

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): December 16, 2015

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: JD Form 1 of 1; SAC -2014-00497-5Z, Steeplechase

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: South Carolina County/parish/borough: **Richland** City: **Camden**
Center coordinates of site (lat/long in degree decimal format): Lat. **34.218065° N**, Long. **80.579376° W**.
Universal Transverse Mercator: **NAD 83**

Name of nearest waterbody: **Town Creek**

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

Name of watershed or Hydrologic Unit Code (HUC): **03050104-03**

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: **December 8, 2015**

Field Determination. Date(s): **June 17, 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 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: **pRPW 1: 3176.37 linear feet, sRPW 2: 1662.04 linear feet: 2-8width (ft) and/or** acres.

Wetlands: **Wetland A: 118.52 acres, Wetland B: 1.48** acres.

SRPW 2 is shown on the plat as sRPWa and sRPWb. They will be documented on this form as sRPW 2.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual, Established by OHWM, Pick List

Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):³

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: **The site contains a stormwater pond dug in uplands, a non-jurisdictional borrow pit dug in uplands, and two ditches dug in uplands. The stormwater pond is regulated by SCDHEC. Because it had naturalized, the borrow pit was investigated for hydric soils and found to have high chroma, non-wetland soils. The ditches did not have ordinary high water marks or signs of relatively permanent flow. These features were all constructed in uplands and are not waters of the U.S.**

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: .

Summarize rationale supporting determination: .

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: **175,248 acres** ; 03050104-03

Drainage area: **495 acres**

Average annual rainfall: **45.6 inches**

Average annual snowfall: **0.9 inches**

(ii) **Physical Characteristics:**

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through **2** tributaries before entering TNW.

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

Project waters are **1 (or less)** river miles from RPW.

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

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

Project waters are **1 (or less)** aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: **they do not.**

Identify flow route to TNW⁵: **Town Creek flows to the Wateree River (Traditional Navigable Water).**
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: **2-8** feet
Average depth: **>1** 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: **The soil survey depicts this tributary flowing through Goldsboro Loamy Sand.**

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Stable.

Presence of run/riffle/pool complexes. Explain: **None noted by agent.**

Tributary geometry: **Meandering.**

Tributary gradient (approximate average slope): **0-2** %

(c) Flow:

Tributary provides for: **Seasonal flow**

Estimate average number of flow events in review area/year: **20 (or greater)**

Describe flow regime: **SRPW 2 flows during wetter months and after rain events.**

Other information on duration and volume: **SRPW 2 has a distinct channel through the uplands. After entering the large wetland system associated with pRPW 1, this tributary braids and becomes less distinct as it flows to pRPW 1.**

Surface flow is: **Discrete and confined.** Characteristics: **Water flows through the channel in the uplands and through indistinct channels in the wetland under normal conditions.**

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

Dye (or other) test performed: .

Tributary has (check all that apply):

Bed and banks
 OHWM⁶ (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.

⁷Ibid.

(iii) **Chemical Characteristics:**

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

Explain: **The middle section of the Wateree River watershed is located in the Sandhills and Upper Coastal Plain regions of South Carolina. Information available from SCDHEC indicates that land use/land cover includes 39.0% forested land, 26.7 agricultural land, 24.2% forested wetland (swamp), 8.1% urban land, 1.2% water, 0.6% nonforested wetland (marsh), and 0.2% barren land. In the Wateree River, aquatic uses are partially supported.**

Identify specific pollutants, if known: **Particular pollutants are not known, although the proximity of the site to I-20 suggests the possibility of the introduction of contaminants such as oil from associated runoff.**

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

Riparian corridor. Characteristics (type, average width): **The buffer on site is in excess of 100 feet on each side.**

Wetland fringe. Characteristics: **As sRPW 2 flows into Wetland A, it loses its defined channel.**

Habitat for:

Federally Listed species. Explain findings: .

Fish/spawn areas. Explain findings: **This tributary is of a sufficient quality that it is expected to provide suitable habitat and breeding grounds for a variety of species.**

Other environmentally-sensitive species. Explain findings: **This tributary is of a sufficient quality that it is expected to provide suitable habitat and breeding grounds for a variety of species.**

Aquatic/wildlife diversity. Explain findings: **This tributary is of a sufficient quality that it is expected to provide suitable habitat and breeding grounds for a variety of species.**

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: **Wetland B: 1.47 acres**

Wetland type. Explain: **emergent.**

Wetland quality. Explain: **The wetland is within a maintained area and is affected by this maintenance.**

Project wetlands cross or serve as state boundaries. Explain: **No.**

(b) General Flow Relationship with Non-TNW:

