

APPENDIX E

Agency Coordination

Recent Agency Coordination



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

January 13, 2017

F/SER47:KH/pw

(Sent via Electronic Mail)

Mr. Chad Long
Archaeologist/NEPA Coordinator
S.C. Dept. Of Transportation, P.O. Box 191
Columbia, South Carolina 29201

J. Shane Belcher
Environmental Coordinator
Federal Highway Administration
1835 Assembly Street, Suite 1270
Columbia, South Carolina 29201

Attention: Nicole Riddle

Dear Mr. Long and Mr. Belcher:

NOAA's National Marine Fisheries Service (NMFS) reviewed the letter dated, December 19, 2016, from the South Carolina Department of Transportation (SCDOT) and Federal Highway Administration (FHWA) responding to essential fish habitat (EFH) conservation recommendations the NMFS provided for the proposed U.S. Highway (US) 17 widening and bridge over the Back River¹. By letter dated December 1, 2016, the NMFS provided four conservation recommendations to protect EFH:

1. The project design should further avoid and minimize impacts to EFH by reducing the amount of fill and shading in wetlands areas.
2. The existing, undersized culvert on the north end of the project should be replaced with a bridge.
3. In-water turbidity and sedimentation control methods and noise attenuation methods should be used to avoid and minimize impacts to EFH, federally managed fisheries and their prey, and anadromous fishes and their habitat from in-water work activities.
4. The SCDOT should adjust mitigation calculations to reflect excess impacts from two bridge structures and pursue on-site, permittee responsible mitigation.

The SCDOT has agreed to implement recommendation 3 and 4, and has agreed to replace the existing, undersized culvert on the north end of the project (recommendation 2). Specifically, the selected contractor will be required to minimize potential stormwater impacts through implementation of construction stormwater best management practices (BMPs), reflecting policies contained in the National Pollutant Discharge Elimination System (NPDES), 23 CFR 650 B and SCDOT's Supplemental Specifications on Seed and Erosion Control Measures (latest edition). The design and implementation of these BMPs will be evaluated by the South Carolina

¹ SCDOT Project ID: P025999: Located in Jasper County, SC and Chatham County, GA



Department of Health and Environmental Control to meet the NPDES permit requirements, and these requirements will include the use of turbidity curtains where practicable. Additionally, between October 1 and April 15, SCDOT will require the contractor to implement a noise reduction technique for all pile-driving activities, which will be submitted to the SCDOT Environmental Services Office for review prior to implementation. Furthermore, the SCDOT will account for additional shading impacts that the bridge may cause from being in close proximity to the existing bridge during final design. The SCDOT will use these updated calculations when determining the wetland credits needed for mitigation.

The SCDOT also agrees to replace the existing, undersized culvert on the north end of the project. Due to the cost of constructing a bridge at this location, SCDOT plans to replace the existing culvert with two twin-box culverts. The exact size and dimensions will be determined in final design. While the proposed culverts are less damaging to the environment than those currently in place, the NMFS continues to prefer a bridge at this location to reduce impacts to EFH, federally managed species, and their prey. Bridges typically require less fill and channel alteration, lead to less bank and bed instability, and maintain greater ecological connectivity and organism passage than culverts. The NMFS recommends SCDOT select a culvert design that promotes ecological connectivity, aquatic organism passage, and normative physical processes. Various publications from the FHWA and NMFS detail these principles and design elements². The NMFS also encourages the SCDOT to coordinate with the USACE Savannah District regarding culvert design and installation/construction.

Regarding recommendation 1, SCDOT's response focuses on constructability issues and design standards. The SCDOT selected the proposed alignment due to the need to maintain traffic throughout the project, avoid additional wetlands impacts of approximately eight acres, safely stage construction, and accommodate drainage during construction. Additionally, the shift in alignment had to be a certain distance away from the existing roadway in order to perform necessary geotechnical ground modifications in order to construct the new two-lane section, without influencing the existing roadway. Furthermore, the 36-foot median is the narrowest median possible to maintain a safe rural connector and the outside shoulder widths will accommodate bike lanes. The NMFS understands safety, functionality, and maintenance of traffic issues, and understands preliminary design impacts outlined in the draft Environmental Assessment represent a "worst case scenario." However, further avoidance and minimization measures appear practicable. The NMFS recommends SCDOT further avoid and minimize impacts to EFH by reducing fill and/or shading during refinement of the final design. Suggestions for how this might occur include decreasing inside roadway shoulder widths (where bike lanes are not planned), steepening side slopes of the roadway and bridge approaches, reducing approach fills for the bridge over the Back River, using mechanically stabilized earth (MSE) walls, utilizing deep-depth guardrails, or a combination of these.

² Culvert design for aquatic organism passage. FHWA. 2010.

https://www.fhwa.dot.gov/engineering/hydraulics/library_arc.cfm?pub_number=204&id=145

Hydraulic design of highway culverts, Third Edition. FHWA. 2012.

https://www.fhwa.dot.gov/engineering/hydraulics/library_arc.cfm?pub_number=7&id=13

Anadromous salmonid passage facility design. NMFS, 2011; Guidelines for salmonid passage at stream crossings. NMFS, 2001.

<http://www.westcoast.fisheries.noaa.gov/publications/>

The NMFS appreciates the opportunity to provide these comments. Please direct related questions or comments to the attention of Keith M. Hanson at our Charleston Area Office, 219 Fort Johnson Road, Charleston, South Carolina 29412-9110, Keith.Hanson@noaa.gov or by phone at (843)762-8622.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc: SCDOT, LongCC@scdot.org, RiddleNL@scdot.org
FHWA, Jeffrey.Belcher@dot.gov
SCDNR, DavisS@dnr.sc.gov
EPA, Laycock.Kelly@epa.gov
FWS, Karen_Mcgee@fws.gov
F/SER4, David.Dale@noaa.gov
F/SER47, Keith.Hanson@noaa.gov

Murphy, Gordon

From: Long, Chad C. <LongCC@scdot.org>
Sent: Tuesday, January 31, 2017 8:16 AM
To: Cemprola, Danielle; Murphy, Gordon
Subject: FW: US 17 Back River Bridge information request

From: Frierson, Ed W
Sent: Monday, January 09, 2017 9:57 AM
To: Long, Chad C.
Subject: FW: US 17 Back River Bridge information request

See below.

Edward W. Frierson
SCDOT NEPA Coordinator/Biologist
803-737-1861

From: David Rydene - NOAA Federal [<mailto:david.rydene@noaa.gov>]
Sent: Thursday, January 05, 2017 10:49 AM
To: Frierson, Ed W
Subject: Re: US 17 Back River Bridge information request

***** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. *****

Hi Ed,

Happy New Year. The letter is under review by an attorney here (the final stage of review before Front office signature). They usually want to change something here or there in the letter, but I don't foresee anything major. I expect it will get signed some time this month.

- Dave

On Thu, Jan 5, 2017 at 8:48 AM, Frierson, Ed W <FriersonEW@scdot.org> wrote:

Dave,

Hope you had great holidays. What is the present status of the letter?

Thanks,

Edward W. Frierson

SCDOT NEPA Coordinator/Biologist

[803-737-1861](tel:803-737-1861)

From: David Rydene - NOAA Federal [mailto:david.rydene@noaa.gov]
Sent: Thursday, December 15, 2016 9:12 AM
To: Frierson, Ed W

Cc: Andrew Herndon - NOAA Federal; Bill Post
Subject: Re: US 17 Back River Bridge information request

*** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. ***

Hi Ed,

I guess the question now is do you want to use noise reduction (contained bubble curtains or isolation casing) for the 540 piles (24-inch by 24-inch square concrete) that were originally proposed, or are drilled shafts still a possibility? My past experience has been that compared to standard impact-driven piles, there would be fewer drilled shafts but they have a larger diameter than regular piles. I would need the information on the possible maximum size (diameter) and total number of the drilled shafts and details of the expected installation methods. I would need to include an analysis of that in the letter.

Thanks, Dave

On Wed, Dec 14, 2016 at 2:54 PM, Frierson, Ed W <FriersonEW@scdot.org> wrote:

Dave,

We like Option 2. Thanks for all you consideration and help with this. When do you think the ESA letter will be signed?

Edward W. Frierson

SCDOT NEPA Coordinator/Biologist

[803-737-1861](tel:803-737-1861)

From: David Rydene - NOAA Federal [mailto:david.rydene@noaa.gov]

Sent: Wednesday, December 14, 2016 1:40 PM

To: Frierson, Ed W

Cc: Andrew Herndon - NOAA Federal; Bill Post

Subject: Re: US 17 Back River Bridge information request

*** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. ***

Hi Ed,

Based on the coordination between NMFS and SCDNR (the email that Andy Herndon sent an hour and a half ago) it looks like 2 options are available. Option 1 would be to go with the in-water work moratorium that NMFS proposed (October 1-April 15) in which case no noise reduction techniques would be needed. Option 2 would be to allow in-water work during that time period, but require the use of a noise reduction technique for impact driving or go with drilled shafts instead with no noise reduction. If SCDOT wants to go with bubble curtains it will have to be some kind of contained bubble curtain technique to keep the bubbles from being swept out of place by tidal or river currents. Another option is de-watered isolation casings (sometimes called temporary noise attenuation piles or TNAPs). TNAP are basically hollow casings that are a bit larger diameter than the piles. The pile is placed inside the TNAP which is then de-watered before impact driving, and then pulled out when driving is finished. Let me know how you would like to proceed.

Thanks, Dave

On Tue, Dec 13, 2016 at 4:03 PM, Frierson, Ed W <FriersonEW@scdot.org> wrote:

Dave,

I have talked to Bill Post about some of his data that he has obtained from the Back River. His sturgeon counts generally reveal only one or two juvenile fish in the river in October and November. Given that fact and given that bubble curtains have been effective in other states in reducing noise (according Bill Post), what do you think about our contractor working throughout the moratorium period while utilizing bubble curtains for all bent placing work. We could also use drilled shafts, thereby reducing vibration. Let me know what you think.

Thanks,

Edward W. Frierson

SCDOT NEPA Coordinator/Biologist

[803-737-1861](tel:803-737-1861)

From: David Rydene - NOAA Federal [mailto:david.rydene@noaa.gov]
Sent: Tuesday, December 13, 2016 8:47 AM

To: Frierson, Ed W
Subject: Re: US 17 Back River Bridge information request

*** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. ***

Hi Ed,

This week I am available today (Tuesday 12/13) until 3:30 PM, Wednesday (12/14) from 8:30 AM until 2:30 PM, Thursday (12/15) from 8:30 AM until 3:00 PM, and Friday (12/16) from 8:30 AM until 11:00 AM.

- Dave

On Mon, Dec 12, 2016 at 4:23 PM, Frierson, Ed W <FriersonEW@scdot.org> wrote:

Dave,

We have some questions we would like to ask you later this week.

Edward W. Frierson

SCDOT NEPA Coordinator/Biologist

[803-737-1861](tel:803-737-1861)

From: David Rydene - NOAA Federal [mailto:david.rydene@noaa.gov]
Sent: Wednesday, December 07, 2016 8:57 AM
To: Frierson, Ed W
Subject: Re: US 17 Back River Bridge information request

*** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. ***

Hi Ed,

Any feedback on the proposed change to the in-water work closed season for the US 17 Back River Bridge replacement?

Thanks, Dave

On Fri, Dec 2, 2016 at 11:13 AM, David Rydene - NOAA Federal <david.rydene@noaa.gov> wrote:

Hi Ed,

I am trying to finish getting the US 17 Back River Bridge ESA letter through our review process so it can be signed. Some questions came up regarding the timeframe of in-water work moratorium based on the latest habitat usage data we have. After speaking with our shortnose/Atlantic sturgeon Coordinator here, NMFS Habitat Conservation Division staff in Charleston, and emailing Bill Post at SCDNR, we are requesting that the in-water work moratorium run from October 1-April 15 (rather than the December 1-April 30). This would also put it closer to the moratorium that the Habitat Conservation Division is asking for due to American Shad as well.

Thanks, Dave

On Thu, Nov 17, 2016 at 2:09 PM, Frierson, Ed W <FriersonEW@scdot.org> wrote:

Dave,

In regard to your phone call. There will be between 6 and 8 piles at each bent. Let me know if you need any additional information.

Edward W. Frierson

SCDOT NEPA Coordinator/Biologist

[803-737-1861](tel:803-737-1861)

From: David Rydene - NOAA Federal [mailto:david.rydene@noaa.gov]
Sent: Tuesday, October 18, 2016 2:06 PM
To: Frierson, Ed W
Subject: Re: US 17 Back River Bridge information request

Hi Ed,

I noticed one other thing in the responses you sent. Under my question regarding "The number of piles driven per day", the response says "16 per day (based on eight hour workday and two hours per pile)". That does not add up, as eight hours of pile driving each day with each pile requiring two hours of driving would only seem to total 4 piles installed per day. I think the numbers got multiplied ($8 \times 2 = 16$), rather than being divided ($8/2 = 4$). Can you check on this?

Thanks, Dave

On Thu, Sep 22, 2016 at 2:24 PM, Frierson, Ed W <FriersonEW@scdot.org> wrote:

David,

I apologize for the long delay, but I have attached the information you requested back in November of 2014. Let me know if you need anything else.

Thanks,

Edward W. Frierson

SCDOT NEPA Coordinator/Biologist

[803-737-1861](tel:803-737-1861)

From: David Rydene - NOAA Federal [mailto:david.rydene@noaa.gov]
Sent: Monday, November 03, 2014 9:41 AM
To: Frierson, Ed W
Subject: US 17 Back River Bridge information request

Hi Ed,

The attached document shows what types of pile driving information we need to do the ESA consultation.

Thanks, Dave

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David Rydene, Ph.D.
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Habitat Conservation Division
263 13th Avenue South
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South Carolina
Department of Transportation

December 19, 2016

Virginia Fay
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Habitat Conservation Division
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701-5505

Re: US 17 Widening and Bridge Replacement over Back River in Jasper County, SC and Chatham County, GA: PIN 39168RD01; Response to NOAA-NMFS letter regarding conservation recommendations for EFH

Attention: Keith Hanson

Dear Virginia Fay:

The South Carolina Department of Transportation (SCDOT) in coordination with the Federal Highway Administration (FHWA) is issuing this joint response to your December 1, 2016 letter which included EFH Conservation Recommendations for the proposed US 17 Widening and Bridge Replacement over Back River in Jasper County, SC and Chatham County, GA.

In response to your recommendation: *“The NMFS recommends reducing the amount of permanent fill associated with the proposed project by using a combination of east and west widening (asymmetrical widening) that would concentrate impacts in existing upland areas and avoid impacts to wetlands. Additionally, the NMFS recommends further reducing the amount of permanent impacts by reducing the bridge width, decreasing inside and/or outside roadway shoulder widths, decreasing the median width, and by steepening side slopes of the roadway and bridge approaches, or a combination of these.”*

The original design for the widening project had the widening centered in the R/W corridor but problems were encountered with staging construction and accommodating drainage during construction. The road design group and traffic engineering worked together to improve constructability and determined a 16' shift would provide the ability to maintain traffic while still staging construction and reducing the impacts to adjacent wetlands. A 16' shift right was considered but the impacts to the wetlands were approximately 8 acres higher than doing a 16' shift to the left. Also as part of the project is the geotechnical ground modifications and the shift in alignment had to be far enough away from the existing roadway to construction the new 2 lane section ground improvements without influencing the existing roadway. The widening to each side creates a constructability issue and with the presence of wetlands on each side of the roadway is minimized to the greatest extent possible with the current alignment. Additionally, the 36' median is the narrowest median possible to maintain a safe rural connector condition. The safety concerns with reducing the median further are far too great for it to be a plausible alternative. The outside shoulder widths cannot be reduced due to the presence of the stripped bike lanes.



In response to your recommendation: *“The NMFS also recommends replacing the undersized culvert on the north end of the project with a bridge to avoid further adverse impacts to habitats and species and to restore ecological connectivity and habitat function to the surrounding area; bridging this tidal creek would also reduce the amount of permanent fill.”*

SCDOT has plans to replace the existing culvert with two ‘twin’ box culverts. The exact size and dimensions will be determined in final design. Constructing a bridge at this location is too costly.

In response to your recommendation: *“The SCDOT should include In-water turbidity and sedimentation control methods and noise attenuation methods should be used to avoid and minimize impacts to EFH, federally managed fisheries and their prey, and anadromous fishes and their habitat from in-water work activities.”*

Stormwater control measures, both during construction and post-construction, are required for SCDOT projects with land disturbance. The selected contractor would be required to minimize potential stormwater impacts through implementation of construction best management practices (BMP’s), reflecting policies contained in the NPDES, 23 CFR 650 B and SCDOT’s Supplemental Specifications on Seed and Erosion Control Measures (latest edition). The design and implementation of these BMP’s will be evaluated by SCDHEC to meet the NPDES permit requirements, and these requirements will include the use of turbidity curtain where practicable. Additionally, between October 1-April 15, SCDOT will require the contractor to implement a noise reduction technique for all pile-driving activities. The proposed minimization techniques will be submitted to the SCDOT Environmental Services Office for review prior to implementation.

In response to your recommendation: *The SCDOT should adjust mitigation calculations to reflect excess impacts from two bridge structures and pursue on-site, permittee responsible mitigation.*

SCDOT will account for additional shading impacts that the bridge may cause from being in close proximity to the existing bridge during final design. SCDOT will use these updated calculations when determining the wetland credits needed for mitigation.

We appreciate your agency’s cooperation throughout the development of this project. Please let me know if you have any comments or concerns related to this response. I can be reached at (803) 737-0841.

Sincerely,



Nicole Riddle
EFH Coordinator



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

December 1, 2016

F/SER47:KH/pw

(Sent via Electronic Mail)

Mr. Chad Long
Archaeologist/NEPA Coordinator
S.C. Dept. of Transportation, P.O. Box 191
Columbia, South Carolina 29201

J. Shane Belcher
Environmental Coordinator
Federal Highway Administration
1835 Assembly Street, Suite 1270
Columbia, South Carolina 29201

Attention: Nicole Riddle

Dear Mr. Long and Mr. Belcher:

NOAA's National Marine Fisheries Service (NMFS) reviewed the Essential Fish Habitat (EFH) Assessment¹, dated September 2016, and draft Environmental Assessment, dated November 2016, prepared by the South Carolina Department of Transportation (SCDOT) for the proposed U.S. Highway (US) 17 widening and bridge over the Back River in Jasper County, SC, and Chatham County, GA (SCDOT Project ID: P025999). In an email dated September 22, 2016, the SCDOT stated it was submitting the EFH Assessment on behalf of the Federal Highway Administration. The SCDOT's initial determination is the project would adversely affect EFH or federally managed fishery species. As the nation's federal trustee for the conservation and management of marine, estuarine, and anadromous fishery resources, the NMFS provides the following comments and recommendations pursuant to authorities of the Fish and Wildlife Coordination Act and the Magnuson-Stevens Fishery Conservation and Management Act.

Description of the Proposed Project

The SCDOT proposes to improve US 17 from Hutchinson Island in Savannah, GA, to South Carolina Highway 315 (South Okatie Highway) southwest of Bluffton, SC, by widening US 17 from two to four travel lanes, adding a 36-foot grassed median, and constructing a new bridge over the Back River. The total approximate project length is 4.2 miles, with approximately 3,000 feet in GA and 3.6 miles in SC. In 2015, the Georgia Department of Transportation (GDOT) replaced the existing structurally deficient bridge over the Back River with a new 3,289-foot long bridge north (west) of the existing bridge featuring two 12-foot travel lanes and 8-foot shoulders; the existing bridge was later demolished. The SCDOT proposes to construct a new two-lane bridge parallel to the GDOT Bridge in order to tie into the four-lane section of the Talmadge Memorial Bridge over the Savannah River. The proposed SCDOT Bridge would be approximately 58.5 feet wide, featuring two 12-foot travel lanes, two 10-foot shoulders, a 10-foot multi-use path, and three 1.5-foot parapets (barriers). The current preferred alternative for the project would widen US 17 to the west (north) and the proposed bridge would be constructed 35 feet or 60 feet east of the centerline of the new GDOT Bridge, partially in the same footprint as the previous bridge. The

¹ The EFH Assessment was completed using conceptual designs and typical construction methods.



proposed bridge would be approximately the same length as the current GDOT Bridge. Upon completion, the GDOT Bridge would accommodate southbound traffic, and the SCDOT Bridge northbound traffic.

Proposed project activities would consist of placing clean fill material to widen the roadway and establish bridge approaches. Silt fences would be installed along the toe-of-fill prior to fill placement, which would require mechanical clearing. Work would be completed from uplands outward towards wetland areas as much as possible, but timber mats may also be used when upland access is not feasible. Geotechnical reinforcement may be required along the proposed roadway shoulder, which would require access from wetland areas and additional timber mats. Widening activities would necessitate extending an existing culvert located in a tidal creek on the north end of the project. Bridge construction would likely be completed using pile driving, which would occur from upland areas, to the extent practicable. In deep water areas, pile driving would take place from barges, while two temporary work trestles (approximately 300 feet and 800 feet in length) would likely be used over tidal marsh and portions of unconsolidated bottom habitat. Approximately 335 24-inch steel piles would be used for the temporary work trestle and approximately 540 24-inch pre-stressed concrete piles will be used for the permanent bridge. Temporary piles would be installed and removed using a vibratory hammer over 670 hours; permanent piles would be installed using a diesel impact hammer over 1080 hours².

