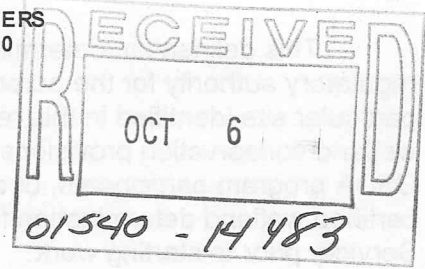




REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
1949 INDUSTRIAL PARK ROAD, ROOM 140
CONWAY, SOUTH CAROLINA 29526

OCT - 2 2015



Regulatory Division

Mr. Henry B. Burroughs
c/o Mr. Britt Feldner
The Brigman Company
P.O. Box 1532
Conway, South Carolina 29526

Dear Mr. Feldner:

This is in response to your letter which was received on July 30, 2015, requesting a Preliminary Jurisdictional Determination (Preliminary JD), on behalf of Henry B. Burroughs, for a 71.38 acre project area, located east of and adjacent to S.C. Highway 707, south of and adjacent to Big Block Road, in the Socastee Township of Horry County, South Carolina. The project area is Horry County Tax Map Number 185-00-02-268 and depicted on the enclosed sketch prepared by your office entitled "Wetland Delineation of/ Henry Burroughs Property/ Socastee Township,/ Horry County, South Carolina/ Tax Map Number 185-00-02-268" and dated October 1, 2015. A Preliminary JD is used to indicate that this office has identified wetlands and/or other waters on the property, and that in lieu of making an Approved Jurisdictional Determination, relies on the presumption of jurisdiction for the purpose of expediting the request for a Preliminary JD.

Based on an on-site inspection, a review of aerial photography, topographic maps, National Wetlands Inventory maps, and soil survey information, and Wetland Determination Data Form(s), it has been concluded that the boundaries shown on the referenced sketch are a reasonable approximation of the wetlands and/or other waters found within the project area. The site in question contains approximately 0.26 acres of federally defined wetlands and/or other waters. You are cautioned that the boundaries of the delineated wetlands depicted on the enclosed sketch are approximate and subject to change.

This office should be contacted prior to performing any work in or around these wetlands and/or other waters. In order for a definitive determination of jurisdiction to be provided, you must submit a request for an Approved Jurisdictional Determination (Approved JD) rather than the presumption of jurisdiction provided in this letter. Enclosed is a Preliminary Jurisdictional Determination Form describing the areas in question and clarifying the option to request an Approved JD. You should also be aware that the areas identified as wetlands and/or other waters may be subject to restrictions or requirements of other state or local government entities.

Please note that since this is a Preliminary JD, it is subject to change and therefore is not an appealable action under the Corps of Engineers administrative appeal procedures defined at 33 CFR 331. If a permit application is forthcoming as a result of this Preliminary JD, a copy of this letter, as well as the sketch should be submitted as part of the application. Otherwise, a delay could occur in confirming that a Preliminary JD was performed for the proposed project area.

This Preliminary JD is a non-binding action and as such has no expiration until it is superseded by an Approved JD. If you intend to request an Approved JD in the future, you are advised not to commence work in these wetlands and/or waters prior to receiving the Approved JD.

This delineation/determination has been conducted pursuant to Corps of Engineers regulatory authority for the purpose of identifying the geographic extent of waters on the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

In future correspondence concerning this matter, please refer to SAC 2015-00878-3H. You may still need state or local assent. Prior to performing any work, you should contact the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management. A copy of this letter is being forwarded to them for their information.

Enclosed are two copies of the Preliminary Jurisdictional Determination Form signed by our office. Please sign both copies, retain one copy for your records and return one signed copy to this office in the enclosed self-addressed envelope.

If you have any questions concerning this matter, please contact me at 843-365-4239.

Sincerely,



Rob Huff
Watershed Manager

Enclosures:
Preliminary Jurisdictional Determination Form
Self-addressed envelope

Copy Furnished:

South Carolina Department of Health
and Environmental Control
Office of Ocean and Coastal
Resource Management
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

ATTACHMENT

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): October 1, 2015

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:
Henry B. Burroughs
P.O. Box 410
Conway, SC 29528

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: SAC 2015-00878-3H

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION: The project area is located in the Socastee Township with residential development on the north side of tract. The site is currently a timbered tract with an extensive ditching system located throughout the project area. Review of 1948 aerial photograph reveals the project site was once an old agriculture site with the main ditching system in place.

(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: South Carolina County/parish/borough: Horry City:

Center coordinates of site (lat/long in degree decimal format): Lat. 33.658553° N, Long. -79.011220° W.

Universal Transverse Mercator:

Name of nearest waterbody: Un-named tributary of the AIWW

Identify (estimate) amount of waters in the review area:

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

Cowardin Class:

Stream Flow:

Wetlands: 0.26 acres.

Cowardin Class: Palustrine

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:

Non-Tidal:

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

Office (Desk) Determination. Date:

Field Determination. Date(s): **08/07/2015 & 09/29/2015**

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or

to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply

- checked items should 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, report and sketch prepared by the Brigman Company.**

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.

U.S. Geological Survey map(s). Cite scale & quad name:

USDA Natural Resources Conservation Service Soil Survey.

Citation: Myrtle Beach Quad: Quad depicts project area as cleared and forested uplands with numerous drainage features depicted as blue line features. These features (drainage ditches) were examined onsite and determined to have a flow regime of both ephemeral and intermittent. These features were determined to be non-aquatic features.

National wetlands inventory map(s). Cite name: HorryNWI depicts the project area as U24P (planted pine) and PFO4B, PFO4/1B (forested wetlands). Areas depicted as wetlands on the NWI were visited as well as other locations on both site visits. These site visits revealed the area lacked hydrology and therefore not a wetland. Only the two delineated wetlands exhibited all three parameters that define a wetland.

State/Local wetland inventory map(s):

FEMA/FIRM maps:

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


Photographs: Aerial (Name & Date): 1948 black & white photo, 2014 Google earth along with Lidar data photos.

or Other (Name & Date): Photos provided by Brigman dated June 10, 2015 and Corps photos taken 09/29/2015.

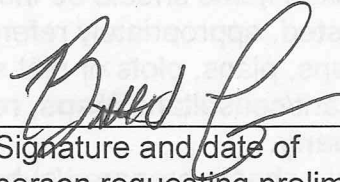
Previous determination(s). File no. and date of response letter:

Other information (please specify):Horry County Lidar data, NC Cronos rainfall data, NRSC WETS data.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

 10/2/2015

Signature and date of
Regulatory Project Manager
(REQUIRED)



Signature and date of
person requesting preliminary JD
(REQUIRED, unless obtaining
the signature is impracticable)

SAMPLE

Site number	Latitude	Longitude	Cowardin Class	Estimated amount of aquatic resource in review area	Class of aquatic resource
Wetland 1	33.658	-79.006	palustrine	0.12 acre	non-section 10 – wetland
Wetland 2	33.657	-79.013	palustrine	0.14 acre	non-section 10 – wetland

