Required*]
☐ Waters subject to the ebb and flow of the tide.
☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [*Required*]

1. **Waters of the U.S.**
   a. **Indicate presence of waters of U.S. in review area (check all that apply):** [1]
   ☐ TNWs, including territorial seas
   ☐ Wetlands adjacent to TNWs
   ☐ Relatively permanent waters[2] (RPWs) that flow directly or indirectly into TNWs
   ☐ Non-RPWs that flow directly or indirectly into TNWs
   ☒ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
   ☒ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
   ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
   ☐ Impoundments of jurisdictional waters
   ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

   b. **Identify (estimate) size of waters of the U.S. in the review area:**
   Non-wetland waters: linear feet: width (ft) and/or acres.
   Wetlands: **Wetland A 0.81 acres + Wetland B 0.76 acres + 1.57** acres.

   c. **Limits (boundaries) of jurisdiction** based on: **1987 Delineation Manual**, **Not Applicable.**, **Pick List**
   Elevation of established OHWM (if known): .

2. **Non-regulated waters/wetlands (check if applicable):**[3]
   ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
   Explain: **A portion of the southwestern parcel boundary is defined by a shallow non-jurisdictional surface drainage ditch that did not exhibit jurisdictional features and had no indicators of flow. A portion of this was excavated in**

[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[3] Supporting documentation is presented in Section III.F.

wetlands but no tributary features were present there as well (so it is part of the wetland acreage). This feature serves at the jurisdictional connection for Wetland B

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW
Identify TNW: **Mullet Creek**.

Summarize rationale supporting determination: **Waters subject to ebb and flood of the tide**.

2. Wetland adjacent to TNW
Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:
Watershed size: **175584 acres ;**
Drainage area: **972 acres**
Average annual rainfall: **48** inches
Average annual snowfall: **1.8** inches

(ii) Physical Characteristics:
(a) Relationship with TNW:
☐ Tributary flows directly into TNW.
☒ Tributary flows through **1** tributaries before entering TNW. **The offsite perennial tributary meets another PRPW before discharging into Mullet Creek, a tidally influenced tributary that flows under Hwy 17 before discharging into the AIWW.**

Project waters are **1 (or less)** river miles from TNW.
Project waters are **1 (or less)** river miles from RPW.
Project waters are **1 (or less)** aerial (straight) miles from TNW.
Project waters are **1 (or less)** aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: .

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

Identify flow route to TNW[5]: **The offsite perennial tributary meets another PRPW before discharging into Mullet Creek, a tidally influenced tributary that flows under Hwy 17 before discharging into the AIWW**.
Tributary stream order, if known: **2**.

(b) General Tributary Characteristics (check all that apply):
Tributary is: ☐ Natural
☐ Artificial (man-made). Explain: .
☒ Manipulated (man-altered). Explain: **A portion of the tributary is excavated in wetlands and channelized before joining another PRPW and discharging into Mullet Creek**.

Tributary properties with respect to top of bank (estimate):
Average width: **10** feet
Average depth: **6** feet
Average side slopes: **Pick List.**

Primary tributary substrate composition (check all that apply):

☐ Silts	☒ Sands	☐ Concrete
☐ Cobbles	☐ Gravel	☐ Muck
☐ Bedrock	☐ Vegetation. Type/% cover:	
☐ Other. Explain: .		

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Slightly eroding with moderate sloughing banks as a result of perennial flow.
Presence of run/riffle/pool complexes. Explain: .
Tributary geometry: **Relatively straight. channelized by mechanical means**
Tributary gradient (approximate average slope): **1** %

(c) Flow:
Tributary provides for: **Perennial flow**
Estimate average number of flow events in review area/year: **20 (or greater)**
Describe flow regime: **Mechanically excavated from wetlands and serves as the main drainage of both wetlands and uplands. Channel is free and clear with a firm both from a multiple of inputs.** .
Other information on duration and volume: .

Surface flow is: **Discrete and confined.** Characteristics: **Clearly defined bed and banks with a open channel and a firm sandy bottom.**.

Subsurface flow: **Unknown**. Explain findings: .
☐ Dye (or other) test performed: .