Essential Fish Habitat and Anadromous Fish in the Project Area

The site of the proposed project includes tidal freshwater (palustrine) emergent wetlands and forested areas, and tidal salt marsh habitat, specifically estuarine emergent wetlands, intertidal non-vegetated flats, tidal creeks, and unconsolidated bottom. The South Atlantic Fishery Management Council (SAFMC) identifies these tidal palustrine habitats, estuarine emergent wetlands, and intertidal non-vegetated flats as EFH for penaeid shrimp, including white shrimp (*Litopenaeus setiferus*) and brown shrimp (*Farfantepenaeus aztecus*). These habitats are EFH because larvae and juveniles concentrate and feed extensively and shelter within these habitats. As a consequence, growth rates are high and predation rates are low, which makes these habitats effective nursery areas. The SAFMC also identifies estuarine emergent vegetated wetlands, tidal creeks and unconsolidated bottom as EFH for estuarine-dependent species of the snapper-grouper complex. The SAFMC provides additional information on EFH for federally managed species in Volume IV of the *Fishery Ecosystem Plan of the South Atlantic Region*³.

The waters of the Back River, tidal creeks connected to it, and the surrounding coastal marsh also serve as nursery and forage habitat for other species, such as red drum (*Sciaenops ocellatus*), black drum (*Pogonias cromis*), Atlantic menhaden (*Brevoortia tyrannus*), and blue crab (*Callinectes sapidus*). Many of these species are prey for other fish managed under the Magnuson-Stevens Act, such as mackerels, snappers, groupers, billfish, and sharks. Red drum is an important state-managed fishery, and estuarine wetlands within the project area provide habitat necessary for several life stages of red drum. Furthermore, the Back River includes foraging and migration habitat for several anadromous fish species, including shortnose sturgeon (*Acipenser brevirostrum*), Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), and American shad (*Alosa sapidissima*), within, upstream, and downstream of the proposed bridge crossing.

Impacts to Essential Fish Habitat and Anadromous Fish

The proposed project would result in 20.17 acres of permanent impacts and 7.942 acres of temporary impacts to EFH. Specifically, the proposed project would permanently fill 13.076 acres of estuarine emergent wetlands or intertidal flats, or a combination of these habitats, 0.063 acres of tidal creek, 0.026 acres of unconsolidated bottom, 0.037 acres of palustrine emergent wetlands and 6.423 acres of palustrine

² The SCDOT has assumed a “worst-case bridge construction scenario” for environmental impact analysis.

³ Available at <http://safmc.net/EcosystemLibrary/FEPVolumeIV>

forested areas. The proposed project would also result in the permanent shading of 0.545 acres of estuarine emergent wetlands. Additionally, the proposed project would temporarily fill 0.024 acres of estuarine emergent wetlands, intertidal flats, or unconsolidated bottom, or a combination of these habitats, and temporarily clear 5.347 acres of estuarine emergent wetlands, 0.014 acres of palustrine emergent wetlands and 2.557 acres of palustrine forested areas.

Permanently filled habitats would not provide nursery and foraging habitat for fishery species and their prey. Additionally, as light energy drives the photosynthetic process, which in turn controls plant growth and survival, permanently shaded areas would have lower primary productivity and reduced vegetation compared to non-shaded areas. This reduction in vegetation can lead to sediment erosion and decreased diversity and densities of benthic prey species⁴. Areas shaded by temporary elevated work structures for multiple growing seasons may also experience these adverse impacts, though recovery would likely occur following removal of structures. Furthermore, the presence of in-water structures, such as temporary and permanent piles, can alter hydrodynamic processes and sediment transport and deposition, degrading surrounding habitats. These processes and others have been altered and surrounding habitats degraded as a result of the existing culvert on the north end of the project, which is undersized. Undersized culverts can adversely impact habitats and species by decreasing ecological connectivity and tidal exchange, creating movement barriers for aquatic organisms and causing channel instability and increased erosion up and downstream of the culvert. Lastly, permanent impacts, including those from shading, will likely be greater for two bridges as opposed to a single, larger bridge due to the excess impacts created by two separate structures. Impact calculations should be adjusted to reflect these excess impacts.

Sediment input into aquatic habitats, mainly rivers and streams, is a major threat to anadromous fishes and their habitat and can reduce the quality of EFH and adversely affect federally managed species and their prey. This input can directly impact individuals and spawning aggregations as well as permanently eliminate migration and spawning habitat. Additionally, impacts from noise, vibrations, and other elements associated with construction activities can adversely affect anadromous fish spawning, foraging, migratory patterns and behavior, and can reduce the value of EFH.

Avoidance and Minimization

The SCDOT has taken steps to avoid or minimize impacts to EFH from the proposed project, including selecting Alternative 1, which constituted the least impacts to EFH of the four build alternatives. Top-down construction strategies would be used. Appropriate erosion and sedimentation control Best Management Practices (BMPs) would be installed, inspected, and maintained throughout all stages of construction in accordance with local and state stormwater guidelines and bridge construction would occur from temporary work trestles and upland areas, to the maximum extent practicable. Furthermore, the new SCDOT Bridge over the Back River will utilize, to the greatest extent possible, the same approaches and embankments of the previous and newly constructed GDOT Bridges.

While the NMFS appreciates SCDOT's avoidance and minimization efforts, further avoidance and minimization measures appear practicable. The NMFS recommends reducing the amount of permanent fill associated with the proposed project by using a combination of east and west widening (asymmetrical widening) that would concentrate impacts in existing upland areas and avoid impacts to wetlands. Additionally, the NMFS recommends further reducing the amount of permanent impacts by reducing the bridge width, decreasing inside and/or outside roadway shoulder widths, decreasing the median width,

⁴Whitcraft, C.R. and L.A. Levin. 2007. Regulation of benthic algal and animal communities by salt marsh plants: Impact of shading. *Ecology* 88:904-917.

Alexander, C. 2012. *Field Assessment and Simulation of Shading from Alternative Dock Materials*. Final report to the NOAA Office of Ocean and Coastal Resource Management under grant award #NA08NOS4190461. 114 pages.

Alexander, C. and M. Robinson. 2006. *Quantifying the Ecological Significance of Marsh Shading: The Impact of Private Recreational Docks in Coastal Georgia*. Final report to the Coastal Resources Division, GADNR. 47 pages.

and by steepening side slopes of the roadway and bridge approaches, or a combination of these. The NMFS also recommends replacing the undersized culvert on the north end of the project with a bridge to avoid further adverse impacts to habitats and species and to restore ecological connectivity and habitat function to the surrounding area; bridging this tidal creek would also reduce the amount of permanent fill.

The NMFS also recommends SCDOT avoid construction practices that adversely impact habitats and species. The NMFS has documented the impacts to salt marsh vegetation from barge grounding and timber mats lasting longer than three years at numerous project sites in coastal SC. If barge grounding and timber mats are used in salt marsh, temporary and permanent impact forecasts should be adjusted. Floating work barges and low ground bearing pressure track equipment can be used in combination with temporary work trestles in salt marsh habitat in lieu of barge grounding and timber mats. The NMFS also recommends the SCDOT utilize methods to avoid and minimize turbidity, sedimentation, and acoustic impacts to EFH, federally managed species and their prey, and anadromous fishes and their habitat. To the maximum extent practicable, vibratory hammers and cast-in-place (drilled-shaft) piles should be used to install piles. If impact hammers are necessary, vibratory hammers should be used to first drive the pile as deep as possible. Additionally, sound attenuation methods should be used to reduce in-water noise levels generated by pile installation activities, including air bubble curtains, isolation casings, coffer dams, proprietary methods, or a combination of these. Some sound attenuation methods can also control turbidity and sedimentation, but silt curtains are also recommended for this purpose. Additionally, installing piles during periods of low tide, when sediments are exposed, will further minimize turbidity, sedimentation and acoustic impacts. Lastly, the SCDOT should conduct work affecting salt marsh habitats during periods of low biological use (October 15 to January 31), to the extent practicable, and restrict in-water work in the Back River to daylight hours from April 16 to August 31 of each year (i.e., no in-water work conducted between September 1 and April 15). Conducting work during these periods would minimize impacts to EFH, federally managed species and their prey, and anadromous fish species.

Compensatory Mitigation

For unavoidable impacts to EFH from the proposed project, SCDOT stated an EFH Mitigation Plan would be developed in coordination with the NMFS during the U.S. Army Corps of Engineers (USACE) Section 404 permitting process. The SCDOT stated potential mitigation options include purchasing credits from Clydesdale Mitigation Bank (CMB; SC) and Salt Creek Mitigation Bank (SCMB; GA) for estuarine impacts (approximately 348.36 credits) and Sweetleaf Swamp Mitigation Bank (SSMB; SC) for palustrine impacts (approximately 108.38 credits). The impact site (HUC 03060109) and CMB and SSMB sites are located in the same watersheds, while the SCMB site is located one watershed away (HUC 03060204); the sites share similar hydrological and biological characteristics. The NMFS has expressed numerous concerns with the service area, amount of functional lift, habitat value, and resource types provided by CMB from the conversion of fully functional freshwater wetlands to salt marsh habitat. However, due to the extremely close proximity of the project site and the bank, as well as the types of impacts, the NMFS does not object to using CMB in this specific instance. Furthermore, the NMFS does not object to SCDOT using SSMB to offset impacts to tidal freshwater wetlands. However, because SSMB does not provide tidal freshwater credits, SCDOT should recognize this is out-of-kind and adjust the mitigation calculations accordingly. Lastly, the NMFS recommends SCDOT adjust credit calculations to reflect excess impacts from two bridge structures and pursue on-site, permittee-responsible mitigation as one component of a larger EFH Mitigation Plan. The NMFS will assist SCDOT by providing preliminary reviews of the mitigation plan during its development.

EFH Conservation Recommendations

Section 305(b)(4)(A) of the Magnuson-Stevens Act requires NMFS to provide EFH Conservation Recommendations for any federal action or permit which may result in adverse impacts to EFH. Therefore, NMFS recommends the following to ensure the conservation of EFH and associated fishery resources:

- The project design should further avoid and minimize impacts to EFH by reducing the amount of fill and shading in wetlands areas. Suggestions for how this might occur are provided above.
- The existing, undersized culvert on the north end of the project should be replaced with a bridge.
- In-water turbidity and sedimentation control methods and noise attenuation methods should be used to avoid and minimize impacts to EFH, federally managed fisheries and their prey, and anadromous fishes and their habitat from in-water work activities.
- The SCDOT should adjust mitigation calculations to reflect excess impacts from two bridge structures and pursue on-site, permittee responsible mitigation.


Section 305(b)(4)(B) of the Magnuson-Stevens Act and implementing regulation at 50 CFR Section 600.920(k) require the FHWA and SCDOT to provide a written response to this letter within 30 days of its receipt. If it is not possible to provide a substantive response within 30 days, an interim response should be provided to the NMFS. A detailed response then must be provided ten days prior to final approval of the action. The detailed response must include a description of measures proposed by the FHWA and SCDOT to avoid, mitigate, or offset the adverse impacts of the activity. If the response is inconsistent with an EFH conservation recommendation, a substantive discussion justifying the reasons for not following the recommendation must be provided.

In accordance with section 7 of the Endangered Species Act of 1973, as amended, it is the responsibility of the Federal Highway Administration to review and identify any proposed activity that may affect endangered or threatened species and their designated critical habitat. Determinations involving species under the NMFS jurisdiction should be reported to the NMFS Protected Resources Division at the letterhead address.

The NMFS also encourages the SCDOT to coordinate with the Savannah District, USACE regarding potential impacts from the proposed project. As a result of the Savannah Harbor Expansion Project, the Savannah District has numerous mitigation commitments in the area of the proposed project.

The NMFS appreciates the opportunity to provide these comments. Please direct related questions or comments to the attention of Keith M. Hanson at our Charleston Area Office, 219 Fort Johnson Road, Charleston, South Carolina 29412-9110, Keith.Hanson@noaa.gov or by phone at (843)762-8622.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc: SCDOT, LongCC@scdot.org, RiddleNL@scdot.org
FHWA, Jeffrey.Belcher@dot.gov
SCDNR, DavisS@dnr.sc.gov
EPA, Laycock.Kelly@epa.gov
FWS, Karen_Mcgee@fws.gov
F/SER4, David.Dale@noaa.gov
F/SER47, Keith.Hanson@noaa.gov



United States Department of the Interior

Fish and Wildlife Service

105 West Park Drive, Suite D
Athens, Georgia 30606
Phone: (706) 613-9493
Fax: (706) 613-6059

West Georgia Sub-Office
Post Office Box 52560
Fort Benning, Georgia 31995-2560
Phone: (706) 544-6428
Fax: (706) 544-6419

Coastal Sub-Office
4980 Wildlife Drive
Townsend, Georgia 31331
Phone: (912) 832-8739
Fax: (912) 832-8744

September 22, 2016

Ms. Nicole Riddle
South Carolina Department of Transportation
Post Office Box 191
Columbia, South Carolina 29202-0191

RE: USFWS Log Number 2016-I-1844

Dear Ms. Riddle:

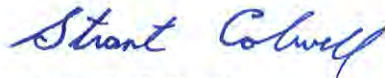
Thank you for your correspondence initiating informal consultation for South Carolina Department of Transportation (SCDOT) U. S. Highway 17 project in Chatham County, Georgia and Jasper County, South Carolina. This project is also known by its Georgia Department of Transportation (GDOT) project number NH000-0009-02(092), PI 522920. The proposed project would widen U. S. 17 and construction of a new bridge over the Back River. The proposed project is located in the Lower Savannah River Watershed, Hydrologic Unit Code (HUC) 03070109. These comments are provided in accordance with the provisions of the Endangered Species Act (ESA) of 1973, as amended; (16 U.S.C. 1531 et seq.) to further the conservation of fish and wildlife resources and their habitats.

The proposed project would construct a new bridge parallel to an existing U. S. 17 bridge and widen the approaches from two to four lanes. The field surveys of the project corridor identified suitable habitat for species listed under the ESA. The proposed project would impact estuarine tidal river habitats within the Back River, wetlands, bottomland hardwood forests, and upland natural communities. These habitats are utilized by the West Indian manatee (*Trichechus manatus*) U. S. Fish and Wildlife Service (Service) concurrence for "not likely to adversely affect" determinations: December 2009, May 2012, July 2014, and August 2014); wood stork (*Mycteria americana*) Service concurrence for "not likely to adversely affect" determination: May 2012); and red knot (*Calidris canutus rufa*).

The red knot is a transient migratory species that may utilize habitats found within the project action area. Red knots may winter on the coastal barrier islands and sandbars, but occasionally use mud flats. Loss of habitat as a result of the proposed action is negligible. While shorebird flocks using the mud flats could be disturbed by construction activities, they would be expected to acclimate or find other suitable habitats nearby. Most red knot activity in the winter is concentrated on the barrier islands. It is unlikely that the project action will result in adverse effect to this species. Based on the information provided in SCDOT's August 2016 Biological Assessment, we concur with your determination of "not likely to adversely affect" for the red knot. The requirements of section 7 of the ESA have been satisfied and no further consultation is required. However, obligations under section 7 of the ESA must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered; (2) this action is subsequently modified in a manner which was not considered in this assessment; or (3) a new species is listed or critical habitat determined that may be affected by the identified action.

We appreciate the opportunity to comment on your project. If you have any additional questions, please write or call our Coastal Georgia Sub Office staff biologist, Christopher Coppola, at 912-832-8739 extension 6.

Sincerely,



Strant T. Colwell
Coastal Georgia Supervisor

cc: FHWA, Atlanta, Jennifer Giersch
GDOT, Atlanta, Georgia, David Hedeem
GDOT, Atlanta, Georgia, Chris Goodson



DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
100 W. OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31401-3604

AUGUST 31 2016

Regulatory Division
SAS-2007-01163

Mr. Will McGoldrick
South Carolina Department of Transportation
Post Office Box 191
Columbia, South Carolina 29202

Dear Mr. McGoldrick:

I refer to a letter dated March 1, 2016, submitted on your behalf by Michael Baker International, Inc., requesting a Jurisdictional Determination (JD) for your site located along State Route 404/U.S. Highway 17 at the Back River Bridge, approximately one mile north of Savannah, Georgia (Latitude 32.0979, Longitude -81.0918). This project has been assigned number SAS-2007-01163 and it is important that you refer to this number in all communication concerning this matter.

We have completed a preliminary JD for the site. The wetlands were delineated in accordance with criteria contained in the 1987 "Corps of Engineers Wetland Delineation Manual," as amended by the most recent regional supplements to the manual.

The wetlands/other waters on the subject property may be waters of the United States within the jurisdiction of Section 404 of the Clean Water Act (33 United States Code (U.S.C.) 1344) and/or Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). The enclosed Global Positioning System (GPS) delineation entitled "Wetland Survey Prepared for Jasper County, Georgia State Line to SC 315, Jasper County, South Carolina", dated January 22, 2016, is an accurate delineation of all the jurisdictional boundaries on the site. This delineation will remain valid for a period of 5 years unless new information warrants revision prior to that date. The placement of dredged or fill material into any waterways and/or their adjacent wetlands or mechanized land clearing of those wetlands would require prior Department of the Army authorization pursuant to Section 404.

Preliminary JDs are advisory in nature and may not be appealed (see 33 Code of Federal Regulations 331.2). If you are not in agreement with this preliminary JD, then you may request an approved JD for your project site or review area.

If you intend to sell property that is part of a project that requires Department of the Army Authorization, it may be subject to the Interstate Land Sales Full Disclosure Act. The Property Report required by Housing and Urban Development Regulation must

state whether, or not a permit for the development has been applied for, issued or denied by the U.S. Army Corps of Engineers (Part 320.3(h) of Title 33 of the Code of Federal Regulations).

This communication does not convey any property rights, either in real estate or material, or any exclusive privileges. It does not authorize any injury to property, invasion of rights, or any infringement of federal, state or local laws, or regulations. It does not obviate your requirement to obtain state or local assent required by law for the development of this property. If the information you have submitted, and on which the U.S. Army Corps of Engineers has based its determination is later found to be in error, this decision may be revoked.

A copy of this letter is being provided to the following parties: Mr. David Hedeem, Georgia Department of Transportation, 600 West Peachtree Street NW, Atlanta, Georgia 30308; Mr. Ed Smail, Michael Baker International, 4401 Belle Oaks Drive, Suite 105 North Charleston, South Carolina 29409; and Mr. Chris Mimms, U.S. Army Corps of Engineers, 69A Hagood Avenue, Charleston, South Carolina 29403-5103.

Thank you in advance for completing our on-line Customer Survey Form located at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. We value your comments and appreciate your taking the time to complete a survey each time you have interaction with our office.

If you have any questions, please contact me at 912-652-5349.

Sincerely,

K. Brian Moore
Project Manager, Coastal Branch

Enclosures

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS
AND REQUEST FOR APPEAL**

| | | |
|--|-----------------------------|-----------------------|
| Applicant: Mr. Will McGoldrick South Carolina DOT | File Number: SAS-2007-01163 | Date: August 30, 2016 |
|--|-----------------------------|-----------------------|

| | |
|--------------|-------------------|
| Attached is: | See Section below |
|--------------|-------------------|

| | | |
|-------------------------------------|--|---|
| <input type="checkbox"/> | INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) | A |
| <input type="checkbox"/> | PROFFERED PERMIT (Standard Permit or Letter of permission) | B |
| <input type="checkbox"/> | PERMIT DENIAL | C |
| <input type="checkbox"/> | APPROVED JURISDICTIONAL DETERMINATION | D |
| <input checked="" type="checkbox"/> | PRELIMINARY JURISDICTIONAL DETERMINATION | E |

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.

APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. The division engineer must receive this form within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II: REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION

If you have questions regarding this decision and/or the appeal process you may contact:

Mr. Brian Moore
US Army Corps of Engineers, Savannah District
100 W. Oglethorpe Avenue
Savannah, Georgia 31401-3604
912-652-5349

If you only have questions regarding the appeal process you may also contact:

Administrative Appeal Review Officer
CESAD-PDS-O
US Army Corps of Engineers, South Atlantic Division
60 Forsyth Street, Room 10M15
Atlanta, Georgia 30303-8801

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Date:

Telephone number:

Signature of appellant or agent.



DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A HAGOOD AVENUE
CHARLESTON, SOUTH CAROLINA 29403-5107

AUG 25 2016

Regulatory Division

Mr. Will McGoldrick
South Carolina Department of Transportation
P O Box 191
Columbia, South Carolina 29202

Dear Mr. McGoldrick:

This letter is in response to your request for a Preliminary Jurisdictional Determination (SAC-2015-01627) received in our office on November 30, 2015, for a 153.455-acre site located along US 17 near the Back River and the Georgia State boundary, Jasper County, South Carolina (Latitude: 32.15794°N, Longitude: -81.058624°W). The site in question is depicted on the enclosed survey plat entitled "GEORGIA STATE LINE TO SC 315" and dated January 15, 2014, and revised January 19, 2016, prepared by Gary Blair Burgess. 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 pursuant to 33 CFR 328.3(a) for the purpose of expediting the request for a Preliminary JD.

Based on an on-site inspection on December 10, 2015, 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 plat are an accurate representation of the wetlands and/or other waters found within the site. The site in question contains approximately 75.466 acres of federally defined wetlands and other waters.

You should be aware that a permit from this office may be required for certain activities in the areas identified as wetlands and/or other presumed waters of the United States, and these areas may be subject to restrictions or requirements of other state or local government entities. In order for a definitive determination of jurisdiction to be provided, you must submit a request for an Approved Jurisdictional Determination (Approved JD). Enclosed is a Preliminary Jurisdictional Determination Form describing the areas in question and clarifying the option to request an Approved JD.

Please note that this is a Preliminary JD, and as such 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 plat 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. Please note that the accuracy of the boundaries of wetlands and/or other waters shown on the attached plat are valid for a period of five years from the date of this letter. Beyond five years from the date of this letter this office will consider those boundaries to be a reasonable approximation and therefore subject to change.

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.

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.

Your cooperation in the protection and preservation of our navigable waters and natural resources is appreciated. In all future correspondence concerning this matter, please refer to file number SAC-2015-01627. A copy of this letter is being forwarded to certain State and/or Federal agencies for their information. If you have any questions concerning this matter, please contact Christopher D. Mims, Project Manager, at 843-329-8154.

Sincerely,



Elizabeth G. Williams
Chief, Special Projects Branch

Enclosures:
Preliminary Jurisdictional Determination Form
Notification of Appeal Options
Self-addressed envelope

Copies Furnished:

Mr. Blair Williams
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):

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:

Applicant:

Mr. Will McGoldrick
South Carolina Department of
Transportation
P O Box 191
Columbia, South Carolina 29202

Consultant:

Mr. Ed Smail
Michael Baker International
4401 Belle Oaks Drive, Suite 105
North Charleston, South Carolina 29409

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: SAC-2015-01627 U.S. Route 17
Widening and Bridge over Back River

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION: The project is located on U.S. Highway 17 at Back River at the location of an existing bridge structure and roadway.

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

State: South Carolina County/parish/borough: Jasper County City:
Center coordinates of site (lat/long in degree decimal format): Lat. 32.15794 N,
Long. -81.058624 W.

Universal Transverse Mercator:

Name of nearest waterbody: Back River

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

Non-wetland waters: 3.834 acres tidal open water (0.417 acre open water canal
17 and 3.417 acres Back River open water.

Cowardin Class:

Stream Flow:

Wetlands: 53.663 acres tidal wetlands, 17.969 freshwater wetlands.

Cowardin Class:

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

Tidal: 57.498 acres

Non-Tidal:

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

Office (Desk) Determination. Date:

Field Determination. Date(s): Elizabeth Williams performed SV on 12-10-2015

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:

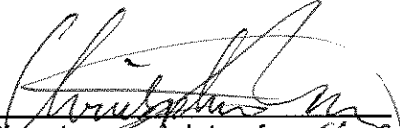
SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply) -

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: Michael Baker International, Ed Smail.
- 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: Jasper County, provided by consulting firm, 7.5 min.
- USDA Natural Resources Conservation Service Soil Survey. Citation: Jasper County, via NRCS Web Soil Survey.
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Aerial Infrared 2006 SCDNR, provided via Corps ArcGIS database.
or Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Other information (please specify): E. Williams Site Visit December 10, 2015.

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.


 Signature and date of
 Regulatory Project Manager
 (REQUIRED) 8-25-16

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

| Waters Name | Cowardin Cod | Amount | Units | Latitude | Longitude | Class |
|-----------------|--------------|--------|-------|-------------|--------------|--------------------|
| Back River (SC) | R1SB45 | 3.417 | ACRE | 32.10385025 | -81.08685989 | Sec 10 non-wetland |
| J Wet 11 | PEM1B | 0.331 | ACRE | 32.15682594 | -81.05718164 | Non-sec 10 wetland |
| J Wet 24 | PFO1B/E | 1.439 | ACRE | 32.15481016 | -81.05547264 | Non-sec 10 wetland |
| J Wet 26 | PFO1B | 0.303 | ACRE | 32.15747097 | -81.05826118 | Non-sec 10 wetland |
| J Wet 27A | PFO1A | 1.524 | ACRE | 32.15409877 | -81.05553521 | Non-sec 10 wetland |
| J Wet 27B | PFO1A | 1.105 | ACRE | 32.15050988 | -81.05395058 | Non-sec 10 wetland |
| J Wet 27C | PFO1A | 0.528 | ACRE | 32.14888853 | -81.05358843 | Non-sec 10 wetland |
| J Wet 29 | PEM1B | 0.041 | ACRE | 32.15303535 | -81.05427953 | Non-sec 10 wetland |
| J Wet 30A | PFO/PEM1E | 1.636 | ACRE | 32.15005567 | -81.05341507 | Non-sec 10 wetland |
| J Wet 30B | PFO/PEM1E | 0.675 | ACRE | 32.14757807 | -81.05287885 | Non-sec 10 wetland |
| J Wet 31A | PEM1B | 0.516 | ACRE | 32.14568931 | -81.05250609 | Non-sec 10 wetland |
| J Wet 31B | PEM1B | 0.138 | ACRE | 32.1440513 | -81.05221741 | Non-sec 10 wetland |
| J Wet 34 | E2EM1N | 1.467 | ACRE | 32.14293975 | -81.05249158 | Section 10 wetland |
| J Wet 35A | E2EM1N | 0.272 | ACRE | 32.1430593 | -81.05198251 | Section 10 wetland |
| J Wet 35B | E2EM1N | 0.529 | ACRE | 32.14174463 | -81.05185922 | Section 10 wetland |
| J Wet 36A | E2EM1N | 0.001 | ACRE | 32.14090395 | -81.0523685 | Section 10 wetland |
| J Wet 36B | E2EM1N | 0.965 | ACRE | 32.14004587 | -81.05228918 | Section 10 wetland |
| J Wet 36C | E2EM1N | 0.792 | ACRE | 32.13726599 | -81.05280166 | Section 10 wetland |
| J Wet 37 | E2EM1N | 1.300 | ACRE | 32.1398282 | -81.05184594 | Section 10 wetland |
| J Wet 38/43A | E2EM1N | 13.688 | ACRE | 32.1306592 | -81.05659447 | Section 10 wetland |
| J Wet 38/43B | PFO4/1 | 0.338 | ACRE | 32.12377174 | -81.06366667 | Non-sec 10 wetland |
| J Wet 38/43C | PFO4/1 | 0.167 | ACRE | 32.12318371 | -81.06430697 | Non-sec 10 wetland |
| J Wet 38/43D | E2EM1N | 0.112 | ACRE | 32.12253477 | -81.06500896 | Section 10 wetland |
| J Wet 38/43E | PFO4/1 | 0.384 | ACRE | 32.12225967 | -81.06548074 | Non-sec 10 wetland |
| J Wet 38/43F | E2EM1N | 3.538 | ACRE | 32.12012995 | -81.06799684 | Section 10 wetland |
| J Wet 39/40 | E2EM1N | 3.164 | ACRE | 32.13392229 | -81.05424622 | Section 10 wetland |
| J Wet 41A | PFO1B | 1.541 | ACRE | 32.1296199 | -81.05778877 | Non-sec 10 wetland |
| J Wet 41B | PFO1B | 3.307 | ACRE | 32.12610636 | -81.06194449 | Non-sec 10 wetland |
| J Wet 42 | PFO1B | 0.050 | ACRE | 32.12250335 | -81.06627363 | Non-sec 10 wetland |
| J Wet 44 | PEM1B | 0.098 | ACRE | 32.11808936 | -81.07039488 | Non-sec 10 wetland |
| J Wet 45A-1 | E2EM1N | 12.763 | ACRE | 32.11186081 | -81.07783006 | Section 10 wetland |
| J Wet 45A-2 | E2EM1N | 2.456 | ACRE | 32.10507065 | -81.08586326 | Section 10 wetland |
| J Wet 45B | PFO4/1 | 0.087 | ACRE | 32.10728883 | -81.08335061 | Non-sec 10 wetland |
| J Wet 48A | PEM/PFO1B | 0.017 | ACRE | 32.12224132 | -81.06665832 | Non-sec 10 wetland |
| J Wet 48B | PEM/PFO1B | 0.296 | ACRE | 32.12170245 | -81.06722486 | Non-sec 10 wetland |
| J Wet 48C | PEM/PFO1B | 0.032 | ACRE | 32.12088717 | -81.06819179 | Non-sec 10 wetland |
| J Wet 48D | PEM/PFO1B | 0.224 | ACRE | 32.12036899 | -81.06869213 | Non-sec 10 wetland |
| J Wet 48E | PEM/PFO1B | 1.716 | ACRE | 32.11867409 | -81.07072557 | Non-sec 10 wetland |
| J Wet 49 | PEM1B | 1.316 | ACRE | 32.11702082 | -81.07262761 | Non-sec 10 wetland |
| J Wet 50A | PFO1 | 0.102 | ACRE | 32.11435679 | -81.07559976 | Non-sec 10 wetland |
| J Wet 50B | E2EM1N | 9.722 | ACRE | 32.11246721 | -81.07801168 | Section 10 wetland |
| J Wet 50C | E2EM1N | 2.009 | ACRE | 32.10746456 | -81.08395563 | Section 10 wetland |
| J Wet 51 | PEM1B/H | 0.059 | ACRE | 32.10845691 | -81.08268223 | non-sec 10 wetland |
| J Wet 52A | E2EM1N | 0.190 | ACRE | 32.10415711 | -81.08614292 | Section 10 wetland |
| J Wet 52B | E2EM1N | 0.173 | ACRE | 32.10431811 | -81.08702016 | Section 10 wetland |
| J Wet 52C | E2EM1N | 0.520 | ACRE | 32.10369406 | -81.08688613 | Section 10 wetland |
| OW Canal 17 | R1AB6 | 0.417 | ACRE | 32.13645472 | -81.05302945 | Sec 10 non-wetland |
| | | 75.466 | Total | | | |



United States Department of the Interior

FISH AND WILDLIFE SERVICE

176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407



August 22, 2016

Ms. Nicole Riddle
Assistant NEPA Coordinator
South Carolina Department of Transportation
P.O. Box 191
Columbia, SC 29201

Re: Proposed US 17 Widening and Bridge Construction, Back River,
Jasper County, South Carolina
FWS Log No. 2014-I-0318

Dear Ms. Riddle:

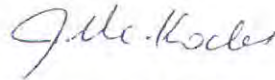
The U.S. Fish and Wildlife Service (Service) has received the Biological Assessment (BA) for the widening of US 17 and bridge construction over the Back River in Jasper County, South Carolina. This BA serves as an addendum to the October 19, 2010, BA of the same project. Please note that the 2010 BA did not include an assessment of the new bridge to be constructed. On December 6, 2010, the Service concurred with the South Carolina Department of Transportation's (SCDOT) findings regarding federally protected threatened and endangered (T&E) species (FWS Log No. 2011-CPA-0073). In addition, on July 1, 2014, the Service provided additional correspondence to SCDOT in response to a new Biological Survey which was conducted due to a change in the project's scope of work (FWS Log No. 2014-CPA-0318). In our July 2014 correspondence, we recognized that a new additional bridge would be constructed as a part of the project. The additional bridge was considered in our consultation at that time.

This newest BA dated August 2016, serves as an addendum in order to address potential impacts to two T&E species not previously considered, the Kirtland's warbler (*Setophaga kirtlandii*) and the red knot (*Calidris canutus rufa*). Upon evaluation of the potential for these species to be in the project area, SCDOT has determined that the proposed US 17 widening and bridge construction is not likely to adversely affect the Kirtland's warbler or the red knot. The Service concurs with this determination. Further, no federally designated critical habitat for these species is present in the project area. Please note that obligations under the ESA must be reconsidered if: (1) new information reveals impacts of this identified action may affect any listed species or critical habitat in a manner not previously considered; (2) this action is subsequently modified in a manner, which was not considered in this assessment; or (3) a new species is listed or critical habitat is designated that may be affected by the identified action.

In review of this BA, it does not specify what time of year the bridge construction activity will take place. In the event that the applicant intends to perform the proposed bridge replacement work during the warmer months of the year when manatees may be present, the Service recommends that the standard Manatee Protection Guidelines be incorporated into the project's construction plans.

The Service appreciates the opportunity to provide these comments. If you need further clarification regarding these comments, please contact Mr. Mark Caldwell at (843) 727-4707 ext. 215, and reference FWS Log No. 2014-I-0318.

Sincerely,



for Thomas D. McCoy
Field Supervisor

TDM/MAC

September 15, 2015

Mr. Travis Hughes
US Army Corps of Engineers
Regulatory Branch
69A Hagood Street
Charleston, South Carolina 29403

RE Proposed U.S. Route 17 Widening and New Bridge over Back River, Jasper County, South Carolina and Chatham County, Georgia, SCDOT PIN 25999; Request for Updated Jurisdictional Determination SAC File # SAC 2009-00631-DJM

Dear Mr. Hughes:

South Carolina Department of Transportation (SCDOT) is requesting an update to the existing Jurisdictional Determination for the above referenced project. An Approved Jurisdictional Determination (SAC 2009-00631-DJM) was issued for the proposed project on October 13, 2010 (refer to Appendix D). Since the original Jurisdictional Determination (JD) was issued, design changes have occurred that modified the previous approval area (shortened overall project length and narrowed project width) and the current construction of the Back River Bridge (SAC 2011-1156-DIJ) modified the original wetland limits due to the impact footprint (refer to Appendix E).

All wetlands from the SAC 2009-00631-DJM Jurisdictional Determination (in South Carolina) were re-marked in the field in 2013 and 2014 and the boundaries were surveyed by a Professional Land Surveyor to create a plat for all freshwater and tidal wetlands within the project area. With the creation of the plat, SCDOT is requesting approval of the wetland limits as shown on the attached plat as an Accurate-Approved Jurisdictional Determination.

A new DHEC-OCRM Critical Line Plat request is being submitted to DHEC-OCRM for review and approval. Site visits will be coordinated with me and Michael Baker, our agent who is handling the JD and permitting for this project. Once the USACE and DHEC-OCRM concur on the plat, multiple copies will be submitted to DHEC-OCRM for signature and one of the signed copies will be provided to the US ACE for final approval of the JD.

Please find attached a Jurisdictional Determination Request Form, Project Site Mapping and Reference Wetland Mapping (Appendix A), Wetland Plat (Appendix B) Wetland Determination Dataforms (Appendix B), Approved Jurisdictional Determination Forms (Appendix C), Jurisdictional Determination SAC 2009-00631-DJM (Appendix D), and Jurisdictional Determination and Permit SAC 2011-1156-DIJ (Appendix E).

Sincerely,



Will McGoldrick
Environmental Permits Coordinator

WRM/es
enclosures

Jurisdictional Determination Request Form,
Project Site Mapping and Reference Wetland Mapping (Appendix A)
Wetland Plat (Appendix B)
Wetland Determination Dataforms (Appendix B)
Approved Jurisdictional Determination Forms (Appendix C)
Jurisdictional Determination SAC 2009-00631-DJM (Appendix D)
Jurisdictional Determination and Permit SAC 2011-1156-DIJ (Appendix E)

cc: Tess Trumbull, SCDHEC-OCRM
Ed Smail, Michael-Baker

ec: Sean Connolly, SCDOT

File: Env/RPG1

**REQUEST FOR JURISDICTIONAL DETERMINATION
FOR PROPERTY LOCATED WITHIN THE STATE OF GEORGIA**

APPLICANT:

Name (First Last) South Carolina Department of Transportation, Attn: Will McGoldrick

Address P.O. Box 191

City Columbia State SC Zip Code 29202

Phone (803) 737 - 1326 Fax () - Email mcgoldriwr@scdot.org

PROPERTY OWNER:

Same as Applicant

Name (First Last) Georgia Department of Transportation, Attn: Eric Duff

Address 600 West Peachtree Street

City Atlanta State GA Zip Code 30308

Phone (404) 631 - 1447 Fax () - Email eduff@dot.ga.gov

AGENT/CONSULTANT: (if applicable)

Name (First Last) Ed Smail, Michael Baker International

Address 4401 Belle Oaks Drive, Suite 105

City North Charleston State SC Zip Code 29405

Phone (843) 745 - 8808 Fax (843) 329 - 0055 Email esmail@mbakerintl.com

PROPERTY LOCATION:

Location/Address/Subdivision US Highway 17 from SC 315 to International Drive.

City (in/near) Savannah, GA County Chatham

Directions from nearest interstate (use additional sheet(s) if needed)

From I-95 North take Exit 109 toward GA-30/Port Wentworth and merge onto GA-21S. Proceed 9.75 miles and merge onto I-16 E/GA-404 at Exit 5 toward US-17/Savannah. Proceed 1.86 miles and take US-17/GA-404/Gwinnett Street at Exit 166 toward Louisville Road/ Charleston. Proceed 0.12 miles and merge onto US-17N/ Ga-404 Spur E. Continue on for 2.3 miles. Project starts at International Drive/ Savannah Harbor Parkway interchange on Hutchinson Island

Latitude 32 . 117488 Longitude -81 . 071572

(In decimal degrees at center of the site. Linear projects should also include decimal degrees location of the start, end, and any turn points of the review/project area. Use additional sheet(s) if needed.)

Property Size (acres and/or dimensions) 214 AC total = 60.5 AC GA and 153.5 AC SC

Nearest named waterbody (Stream/River/Lake) Back River

TYPE OF JURISDICTIONAL DETERMINATION:

Please indicate the type of jurisdictional determination (JD) you are requesting by marking the appropriate type below. The Corps encourages the regulated public to utilize the preliminary JDs and expanded preliminary JDs where appropriate.

Preliminary Jurisdictional Determination - Preliminary JDs are non-binding "written indications that there may be waters of the United States, including wetlands, on a parcel or indications of the approximate location(s) of waters of the United States or wetlands on a parcel. Preliminary JDs are advisory in nature and may not be appealed." (See 33 C.F.R. 331.2.)

Expanded Preliminary Jurisdictional Determination - The intent of using the expanded preliminary JD is to allow a landowner or other "affected party" to move ahead expeditiously to obtain a Corps permit authorization where the party determines that it is in his or her best interest. In most cases, expanded preliminary JDs are also non-binding "written indications that there may be waters of the United States, including wetlands, on a parcel or indications of the approximate location(s) of waters of the United States or wetlands on a parcel." However, Corps verification of a delineation, which is submitted in conjunction with an expanded preliminary JD request, would provide the landowner or affected party with defensible documentation concerning the limits of Corps jurisdiction.

Approved Jurisdictional Determination - As defined in Regulatory Guidance Letter 08-02, an approved JD is an official Corps determination that jurisdictional "waters of the United States," or "navigable waters of the United States," or both, are either present or absent on a particular site. An approved JD precisely identifies the limits of those waters on the project site determined to be jurisdictional under the CWA/RHA. (See 33 C.F.R. 331.2.)

I, Eric Duff, request a jurisdictional determination the above property, grant the US Army Corps of Engineers permission to conduct an on-site inspection, and certify that I am authorized to grant permission for entry into the property.

SIGNED Eric Duff DATE 2/02/16

****TO COMPLETE THIS REQUEST ALL OF THE REQUIRED INFORMATION IN THE APPLICABLE CHECKLIST MUST BE PROVIDED ****

Appendix D
(Revised January 4, 2013)

EXPANDED PRELIMINARY JURISDICTIONAL DETERMINATION (JD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR EXPANDED PRELIMINARY JD:

B. NAME AND ADDRESS OF PERSON REQUESTING EXPANDED PRELIMINARY JD:

Doug Chamblin, GDOT, 600 West Peachtree Street, Atlanta GA, 30308

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:

Savannah

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

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

State: GA County/parish/borough: Chatham City: Savannah
Center coordinates of site (lat/long in degree decimal format): Lat. 32.1175 , Long. -81.0716
Universal Transverse Mercator:

Name of nearest waterbody: Back River

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

Non-wetland waters: 2,480.0(linear feet: 350.00 width (ft) and/or 19.9000 acres.

Cowardin Class: Riverine

Stream Flow: Perennial

Wetlands: 8,5500 acres.

