

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): August 23, 2019

B. DISTRICT OFFICE, FILE NUMBER, FILE NAME: JD Form 1 of 1; CESAC-RDE; SAC-2006-01483; Summerton Commerce Village

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **South Carolina** County/parish/borough: **Clarendon County** City: **Summerton**

Center coordinates of site (lat/long in degree decimal format): Lat. **33.5908°**, Long. **-80.3622°**.

Universal Transverse Mercator: **17S 559202 3716665**

Name of nearest waterbody: **Little Tawcaw Creek (RPW)**

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Lake Marion**

Name of watershed or Hydrologic Unit Code (HUC): **0305011104 (Lake Marion - Santee River)**

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: **August 7, 2019**

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 waters² (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: **5.52(JW-A) + 0.34(JW-A1) + 12.73(JW-B) = 18.58** 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: **On-site is a ~649 linear foot (LF) portion of a 749 LF excavated drainage ditch; of the total length (749 LF), approximately 100 LF of this feature is outside of the project boundaries, approximately 40 LF are contained within a culvert under Pine Tree Lane, and approximately 45 LF are contained within a culvert that passes underneath a utility (power line) easement maintenance road then continues off-site. This manmade ditch was historically used as a means for storm-water storage and off-site conveyance, and currently does not typically convey/store water outside of short periods during heavy seasonal rain. This feature has not been maintained and is partially filled with leaf litter and forest debris, per the provided site pictures from the applicant’s consultant. This feature passes through one NWI mapped wetland (PSS3/1A), but it was found to be outside of wetlands during the delineation. This feature does not provide conveyance between jurisdictional resources and does not exhibit the characteristics of a jurisdictional tributary.**

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: **Lake Marion.**

Summarize rationale supporting determination: **Lake Marion is the largest lake in South Carolina at a ~110,600 acre footprint with ~90,000 surface acres and 511 miles of shoreline. This lake was constructed in 1941 to facilitate hydroelectric power production. Lake Marion is currently and historically used for recreational fishing and boating. The lake features 16 boat ramps with at least one marina with full pump-outs, and Santee State Park, which offers camping and lodging along/adjacent to the shoreline.**

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 waterbody⁴ 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: **Pick List** ;
Drainage area: **Pick List**
Average annual rainfall: inches
Average annual snowfall: inches

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

(ii) **Physical Characteristics:**

(a) Relationship with TNW:

- Tributary flows directly into TNW.
- Tributary flows through **Pick List** tributaries before entering TNW.

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

Identify flow route to TNW⁵:
Tributary stream order, if known: .

(b) General Tributary Characteristics (check all that apply):

- Tributary is:**
- Natural
 - Artificial (man-made). Explain: .
 - Manipulated (man-altered). Explain: .

Tributary properties with respect to top of bank (estimate):

Average width: feet
Average depth: feet
Average side slopes: **Pick List**.

Primary tributary substrate composition (check all that apply):

- | | | |
|--|--|-----------------------------------|
| <input type="checkbox"/> Silts | <input type="checkbox"/> Sands | <input type="checkbox"/> Concrete |
| <input type="checkbox"/> Cobbles | <input type="checkbox"/> Gravel | <input type="checkbox"/> Muck |
| <input type="checkbox"/> Bedrock | <input type="checkbox"/> Vegetation. Type/% cover: | |
| <input type="checkbox"/> Other. Explain: . | | |

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: .
Presence of run/riffle/pool complexes. Explain: .
Tributary geometry: **Pick List**.
Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Pick List**
Estimate average number of flow events in review area/year: **Pick List**
Describe flow regime: .
Other information on duration and volume: .

Surface flow is: **Pick List**. Characteristics: .

Subsurface flow: **Pick List**. Explain findings:
 Dye (or other) test performed: .