Tributary has (check all that apply):
☒ Bed and banks
☒ OHWM[6] (check all indicators that apply):

☒ clear, natural line impressed on the bank	☐ the presence of litter and debris
☒ changes in the character of soil	☐ destruction of terrestrial vegetation
☒ shelving	☐ the presence of wrack line
☐ vegetation matted down, bent, or absent	☒ sediment sorting
☒ leaf litter disturbed or washed away	☒ scour
☐ sediment deposition	☐ multiple observed or predicted flow events
☐ water staining	☐ abrupt change in plant community
☐ other (list):	

☐ Discontinuous OHWM.[7] Explain: .

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☐ High Tide Line indicated by:	☐ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects	☐ survey to available datum;
☐ fine shell or debris deposits (foreshore)	☐ physical markings;
☐ physical markings/characteristics	☐ vegetation lines/changes in vegetation types.
☐ tidal gauges	
☐ other (list):	

[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.
[6] A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
[7] Ibid.

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: **Water in the tributary was clear to mildly cloudy with a channel free of vegetation or debris.**.

Identify specific pollutants, if known: .

(iv) Biological Characteristics. Channel supports (check all that apply):

☒ Riparian corridor. Characteristics (type, average width): **The riparian corridor consists of forested and non-forested uplands and wetlands with adjacent residential development. The upland and wetland forest areas shade and buffer the tributary and provide filtering of runoff before it enters the tributary**.

☒ Wetland fringe. Characteristics: **Forested wetlands (palustrine)**.

☒ Habitat for:

☐ Federally Listed species. Explain findings: .

☒ Fish/spawn areas. Explain findings: **Minnows and other aquatic fauna were observed in the channel**.

☐ Other environmentally-sensitive species. Explain findings: .

☒ Aquatic/wildlife diversity. Explain findings: **Tributary serves as a connection corridor, primary biomass input transport system, and a diverse amount of wildlife habitat.** .

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: **0.81(Wetland A) + 0.76 (Wetland B) = 1.57** acres

Wetland type. Explain: **Palustrine Forested, Predominately hardwoods with some Loblolly pine** .

Wetland quality. Explain: **Wetlands are forested and fully functional, mostly undisturbed**.

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Intermittent flow**. Explain: **Surface connection during storm events and wetter months / subsurface connection unknown**.

Surface flow is**: Discrete and confined**

Characteristics: .

Subsurface flow: **Unknown**. Explain findings: .

☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

☐ Directly abutting

☒ Not directly abutting

☒ Discrete wetland hydrologic connection. Explain: **Wetland B is adjacent to the downstream TNW through an upland excavated non-jurisdictional ditch that discharges directly into an offsite PRPW, eventually joining another PRPW and discharging into Mullet Creek.**.

☐ Ecological connection. Explain: .

☐ Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **1 (or less)** river miles from TNW.

Project waters are **1 (or less)** aerial (straight) miles from TNW.

Flow is from: **Wetland to navigable waters.**

Estimate approximate location of wetland as within the **100 - 500-year** floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: **There was no surface water present in the wetlands at the time of the site visit. General watershed characteristics include 7.6% forested wetland, 6.6% forested land, 18.0% urban land, 4.1% agricultural land, 3.6% scrub/shrub land, 57.5% water, and 1.2% barren land**.

Identify specific pollutants, if known: **There are no known pollutants. The wetlands are surrounded by forested and unforested uplands which provide a buffer to the wetlands. However, this site is surrounded by major roads and commercial and residential development creating the potential for some pollution runoff into the wetlands i.e pesticides, trash.**.

(iii) Biological Characteristics. Wetland supports (check all that apply):

☒ Riparian buffer. Characteristics (type, average width): **While the wetlands are not truly a riparian, they do act as a buffer to the adjacent tributary which is a direct conduit to the downstream TNW (Mullet Creek). The wetlands retain and filter runoff before it enters the adjacent tributary**.

☒ Vegetation type/percent cover. Explain: **Within the 30'plot size represented on the data sheets, dominant vegetation consisted of: Tree Stratum - Acer rubrum (Red Maple) (60%), Quercus phellos (Willow Oak) (25%), Ilex opaca (American**

Holly (40%); Sapling/Shrub Stratum - Herb Stratum Woodwardia aerolata (netted chain fern) (90%); Woody Vine Stratum - Smilax laurifolia (Laurel Greenbriar) (20%).

