

**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 4, 2015**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CESAC-RD-NE; SAC# 2015-00541-3B Cole-Levesque, Virginia / Lot 7 Carolina Pines**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: South Carolina County/parish/borough: **Horry** City: **Myrtle Beach**  
Center coordinates of site (lat/long in degree decimal format): Lat. **33.711439° N**, Long. **-78.954130° W**.  
Universal Transverse Mercator:

Name of nearest waterbody: **Socastee Swamp**

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

Name of watershed or Hydrologic Unit Code (HUC): **03040206**

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

Office (Desk) Determination. Date:

Field Determination. Date(s): **October 23, 2015**

**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):<sup>1</sup>**

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters<sup>2</sup> (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: **0.42** 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):<sup>3</sup>**

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.  
Explain: .

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> 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).

<sup>3</sup> Supporting documentation is presented in Section III.F.

### 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 waterbody<sup>4</sup> 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: 136,317 acres ;

Drainage area: 3,100 acres

Average annual rainfall: 45.72 inches

Average annual snowfall: 1.8 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through 1 tributaries before entering TNW.

Project waters are 1-2 river miles from TNW.

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

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

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

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

Identify flow route to TNW<sup>5</sup>: **The onsite wetland directly abuts an offsite non-jurisdictional ditch that flows west directly into Socastee Swamp (PRPW). Socastee Swamp becomes tidally influenced (TNW) just south of the bridge at McCormick Road.**

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

<sup>5</sup> 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.

Tributary stream order, if known: **2**.

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

**Tributary is:**

Natural

Artificial (man-made). Explain:

Manipulated (man-altered). Explain: **Socastee Swamp is a natural tributary that has been**

**mechanically straightened and maintained. Several weirs have also been placed in the tributary just north of McCormick Road.**

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

Average width: **The tributary was not observed in the field. However, the tributary has been observed for numerous other jurisdictional determinations and can be observed and measured on ArcGIS. According to previous observations and ArcGIS, Socastee Swamp is approximately 40-50 feet wide.**

Average depth: **6-8 feet**

Average side slopes: **Vertical (1:1 or less).**

Primary tributary substrate composition (check all that apply):

Silts

Sands

Concrete

Cobbles

Gravel

Muck

Bedrock

Vegetation. Type/% cover:

Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: The banks along the tributary are stable with minor erosion.

Presence of run/riffle/pool complexes. Explain: **Run/riffle/pool complexes are generally observed in systems with steeper gradients that carry gravel or coarser sediments. This tributary carries more fine sediments such as sands and silts and is on a predominantly flat gradient. However, some riffle-pool complexes can be observed in the areas where the weirs were installed just north of the McCormick Road Bridge.**

Tributary geometry: **Relatively straight.**

Tributary gradient (approximate average slope): **1 %**

(c) Flow:

Tributary provides for: **Perennial flow**

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

Describe flow regime: **The tributary is a major system that flows at least 90% of the year. Geomorphic features observed in the tributary are a continuous OHWM, hard sandy bottom, sinuosity, and the absence of debris and vegetation within the channel.**

Other information on duration and volume:

Surface flow is: **Discrete and confined.** Characteristics: **Surface flow is confined by bed and banks.**

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

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks

OHWM<sup>6</sup> (check all indicators that apply):

clear, natural line impressed on the bank

changes in the character of soil

shelving

vegetation matted down, bent, or absent

leaf litter disturbed or washed away

sediment deposition

water staining

other (list):

Discontinuous OHWM.<sup>7</sup> Explain:

the presence of litter and debris

destruction of terrestrial vegetation

the presence of wrack line

sediment sorting

scour

multiple observed or predicted flow events

abrupt change in plant community

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

Mean High Water Mark indicated by:

survey to available datum;

physical markings;

vegetation lines/changes in vegetation types.

<sup>6</sup>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.