Tributary has (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Bed and banks | |
| <input type="checkbox"/> OHWM ⁶ (check all indicators that apply): | |
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> the presence of litter and debris |
| <input type="checkbox"/> changes in the character of soil | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> shelving | <input type="checkbox"/> the presence of wrack line |
| <input type="checkbox"/> vegetation matted down, bent, or absent | <input type="checkbox"/> sediment sorting |
| <input type="checkbox"/> leaf litter disturbed or washed away | <input type="checkbox"/> scour |
| <input type="checkbox"/> sediment deposition | <input type="checkbox"/> multiple observed or predicted flow events |
| <input type="checkbox"/> water staining | <input type="checkbox"/> abrupt change in plant community |
| <input type="checkbox"/> other (list): | |
| <input type="checkbox"/> Discontinuous OHWM. ⁷ Explain: . | |

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

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.

⁷Ibid.

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

(iii) Chemical Characteristics:

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

Explain: .

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: .
 - Other environmentally-sensitive species. Explain findings: .
 - Aquatic/wildlife diversity. Explain findings: .

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: acres

Wetland type. Explain: .

Wetland quality. Explain: .

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

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: .

Surface flow is: **Pick List**

Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

- Directly abutting
- Not directly abutting
 - Discrete wetland hydrologic connection. Explain: .
 - Ecological connection. Explain: .
 - Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** 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: .

Identify specific pollutants, if known: .

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

- Riparian buffer. Characteristics (type, average width): .
- Vegetation type/percent cover. Explain: .
- Habitat for:
 - Federally Listed species. Explain findings: .
 - Fish/spawn areas. Explain findings: .
 - Other environmentally-sensitive species. Explain findings: .
 - Aquatic/wildlife diversity. Explain findings: .

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

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

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

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>

Summarize overall biological, chemical and physical functions being performed: .

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: .

Documentation for the Record only: Significant nexus findings for seasonal RPWs and/or wetlands abutting seasonal RPWs:

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: **On-site wetlands are a portion of a large contiguous wetland ecosystem that drains into Lake Marion (TNW) in the Lake Marion - Santee River Watershed (HUC: 0305011104). The on-site wetlands continue off-site following the drainage basin of Little Tawcaw Creek (RPW), and its associated wetlands where it eventually drains into Lake Marion. The swath of wetlands intersect the OHWM of Little Tawcaw Creek (RPW) south of Bill Davis Road at 33.5601, -80.3676, at this point the Little Tawcaw Creek becomes an organized feature with a discernable bed and banks and OHWM, as see on Google Earth Street-view dated April 2014. The path of the wetlands, and eventually the RPW, is indicated on USGS topographic maps as a named solid blue line feature, indicating perennial flow and historical prominence, surrounded by green shading (forested land) and sporadic wetland symbology. On aerials the general path of Tawcaw Creek is shown as a broad swath of forested land; this is likely is palustrine forested wetlands as the majority of the parcels abutting the forested swath are agriculture fields that abruptly stop where the soil conditions are likely not optimal for agricultural operations.**

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-RPWs⁸ 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 indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: **On-site wetlands are a portion of a large contiguous wetland ecosystem that drains into Lake Marion (TNW) in the Lake Marion - Santee River Watershed (HUC: 0305011104). The on-site wetlands continue off-site following the drainage basin of Little Tawcaw Creek (RPW), and its associated wetlands where it eventually drains into Lake Marion. The swath of wetlands intersect the OHWM of Little Tawcaw Creek (RPW) south of Bill Davis Road at 33.5601, -80.3676, at this point the Little Tawcaw Creek becomes an organized feature with a discernable bed and banks and OHWM, as see on Google Earth Street-view dated April 2014. The path of the wetlands, and eventually the RPW, is indicated on USGS topographic maps as a named solid blue line feature, indicating perennial flow and historical prominence, surrounded by green shading (forested land) and sporadic wetland symbology. On aerials the general path of Tawcaw Creek is shown as a broad swath of forested land; this is likely is palustrine forested wetlands as the majority of the parcels abutting the forested swath are agriculture fields that abruptly stop where the soil conditions are likely not optimal for agricultural operations.**

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: **5.52(JW-A) + 0.34(JW-A1) + 12.73(JW-B) = 18.58** 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 jurisdictional. Data supporting this conclusion is provided at Section III.C.