Cowardin Class: Emergent

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

Tidal: Back River

Non-Tidal:

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

- Office (Desk) Determination. Date:
 Field Determination. Date(s):

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 expanded 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 expanded 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 expanded 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 expanded 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 expanded 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 expanded 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 expanded 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 expanded 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: Michael Baker International, Inc.
 - Survey Signed by Registered Land Surveyor
 - GPS Survey with GPS Datasheet
- Data sheets prepared/submitted by or on behalf of the applicant/consultant. Michael Baker International, Inc.
- 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:
- Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- Geological Survey map(s). Cite scale & quad name:
- USDA Natural Resources Conservation Service Soil Survey. Citation: Chatham County, GA
- National wetlands inventory map(s). Cite name: Savannah GA
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date):
 Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Other information (please specify): SAC2011-1156-DIJ, 11/14/11; SAC2009-00631-DJM, 10/13/10

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.

Signature and date of
Regulatory Project Manager
(REQUIRED)

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


SAMPLE

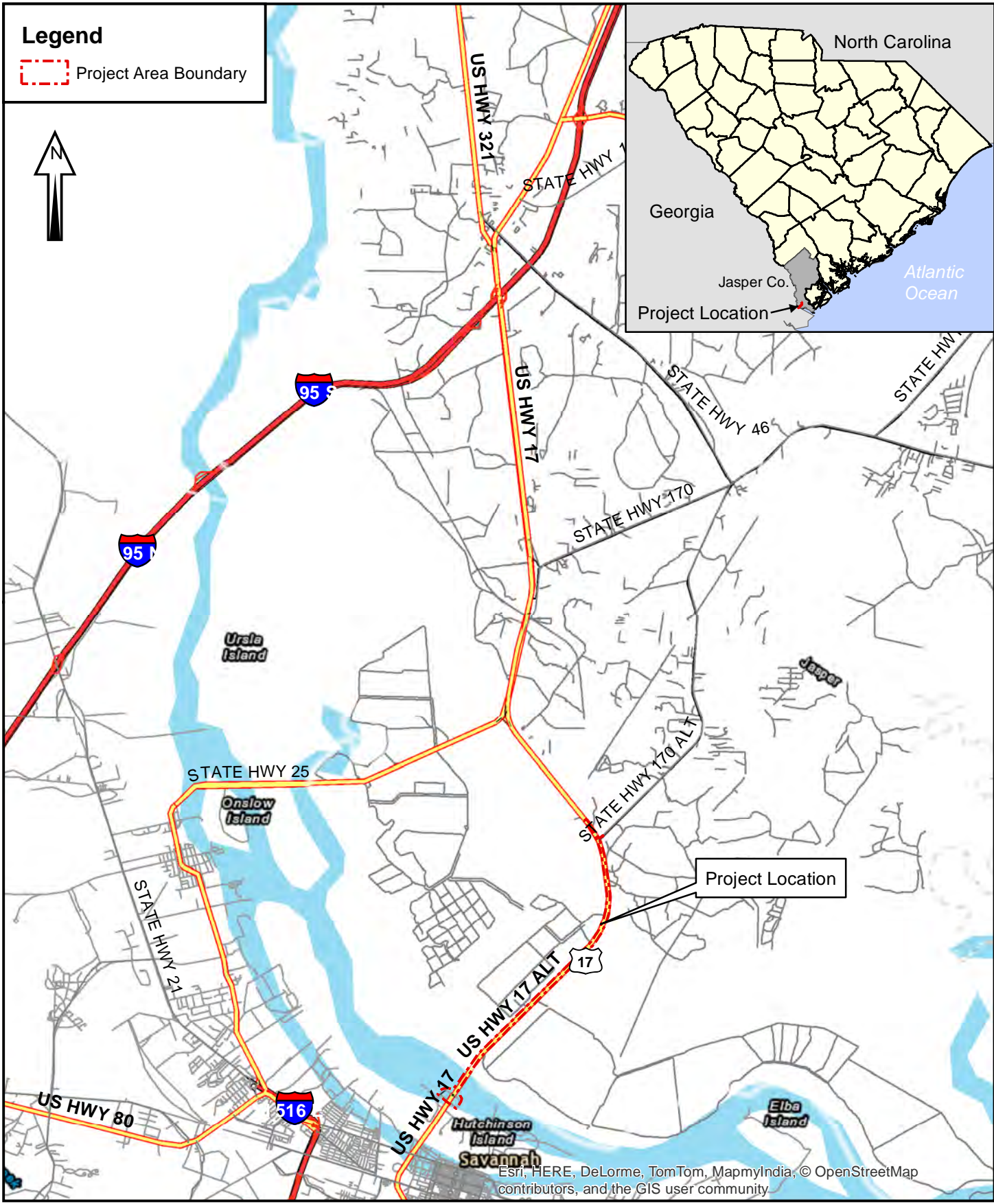
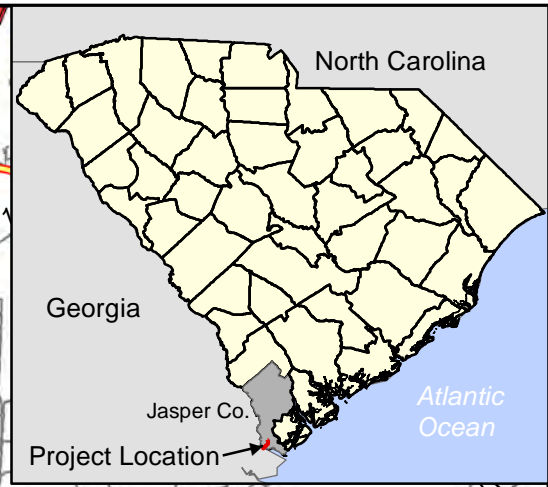
| Site number | Latitude | Longitude | Cowardin Class | Estimated amount of aquatic resource in review area | Class of aquatic resource |
|-------------|-----------|-------------|----------------|---|---------------------------|
| Stream 3 | 32.100720 | -81.0895649 | R1SB45 | 19.7 ac; 360 LF | TNW |
| W 52 | 32.102926 | -81.0882077 | E2EM1N | 0.87 ac | Tidal Wetland |
| W 53 | 32.097837 | -81.0918615 | E2EM1N | 2.25 ac | Tidal Wetland |
| W 54 | 32.096880 | -81.0937212 | E2EM1N | 2.87 ac | Tidal Wetland |
| W 55 | 32.096041 | -81.0922716 | E2EM1N | 2.52 ac | Tidal Wetland |
| OW 20 | 32.096801 | -81.0917740 | R1SB56 | 0.05 ac; 182 lf | Tidal Open Water |

Appendix A

Project Mapping

Legend

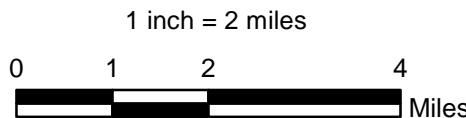
 Project Area Boundary



Esri, HERE, DeLorme, TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS user community


SOURCE: World Imagery, ESRI, November 2013

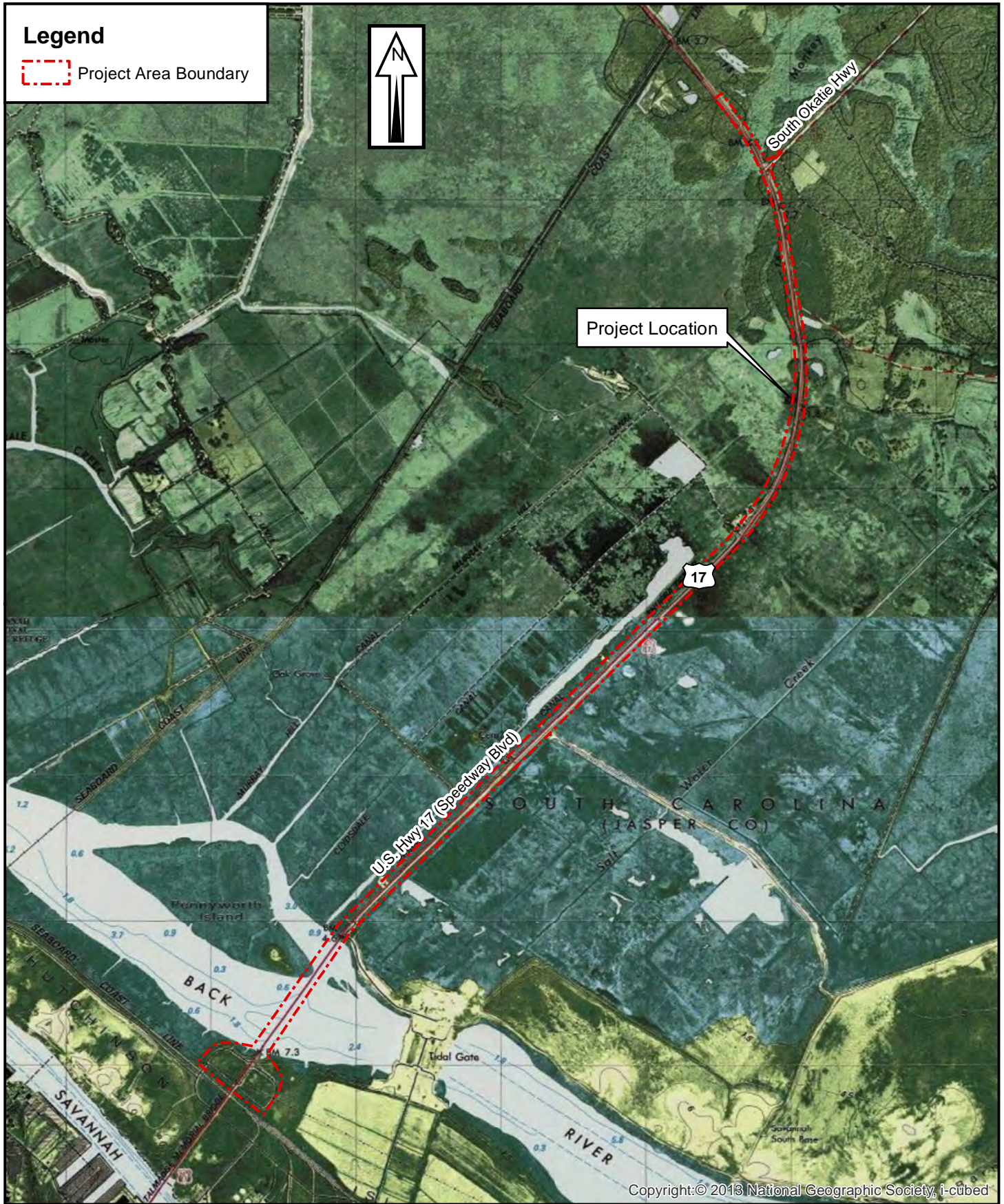
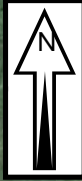
Michael Baker
INTERNATIONAL



| | |
|---|-------------------------|
| Project Title: U.S. Highway 17 Widening | |
| Project Location: Jasper County, S.C. | |
| Applicant: SCDOT | |
| Authorized Agent: Michael Baker, Jr., Inc. | |
| Drawing Scale: 1:126,720 | Date: 08/26/2015 |
| Application #: | Figure: 1 of 7 |

Legend

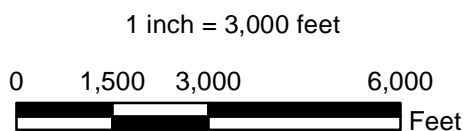
 Project Area Boundary



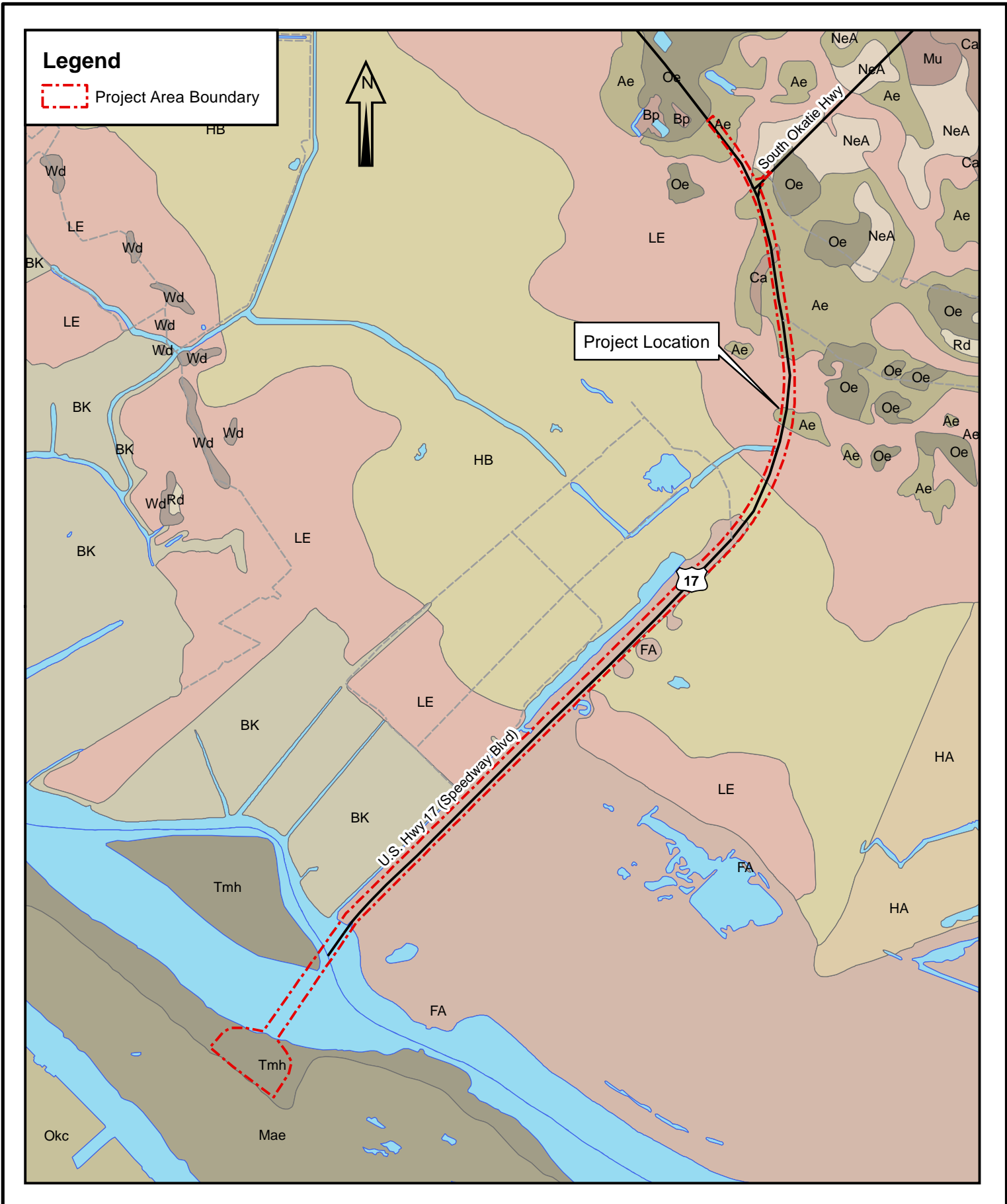
Copyright: © 2013 National Geographic Society, i-cubed

SOURCE: USGS 7.5' Topographic Quadrangle Map, Jasper County, SC

Michael Baker
INTERNATIONAL



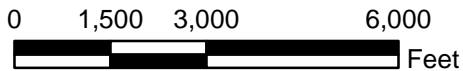
| | |
|---|-------------------------|
| Project Title: U.S. Highway 17 Widening | |
| Project Location: Jasper County, S.C. | |
| Applicant: SCDOT | |
| Authorized Agent: Michael Baker, Jr., Inc. | |
| Drawing Scale: 1:36,000 | Date: 08/26/2015 |
| Application #: | Figure: 2 of 7 |



SOURCE: World Imagery, ESRI, November 2013

Michael Baker
INTERNATIONAL

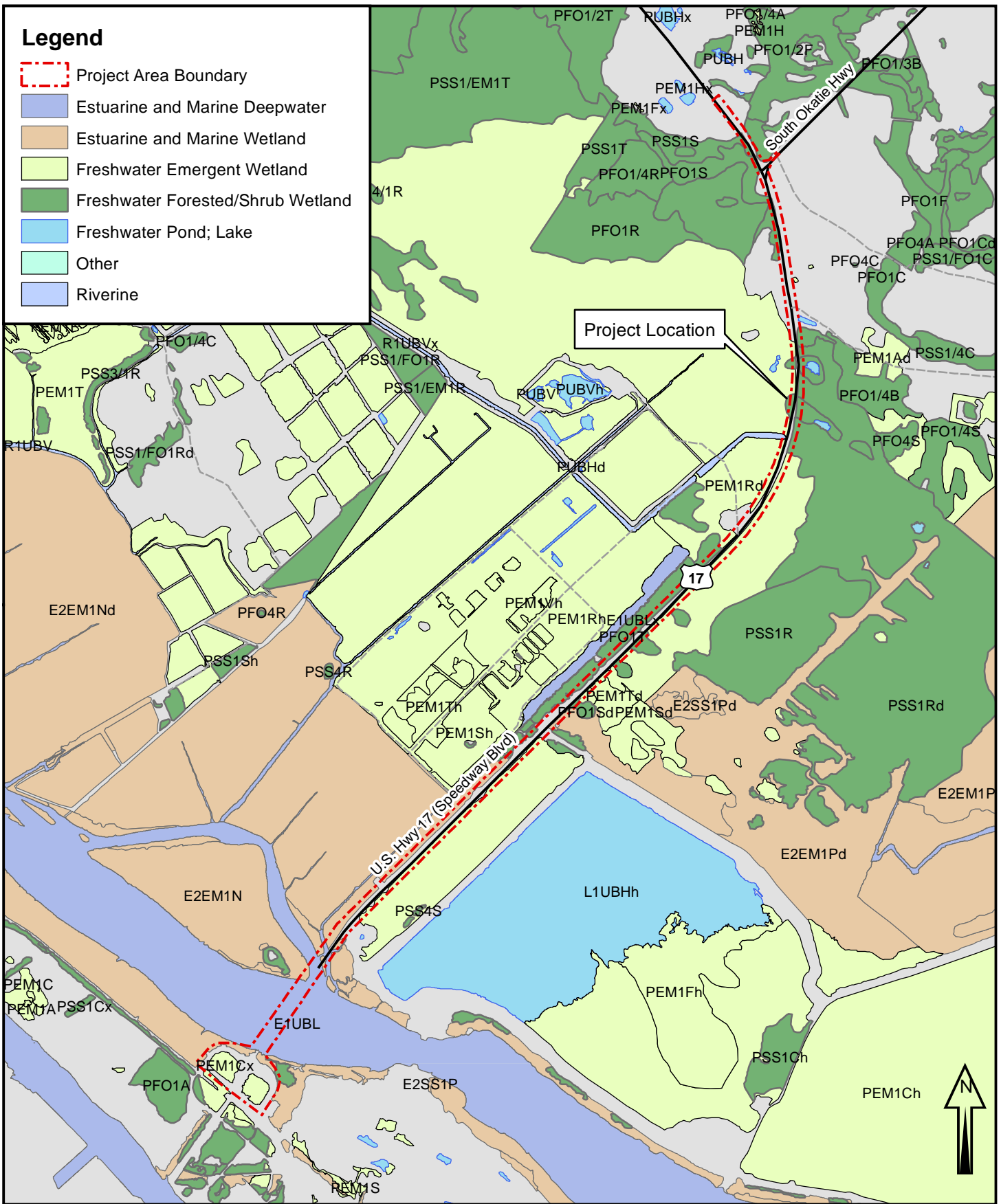
1 inch = 3,000 feet



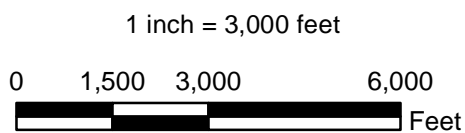
| | |
|---|-------------------------|
| Project Title: U.S. Highway 17 Widening | |
| Project Location: Jasper County, S.C. | |
| Applicant: SCDOT | |
| Authorized Agent: Michael Baker, Jr., Inc. | |
| Drawing Scale: 1:36,000 | Date: 08/26/2015 |
| Application #: | Figure: 3 of 7 |

Legend

- Project Area Boundary
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond; Lake
- Other
- Riverine




