

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): July 08, 2019

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: JD Form 1 of 1; SAC # SAC-2019-00934 Horry County EOC

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: South Carolina County/parish/borough: **Horry** City: **Conway**
Center coordinates of site (lat/long in degree decimal format): Lat. **33.9081° N**, Long. **-79.0488° W**
Universal Transverse Mercator:

Name of nearest waterbody: **Unnamed tributary of Kingston Lake/Waccamaw River**

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Kingston Lake/Waccamaw River**

Name of watershed or Hydrologic Unit Code (HUC): **03040206-08 / Waccamaw 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:
 Field Determination. Date(s): July 1, 2019

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

- Waters subject to the ebb and flow of the tide.
 Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
 Wetlands adjacent to TNWs
 Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
 Non-RPWs that flow directly or indirectly into TNWs
 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
 Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
 Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
 Impoundments of jurisdictional waters
 Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.
Wetlands: **3.22** acres

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

Elevation of established OHWM (if known): .

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

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: **Upland excavated ditches that were determined not to be tributaries due to lack of indicators of flow and lack of OHWMs in some areas along the reach of ditches.**

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.

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: **Kingston Lake/Waccamaw River (TNW).**

Summarize rationale supporting determination: **Waters subject to ebb and flow of tide.**

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: 136,317 acres ;

Drainage area: 300 acres

Average annual rainfall: 48 inches

Average annual snowfall: 0 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 2-5 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: No.

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

Identify flow route to TNW⁵: **Water discharges from wetland directly into a non-jurisdictional linear feature, serving as its primary conveyance and eventually flows into an un-named tributary (PRPW), passes through one confluence, into Grier Swamp, eventually discharging into Kingston Lake/Waccamaw River.**
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: **Tributary is a combination of relic drainage patterns and anthropogenic alterations through municipal, agricultural, and silvicultural practices.**

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

Average width: 4 feet
Average depth: **10** feet
Average side slopes: **2:1**.

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: .

Presence of run/riffle/pool complexes. Explain: .

Tributary geometry: **Relatively straight. Tributary has relic features of original drainage patterns as well as man-altered channelized drained ways maintained as a primary drainage system for the Conway areaa.**

Tributary gradient (approximate average slope): **1-2 %**

(c) Flow:

Tributary provides for: **Perennial flow**

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

Describe flow regime: **Tributary was found to flow at least 90% of the year under normal, climatic conditions as evident by the OHWM, well defined bed and banks, and a channel bottom free of debris and vegetation.**

Other information on duration and volume: .

Surface flow is: **Discrete and confined.** Characteristics: .

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: **Water in the tributary is clear and free of particulates and flowing. General watershed characteristics are a mixture of commercial and residential development and county highways.**

Identify specific pollutants, if known: .

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

Riparian corridor. Characteristics (type, average width): **Approximately 60% of the corridor is vegetated with canopy.**

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: **Habitat for a variety of wetland dependent and non-dependent**

species that may use this tributary corridor for travel, nesting, foraging, and general habitat.

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: Total wetlands 2.3 acres

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

Wetland quality. Explain: **Impaired wetland recently logged.**

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

(b) General Flow Relationship with Non-TNW:

Flow is: **Intermittent flow**. Explain: **Surface water leaving the wetland during rain events or stormwater / runoff induced events.**

Surface flow is: **Discreet and confined**

Characteristics: **Water leaving the wetland area, enters a conveyance encompassed by the wetland boundary and serves as the primary connection for the wetland to the unnamed PRPW which discharges into the Waccamaw River.**

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

Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: **Water leaving the wetland area, enters a conveyance encompassed in the wetland and is transported directly to the Waccamaw River.**

Ecological connection. Explain: .

Separated by berm/barrier. Explain: **Wetlands onsite are currently seperated from the OHWM of unnamed PRPW by the construction of University Forest Drive which bisects the historical footprint of the wetland.**

(d) Proximity (Relationship) to TNW

Project wetlands are **1-2** 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 **100 - 500-year** 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: **No surface water present in the wetland during the site visit, hydrology consisted of saturation below the surface.**

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: **Vegetation is typical wetland vegetation (Acer rubrum, Quercus nigra, Nyssa biflora, etc).**

Habitat for:

Federally Listed species. Explain findings: .

Fish/spawn areas. Explain findings: .

Other environmentally-sensitive species. Explain findings: .

Aquatic/wildlife diversity. Explain findings: **Wetland provides habitat for wetland dependent and non-dependent species. It serves as an area for foraging, nesting, and travel corridors.**

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

All wetland(s) being considered in the cumulative analysis:5
 Approximately (32) 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>
N	1.63	N	1.07
Y	24	N	0.52
		N	4

Summarize overall biological, chemical and physical functions being performed: **The wetlands attenuate runoff to a manageable level before allowing it to flow into the Waccamaw River, reducing erosion and sediment deposition. Along with velocity attenuation, it also serves to trap, treat, and impede the flow of harmful pollutants and excess nutrients into the ecosystems found in the Waccamaw River. The filtering of the wetland and tributary work to maintain a balanced chemical makeup eventually effecting Waccamaw River. They serve as primary producers by way of injecting biomass into the system. This provides a part of the basic food web for primary feeders in the ecosystem. The wetlands also provide habitat for foraging, nesting, and travel corridors for a variety of wetland dependent and non-dependent species. Physically they serve in the function of stormwater runoff attenuation and absorption from nearby uplands, chemically they serve to trap and filter pollutants, nutrient / organics, and sedimentation thereby improving the quality of the downstream TNW, and biologically by primary production of biomass into the food web, and its extensive network of foraging, nesting, and travel corridor habitat for wetland and non-wetland species alike.**

