

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 18, 2019

B. DISTRICT OFFICE, FILE NUMBER, FILE NAME: JD Form 1 of 1; CESAC-RDE; SAC-2019-01595; Scranton Tract;

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: South Carolina County/parish/borough: Florence County City: Scranton
Center coordinates of site (lat/long in degree decimal format): Lat. 33.9299 °N, Long. -79.7404 °W.
Universal Transverse Mercator:

Name of nearest waterbody: High Hill Drainage Canal (named topographic feature)

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: All resources on-site are isolated / non-jurisdiction and do not flow off-site.

Name of watershed or Hydrologic Unit Code (HUC): 03040202-07 (Lower Lynches 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: **November 26, 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 no** "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: acres.

c. Limits (boundaries) of jurisdiction based on: Pick List, 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]

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: **Within the project site are three non-jurisdictional features, including:**

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.

1. Five isolated (non-jurisdictional) wetlands delineated by the applicant’s consultant. All water contained within these wetlands are retained within the wetland boundaries and percolates to an unknown depth. Because of the lack of discernable outfall, topography grades, and lack of evidence of chemical or biological connection, these wetlands are determined to be isolated non-jurisdictional and not connected to any other waters of the U.S. The on-site isolated wetlands were also determined to have NO substantial nexus to interstate (or foreign) commerce. The on-site wetlands DO NOT connect to, nor provide aquatic recharge to, any natural or man-made/alterd aquatic conveyance feature such as a ditch, canal, or tributary. Specific wetland details follow:
 - a. Isolated wetland 1 - 0.77 acres; center point: 33.9290, -79.420. Indicators of the wetland feature included: hydrologic soil consisting of loamy sand soil meeting the criteria of depleted matrix (F3), broadly distributed hydrophytic plant life meeting a dominance test for greater than 50% and a prevalence test for less than or equal to 3.0%, and hydrological indicators including iron deposits (C4).
 - b. Isolated wetland 2 - 0.72 acres; center-point: 33.910, -79.7430. Indicators of the wetland feature included: hydrologic soil consisting of sandy loamy soil meeting the criteria of dark surface (S7), broadly distributed hydrophytic plant life meeting a dominance test for greater than 50% and a prevalence test for less than or equal to 3.0%, and hydrological indicators including water marks (B1), moss trim lines (B16), FAC-Neutral Test (D5), and sphagnum moss (D8).
 - c. Isolated wetland 3 – 1.71 acres; center-point: 33.3920, -79.7390. This wetland did not have a data point taken within its boundaries, however there were 5 data points taken within approximately 400-900 feet, including within the adjacent, but not-abutting wetlands 4 and 5. Conditions of this portion of the site consist of a hydric loamy depleted matrix (F3) soils, broadly dispersed hydrophytic plant life, and hydrological indicators such as water marks (B1), iron deposits (C4), and FAC-Neutral Test (D5).
 - d. Isolated wetland 4 – 0.60 acres; center-point 33.391, -79.7390. Indicators of the wetland feature included: hydrologic soil consisting of loamy sand soil meeting the criteria of depleted matrix (F3), broadly distributed hydrophytic plant life meeting a dominance test for greater than 50% and a prevalence test for less than or equal to 3.0%, and hydrological indicators including iron deposits (C4).
 - e. Isolated wetland 5 – 0.22 acres; center-point: 33.9310, -79.7360. Indicators of the wetland feature included: hydrologic soil consisting of loamy sand soil meeting the criteria of depleted matrix (F3), broadly distributed hydrophytic plant life meeting a dominance test for greater than 50% and a prevalence test for less than or equal to 3.0%, and hydrological indicators including water marks (B1) and FAC-Neutral Test (D5).

i. TOTAL ISOLATED WETLAND ACREAGE: 4.02 ACRES

2. Approximately 4,427 linear feet (LF) of ditching (one main branch and one 2nd order branch) that were excavated out of uplands for land management / silviculture operations at an unknown date and is currently partly filled in with soil, leaf litter, and debris (per submitted pictures).