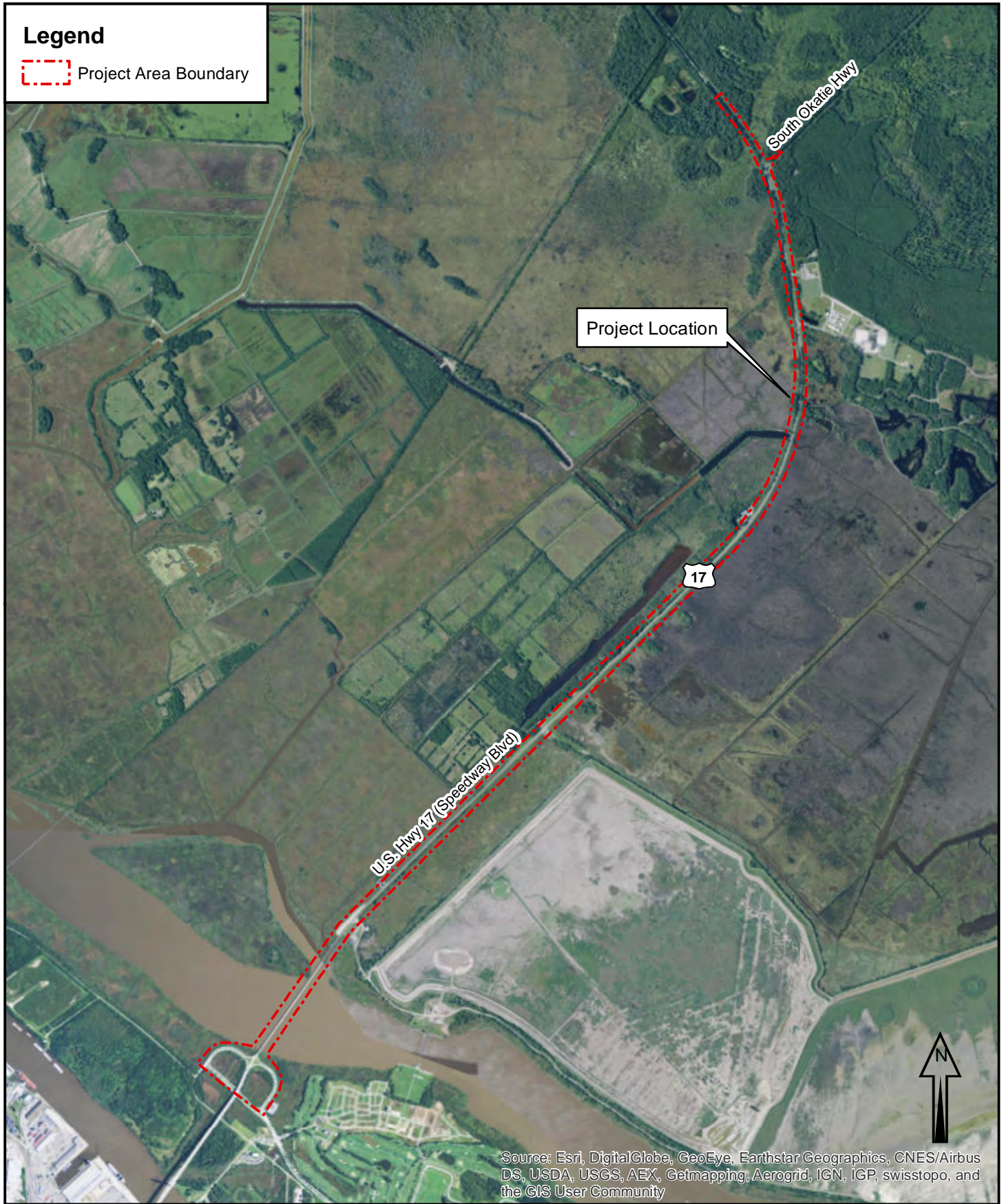
SOURCE: USFWS National Wetland Inventory, Jasper County, SC



| | |
|---|-------------------------|
| Project Title: U.S. Highway 17 Widening | |
| Project Location: Jasper County, S.C. | |
| Applicant: SCDOT | |
| Authorized Agent: Michael Baker, Jr., Inc. | |
| Drawing Scale: 1:36,000 | Date: 08/26/2015 |
| Application #: | Figure: 4 of 7 |

Legend

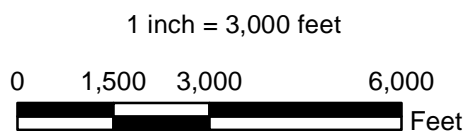
 Project Area Boundary



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community









SOURCE: World Imagery, ESRI, November 2013

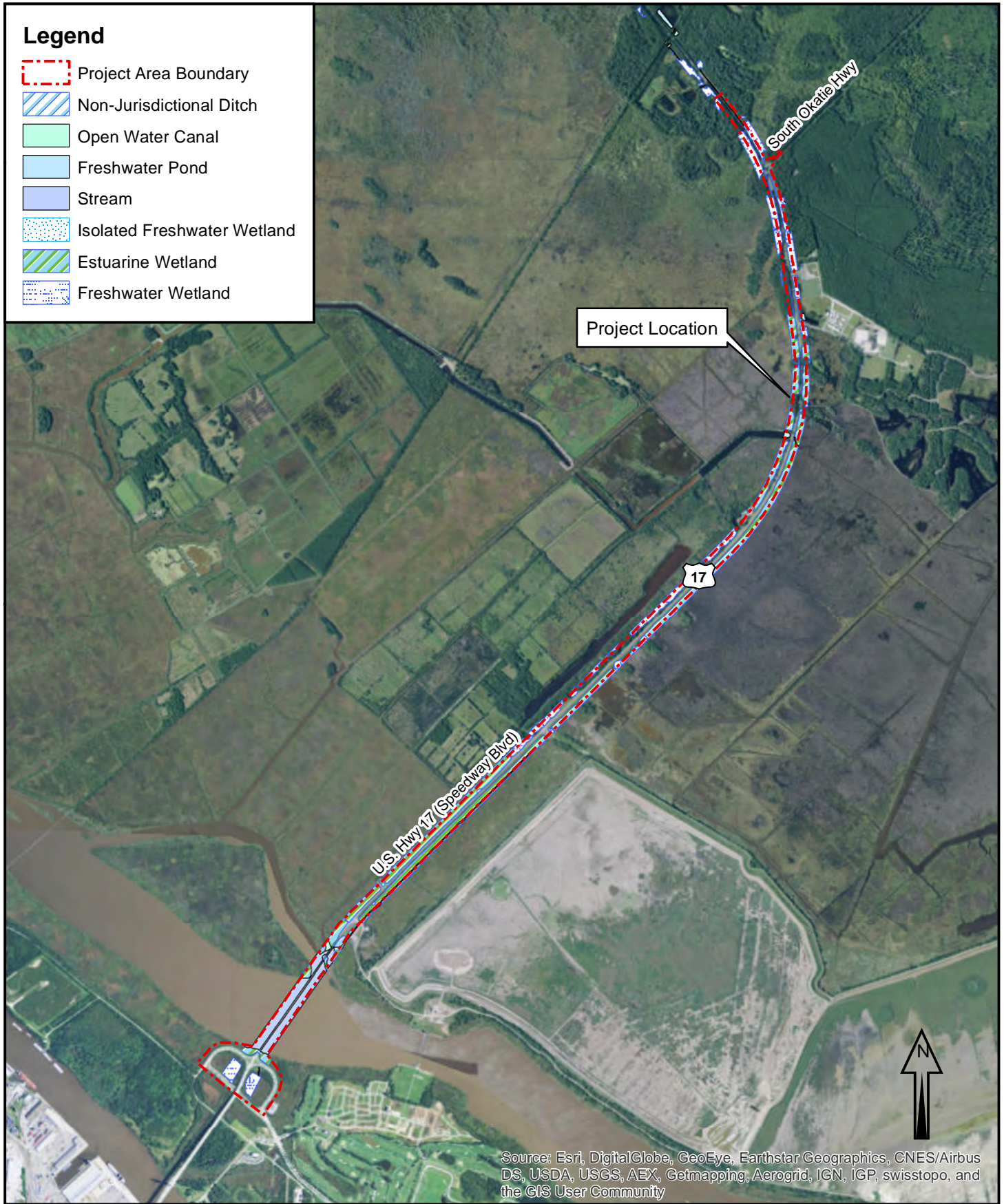
Michael Baker
INTERNATIONAL



| | |
|---|-------------------------|
| Project Title: U.S. Highway 17 Widening | |
| Project Location: Jasper County, S.C. | |
| Applicant: SCDOT | |
| Authorized Agent: Michael Baker, Jr., Inc. | |
| Drawing Scale: 1:36,000 | Date: 08/26/2015 |
| Application #: | Figure: 5 of 7 |

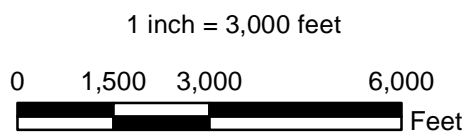
Legend

-  Project Area Boundary
-  Non-Jurisdictional Ditch
-  Open Water Canal
-  Freshwater Pond
-  Stream
-  Isolated Freshwater Wetland
-  Estuarine Wetland
-  Freshwater Wetland



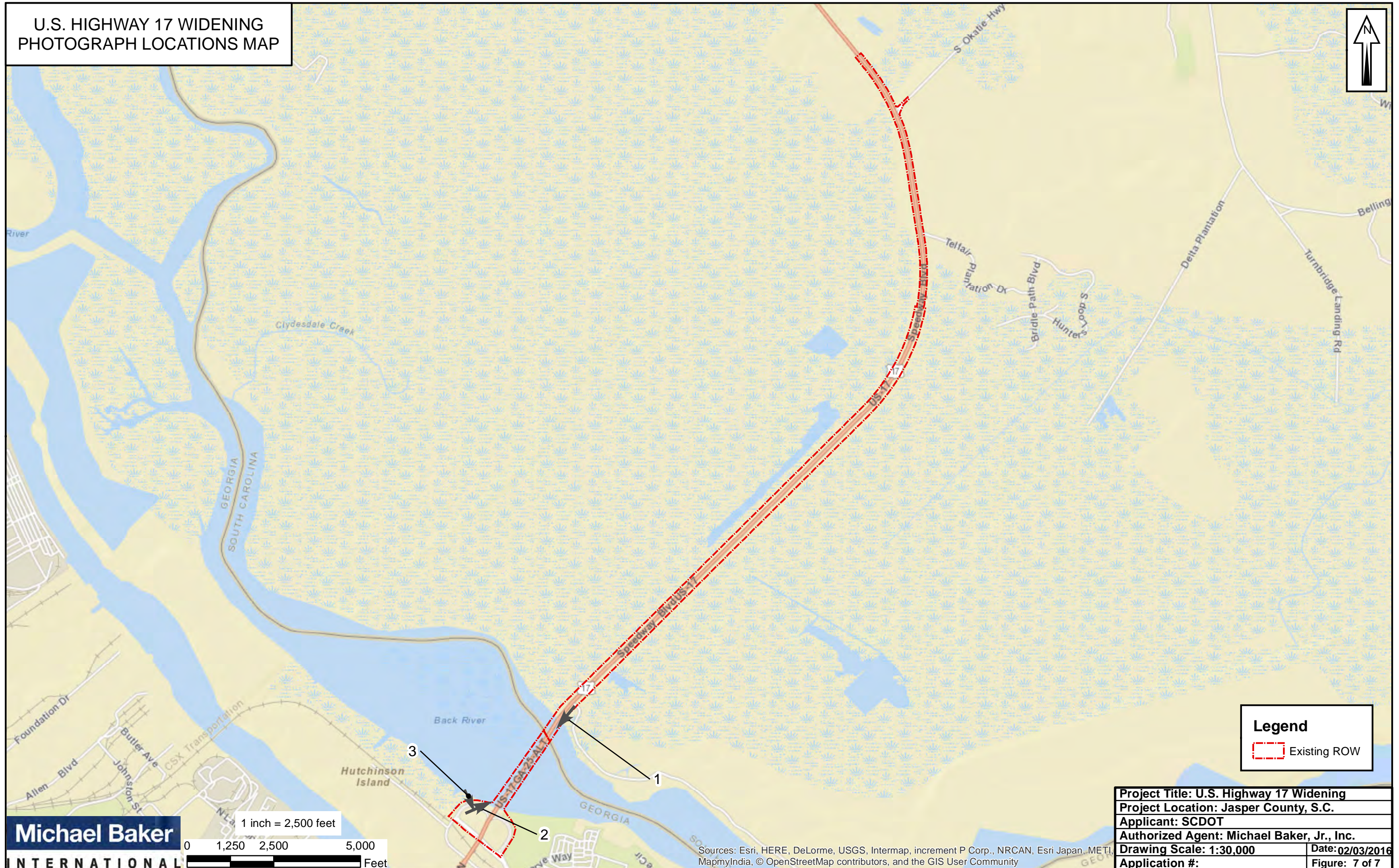
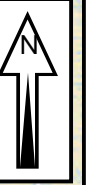
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

SOURCE: World Imagery, ESRI, November 2013



| | |
|---|-------------------------|
| Project Title: U.S. Highway 17 Widening | |
| Project Location: Jasper County, S.C. | |
| Applicant: SCDOT | |
| Authorized Agent: Michael Baker, Jr., Inc. | |
| Drawing Scale: 1:36,000 | Date: 08/26/2015 |
| Application #: | Figure: 6 of 7 |

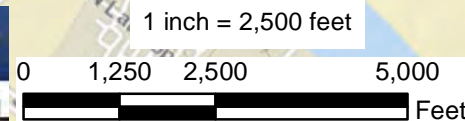
**U.S. HIGHWAY 17 WIDENING
PHOTOGRAPH LOCATIONS MAP**



Legend
 Existing ROW

| | |
|---|-------------------------|
| Project Title: U.S. Highway 17 Widening | |
| Project Location: Jasper County, S.C. | |
| Applicant: SCDOT | |
| Authorized Agent: Michael Baker, Jr., Inc. | |
| Drawing Scale: 1:30,000 | Date: 02/03/2016 |
| Application #: | Figure: 7 of 7 |










Michael Baker
INTERNATIONAL

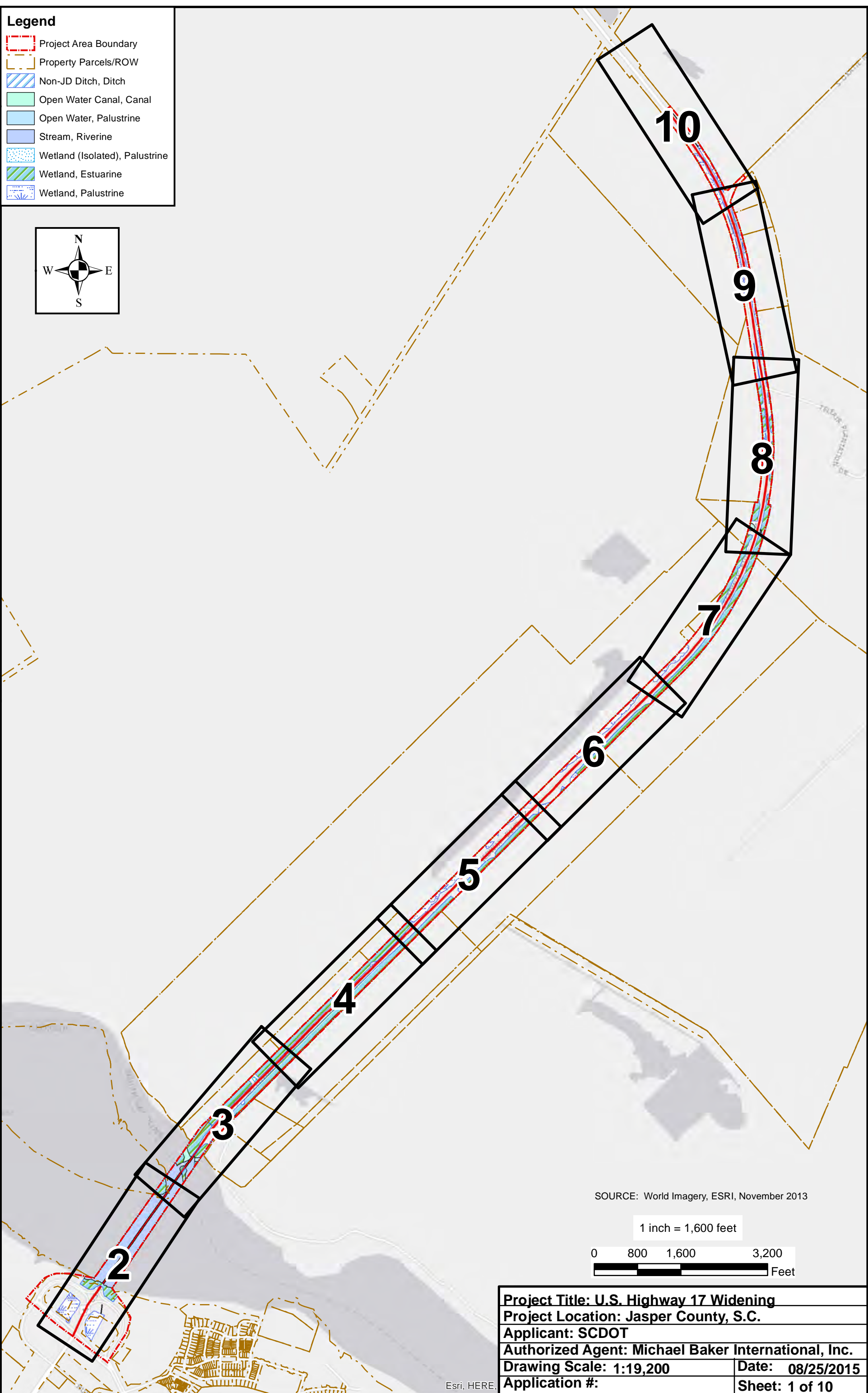
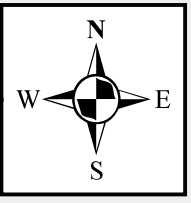


Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Appendix B
Wetland Mapping

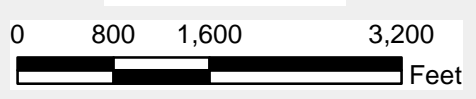
Legend

-  Project Area Boundary
-  Property Parcels/ROW
-  Non-JD Ditch, Ditch
-  Open Water Canal, Canal
-  Open Water, Palustrine
-  Stream, Riverine
-  Wetland (Isolated), Palustrine
-  Wetland, Estuarine
-  Wetland, Palustrine













SOURCE: World Imagery, ESRI, November 2013

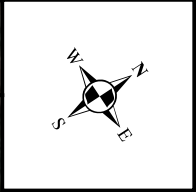
1 inch = 1,600 feet



| | |
|--|-------------------------|
| Project Title: U.S. Highway 17 Widening | |
| Project Location: Jasper County, S.C. | |
| Applicant: SCDOT | |
| Authorized Agent: Michael Baker International, Inc. | |
| Drawing Scale: 1:19,200 | Date: 08/25/2015 |
| Application #: | Sheet: 1 of 10 |

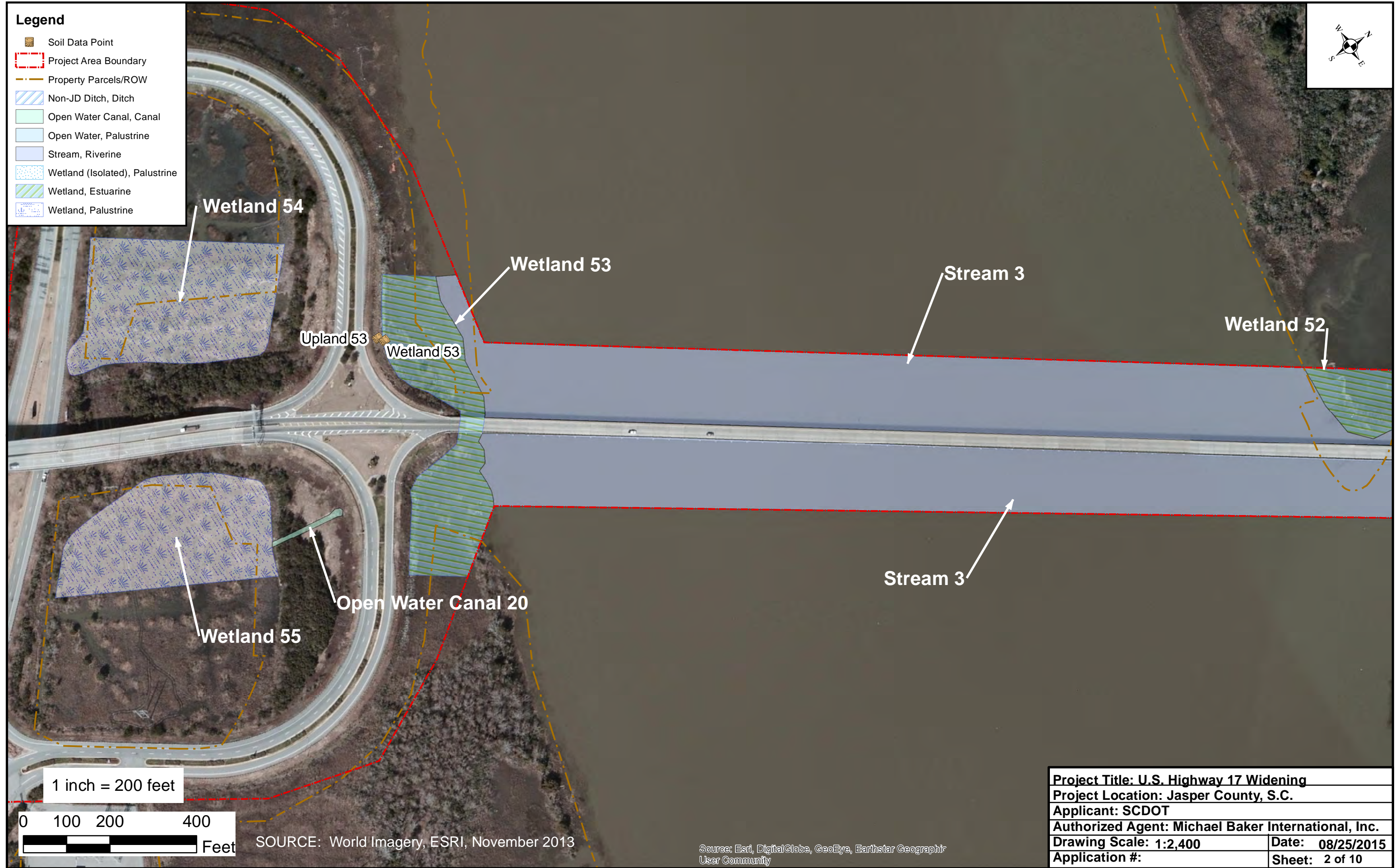
Legend

-  Soil Data Point
-  Project Area Boundary
-  Property Parcels/ROW
-  Non-JD Ditch, Ditch
-  Open Water Canal, Canal
-  Open Water, Palustrine
-  Stream, Riverine
-  Wetland (Isolated), Palustrine
-  Wetland, Estuarine
-  Wetland, Palustrine