Flow is: **Ephemeral flow.** Explain: **Water flows from the wetland through the upland dug ditch, NJLC-2, into NJLC-1 (confined), which discharges into Wetland A where it continues as discrete flow into pRPW 1.**

Surface flow is: **Discrete and confined**

Characteristics: **Surface flow is routed through an upland dug ditch and discharges into wetland A, where the water continues to flow without a confining feature.**

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 connected to pRPW 1 by two upland dug ditches and by overland flow through wetland A. The hydrology of Wetland A is sufficiently integrated into the hydrology of pRPW 1 that the discharge into wetland A constitutes discharge into pRPW 1.**

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 **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: **The middle section of the Wateree River watershed is located in the Sandhills and Upper Coastal Plain regions of South Carolina. Information available from SCDHEC indicates that land use/land cover includes 39.0% forested land, 26.7 agricultural land, 24.2% forested wetland (swamp), 8.1% urban land, 1.2% water, 0.6% nonforested wetland (marsh), and 0.2% barren land. In the Wateree River, aquatic uses are partially supported.**

Identify specific pollutants, if known: **Particular pollutants are not known, although the proximity of the site to I-20 suggests the possibility of the introduction of contaminants such as oil from associated runoff.**

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

- Riparian buffer. Characteristics (type, average width): **Narrow upland buffer.**
- Vegetation type/percent cover. Explain: **herbaceous/emergent.**
- Habitat for:
 - Federally Listed species. Explain findings: .
 - Fish/spawn areas. Explain findings: .
 - Other environmentally-sensitive species. Explain findings: .
 - Aquatic/wildlife diversity. Explain findings: **Wetland B, though maintained, would provide habitat diversity that is expected to contribute to species diversity in the immediate area.**

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

All wetland(s) being considered in the cumulative analysis: **2**
 Approximately (**119.956**) 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>
Wetland A (Y)	118.486		
Wetland B (N)	1.470		

Summarize overall biological, chemical and physical functions being performed: **All wetlands evaluated in this significant nexus determination which are similarly situated and adjacent (abutting and non-abutting) to the RPW are collectively performing biological, chemical, and physical functions that relate to the integrity of the downstream TNW (Waterree River). These wetlands are less than 5 miles from the TNW, but less than 1 mile from the closest RPW. The wetland adjacent to the perennial RPW is maintained as an emergent wetland. A manmade upland dug ditch directly connects wetland B to wetland A and pRPW 1. The wetland provides some habitat diversity for wildlife in the area. Both wetlands trap and filter run-off upland and nerby roads before they travel downstream to the TNW. The wetlands also help to perform flow maintenance by storing flood waters during times of heavy rain and the wetter months, before they travel downstream to the TNW.**

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: **Wetland B is adjacent to pRPW 1 and is connected to pRPW 1 by man made upland dug ditches through uplands and through flow through Wetland A, which is a large wetland integrally tied to the hydrology of pRPW 1. The wetland provides some habitat diversity for wildlife in the area. Both wetlands trap and filter run-off upland and nearby roads before they travel downstream to the TNW. The wetlands also help to perform flow maintenance by storing flood waters during times of heavy rain and the wetter months, before they travel downstream to the TNW. Based on the collective functions described above and their importance to the biological, chemical, and physical integrity of the TNW, it has been determined that there is a significant nexus between the wetlands and the downstream TNW.**

Documentation for the Record only: Significant nexus findings for seasonal RPWs and/or wetlands abutting seasonal RPWs: SRPW 2 flows directly into pRPW 1. The topographical map would indicate that sRPW 2 is the primary tributary, however the mapping done by the consultant depicts sRPW 2 as flowing into pRPW 1 and pRPW 1 as the driver for hydrology. This is based upon the limited information that was available on site. Wetland A is subject to significant hydrology which in some areas obscures flow patterns. On site, the feature represented as pRPW 1 has a continuous OHWM while sRPW 2 becomes braided within Wetland A. Portions of sRPW 2 visible on site appear consistent with seasonally flowing tributaries in the area. The complex that is formed by pRPW 1, sRPW 2 and Wetland A receives significant hydrology and provides for the stabilization of downstream flow by storing flood waters during rain events and during wetter months as well as providing habitat variety. Based on the collective functions described above and their importance to the biological, chemical, and physical integrity of the TNW, it has been determined that there is a significant nexus between the relevant reach of the tributary and the downstream TNW.