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

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

⁸See Footnote # 3.

- 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): **On-site is a ~649 linear foot (LF) portion of a 749 LF excavated drainage ditch; of the total length (749 LF), approximately 100 LF of this feature is outside of the project boundaries, approximately 40 LF are contained within a culvert under Pine Tree Lane, and approximately 45 LF are contained within a culvert that passes underneath a utility (power line) easement maintenance road then continues off-site. This manmade ditch was historically used as a means for storm-water storage and off-site conveyance, and currently does not typically convey/store water outside of short periods during heavy seasonal rain. This feature has not been maintained and is partially filled with leaf litter and forest debris, per the provided site pictures from the applicant’s consultant. This feature passes through one NWI mapped wetland (PSS3/1A), but it was found to be outside of wetlands during the delineation. This feature does not provide conveyance between jurisdictional resources and does not exhibit the characteristics of a jurisdictional tributary.**

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: _____

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.

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: **Maps, data sheets, and site information provided by the applicant's consultant, S&ME, Incorporated. Map titled: "Aerial Exhibit / Summerton Commerce Park Site +/- 81.91 Acres / Clarendon County, South Carolina", dated August 5, 2019.**

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: **0305011104 (Lake Marion – Santee River)**

USGS NHD data.

USGS 8 and 12 digit HUC maps.

U.S. Geological Survey map(s). Cite scale & quad name: **USGS topographic maps, Summerton Quadrangle, depicts the site as a mostly non-forested site that slopes to the west where forested symbology is shown on the northwest and southwest portions of the project boundaries, in the general area that three delineated wetlands are contained. The topo map shows a relatively strong elevation gradient that slopes from a broad rise, approximately where the current agriculture field is, to a lower elevation drainage basin on the southwestern and northern sides of the site; the gradient slope is further backed up by LiDAR data. Additionally, within the northwestern corner site is one aquatic feature, a solid blue line broken by dashes, indicating the potential for a tributary in this location; this feature is not present on-site and represents the northwestern terminus of the drainage basin for an off-site tributary, Little Tawcaw Creek, southwest of the project site.**

USDA Natural Resources Conservation Service Soil Survey. Citation: **NRCS soil survey for Clarendon County depicts 5 soil types, including Dothan loamy fine sand (0-2% slopes), Dothan loamy fine sand (2-6% slopes), Rains sandy loam, Clarendon loamy sand, and Paxville loam. Of the on-site soils the main constituent is Dothan loamy fine sand, which is not considered hydric on the NRCS 2017 South Carolina hydric soils list for Clarendon County; the remainder of the on-site soils are listed as hydric on the Clarendon County hydric soils list.**

National wetlands inventory map(s). Cite name: **The National Wetland Inventory map depicts a matrix of five palustrine - scrub/shrub wetlands along the southwestern-northwestern-northern project border, these NWI depicted wetlands vary from broad-leaved deciduous to broad-leaved evergreen and are all classified as temporarily flooded (PSS1A; PFO1A; PSS3/1A).**

State/Local wetland inventory map(s): .

FEMA/FIRM maps: .

100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

Photographs: Aerial (Name & Date): **Clarendon 1999 Aerial Index 11204:87; SC DNR 2006 Aerials; Google Earth 2004-2017**

Other (Name & Date): **Site pictures provided by the applicant's consultant, S&ME, inc.**

Previous determination(s). File no. and date of response letter: **SAC-2006-01483 (2006-01483-3JX), dated March 12, 2007.**

Applicable/supporting case law: .

Applicable/supporting scientific literature: .