SEE SHEET 1

SEE SHEET 3



1 inch = 200 feet













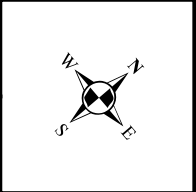
SOURCE: World Imagery, ESRI, November 2013

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, User Community

| | |
|--|-------------------------|
| Project Title: U.S. Highway 17 Widening | |
| Project Location: Jasper County, S.C. | |
| Applicant: SCDOT | |
| Authorized Agent: Michael Baker International, Inc. | |
| Drawing Scale: 1:2,400 | Date: 08/25/2015 |
| Application #: | Sheet: 2 of 10 |

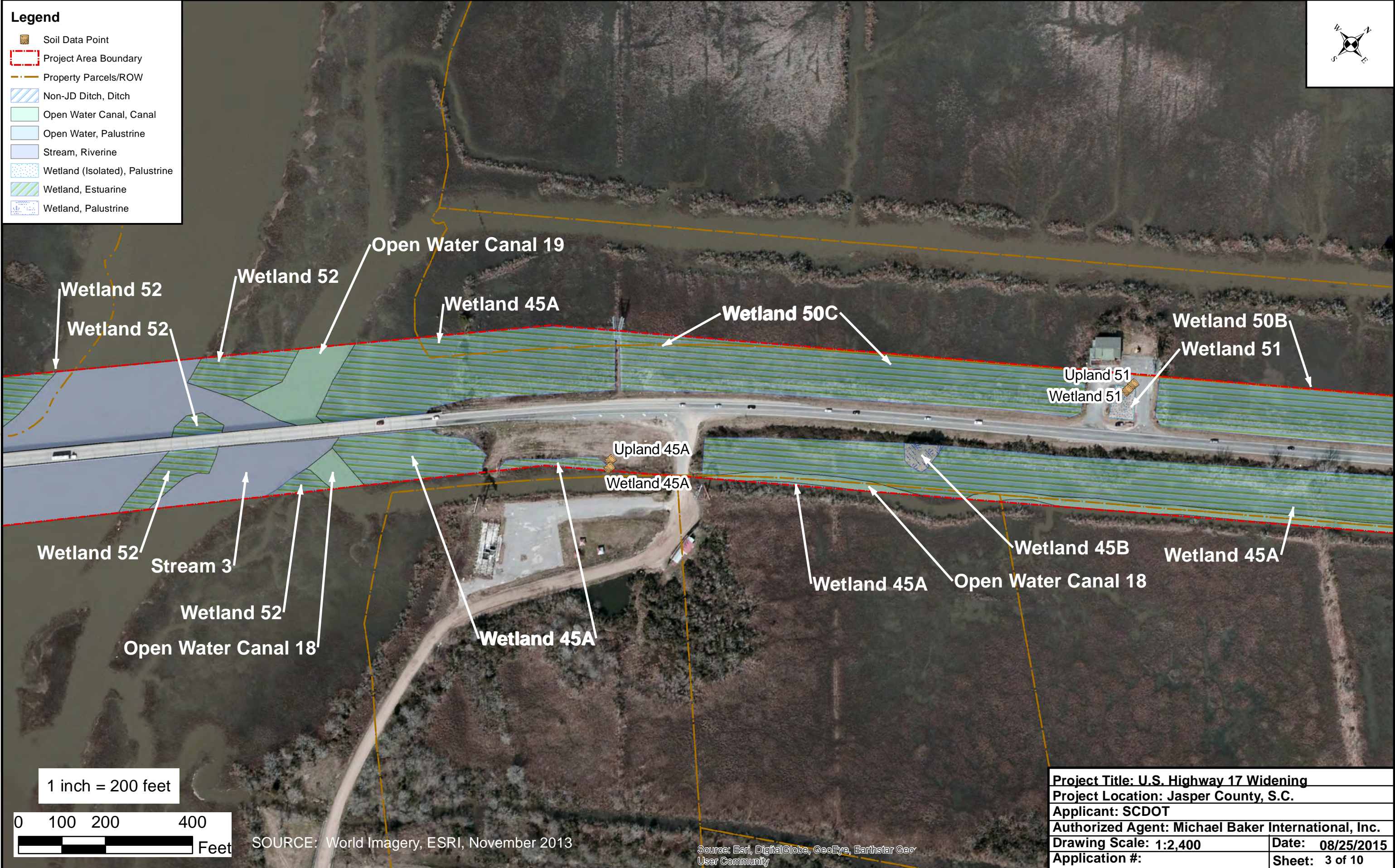
Legend

-  Soil Data Point
-  Project Area Boundary
-  Property Parcels/ROW
-  Non-JD Ditch, Ditch
-  Open Water Canal, Canal
-  Open Water, Palustrine
-  Stream, Riverine
-  Wetland (Isolated), Palustrine
-  Wetland, Estuarine
-  Wetland, Palustrine

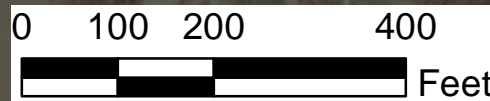


SEE SHEET 2

SEE SHEET 4



1 inch = 200 feet













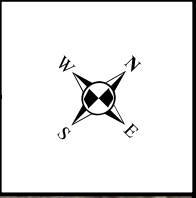
SOURCE: World Imagery, ESRI, November 2013

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geo User Community

| | |
|--|-------------------------|
| Project Title: U.S. Highway 17 Widening | |
| Project Location: Jasper County, S.C. | |
| Applicant: SCDOT | |
| Authorized Agent: Michael Baker International, Inc. | |
| Drawing Scale: 1:2,400 | Date: 08/25/2015 |
| Application #: | Sheet: 3 of 10 |

Legend

-  Soil Data Point
-  Project Area Boundary
-  Property Parcels/ROW
-  Non-JD Ditch, Ditch
-  Open Water Canal, Canal
-  Open Water, Palustrine
-  Stream, Riverine
-  Wetland (Isolated), Palustrine
-  Wetland, Estuarine
-  Wetland, Palustrine



SEE SHEET 3

SEE SHEET 5

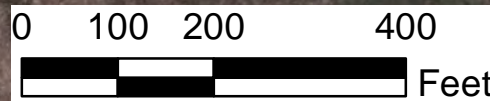
Wetland 50B

Wetland 50A

Open Water Canal 18

Wetland 45A

1 inch = 200 feet













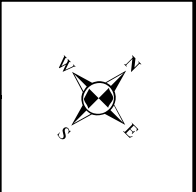
SOURCE: World Imagery, ESRI, November 2013

Source: Esri, DigitalGlobe, GeoEye, Earthstar
User Community

| | |
|--|-------------------------|
| Project Title: U.S. Highway 17 Widening | |
| Project Location: Jasper County, S.C. | |
| Applicant: SCDOT | |
| Authorized Agent: Michael Baker International, Inc. | |
| Drawing Scale: 1:2,400 | Date: 08/25/2015 |
| Application #: | Sheet: 4 of 10 |

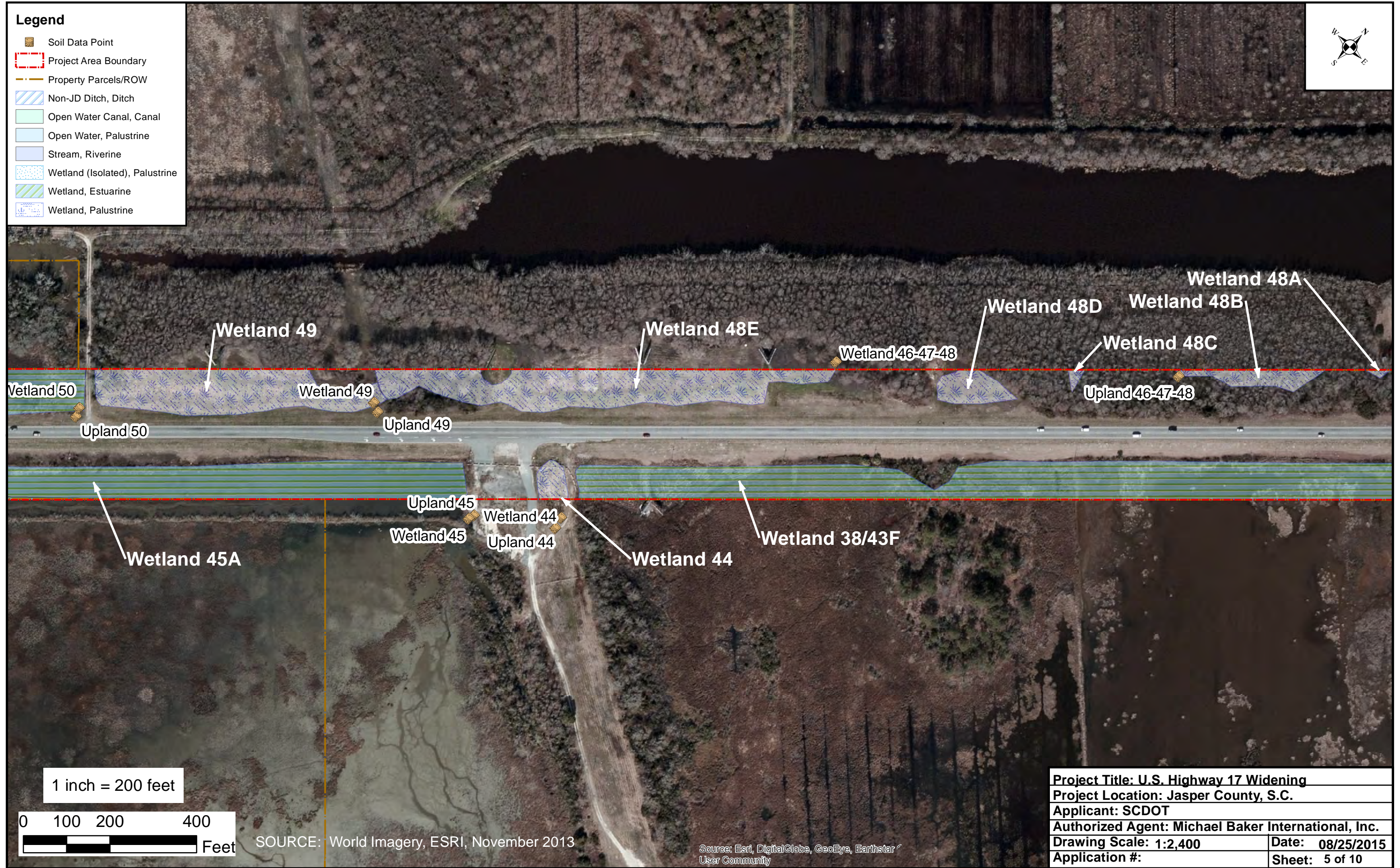
Legend

-  Soil Data Point
-  Project Area Boundary
-  Property Parcels/ROW
-  Non-JD Ditch, Ditch
-  Open Water Canal, Canal
-  Open Water, Palustrine
-  Stream, Riverine
-  Wetland (Isolated), Palustrine
-  Wetland, Estuarine
-  Wetland, Palustrine

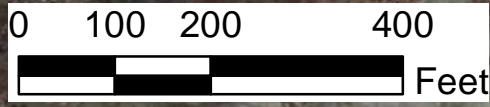


SEE SHEET 4

SEE SHEET 6



1 inch = 200 feet













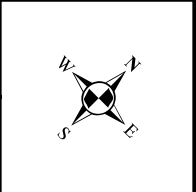
SOURCE: World Imagery, ESRI, November 2013

Source: Esri, DigitalGlobe, GeoEye, Earthstar User Community

| | |
|---|------------------|
| Project Title: U.S. Highway 17 Widening | |
| Project Location: Jasper County, S.C. | |
| Applicant: SCDOT | |
| Authorized Agent: Michael Baker International, Inc. | |
| Drawing Scale: 1:2,400 | Date: 08/25/2015 |
| Application #: | Sheet: 5 of 10 |

Legend

-  Soil Data Point
-  Project Area Boundary
-  Property Parcels/ROW
-  Non-JD Ditch, Ditch
-  Open Water Canal, Canal
-  Open Water, Palustrine
-  Stream, Riverine
-  Wetland (Isolated), Palustrine
-  Wetland, Estuarine
-  Wetland, Palustrine

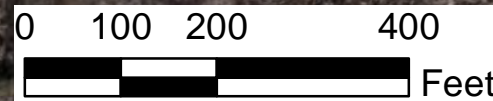


SEE SHEET 5

SEE SHEET 7



1 inch = 200 feet













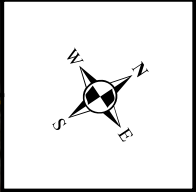
SOURCE: World Imagery, ESRI, November 2013

Source: Esri, DigitalGlobe, GeoEye, Earthstar User Community

| | |
|---|------------------|
| Project Title: U.S. Highway 17 Widening | |
| Project Location: Jasper County, S.C. | |
| Applicant: SCDOT | |
| Authorized Agent: Michael Baker International, Inc. | |
| Drawing Scale: 1:2,400 | Date: 08/25/2015 |
| Application #: | Sheet: 6 of 10 |

Legend

-  Soil Data Point
-  Project Area Boundary
-  Property Parcels/ROW
-  Non-JD Ditch, Ditch
-  Open Water Canal, Canal
-  Open Water, Palustrine
-  Stream, Riverine
-  Wetland (Isolated), Palustrine
-  Wetland, Estuarine
-  Wetland, Palustrine

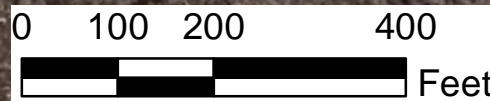


SEE SHEET 6

SEE SHEET 8



1 inch = 200 feet













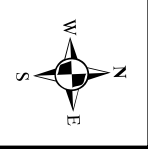
SOURCE: World Imagery, ESRI, November 2013

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, User Community

| | |
|--|-------------------------|
| Project Title: U.S. Highway 17 Widening | |
| Project Location: Jasper County, S.C. | |
| Applicant: SCDOT | |
| Authorized Agent: Michael Baker International, Inc. | |
| Drawing Scale: 1:2,400 | Date: 08/25/2015 |
| Application #: | Sheet: 7 of 10 |

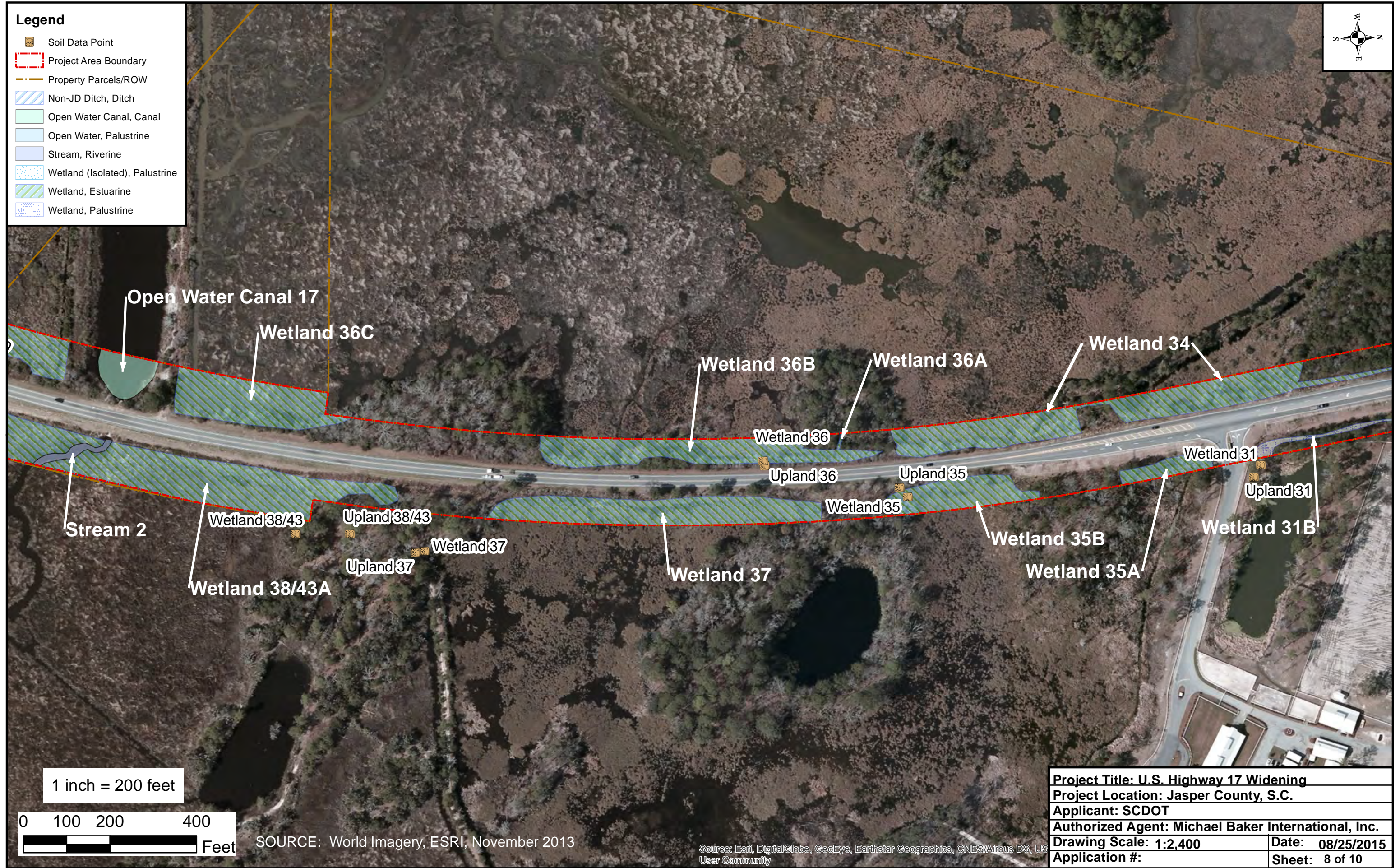
Legend

-  Soil Data Point
-  Project Area Boundary
-  Property Parcels/ROW
-  Non-JD Ditch, Ditch
-  Open Water Canal, Canal
-  Open Water, Palustrine
-  Stream, Riverine
-  Wetland (Isolated), Palustrine
-  Wetland, Estuarine
-  Wetland, Palustrine

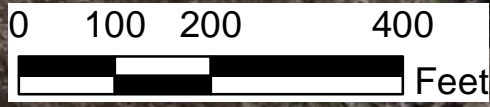


SEE SHEET 7

SEE SHEET 9



1 inch = 200 feet













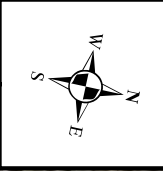
SOURCE: World Imagery, ESRI, November 2013

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, US User Community

| | |
|--|-------------------------|
| Project Title: U.S. Highway 17 Widening | |
| Project Location: Jasper County, S.C. | |
| Applicant: SCDOT | |
| Authorized Agent: Michael Baker International, Inc. | |
| Drawing Scale: 1:2,400 | Date: 08/25/2015 |
| Application #: | Sheet: 8 of 10 |

Legend

-  Soil Data Point
-  Project Area Boundary
-  Property Parcels/ROW
-  Non-JD Ditch, Ditch
-  Open Water Canal, Canal
-  Open Water, Palustrine
-  Stream, Riverine
-  Wetland (Isolated), Palustrine
-  Wetland, Estuarine
-  Wetland, Palustrine



SEE SHEET 8

SEE SHEET 10



1 inch = 200 feet













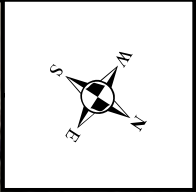
SOURCE: World Imagery, ESRI, November 2013

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, US User Community

| | |
|--|-------------------------|
| Project Title: U.S. Highway 17 Widening | |
| Project Location: Jasper County, S.C. | |
| Applicant: SCDOT | |
| Authorized Agent: Michael Baker International, Inc. | |
| Drawing Scale: 1:2,400 | Date: 08/25/2015 |
| Application #: | Sheet: 9 of 10 |