☒ Habitat for:

☐ Federally Listed species. Explain findings: .

☐ Fish/spawn areas. Explain findings: .

☐ Other environmentally-sensitive species. Explain findings: .

☒ Aquatic/wildlife diversity. Explain findings: **Wildlife habitat known to occur in the area and which typically utlilize these areas as forage and cover**.

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **6**

Approximately (**16.6**) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)
Y (offsite)	**1.47**		
Y (offsite)	**2.81**		
Y (offsite)	**7.9**		
Y (onsite)	**0.81**		
N (onsite)	**0.76**		
N (offsite)	**2.85**		

Summarize overall biological, chemical and physical functions being performed: **All wetlands evaluated in this significant nexus determination (SND) which are similarly situated and adjacent (both directly abutting and non-abutting) to the RPW are collectively performing biological, chemical, and physical functions. The wetlands in the review area are situated less than 1 river mile from the nearest TNW. Water discharging from the wetlands enter an offsite perennial RPW which becomes a TNW downstream. Wetland A continues offsite and is bisected by the OWHM of the unamed PRPW that eventually dischages into Mullet Creek. Wetland B is connected to the same PRPW via an upland excavated non-jurisdictional ditch. The wetlands are mixed pine/hardwood depressional wetlands that provide breeding grounds and shelter for aquatic species, foraging areas for wetland dependent species, and spawning areas for species that inhabit the main channel as adults. These wetlands also provide organic carbon to the downstream tributaries and ultimately into the Atlantic Ocean, resulting in the nourishment of the downstream food web. The wetlands evaluated in this SND provide the important collective functions of removal of excess nutrients which are contributed by runoff from the surrounding urban areas. The wetlands reduce nitrogen and phosphorus loading downstream, and effectively prevent oxygen depletion that can result from eutrophication. The wetlands also collectively perform flow maintenance functions, including retaining runoff inflow and storing flood water temporarily**.

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: **All wetlands evaluated in this significant nexus determination (SND) which are similarly situated and adjacent (both directly abutting and non-abutting) to the RPW are collectively performing biological, chemical, and physical functions. The wetlands in the review area are situated less than 1 river mile from the nearest TNW. Water discharging from the wetlands enter an offsite perennial RPW which becomes a TNW downstream. Wetland A continues offsite and is bisected by the OWHM of the unamed PRPW that eventually dischages into Mullet Creek. Wetland B is connected to the same PRPW via an upland excavated non-jurisdictional ditch. The wetlands are mixed pine/hardwood depressional wetlands that provide breeding grounds and shelter for aquatic species, foraging areas for wetland dependent species, and spawning areas for species that inhabit the main channel as adults. These wetlands also provide organic carbon to the downstream tributaries and ultimately into the Atlantic Ocean, resulting in the nourishment of the downstream food web. The wetlands evaluated in this SND provide the important collective functions of removal of excess nutrients which are contributed by runoff from the surrounding urban areas. The wetlands reduce nitrogen and phosphorus loading downstream, and effectively prevent oxygen depletion that can result from eutrophication. The wetlands also collectively perform flow maintenance functions, including retaining runoff inflow and storing flood water temporarily** .

Documentation for the Record only: Significant nexus findings for seasonal RPWs and/or wetlands abutting seasonal RPWs:
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D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   ☐ TNWs: linear feet width (ft), Or, acres.
   ☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**
   ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: **This tributary was found to have flowing water at least 90% of the year under normal climatic conditions. The stream's geomorphic indicators of perennial flow where a well defined channel, an even, longitudinal distribution of substrates, free of vegetation and debris contained within a bed and bank system with the presence of an OHWM flowing water was observed during the site audit. A review of aerial photography and Horry County Soil Survey depicts a defined channel with bed and banks.** .

   ☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .

   Provide estimates for jurisdictional waters in the review area (check all that apply):
   ☐ Tributary waters: linear feet width (ft).
   ☐ Other non-wetland waters: acres.
   Identify type(s) of waters: .