Other information (please specify): **LiDAR Digital Elevation Model (DEM) data provided by the applicant's consultant depicts a site that mirrors the topographic profile seen on USGS Summerton Quadrangle elevation contours.**

B. ADDITIONAL COMMENTS TO SUPPORT JD: This 81.91 acre project is described as a ~30.2 acre agricultural field mostly surrounded by ~51.7 acres of forested land that contains palustrine wetlands. This site, and the resources within it, were assessed in a March 12, 2007 preliminary jurisdictional determination; all on-site resources were found to mirror the extent and footprint of the 2007 jurisdictional determination, except for a 0.17 acre difference in wetland acreage due to changes in Corps policy on the jurisdiction of excavated ditches.

Non-regulated waters: On-site is a portion of a 749 linear foot excavated drainage ditch; of the 749 LF, approximately 100 LF of this feature is outside of the project boundaries, approximately 40 LF are contained within a culvert under Pine Tree Lane, and approximately 45 LF are contained within a culvert that passes underneath a utility (power line) easement maintenance road. This manmade ditch was historically used as a means for storm-water storage and off-site conveyance, and currently does not typically convey/store water outside of short periods during heavy seasonal rain. This feature has not been maintained and is partially filled with leaf litter and forest debris, per the provided site pictures from the applicant's consultant. This feature passes through one NWI mapped wetland (PSS3/1A), but it was found to be outside of wetlands during the delineation. This feature does not provide conveyance between jurisdictional resources and does not exhibit the characteristics of a jurisdictional tributary.

TNW discussion: Lake Marion is the largest lake in South Carolina at a ~110,600 acre footprint with ~90,000 surface acres and 511 miles of shoreline. This lake was constructed in 1941 to facilitate hydroelectric power production. Lake Marion is currently and historically used for recreational fishing and boating. The lake features 16 boat ramps with at least one marina with full pump-outs, and Santee State Park, which offers camping and lodging along/adjacent to the shoreline.

Data source information: Maps, data sheets, and site information provided by the applicant's consultant, S&ME, Incorporated. Map titled: "Aerial Exhibit / Summerton Commerce Park Site +/- 81.91 Acres / Clarendon County, South Carolina", dated August 5, 2019.; HUC 0305011104 (Lake Marion – Santee River); USGS topographic maps, Summerton Quadrangle, depicts the site as a mostly non-forested site that slopes to the west where forested symbology is shown on the northwest and southwest portions of the project boundaries, in the general area that three delineated wetlands are contained. The topo map shows a relatively strong elevation gradient that slopes from a broad rise, approximately where the current agriculture field is, to a lower elevation drainage basin on the southwestern and northern sides of the site; the gradient slope is further backed up by LiDAR data. Additionally, within the northwestern corner site is one aquatic feature, a solid blue line broken by dashes, indicating the potential for a tributary in this location; this feature is not present on-site and represents the northwestern terminus of the drainage basin for an off-site tributary, Little Tawcaw Creek, southwest of the project site.; NRCS soil survey for Clarendon County depicts 5 soil types, including Dothan loamy fine sand (0-2% slopes), Dothan loamy fine sand (2-6% slopes), Rains sandy loam, Clarendon loamy sand, and Paxville loam. Of the on-site soils the main constituent is Dothan loamy fine sand, which is not considered hydric on the NRCS 2017 South Carolina hydric soils list for Clarendon County; the remainder of the on-site soils are listed as hydric on the Clarendon County hydric soils list.; The National Wetland Inventory map depicts a matrix of five palustrine - scrub/shrub wetlands along the southwestern-northwestern-northern project border, these NWI depicted wetlands vary from broad-leaved deciduous to broad-leaved evergreen and are all classified as temporarily flooded (PSS1A; PFO1A; PSS3/1A).; LiDAR Digital Elevation Model (DEM) data provided by the applicant's consultant depicts a site that mirrors the topographic profile seen on USGS Summerton Quadrangle elevation contours.

This site was assessed on a single-basis form per the provided maps and site information.