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): October 18, 2016

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: JD Form 1 of 1; SAC # 2016-00609 Sanctuary at Wild Wing TMS: 1513901074

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: South Carolina County/parish/borough: **Horry** City: **Conway**
Center coordinates of site (lat/long in degree decimal format): Lat. **33.7820°** **N**, Long. **-78.9737°** **W**.
Universal Transverse Mercator:
Name of nearest waterbody: **Steritt Swamp (South Prong)**
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Waccamaw River**
Name of watershed or Hydrologic Unit Code (HUC): **0304020609 / Waccamaw River Hydrologic Unit**
☒ 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: **September 29, 2016**
☐ Field Determination. Date(s):

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: **0.19** acres.

   c. **Limits (boundaries) of jurisdiction** based on: **1987 Delineation Manual**, **Pick List**, **Pick List**
      Elevation of established OHWM (if known): .

2. **Non-regulated waters/wetlands (check if applicable):**[3] **[Including potentially jurisdictional features that upon assessment are NOT waters or wetlands]**

[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.

☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **Located within project boundary (TMS# 1513901074) is an upland excavated non jurisdictional pond that only serves as a conveyance for the jurisdictional wetland in the project area**.

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: **Waccamaw River**.

Summarize rationale supporting determination: **Tidaly influenced water body**.

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: **382,983 acres ;**
Drainage area: **1556 acres**
Average annual rainfall: **48-51** inches
Average annual snowfall: **0.1** inches

(ii) Physical Characteristics:
(a) Relationship with TNW:
☐ Tributary flows directly into TNW.
☒ Tributary flows through **2** tributaries before entering TNW.

Project waters are **5-10** river miles from TNW.
Project waters are **1-2** river miles from RPW.
Project waters are **2-5** aerial (straight) miles from TNW.
Project waters are **1-2** 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]: **Water from wetland discharges into an adjacent stormwater pond system that continues offsite and runs through the Wild Wing Golf Course and eventually discharges into the South Prong of Sterritt Swamp, which merges with the East Prong to form the main channel of Sterritt Swamp. Sterritt Swamp then discharges directly into the Waccmaw River, a TNW**.
Tributary stream order, if known: .

(b) General Tributary Characteristics (check all that apply):
Tributary is: ☒ Natural
☐ Artificial (man-made). Explain: .
☒ Manipulated (man-altered). Explain: **Portions of the unammed PRPW flowing into the South Prong of Sterrit swamp have been manipulated through the construction of two golf courses**.

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

Primary tributary substrate composition (check all that apply):
☐ Silts ☐ Sands ☐ Concrete
☐ Cobbles ☐ Gravel ☐ Muck
☐ Bedrock ☐ Vegetation. Type/% cover:
☒ Other. Explain: **Unknown – desk determination**.

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Stable / tributary is bordered by riparian vegetation or managed golf course grounds.
Presence of run/riffle/pool complexes. Explain: .
Tributary geometry: **Meandering.**
Tributary gradient (approximate average slope): %

(c) Flow:
Tributary provides for: **Perennial flow**
Estimate average number of flow events in review area/year: **20 (or greater)**
Describe flow regime: **The offiste tributary is fed by a series of ponds which serve to collect, contain, and transfer surface water into the South Prong of Sterritt Swamp. This features was determined to have flowing at least 90% of the year through a review of aerial photography.. USGS topographic maps indicate a solid blue line which also indicated perennial flow.**.
Other information on duration and volume: **The offiste tributary is fed by a seasonal high water table and a series of ponds which serve to collect, contain, and transfer surface water into the South Prong of Sterritt Swamp**.

Surface flow is: **Discrete and confined.** Characteristics: **Aerial photography depicts flow from the offistite tributary to the South Prong transitioning as discrete and confined as the tributary nears its confluence, merging with the East Prong of Sterritt Swamp, eventually discharging into the Waccamaw River (TNW). A review of aerial photography and USGS topographic maps indicates that the majority flow of the offsite tributary is confined within its banks**.

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

Tributary has (check all that apply): **This determination was completed in the office using available aerial photography, USGS Topographic Maps, LIDAR data, and Horry County Drainage Study data. Tributary characteristics where not observed in the field.**
☐ 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: .

[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.