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: **Limits of Wetland Boundaries were established by the 1987 Wetland Delineation Manual. The offsite tributary and wetlands within the review area provide a significant physical, biological, and chemical benefit and investment to the downstream TNW (Kingston Lake/Waccamaw River). These wetlands form the headwaters of the offsite tributary and are part of a collective system that provides an immediate function of flood and stormwater attenuation, providing a catch basin for the surrounding drainage area. Wetlands within the review area retain runoff to a manageable level before allowing it to flow into the offsite tributary before discharging into the Waccamaw River, reducing erosion and sediment deposition. Along with velocity attenuation, it also serves to trap, treat, and impede the flow of harmful pollutants and excess nutrients into the ecosystems found in the Waccamaw River. The filtering of the wetlands work to maintain a balanced chemical makeup eventually effecting the Waccamaw River. They serve as primary producers by way of injecting biomass into the system. This provides a part of the basic food web for primary feeders in the ecosystem. The wetlands also provide habitat for foraging, nesting, and travel corridors for a variety of wetland dependent and non-dependent species. Physically they serve in the function of stormwater runoff attenuation and absorption from nearby uplands, chemically they serve to trap and filter pollutants, nutrient / organics, and sedimentation thereby improving the quality of the downstream TNW, and biologically by primary production of biomass into the food web, and its extensive network of foraging, nesting, and travel corridor habitat for wetland and non-wetland species alike.**

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: **The tributary was observed to have flow during the height of the growing season with a, displayed a clear OHWM, and was free of vegetation or debris in the channel itself.**
 Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:
 Provide estimates for jurisdictional waters in the review area (check all that apply):
 Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
 Identify type(s) of waters: .
3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**
 Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.
 Provide estimates for jurisdictional waters within the review area (check all that apply):
 Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
 Identify type(s) of waters: .
4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**
 Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
 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. **Wetlands onsite flow through three (3) non-jurisdictional conveyances (ditches) that outfall into U.S. Highway 701 roadside ditches that outfall into an unnamed tributary (pRPW) that flows to Grier Swamp and eventually outfalling into Kingston Lake/ Waccamaw River (TNW).**

Provide acreage estimates for jurisdictional wetlands in the review area: **3.22** 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:

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): **Upland excavated ditches that provide a conveyance to offsite tributary that eventually outfalls into TNW.**

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.

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 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: Maps and report prepared by Brigman.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- Office concurs with data sheets/delineation report. Data forms submitted by the applicant / agent are considered to be a representation of site conditions and are general in nature.
- Office does not concur with data sheets/delineation report.

- Data sheets prepared by the Corps: .
- Corps navigable waters' study: .
- U.S. Geological Survey Hydrologic Atlas: .
- USGS NHD data.
- USGS 8 and 12 digit HUC maps.

U.S. Geological Survey map(s). Cite scale & quad name: USGS topographic / **Adrian Quad /forested area and wetland symbol onsite..**

USDA Natural Resources Conservation Service Soil Survey. Citation: **Horry County Soils / pg 51 / Eulonia, Wahee and Yauhannah soil series.**

National wetlands inventory map(s). Cite name: **Horry County NWI / depicts Wetland 1 as forested wetland (PSS3C) & the remainder of the site as U42P (uplands planted pines).**

- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

Photographs: Aerial (Name & Date): 2006 SCDNR aerial photography.
or Other (Name & Date): Site Visit photos by the agent provided in the submittal dated May 29, 2019.

- 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:

Limits of Wetland Boundaries were established by the 1987 Wetland Delineation Manual. Onsite wetlands (total 3.22 acres) and similarly situated offsite wetlands along with offsite tributary provide a significant physical, biological, and chemical benefit and investment to Kingston Lake/ Waccamaw River (TNW). The wetlands onsite are part of a collective system that provides an immediate function of flood and stormwater attenuation, providing a catch basin for the surrounding drainage area. The wetlands help to retain runoff to a manageable level before allowing it to flow into an offsite tributary (unnamed PRPW), reducing erosion and sediment deposition. Along with velocity attenuation, it also serves to trap, treat, and impede the flow of harmful pollutants and excess nutrients into the ecosystems found in the Waccamaw River. The filtering of the wetland works to maintain a balanced chemical makeup eventually affecting the Waccamaw River. They serve as primary producers by way of injecting biomass into the system. This provides a part of the basic food web for primary feeders in the ecosystem. The wetlands also provide habitat for foraging, nesting, and travel corridors for a variety of wetland dependent and non-dependent species. Physically they serve in the function of stormwater runoff attenuation and absorption from nearby uplands, chemically they serve to trap and filter pollutants, nutrient / organics, and sedimentation thereby improving the quality of the downstream TNW, and biologically by primary production of biomass into the food web, and its extensive network of foraging, nesting, and travel corridor habitat for wetland and non-wetland species alike.

The site was assessed on 1 basis form.