<sup>7</sup>Ibid.

other (list):

(iii) **Chemical Characteristics:**

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

Explain: **The water color is slightly discolored in this tributary. Water quality should be generally good in this system due to the abundance of riparian wetlands which help filter out pollutants before they reach the stream. Watershed 03040206-09 consists primarily of the Waccamaw River and its tributaries from Simpson Creek to Socastee Creek (AIWW). The watershed occupies 136,317 acres of the Lower Coastal Plain and Coastal Zone regions of South Carolina. Land use/Land cover in the watershed includes: 44.6% forested wetland, 19% forested land, 15.5% urban land, 14.8% agricultural land, 2.8% scrub-shrub land, 1.6% water, 1.5% non-forested wetland, and 0.2% baren land.**

Identify specific pollutants, if known: **None known.**

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

Riparian corridor. Characteristics (type, average width): **200-300' riparian consisting of bottomland hardwood wetlands.**

Wetland fringe. Characteristics: **Strong river swamp (bottomland hardwood) wetlands with mixed pine.**

Habitat for:

Federally Listed species. Explain findings: .

Fish/spawn areas. Explain findings: **Fish and other aquatic wildlife have been observed in Socastee Swamp.**

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: **0.42** acres

Wetland type. Explain: **Palustrine Forested.**

Wetland quality. Explain: **The onsite wetland is a fully functioning wetland that has not been logged or impacted in recent history.**

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

(b) General Flow Relationship with Non-TNW:

Flow is: **Ephemeral flow**. Explain: **The wetland only flows into the offsite ditch during the wetter months of the year or during heavy rainfall events.**

Surface flow is: **Discrete and confined**

Characteristics: **The water flows from the wetland into a ditch with defined bed and banks.**

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: **The water from the wetland flows into an offsite ditch which flows directly into Socastee Swamp (PRPW). Downstream from the project area, Socastee Swamp becomes tidally influenced (TNW).**

Ecological connection. Explain: .

Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **1-2** river miles from TNW.

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

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

Estimate approximate location of wetland as within the **50 - 100-year** floodplain. The property is located in Zone AE (Special Flood Hazard Area inundated by 100-year flood).

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: **There was not water present in the wetland at the time of the site visit. For general watershed characteristics see Section B.1.iii above.**

Identify specific pollutants, if known: **None known.**

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

Riparian buffer. Characteristics (type, average width): **While the wetland is not truly a riparian, it does act as a buffer to the adjacent ditch which is a direct conduit to the downstream TNW (Socastee Creek). The wetland retains and filters runoff before it enters the adjacent tributary.**

Vegetation type/percent cover. Explain: **Tree Stratum: Liriodendron tulipifera (Yellow poplar) 15%, Quercus nigra (Water oak) 15%, Acer rubrum (Red maple) 15%; Sapling/Shrub Stratum: Ilex opaca (American holly) 10%, Acer rubrum (Red maple) 10%; Shrub Stratum: Sabal minor (Dwarf palmetto) 10%, Fraxinus pennsylvanica (green ash) 10%.**

Habitat for:

Federally Listed species. Explain findings:

Fish/spawn areas. Explain findings:

Other environmentally-sensitive species. Explain findings:

Aquatic/wildlife diversity. Explain findings: **Evidence of foraging, nesting and travel within and around the**

**tributary of various upland wildlife was observed to Neotropical songbirds.**

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

All wetland(s) being considered in the cumulative analysis: **4**

Approximately ( **486.42** ) 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>
<b>N</b>	<b>0.42</b>	<b>N</b>	<b>6</b>
<b>Y</b>	<b>476</b>	<b>N</b>	<b>10</b>

Summarize overall biological, chemical and physical functions being performed: **All wetlands evaluated in this significant nexus determination (SND) which are similarly situated and adjacent (both directly abutting and non-abutting) to the RPW (Socastee Swamp) are collectively performing biological, chemical, and physical functions. The wetland in the review area is situated approximately 1 river mile from the nearest TNW. Water discharging from the wetland enters an offsite non-jurisdictional ditch that flows directly into Socastee Swamp. Socastee Swamp becomes tidally influenced offsite just south of the bridge on McCormick Road and was determined to be a TNW. The onsite wetland is a mixed pine/hardwood depositional wetland that provides breeding grounds and shelter for aquatic species, foraging areas for wetland dependent species, and spawning areas for species that inhabit the main channel as adults. The wetland also provides organic carbon to the downstream tributaries and ultimately into the Atlantic Ocean, resulting in the nourishment of the downstream food web. The wetland evaluated in this SND provides the important collective functions of removal of excess nutrients which are contributed by runoff from the surrounding urban areas. The wetland reduces nitrogen and phosphorus loading downstream, and effectively prevents oxygen depletion that can result from eutrophication. The wetland also performs flow maintenance functions, including retaining runoff inflow and storing flood water temporarily.**