All non-jurisdictional features were delineated by the applicant’s consultant and were assessed by the Corps with remote data tools including LiDAR, current aeriels, submitted site pictures / data sheets, NWIs, topographic maps, and soil survey information. See Section IV (data sources) for additional detail on what features were analyzed within the project site boundaries.

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

(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**. **Pick List**
 Tributary gradient (approximate average slope): %

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

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.

- (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):
 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):

(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: .

⁶A 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.

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:
 - 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-RPW⁸ 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.
5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

⁸See Footnote # 3.

- 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.

- 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): _____

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: **4.02** 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.

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.

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: Site information, wetland delineation, data sheets, and pictures submitted by S&ME, Incorporated. Map prepared by Thomas & Hutton, titled: "WETLAND SURVEY / OF TWO PARCELS / TOTALING 149.70 AC. / THE LANDS OF / FLOYD FAMILY / PARTNERSHIP. LLC / FLORENCE COUNTY / SOUTH CAROLINA", dated September 16, 2019.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report. 11 data sheet submitted / Corps concurs with delineation.
 - 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: (HUC): 03040202-07 (Lower Lynches River).
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Scranton quadrangle USGS topographic map depicts forested site that slopes slightly to the east. Within the project site are two branches of an unnamed blue-line feature (aquatic resource) that are now known to be man-made unmaintained drainage ditches excavated out of uplands (per aerials, site pictures, and on-site delineation).
- USDA Natural Resources Conservation Service Soil Survey. Citation: USDA / NRCS Florence County soil survey, sheet 77, depicts four sandy loam to loamy fine sand soil types within the project site, including: Lynchburg sandy loam, Duplin fine sandy loam, Goldsboro loamy sand, Coxville fine sandy loam. With the exception of Duplin fine sandy loam, all on-site soils are listed as hydric for Florence County on the 2017 USDA NRCS South Carolina hydric soils list.
- National wetlands inventory map(s). Cite name: National wetland inventory depicts 7 independent palustrine scrub-shrub and palustrine forested wetland areas (PSS1C/Bd and PFO1/4Bd) within the project site; the majority of these wetland features are in approximately the same location / extent as the on-site delineated wetlands. The remainder of the site is defined as upland planted pine (U42P) and upland cropland pasture (U21).
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): SC DNR 2006 / Google Earth 2003 - 2018
or Other (Name & Date): Site pictures provided by S&ME.
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify): LiDAR depicts a relatively flat site with the following: 1) minor depressions through the site that correlate to the location of the on-site wetlands, 2) two oval shaped mechanically-graded areas; these areas correlate to two agricultural fields, 3) Approximately 4,427 LF of excavated ditching; the main branch of this ditching continues off-site and connects into an adjacent ditching system that provides storm-water / land management drainage for multiple parcels to the south.

B. ADDITIONAL COMMENTS TO SUPPORT JD:

This site can be described as a 49.70 acre partially cleared forested tract that appears to be a previous silviculture (forestry) tract. Within the site are seven aquatic features that were deemed to not meet the Corps criteria for jurisdictional WOUS.