Legend

-  Soil Data Point
-  Project Area Boundary
-  Property Parcels/ROW
-  Non-JD Ditch, Ditch
-  Open Water Canal, Canal
-  Open Water, Palustrine
-  Stream, Riverine
-  Wetland (Isolated), Palustrine
-  Wetland, Estuarine
-  Wetland, Palustrine



SEE SHEET 9

SEE SHEET 11



1 inch = 200 feet

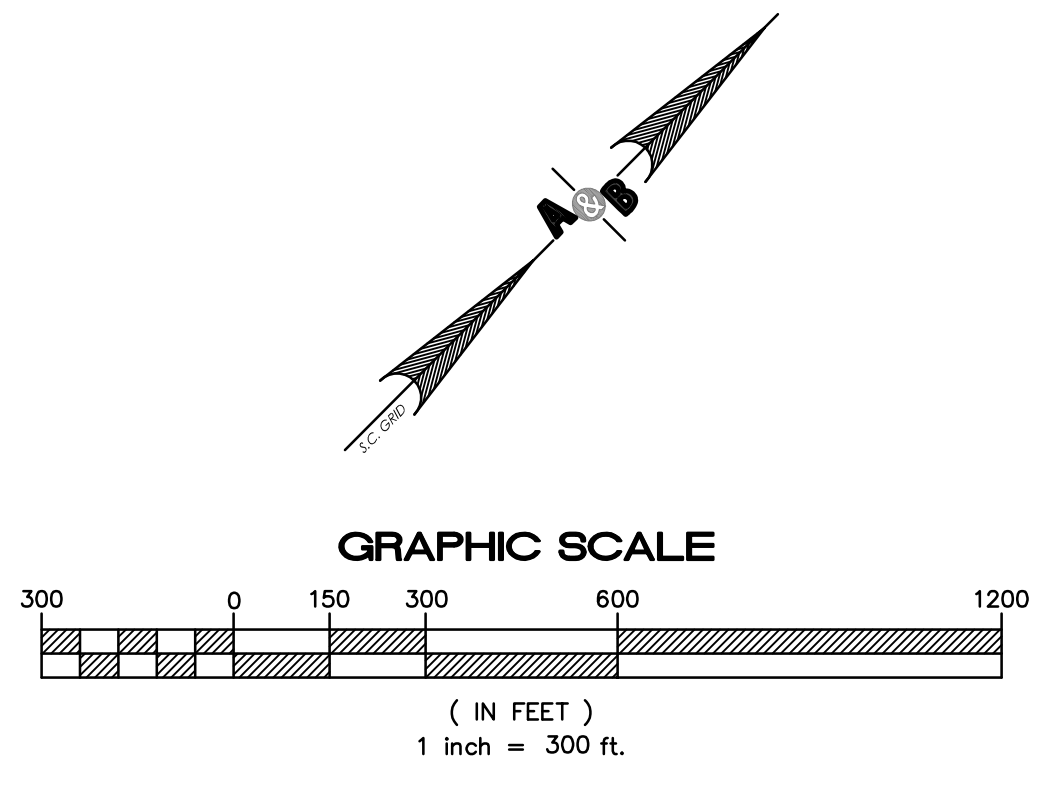


SOURCE: World Imagery, ESRI, November 2013

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, US User Community

| | |
|--|-------------------------|
| Project Title: U.S. Highway 17 Widening | |
| Project Location: Jasper County, S.C. | |
| Applicant: SCDOT | |
| Authorized Agent: Michael Baker International, Inc. | |
| Drawing Scale: 1:2,400 | Date: 08/25/2015 |
| Application #: | Sheet: 10 of 10 |

Appendix C
Wetland Plat



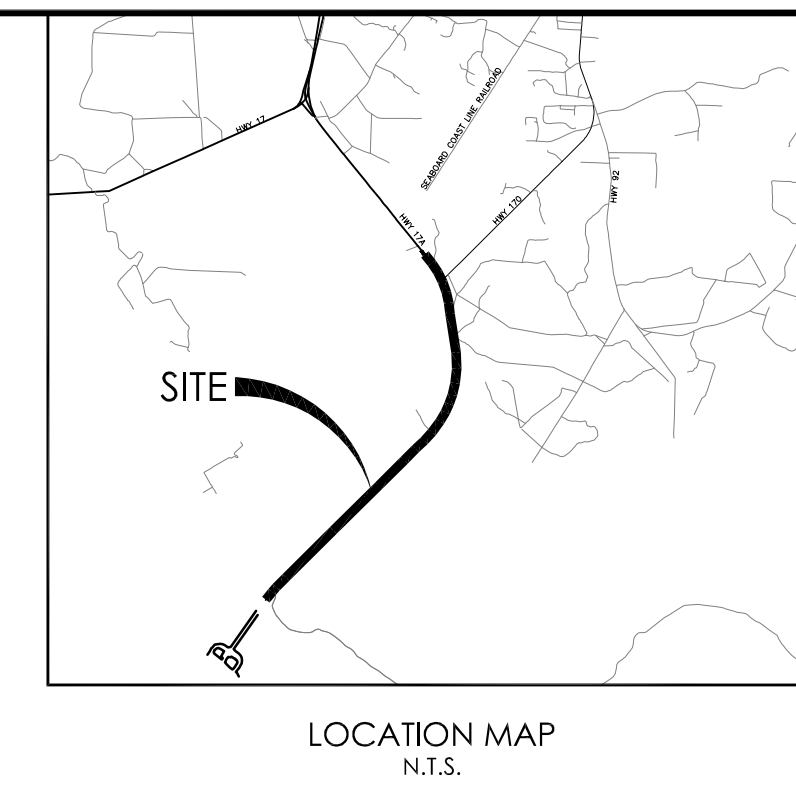
| PROJECT AREA SUMMARY TABLE | | |
|------------------------------------|-------------|---------|
| FEATURE | SQUARE FEET | ACRES |
| OCRM COASTAL CRITICAL AREA | 2,337,553 | 53.663 |
| FRESHWATER WETLAND | 782,713 | 17.969 |
| OCRM COASTAL OPEN WATER BACK RIVER | 148,823 | 3.417 |
| OPEN WATER CANAL | 18,185 | 0.418 |
| UPLAND | 3,397,217 | 77.989 |
| TOTAL PROJECT AREA | 6,684,491 | 153.455 |

| SHEET 1 AREA TABLE | | |
|------------------------------------|-------------|--------|
| FEATURE | SQUARE FEET | ACRES |
| FRESHWATER WETLAND | 1,351,554 | 31.027 |
| OCRM COASTAL CRITICAL AREA* | 171,219 | 3.931 |
| OCRM COASTAL OPEN WATER BACK RIVER | 148,823 | 3.417 |
| UPLAND | 1,146,146 | 26.312 |
| TOTAL SHEET 1 AREA | 2,817,742 | 64.687 |

- NOTES:
- BEARINGS ARE BASED ON SC STATE PLANE COORDINATE SYSTEM.
 - FIELD WORK COMPLETED APRIL 14, 2014.
 - RIGHT-OF-WAY WAS TAKEN FROM SCDOT FILE NO. 27.039168.
 - WETLAND DELINEATION PERFORMED BY MICHAEL BAKER INTERNATIONAL.
 - THE LIMITS OF WETLAND 50C, WETLAND 52, THE EASTERN LIMITS OF WETLAND 45A, AND THE PORTION OF WETLAND 45A ADJACENT TO THE BACK RIVER TAKEN FROM USACE PERMIT# SAC2011-01156-DJ.
 - WETLANDS, RIGHT-OF-WAY LINES, EASEMENTS, ETC. LYING IN THE STATE OF GEORGIA ARE FOR INFORMATION ONLY AND HAVE NOT BEEN SURVEYED AS PART OF THIS PROJECT AND NOT NOT BEING CERTIFIED AS PART OF THIS SURVEY PLAT.
 - GEORGIA DEPARTMENT OF TRANSPORTATION CONSTRUCTION LIMITS ARE THE WETLAND LIMITS WHERE APPLICABLE PER USAGE PERMIT# SAC2011-01156-DJ.
 - SCDHEC-OCRM CRITICAL AREA LINE APPROVED BY K. LAMAKER ON OCTOBER 12, 2011.
 - AREA TABLE IS FOR SC PORTION ONLY.

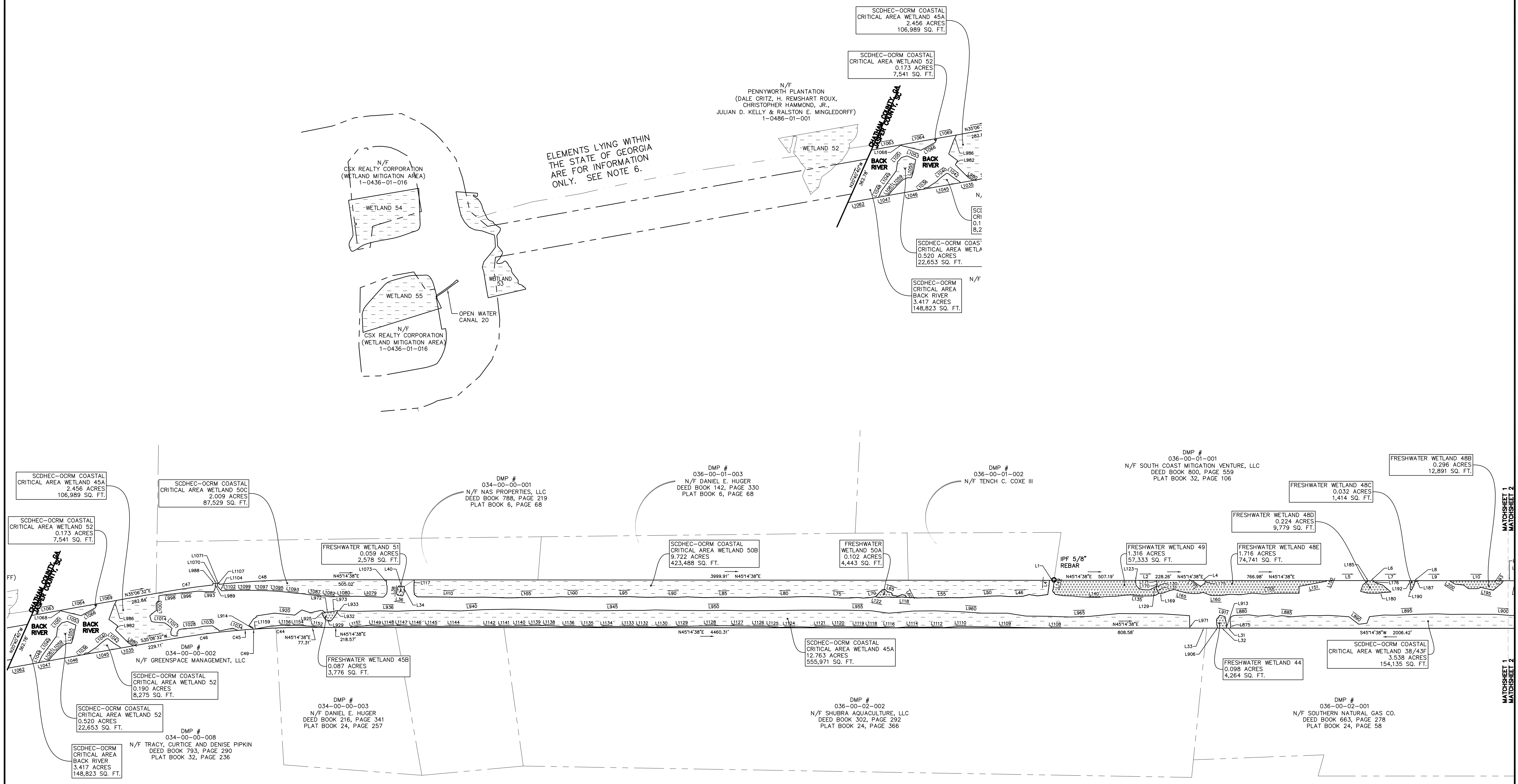
LEGEND:

- CMF CONCRETE MONUMENT FOUND
- IPF IRON PIN FOUND
- ▨ SCDHEC-OCRM COASTAL CRITICAL AREA
- ▩ OPEN WATER CANAL
- ▧ FRESHWATER WETLAND
- ▭ PROJECT LIMITS



PLAN REVISIONS

| NO. | DESCRIPTION | DATE | BY |
|-----|-------------|------|----|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |



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Professional Engineer Seal: Andrew Burgess, No. 15229, State of Georgia.

2712 Bull Street Suite A
Raleigh, NC 27602
Phone: 919.273.2222
Fax: 919.273.2223

Andrews & Burgess Inc.

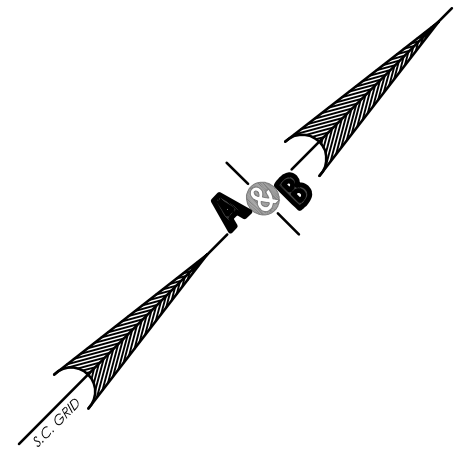
Engineering & Surveying

WETLAND SURVEY
Prepared for
JASPER COUNTY

GEORGIA STATE LINE TO SC 315
JASPER COUNTY SOUTH CAROLINA

Date Drawn: 01/15/14
Last Revised: 01/19/16
Drawn By: N. Ridley
Engineer: G. Burgess

SHEET #:
1
of 4
JOB: 147001

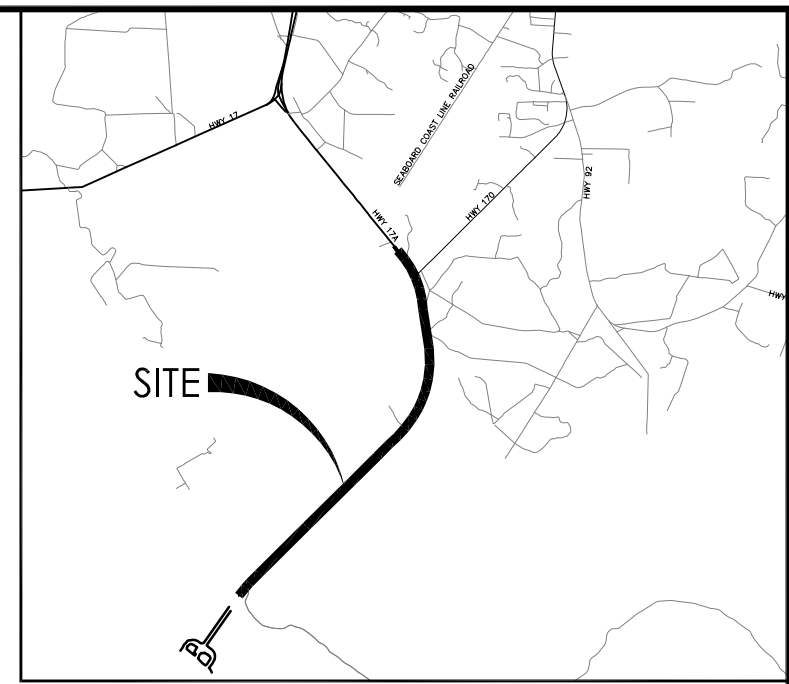


| SHEET 2 AREA TABLE | | |
|-----------------------------|-------------|--------|
| FEATURE | SQUARE FEET | ACRES |
| OCRM COASTAL CRITICAL AREA* | 985,999 | 22.635 |
| FRESHWATER WETLAND | 611,494 | 14.038 |
| OPEN WATER CANAL | 18,185 | 0.418 |
| UPLAND | 2,251,071 | 51.678 |
| TOTAL SHEET 2 AREA | 3,866,749 | 88.768 |

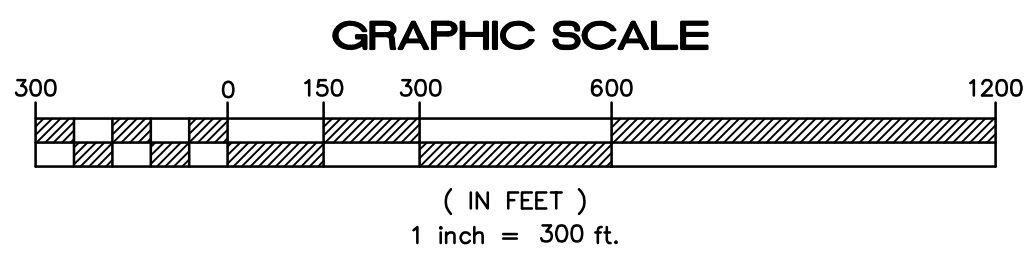
- NOTES:
1. BEARINGS ARE BASED ON SC STATE PLANE COORDINATE SYSTEM.
 2. FIELD WORK COMPLETED APRIL 14, 2014.
 3. RIGHT-OF-WAY WAS TAKEN FROM SCDOT FILE NO. 27.039168.
 4. WETLAND DELINEATION PERFORMED BY MICHAEL BAKER INTERNATIONAL.
 5. THE LIMITS OF WETLAND 50C, WETLAND 52, THE EASTERN LIMITS OF WETLAND 45A, AND THE PORTION OF WETLAND 45A ADJACENT TO THE BACK RIVER TAKEN FROM USACE PERMIT# SAC2011-01156-DJ.

LEGEND:

- CMF CONCRETE MONUMENT FOUND
- IPF IRON PIN FOUND
- SCDHEC-OCRM COASTAL CRITICAL AREA
- OPEN WATER CANAL
- FRESHWATER WETLAND
- PROJECT LIMITS



LOCATION MAP N.T.S.

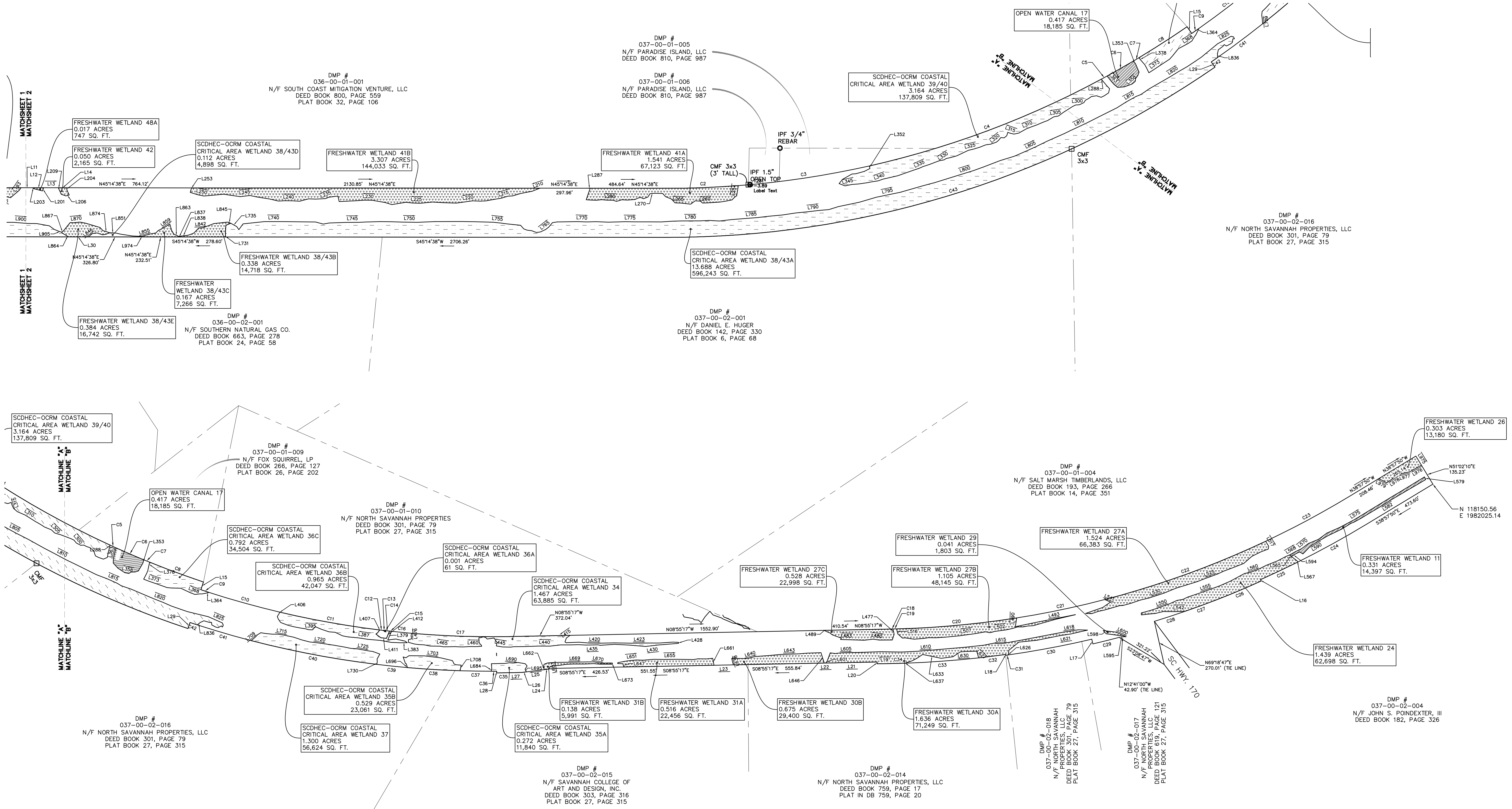


PLAN REVISIONS

| NO. | DESCRIPTION: | DATE: | BY: |
|-----|--------------|-------|-----|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |

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ANDREWS & BURGESS, INC.
Professional Engineer
No. 15029
G.A.P.