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: **PRPW 1 is not depicted on the topographical or soils map as separate from Wetland A. Wetland A is a large wetland system of which pRPW 1 is a part. The hydrology from Wetland A is sufficient to provide for year-round flow within pRPW 1. Descriptions from the consultant are consistent with a perennial tributary. Photographs show a shallow tributary with flow and a continuous OHWM. Information available led this office to conclude that the tributary has a perennial 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: **SRPW 2 is depicted on the topographical map as a dashed blue line and on the soils map as a dashed line. Photos submitted by the agent show flow and a clear OHWM and distinct, shallow channel through upland areas. The tributary is described as losing its OHWM within Wetland A and becoming braided. The drainage area of the tributary (approximately 492 acres) is well above what is generally necessary for the formation of a tributary. Mapping would suggest that this tributary flows perennially, however descriptions from the consultant are consistent with a seasonal tributary. Information available led this office to conclude that the tributary has a seasonal flow regime.**

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

- Tributary waters: **pRPW 1: 3176.37, sRPW 2: 1662.04** linear feet **2-8** 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:

⁸See Footnote # 3.

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: **Wetland A is part of a large wetland system that includes pRPW 1 and sRPW 2, described above. Features within this complex are interrelated and are not separated by any kind of berm or barrier.**
- 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: **Wetland A: 118.52** 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: **Wetland B: 1.48** 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 site contains a stormwater pond dug in uplands, a non-jurisdictional borrow pit dug in uplands, and two ditches dug in uplands. The stormwater pond is regulated by SCDHEC. Because it had naturalized, the borrow pit was investigated for hydric soils and found to have high chroma, non-wetland soils. The ditches did not have ordinary high water marks or signs of relatively permanent flow. These features were all constructed in uplands and are not waters of the U.S.**

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: **S&ME, Inc.**
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report. Concur with findings.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters' study: **1977 Navigability Survey.**
- U.S. Geological Survey Hydrologic Atlas: **HA 730-G, 1990 (03050104-03).**
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: **1:24,000 (Camden South).**
- USDA Natural Resources Conservation Service Soil Survey. Citation: **Map 50 (Norfolk, Pantego).**
- National wetlands inventory map(s). Cite name: **U21, PFO1A.**
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): **1999/11201:152.**
or Other (Name & Date): **Corps Site Visit Photos 1-24 of 24, June 17, 2014, Site Photographs from S&ME 1-4 of 4 dated June 23, 2014 and 1-12 of 12 dated March 11, April 22-25, and April 30, 2014.**
- Previous determination(s). File no. and date of response letter: **SAC: 81-2001-1941, ORM: SAC-2001-34608, dated May 29, 2009.**
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): **Site Visit June 17, 2014.**

B. ADDITIONAL COMMENTS TO SUPPORT JD: Aquatic resources documented on this form include 1 perennial RPW, 1 seasonal RPW, 1 abutting wetland, and 1 adjacent wetland. RPWs and wetlands abutting RPWs are jurisdictional according to RGL 07-01, however, the significant nexus findings for the record are included as required by Rapanos Guidance. The sRPW and adjacent wetlands documented on this form are waters of the U.S. and jurisdictional under the Clean Water Act.

REFERENCE:
PLEASE NOTE THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR ANY OTHER USES. THERE ARE NO GUARANTEES ABOUT ITS ACCURACY. S&ME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION MADE OR ANY ACTIONS TAKEN BY THE USER BASED UPON THIS INFORMATION.



Jurisdictional Wetlands
Wetland A: 118.486 ac
Wetland B: 1,470 ac

Total Acreage of Jurisdictional Wetlands: 119.956 acres

Jurisdictional Linear Features
PRPW-1: 0.297 ac/3,237 lf
PRPW-2: 0.120 ac/1,743 lf

Total Acreage/Linear Footage: 0.417 ac/4,980 lf

Non-Jurisdictional Linear Features
NJLC-1: 0.160 ac/695 lf
NJLC-2: 0.011 ac/480 lf

Total Acreage/Linear Footage: 0.171 ac/1,175 lf

Non-Jurisdictional Impoundments
Detention Pond: 1.206 ac
Borrow Pit: 0.591 ac

Total Acreage: 1.797 ac

Total JWOUS: 120.373 acres

- Yellow Boxes = Photo Locations
- Approximate Boundary
 - Wetland Data Points
 - Upland Data Points
 - Non-Jurisdictional Linear Conveyance
 - Streams
 - Open Water
 - Wetlands

Source: ESRI Resources - World Imagery 2010 & World Transportation
Applicant: Kershaw County

SCALE:	1 inch = 700 feet
CHECKED BY:	CD
DRAWN BY:	CH
DATE:	5/7/2014



Site Aerial Map	
Steeplechase IP Site +/- 277.91 Acres	
Camden, Kershaw County, South Carolina	
S&ME PROJECT NO.	4261-14-036

FIGURE NO.	3
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