Data source information: HUC: 03040202-07 (Lower Lynches River). Scranton quadrangle USGS topographic map depicts forested site that slopes slightly to the east. Within the project site are two branches of an unnamed blue-line feature (aquatic resource) that are now known to be man-made unmaintained drainage ditches excavated out of uplands (per aerials, site pictures, and on-site delineation). Citation: USDA / NRCS Florence County soil survey, sheet 77, depicts four sandy loam to loamy fine sand soil types within the project site, including: Lynchburg sandy loam, Duplin fine sandy loam, Goldsboro loamy sand, Coxville fine sandy loam. With the exception of Duplin fine sandy loam, all on-site soils are listed as hydric for Florence County on the 2017 USDA NRCS South Carolina hydric soils list. National wetland inventory depicts 7 independent palustrine scrub-shrub and palustrine forested wetland areas (PSS1C/Bd and PFO1/4Bd) within the project site; the majority of these wetland features are in approximately the same location / extent as the on-site delineated wetlands. The remainder of the site is defined as upland planted pine (U42P) and upland cropland pasture (U21). Aerials: SC DNR 2006 / Google Earth 2003 – 2018; Site pictures provided by S&ME. LiDAR depicts a relatively flat site with the following: 1) minor depressions through the site that correlate to the location of the on-site wetlands, 2) two oval shaped mechanically-graded areas; these areas correlate to two agricultural fields, 3) Approximately 4,427 LF of excavated ditching; the main branch of this ditching continues off-site and connects into an adjacent ditching system that provides storm-water / land management drainage for multiple parcels to the south.

Non-regulated features:

1. Five isolated (non-jurisdictional) wetlands delineated by the applicant's consultant. All water contained within these wetlands are retained within the wetland boundaries and percolates to an unknown depth. Because of the lack of discernable outfall, topography grades, and lack of evidence of chemical or biological connection, these wetlands are determined to be isolated non-jurisdictional and not connected to any other waters of the U.S. The on-site isolated wetlands were also determined to have NO substantial nexus to interstate (or foreign)

commerce. The on-site wetlands DO NOT connect to, nor provide aquatic recharge to, any natural or man-made/altered aquatic conveyance feature such as a ditch, canal, or tributary. Specific wetland details follow: a. Isolated wetland 1 - 0.77 acres; center point: 33.9290, -79.420. Indicators of the wetland feature included: hydrologic soil consisting of loamy sand soil meeting the criteria of depleted matrix (F3), broadly distributed hydrophytic plant life meeting a dominance test for greater than 50% and a prevalence test for less than or equal to 3.0%, and hydrological indicators including iron deposits (C4). b. Isolated wetland 2 - 0.72 acres; center-point: 33.910, -79.7430. Indicators of the wetland feature included: hydrologic soil consisting of sandy loamy soil meeting the criteria of dark surface (S7), broadly distributed hydrophytic plant life meeting a dominance test for greater than 50% and a prevalence test for less than or equal to 3.0%, and hydrological indicators including water marks (B1), moss trim lines (B16), FAC-Neutral Test (D5), and sphagnum moss (D8). c. Isolated wetland 3 – 1.71 acres; center-point: 33.3920, -79.7390. This wetland did not have a data point taken within its boundaries, however there were 5 data points taken within approximately 400-900 feet, including within the adjacent, but not-abutting wetlands 4 and 5. Conditions of this portion of the site consist of a hydric loamy depleted matrix (F3) soils, broadly dispersed hydrophytic plant life, and hydrological indicators such as water marks (B1), iron deposits (C4), and FAC-Neutral Test (D5). d. Isolated wetland 4 – 0.60 acres; center-point 33.391, -79.7390. Indicators of the wetland feature included: hydrologic soil consisting of loamy sand soil meeting the criteria of depleted matrix (F3), broadly distributed hydrophytic plant life meeting a dominance test for greater than 50% and a prevalence test for less than or equal to 3.0%, and hydrological indicators including iron deposits (C4). e. Isolated wetland 5 – 0.22 acres; center-point: 33.9310, -79.7360. Indicators of the wetland feature included: hydrologic soil consisting of loamy sand soil meeting the criteria of depleted matrix (F3), broadly distributed hydrophytic plant life meeting a dominance test for greater than 50% and a prevalence test for less than or equal to 3.0%, and hydrological indicators including water marks (B1) and FAC-Neutral Test (D5). TOTAL ISOLATED WETLAND ACREAGE: 4.02 ACRES

2. Approximately 4,427 linear feet (LF) of ditching (one main branch and one 2nd order branch) that were excavated out of uplands for land management / silviculture operations at an unknown date and is currently partly filled in with soil, leaf litter, and debris (per submitted pictures).

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