## C. SIGNIFICANT NEXUS DETERMINATION

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

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

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

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

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: **The tributary in combination with its adjacent wetlands have the capacity to carry pollutants or flood waters to the downstream TNW. They provide habitat and lifecycle support functions for fish and other species, such as feeding grounds, nesting, spawning, or rearing young for species that are present in the downstream TNW. The tributary in combination with its adjacent wetlands also have the capacity to transfer nutrients and organic carbon that support downstream foodwebs. This office has determined that there is a significant nexus for the tributary in combination with its adjacent wetlands to the downstream TNW.**

**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:  
  
 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<sup>8</sup> 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:  
  
 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.

<sup>8</sup>See Footnote # 3.

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: **0.42** 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.<sup>9</sup>**

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):<sup>10</sup>**

- 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): \_\_\_\_\_

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: \_\_\_\_\_

<sup>9</sup> To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>10</sup> 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: **Survey plat prepared and submitted by The Brigman Company dated November 10, 2015 entitled "BOUNDARY/WETLANDS SURVEY / OF / CAROLINA PINES / LOT 7 / FOR / VIRGINIA COLE-LEVESQUE / & FRED J. COLE".**
- 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. 03040206-09 (Waccamaw River)
- U.S. Geological Survey map(s). Cite scale & quad name: **Myrtle Beach (No wetlands or tributaries are depicted on the topo map).**
- USDA Natural Resources Conservation Service Soil Survey. Citation: **p. 82, Blanton (Hydric).**
- National wetlands inventory map(s). Cite name: **U11 (Upland), PFO1/4Bd (Palustrine Forested Wetland).**
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: **45051C0679.**
- 100-year Floodplain Elevation is: **Zone AE** (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): **99-11222:169, SCDNR 2006.**  
or  Other (Name & Date): **Photos taken by consultant in file.**
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

**B. ADDITIONAL COMMENTS TO SUPPORT JD: This site is a 2.48 acre lot consisting of 0.42 acre of jurisdictional freshwater wetlands. As described above in this form, the onsite wetland in combination with similarly situated offsite wetlands have a significant nexus with the downstream TNW (Socastee Swamp).**

**Two site visits were performed.**



Red Hill

Forestbrook

Project Site

Eagle Trace

Burcale Rd.

Clay Pond Rd.

501

501

Intracoastal Waterway

Myrtle Beach Inlet

17

17

Socastee

Myrtle Beach

the **BRIGMAN**  
**COMPANY**  
wetland consulting - forest management

800 Legion Street - Conway, SC 29526 - Phone (843) 248-9388 - Fax (843) 248-9596 - www.thebrigmancompany.com

Vicinity Map

Virginia Cole-Levesque Etal. Tract

TMS#: 172-00-06-037

Horry County, SC

July 31, 2015



1" equals 3,000'

01604-15043

K2RDNWCW Watershed 3: SAC - WS 3  
orm\_regulator [Role](#) [Preferences](#) [\[ORM Reports\]](#) [\[JD Viewer\]](#) [Logout](#)

[Home](#) [Maps](#) [Search](#) [SAC-2015-00541](#) [References](#) [ORM2](#)

[Folder](#) [Location](#) [Aquatic Resources](#) [Jurisdiction](#) [Impacts/Mitigation](#) [Map](#) [Letters](#) [Documents](#) [Contacts](#) [Regulators](#) [Comments](#)

Query Layer: [ ] BaseMap Scale: 1:1,693 About

Map Ready

RI AR Off SV Off OV Off TF Off CS Dist Area Critical Habitats -78.95257, 33.71239 Longitude / Latitude (NAD 83)