3. **Non-RPWs[8] that flow directly or indirectly into TNWs.**
   ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

   Provide estimates for jurisdictional waters within the review area (check all that apply):
   ☐ Tributary waters: linear feet width (ft).
   ☐ Other non-wetland waters: acres.
   Identify type(s) of waters: **.**

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**
   ☒ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
   ☒ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale

[8]See Footnote # 3.

indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: **The wetland onsite wetlands continue offsite and abutt an unamed perennial RPW.**

☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: **0.81** acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

☒ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: **0.76** acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.[9]

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

☐ Demonstrate that impoundment was created from "waters of the U.S.," or
☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

Explain:

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[10]

☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain: .
☐ Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

Provide estimates for jurisdictional waters in the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: **.**
☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☐ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: **.**
☒ Other: (explain, if not covered above): **Non-jurisdictional ditch portions excavated from within uplands and only draining uplands.**

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

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[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

[10] **Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.***

☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):
☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: **Map prepared Charles Oates of SM&E / Plat prepared by DDC Engineers dated June 24, 2005**.
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☒ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report.
☐ Data sheets prepared by the Corps: .
☐ Corps navigable waters' study: .
☐ U.S. Geological Survey Hydrologic Atlas: .
☐ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: **Calabash Quad / Quad depicts a forested area**.
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: **Horry County Soil Survey / Pg 57/ Survey depicts hydric soils (Leon, Witherbee, Johnston, Echaw)**.
☒ National wetlands inventory map(s). Cite name: **Horry County NWI / U11 & U12 uplands andPFO1B & PFO1/4B Forested palustrine wetlands** .
☐ State/Local wetland inventory map(s): .
☐ FEMA/FIRM maps: .
☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): **SCDNR 2006 infrared aerial photography 11226-81, & 89:1664-018, 94:7440-016,** .
or ☐ Other (Name & Date): .
☒ Previous determination(s). File no. and date of response letter: **SAC-2011-00248-3NY In a letter dated June 15, 2011, wetlands and a perennial RPW on an adjacent site were determined to be jurisdictional. These wetlands were contiguous with Wetland A, covered by this determination. Additionally, a permit to fill 0.44 acres of Wetland A was issued on October 30, 2006 under SAC-2006-1463-3NY but was never executed. This permit expired on March 18, 2007 with the work never taking place.**.
☐ Applicable/supporting case law: .
☐ Applicable/supporting scientific literature: .
☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: Wetland boundaries where established by the 1987 Wetland Delineation Manual. The onsite wetland directly abuts an offsite, unnamed perennial RPW. This tributary was found to have flowing water at least 90% of the year under normal climatic conditions. The stream's geomorphic indicators of perennial flow where a well defined channel, an even, longitudinal distribution of substrates, free of vegetation and debris contained within a bed and bank system with the presence of an OHWM flowing water was observed during the site audit. A review of aerial photography and Horry County Soil Survey depicts a defined channel with bed and banks.

All wetlands evaluated in this significant nexus determination (SND) which are similarly situated and adjacent (both directly abutting and non-abutting) to the RPW are collectively performing biological, chemical, and physical functions. The wetlands in the review area are situated less than 1 river mile from the nearest TNW. Water discharging from the wetlands enter an offsite perennial RPW which becomes a TNW downstream. Wetland A continues offsite and is bisected by the OWHM of the unnamed PRPW that eventually discharges into Mullet Creek. Wetland B is connected to the same PRPW via an upland excavated non-jurisdictional ditch. The wetlands are mixed pine/hardwood digressional wetlands that provide breeding grounds and shelter for aquatic species, foraging areas for wetland dependent species, and spawning areas for species that inhabit the main channel as adults. These wetlands also provide organic carbon to the downstream tributaries and ultimately into the Atlantic Ocean, resulting in the nourishment of the downstream food web. The wetlands evaluated in this SND provide the important collective functions of removal of excess nutrients which are contributed by runoff from the surrounding urban areas. The wetlands reduce nitrogen and phosphorus loading downstream, and effectively prevent oxygen depletion that can result from eutrophication. The wetlands also collectively perform flow maintenance functions, including retaining runoff inflow and storing flood water temporarily

The offsite perennial RPW flows into Mullet Creek which is a tidally influenced tributary of the Atlantic Intracoastal Waterway.

A portion of the northeastern parcel boundary is defined by a shallow non-jurisdictional surface drainage ditch that did not exhibit jurisdictional features and had not indicators of flow. A portion of this was excavated in wetlands but no tributary features were present but was completely surrounded by wetlands.

This site was assessed on one basis form. .