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

☐ High Tide Line indicated by:
- ☐ oil or scum line along shore objects
- ☐ fine shell or debris deposits (foreshore)
- ☐ physical markings/characteristics
- ☐ tidal gauges
- ☐ other (list):

☐ Mean High Water Mark indicated by:
- ☐ survey to available datum;
- ☐ physical markings;
- ☐ vegetation lines/changes in vegetation types.

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain: **This determination was completed in the office using available aerial photography, USGS Topographic Maps, LIDAR data, and Horry County Drainage Study data. Tributary characteristics where not observed in the field.**

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Identify specific pollutants, if known: .

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

☐ Riparian corridor. Characteristics (type, average width): .

☐ Wetland fringe. Characteristics: .

☒ Habitat for:

☐ Federally Listed species. Explain findings: .

☒ Fish/spawn areas. Explain findings: **A portion of the offsite tributary is dominated by the adjacent wetland vegetation and undistrubed aquatic habitat**.

☐ Other environmentally-sensitive species. Explain findings: .

☒ Aquatic/wildlife diversity. Explain findings: **A portion of the offsite tributary is dominated by the adjacent wetland vegetation and undistrubed aquatic habitat. Such habitat is typically used for breeding, foraging, and** .

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: **0.19** acres

Wetland type. Explain: **Palustrine forested wetlands**.

Wetland quality. Explain: **Forested / undisturbed and fully functioning**.

Project wetlands cross or serve as state boundaries. Explain: **N/A**.

(b) General Flow Relationship with Non-TNW:

Flow is: **Ephemeral flow**. Explain: **Water leaves wetland as overland sheet flow, enters and adjcanet stormwater system which drains into an offsite tributary, eventually discharging into the Waccmaw River**.

Surface flow is**: Overland sheetflow**

Characteristics: **Water leaves the wetland during cycles of high water table and / or storm events**.

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: **Water leaves wetland as overland sheet flow, enters and adjcanet stormwater system which drains into an offsite tributary, eventually discharging into the Waccmaw River**.

☐ Ecological connection. Explain: .

☐ Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **2-5** river miles from TNW.

Project waters are **1-2** aerial (straight) miles from TNW.

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

Estimate approximate location of wetland as within the **500-year or greater** 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: **This determination was made from the office withough a SV so the exact conditions in the field were not recorded.**.

Identify specific pollutants, if known: **The review are is located near the City of Conway, a densely developed urban area. Urban areas have the potential to pollute water in many ways. Runoff from streets carries oil, rubber, heavy metals, and**

other contaminants from automobiles. Untreated or poorly treated sewage can be low in dissolved oxygen and high in pollutants such as fecal coliform bacteria, nitrates, phosphorus, chemicals, and other bacteria. Treated sewage can still be high in nitrates. Groundwater and surface water can be contaminated from many sources such as garbage dumps, toxic waste and chemical storage and use areas, leaking fuel storage tanks, and intentional dumping of hazardous substances. Air pollution can lead to acid rain, nitrate deposition, and ammonium deposition, which can alter water .

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

☐ Riparian buffer. Characteristics (type, average width): .

☒ Vegetation type/percent cover. Explain: **Vegetation within a wetland consists of predominantly Fac, Fac Wet, and Obligate species**.

☐ Habitat for:

☐ Federally Listed species. Explain findings: .

☐ Fish/spawn areas. Explain findings: .

☐ Other environmentally-sensitive species. Explain findings: .

☒ Aquatic/wildlife diversity. Explain findings: **This wetland provides habitat for forage, cover, and breeding for fauna that require wetland area for various portions of their life cycle**.

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

All wetland(s) being considered in the cumulative analysis: **5**

Approximately (**90.69**) 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	**0.19**		
Y	**2.61**		
Y	**8.39**		
Y	**70.83**		
Y	**8.67**		
N	**1.46**		

Summarize overall biological, chemical and physical functions being performed: **The wetland contributes vital biological, chemical, and physical functions to the downstream TNW. This wetland enhances wildlife diversity, acts as catch basins filtering sediment and pollution from the surrounding urban development, supports the downstream food web, and provides nutrient fixation, flood attenuation, and flow maintenacne functions. The onsite wetland in combination with other adjacent wetlands within the 1,556 acre drainage provide physical, chemical, and biological functions that are essential to the quality of downstream waters. (Wetlands adjacent to the tributary were determined by using a combination of NWI maps and the wetlands delineated as part of this determination)**.

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: **The wetland that is assesed in this form is performing functions consistent with the following: Biologically, wetlands adjacent to the PRPW include depressional wetlands. As such a variety of biological functions are being performed which include providing breeding grounds and shelter for aquatic species and foraging areas for wetland dependent species. These wetlands and the adjacent PRPW are essential in providing organic carbons in the form of their collective primary productivity to downstream waters, resulting in the nourishment of the downstream food web. Chemically, the PRPW and adjacent wetlands are providing the important collective functions of removal of excess nutrients into the downstream TNW. These pollutants, which are contributed to by runoff from surrounding uplands are prevented from being discharged downstream due to suspended sediments and other pollutants being retained within the wetlands. The low velocity of and gradient of the PRPW also contribute to the removal of pollutants because the suspended pollutants have time to settle out of the water. This reduces nitrogen and phosphorous loading downstream and effectively prevents oxygen depletion that can result from eutrophication. Physically, the PRPW and adjacent wetlands are collectively performing flow maintenance functions, including retaining runoff inflow and storing rain water, temporarily. Flow maintenance results in the reduction of downstream peak flows (discharge and volume), helping to maintain seasonal flow volumes and reducing the frequency of overbank events which flood adjacent properties. Increased water velocity also increases the amount of sediments and other pollutants in the TNW. Based on the collective functions described above and their importance to the biological, chemical, and physical integrity of the traditional navigable waters of the Waccamaw River, it has been determined that there is a significant nexus between the relevant reach of the tributary and all adjacent wetlands to the downstream TNW**

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: **The offsite tributary known was determined to flow at least 90% of the year under normal climatic conditions. The tribtary is represented by a solid blue line on USGS Topographic maps which his symbol for perennial flow. Additionally, the tributary is a recharged by both a seasonal high water table and a series of stromwater ponds associated with two adjacent golf courses which provide a constant flow regime.**.
   - ☐ 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.

[8]See Footnote # 3.

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 indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an 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: 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: **0.19** 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: .

[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.*

☒ Other: (explain, if not covered above): **The project area contains an upland excavated pond determined not to be an impoundment of any waters of the United States or to exhibit any other jurisdicitonal features.**

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):

☐ 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: **HOA provided TMS information / Maps pulled from Horry County GIS / Tax Parcel Data**.
☐ 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: **USGS topographic maps / Nixonville Quad / depicts a forested area adjacent to developed areas. Additionally, the offsite tributary is represented by a solid blue line, typically a symbol for perennial flow of a tributary** .
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: **Horry County Soil Survey / pg 70 / depicts Lynn Haven (100% hydric for its mapped unit) and Echaw Soils (hdyric for 2% of its mapped unit)**.
☒ National wetlands inventory map(s). Cite name: **Horry County NWI data / U42P & U12 (uplands) and PFO 1/4B & PFO4B (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): **Google Earth 2014 / 2006 SCDNR infrared**.
  or ☐ Other (Name & Date): .
☐ Previous determination(s). File no. and date of response letter: .
☐ Applicable/supporting case law: .
☐ Applicable/supporting scientific literature: .
☒ Other information (please specify): **Horry County LIDAR w/ Hillshade Overlay** .
Under SAC-2007-01187, an SND was completed on the South and East Prongs of Sterrit Swamp which the wetlands in this review are connected to.

B. ADDITIONAL COMMENTS TO SUPPORT JD: This form addresses a 6.09 acre tract which contains 0.19 acres of jurisdictional freshwater wetlands that are adjacent (non-abutting) and offiste perennial RPW that discharges into the the South Prong of Steritt Swamp, which merges with the East Prong of Steritt Swamp to become Steritt Swamp, eventually discharging into the Waccamaw River.

Wetland boundaries are established by the criteria set form in the 1987 Wetland Delineation Manual. The onsite wetland was determined to have the appropriate hydrology, hydric soils, and hydrophytic vegetation through and interpretation of aerial photography, LIDAR data, NWI data, and Horry County Soil Survey. The wetland area is represented by the PFO1/4B, which has the symbol for palustrine wetland. Soil Survey data depicts the wetland area as Lynn Haven soils, which are 100% hydric for Horry County. Additionaly, Horry County LIDAR depict the lower elevations of the wetland area in contrast with the surrounding upland areas of high elevations. All indicators point to a wetland connected to the downstream TNW (Waccamaw River) through a series of perennial RPWs.

A site visit was not performed

The project area was assessed on a single basis form .