2712 Bull Street Suite A
Raleigh, NC 27602
Phone: 919.270.2902
Fax: 919.270.2923

Andrews & Burgess Inc.

Engineering & Surveying

WETLAND SURVEY
Prepared for
JASPER COUNTY

GEORGIA STATE LINE
TO SC 315

JASPER COUNTY
SOUTH CAROLINA

Date Drawn: 01/15/14
Last Revised: 01/19/16
Drawn By: N. Ridley
Engineer: G. Burgess

SHEET #:
2
of 4

JOB: 147001

Appendix D
Wetland Determination Data Forms

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: US 17 Widening Project City/County: Jasper County Sampling Date: 04/23-25/2013
 Applicant/Owner: SCDOT State: SC Sampling Point: J Wet 53 Upland
 Investigator(s): Ed Smail and Renee Flinchum-Bowles Section, Township, Range: _____
 Landform (hillslope, terrace, etc.): hillslope Local relief (concave, convex, none): convex Slope (%): 10-15
 Subregion (LRR or MLRA): LRR T Lat: 32.097822 Long: -81.092669 Datum: NAD 83
 Soil Map Unit Name: Tmh NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

| | |
|--|---|
| Hydrophytic Vegetation Present? Yes _____ No <input checked="" type="checkbox"/> Hydric Soil Present? Yes _____ No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/> | Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/> |
| Remarks: | |

HYDROLOGY

| | |
|--|---|
| Wetland Hydrology Indicators: Primary Indicators (minimum of one is required; check all that apply) _____ <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) (LRR U) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) | Secondary Indicators (minimum of two required) <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> FAC-Neutral Test (D5) |
|--|---|

| | |
|---|--|
| Field Observations: Surface Water Present? Yes _____ No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes _____ No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present? Yes _____ No <input checked="" type="checkbox"/> Depth (inches): _____ (includes capillary fringe) | Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/> |
|---|--|

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
 No hydrology present

VEGETATION – Use scientific names of plants.

Sampling Point: J Wet 53 Up.

| <u>Tree Stratum</u> (Plot size: _____) | Absolute % Cover | Dominant Species? | Indicator Status | Dominance Test worksheet: |
|---|------------------|-------------------|------------------|---|
| 1. _____ | _____ | _____ | _____ | Number of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A) |
| 2. _____ | _____ | _____ | _____ | Total Number of Dominant Species Across All Strata: <u>2</u> (B) |
| 3. _____ | _____ | _____ | _____ | Percent of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A/B) |
| 4. _____ | _____ | _____ | _____ | |
| 5. _____ | _____ | _____ | _____ | |
| 6. _____ | _____ | _____ | _____ | |
| 7. _____ | _____ | _____ | _____ | |
| _____ = Total Cover | | | | Prevalence Index worksheet: |
| <u>Sapling Stratum</u> (Plot size: _____) | | | | Total % Cover of: _____ Multiply by: _____ |
| 1. <u>Rhus copallinum</u> | <u>10</u> | <u>Yes</u> | <u>NI</u> | OBL species _____ x 1 = _____ |
| 2. _____ | _____ | _____ | _____ | FACW species _____ x 2 = _____ |
| 3. _____ | _____ | _____ | _____ | FAC species _____ x 3 = _____ |
| 4. _____ | _____ | _____ | _____ | FACU species _____ x 4 = _____ |
| 5. _____ | _____ | _____ | _____ | UPL species _____ x 5 = _____ |
| 6. _____ | _____ | _____ | _____ | Column Totals: _____ (A) _____ (B) |
| 7. _____ | _____ | _____ | _____ | Prevalence Index = B/A = _____ |
| <u>10</u> = Total Cover | | | | Hydrophytic Vegetation Indicators: |
| <u>Shrub Stratum</u> (Plot size: _____) | | | | <input type="checkbox"/> Dominance Test is >50% |
| 1. _____ | _____ | _____ | _____ | <input type="checkbox"/> Prevalence Index is ≤3.0 ¹ |
| 2. _____ | _____ | _____ | _____ | <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain) |
| 3. _____ | _____ | _____ | _____ | |
| 4. _____ | _____ | _____ | _____ | |
| 5. _____ | _____ | _____ | _____ | ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic. |
| 6. _____ | _____ | _____ | _____ | |
| 7. _____ | _____ | _____ | _____ | |
| _____ = Total Cover | | | | Definitions of Vegetation Strata: |
| <u>Herb Stratum</u> (Plot size: _____) | | | | Tree – Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and 3 in. (7.6 cm) or larger in diameter at breast height (DBH). |
| 1. <u>Rubus spp.</u> | <u>35</u> | <u>Yes</u> | <u>NI</u> | Sapling – Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and less than 3 in. (7.6 cm) DBH. |
| 2. _____ | _____ | _____ | _____ | Shrub – Woody plants, excluding woody vines, approximately 3 to 20 ft (1 to 6 m) in height. |
| 3. _____ | _____ | _____ | _____ | Herb – All herbaceous (non-woody) plants, including herbaceous vines, regardless of size. Includes woody plants, except woody vines, less than approximately 3 ft (1 m) in height. |
| 4. _____ | _____ | _____ | _____ | Woody vine – All woody vines, regardless of height. |
| 5. _____ | _____ | _____ | _____ | |
| 6. _____ | _____ | _____ | _____ | |
| 7. _____ | _____ | _____ | _____ | |
| 8. _____ | _____ | _____ | _____ | |
| 9. _____ | _____ | _____ | _____ | |
| 10. _____ | _____ | _____ | _____ | |
| 11. _____ | _____ | _____ | _____ | |
| 12. _____ | _____ | _____ | _____ | |
| <u>35</u> = Total Cover | | | | |
| <u>Woody Vine Stratum</u> (Plot size: _____) | | | | |
| 1. _____ | _____ | _____ | _____ | |
| 2. _____ | _____ | _____ | _____ | |
| 3. _____ | _____ | _____ | _____ | |
| 4. _____ | _____ | _____ | _____ | |
| 5. _____ | _____ | _____ | _____ | |
| _____ = Total Cover | | | | Hydrophytic Vegetation Present? Yes <u>X</u> No _____ |

Remarks: (If observed, list morphological adaptations below).

SOIL

Sampling Point: J Wet 53 Up

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

| Depth (inches) | Matrix | | Redox Features | | | | Texture | Remarks |
|-------------------|---------------|---|----------------|---|-------------------|------------------|-----------------|---------|
| | Color (moist) | % | Color (moist) | % | Type ¹ | Loc ² | | |
| 0-12 | 10 YR 4/6 | | | | | | sandy clay loam | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- Organic Bodies (A6) (LRR P, T, U)
- 5 cm Mucky Mineral (A7) (LRR P, T, U)
- Muck Presence (A8) (LRR U)
- 1 cm Muck (A9) (LRR P, T)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Coast Prairie Redox (A16) (MLRA 150A)
- Sandy Mucky Mineral (S1) (LRR O, S)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Dark Surface (S7) (LRR P, S, T, U)

- Polyvalue Below Surface (S8) (LRR S, T, U)
- Thin Dark Surface (S9) (LRR S, T, U)
- Loamy Mucky Mineral (F1) (LRR O)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)
- Marl (F10) (LRR U)
- Depleted Ochric (F11) (MLRA 151)
- Iron-Manganese Masses (F12) (LRR O, P, T)
- Umbric Surface (F13) (LRR P, T, U)
- Delta Ochric (F17) (MLRA 151)
- Reduced Vertic (F18) (MLRA 150A, 150B)
- Piedmont Floodplain Soils (F19) (MLRA 149A)
- Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D)

Indicators for Problematic Hydric Soils³:

- 1 cm Muck (A9) (LRR O)
- 2 cm Muck (A10) (LRR S)
- Reduced Vertic (F18) (outside MLRA 150A,B)
- Piedmont Floodplain Soils (F19) (LRR P, S, T)
- Anomalous Bright Loamy Soils (F20) (MLRA 153B)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12) (LRR T, U)
- Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: US 17 Widening Project City/County: Jasper County Sampling Date: 04/23-25/2013
 Applicant/Owner: SCDOT State: SC Sampling Point: J Wet 53
 Investigator(s): Ed Smail and Renee Flinchum-Bowles Section, Township, Range: _____
 Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): none Slope (%): 0-1
 Subregion (LRR or MLRA): _____ Lat: 32.097848 Long: -81.092627 Datum: NAD 83
 Soil Map Unit Name: Tmh NWI classification: E2EM1N

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

| | |
|--|---|
| Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____ Hydric Soil Present? Yes <input checked="" type="checkbox"/> No _____ Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No _____ | Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No _____ |
| Remarks: This wetland is a brackish system. Also indicative of Wetland 52 | |

HYDROLOGY

| | |
|---|--|
| Wetland Hydrology Indicators: Primary Indicators (minimum of one is required; check all that apply) _____ <input checked="" type="checkbox"/> Surface Water (A1) <input checked="" type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input checked="" type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) (LRR U) <input checked="" type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input checked="" type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) | Secondary Indicators (minimum of two required) <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) <input checked="" type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> FAC-Neutral Test (D5) |
| Field Observations: Surface Water Present? Yes <input checked="" type="checkbox"/> No _____ Depth (inches): <u>0-24</u> Water Table Present? Yes <input checked="" type="checkbox"/> No _____ Depth (inches): <u>0</u> Saturation Present? Yes <input checked="" type="checkbox"/> No _____ Depth (inches): <u>0</u> (includes capillary fringe) | Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No _____ |
| Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available: | |
| Remarks: | |

VEGETATION – Use scientific names of plants.

Sampling Point: J Wet 53

| <u>Tree Stratum</u> (Plot size: _____) | Absolute % Cover | Dominant Species? | Indicator Status | Dominance Test worksheet: |
|---|------------------|-------------------|------------------|---|
| 1. _____ | _____ | _____ | _____ | Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A) |
| 2. _____ | _____ | _____ | _____ | Total Number of Dominant Species Across All Strata: <u>2</u> (B) |
| 3. _____ | _____ | _____ | _____ | Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B) |
| 4. _____ | _____ | _____ | _____ | Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____ |
| 5. _____ | _____ | _____ | _____ | |
| 6. _____ | _____ | _____ | _____ | |
| 7. _____ | _____ | _____ | _____ | |
| _____ = Total Cover | | | | |
| <u>Sapling Stratum</u> (Plot size: _____) | _____ | _____ | _____ | |
| 1. _____ | _____ | _____ | _____ | |
| 2. _____ | _____ | _____ | _____ | |
| 3. _____ | _____ | _____ | _____ | |
| 4. _____ | _____ | _____ | _____ | |
| 5. _____ | _____ | _____ | _____ | |
| 6. _____ | _____ | _____ | _____ | |
| 7. _____ | _____ | _____ | _____ | |
| _____ = Total Cover | | | | |
| <u>Shrub Stratum</u> (Plot size: _____) | _____ | _____ | _____ | Hydrophytic Vegetation Indicators: ___ Dominance Test is >50% ___ Prevalence Index is ≤3.0 ¹ ___ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic. |
| 1. <u>Morella cerifera</u> | <u>10</u> | _____ | <u>FAC+</u> | |
| 2. _____ | _____ | _____ | _____ | |
| 3. _____ | _____ | _____ | _____ | |
| 4. _____ | _____ | _____ | _____ | |
| 5. _____ | _____ | _____ | _____ | |
| 6. _____ | _____ | _____ | _____ | |
| 7. _____ | _____ | _____ | _____ | |
| _____ = Total Cover | | | | |
| <u>Herb Stratum</u> (Plot size: _____) | _____ | _____ | _____ | Definitions of Vegetation Strata: Tree – Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and 3 in. (7.6 cm) or larger in diameter at breast height (DBH). Sapling – Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and less than 3 in. (7.6 cm) DBH. Shrub – Woody plants, excluding woody vines, approximately 3 to 20 ft (1 to 6 m) in height. Herb – All herbaceous (non-woody) plants, including herbaceous vines, regardless of size. Includes woody plants, except woody vines, less than approximately 3 ft (1 m) in height. Woody vine – All woody vines, regardless of height. |
| 1. <u>Spartina cynosuroides</u> | <u>80</u> | <u>Yes</u> | <u>OBL</u> | |
| 2. _____ | _____ | _____ | _____ | |
| 3. _____ | _____ | _____ | _____ | |
| 4. _____ | _____ | _____ | _____ | |
| 5. _____ | _____ | _____ | _____ | |
| 6. _____ | _____ | _____ | _____ | |
| 7. _____ | _____ | _____ | _____ | |
| 8. _____ | _____ | _____ | _____ | |
| 9. _____ | _____ | _____ | _____ | |
| 10. _____ | _____ | _____ | _____ | |
| 11. _____ | _____ | _____ | _____ | |
| 12. _____ | _____ | _____ | _____ | |
| _____ = Total Cover | | | | |
| <u>Woody Vine Stratum</u> (Plot size: _____) | _____ | _____ | _____ | Hydrophytic Vegetation Present? Yes <u>X</u> No _____ |
| 1. _____ | _____ | _____ | _____ | |
| 2. _____ | _____ | _____ | _____ | |
| 3. _____ | _____ | _____ | _____ | |
| 4. _____ | _____ | _____ | _____ | |
| 5. _____ | _____ | _____ | _____ | |
| _____ = Total Cover | | | | |

Remarks: (If observed, list morphological adaptations below).

SOIL

Sampling Point: J Wet 53

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

| Depth (inches) | Matrix | | Redox Features | | | | Texture | Remarks |
|-------------------|---------------|---|----------------|---|-------------------|------------------|-----------------|---------|
| | Color (moist) | % | Color (moist) | % | Type ¹ | Loc ² | | |
| 0-12 | 10 YR 2/1 | | | | | | sandy clay loam | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- Organic Bodies (A6) (LRR P, T, U)
- 5 cm Mucky Mineral (A7) (LRR P, T, U)
- Muck Presence (A8) (LRR U)
- 1 cm Muck (A9) (LRR P, T)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Coast Prairie Redox (A16) (MLRA 150A)
- Sandy Mucky Mineral (S1) (LRR O, S)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Dark Surface (S7) (LRR P, S, T, U)

- Polyvalue Below Surface (S8) (LRR S, T, U)
- Thin Dark Surface (S9) (LRR S, T, U)
- Loamy Mucky Mineral (F1) (LRR O)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)
- Marl (F10) (LRR U)
- Depleted Ochric (F11) (MLRA 151)
- Iron-Manganese Masses (F12) (LRR O, P, T)
- Umbric Surface (F13) (LRR P, T, U)
- Delta Ochric (F17) (MLRA 151)
- Reduced Vertic (F18) (MLRA 150A, 150B)
- Piedmont Floodplain Soils (F19) (MLRA 149A)
- Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D)

Indicators for Problematic Hydric Soils³:

- 1 cm Muck (A9) (LRR O)
- 2 cm Muck (A10) (LRR S)
- Reduced Vertic (F18) (outside MLRA 150A,B)
- Piedmont Floodplain Soils (F19) (LRR P, S, T)
- Anomalous Bright Loamy Soils (F20) (MLRA 153B)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12) (LRR T, U)
- Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes No _____

Remarks:

Appendix E
Approved Jurisdictional Determination Form

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):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Charleston

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Wetlands 52, 53 and 54; Open Water 20; Stream 3 (Back River)

State: GA County/parish/borough: Chatham City: Savannah
Center coordinates of site (lat/long in degree decimal format): Lat. 32.112005° N, Long. -81.077597° W.
Universal Transverse Mercator: 17N

Name of nearest waterbody: The Little Back River

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: The Little Back River

Name of watershed or Hydrologic Unit Code (HUC): 03060109

- 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: 8/11/09
 Field Determination. Date(s): 7/6/09-7/10/09

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are** "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: TNW 1 (Stream 3) is used as a shipping route.

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: 354 linear feet: 3,220-3,300 width (ft) and/or 20.63 acres.
Wetlands: 3.50 acres.

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

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: .

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: **The Little Back River (Stream 3)**.

Summarize rationale supporting determination: The Little Back River serves as a shipping route.

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”: Wetlands 52 and 53 abut to the Little Back River and are tidally influenced by the Little Back River. Wetland 54 is connected to Wetland 53 and therefore connected to the Little Back River.

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: .

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.

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):

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: **Pick List**

Tributary gradient (approximate average slope): %

(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: .

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.

(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: .

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:

Directly abuts? (Y/N) Size (in acres) Directly abuts? (Y/N) Size (in acres)

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: .

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: 350 linear feet 2,480 width (ft), Or, 19.9 acres.
- Wetlands adjacent to TNWs: 8.55 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-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.

- 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).

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: .

⁸See Footnote # 3.

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

¹⁰Prior 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.

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: .
- 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: .
- 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: .
- National wetlands inventory map(s). Cite name: .
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date):ortho_1-1_1n_s_sc053_2006_1.sid.
 or Other (Name & Date): .
- 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: .

Appendix F
Previous Jurisdictional Determination
U.S. Route 17 Widening - SAC 2009-00631-DJM

Entire SC portion



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A HAGOOD AVENUE
CHARLESTON, SOUTH CAROLINA 29403-5107

October 13, 2010

Regulatory Division

Mr. Randall D. Williamson, P.E.
Environmental Engineer
South Carolina Department of Transportation
Post Office Box 191
Columbia, South Carolina 29202-0191

Dear Mr. Williamson:

This is in response to your agent's letter dated October 09, 2009, requesting a wetland determination, on behalf of the South Carolina Department of Transportation (SCDOT, PIN 25999) for a 7.5 linear-mile long project area consisting of approximately 397 acres, located along U.S. Route 17 from Hutchinson Island, Georgia to SC Route 170 in Jasper County, South Carolina. The project area is depicted on the enclosed wetland delineation plat that was submitted by letter dated August 25, 2010, and prepared by Jordan, Jones and Goulding, Incorporated. The wetland delineation plat consists of 16 sheets, entitled "Proposed Improvements to US 17 from Hutchinson Island, Georgia to SC 170, Jasper County, South Carolina". The plat consists of a location map dated August 25, 2009, and Figures 4-18 dated August 25, 2010. The wetland delineation portion of the plat was revised and a copy provided to our office on August 30, 2010.

Based on several on-site inspections and a review of aerial photography, topographic maps, National Wetland Inventory maps, soil survey information, and information provided by your agent, it has been concluded that the boundaries shown on the referenced, revised sketch are a reasonable approximation of the location and boundaries of the wetlands found on this site. The property in question contains approximately 107.07 acres of tidal marsh and open water tidal "critical area", and 68.874 acres of federally defined jurisdictional freshwater wetlands and other waters of the United States, for a total of 175.944 acres of wetlands or other waters of the United States, which are subject to the jurisdiction of this office. The location and configuration of these areas, as well as their status relative to jurisdiction, are reflected on the plat referenced above.

It should be clearly noted that the decision of the U.S. Supreme Court to exclude certain waters and wetlands from federal jurisdiction under the Clean Water Act has no effect on any state or local government restrictions or requirements concerning aquatic resources, including wetlands. You are strongly cautioned to ascertain whether such restrictions or requirements exist for any area in question before undertaking any activity which might destroy or otherwise impact these wetland resources.

Please note that the actual boundary of wetlands is approximate and, therefore, is subject to change and not appealable; however, the determination of jurisdiction over these wetlands is final and this approved jurisdictional determination is an appealable action under the Corps of Engineers administrative appeal procedures defined at 33 CFR 331. The administrative appeal options, process and appeals request form is attached for your convenience and use. If a

permit application is forthcoming as a result of this delineation, a copy of this letter, as well as the verified sketch should be submitted as part of the application. Otherwise, a delay could occur in confirming that a delineation was performed for the permit project area.

Please be advised that this determination is valid for five (5) years from the date of this letter unless new information warrants revision of the delineation before the expiration date. All actions concerning this determination must be complete within this time frame, or an additional delineation must be conducted.

In future correspondence concerning this matter, please refer to SAC 2009-00631-DJM. Prior to performing any work, you should contact the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management (OCRM). A copy of this letter is being forwarded to them for their information.

If you have any questions concerning this matter, please contact Michael R. Patrick at 843-329-8044, or toll free at 1-866-329-8187.

Sincerely,



Travis G. Hughes
Chief, Special Projects Branch

Enclosures:

Basis for Jurisdiction
Notification of Appeal Options

Copy Furnished:

Mr. H. Stephen Snyder
S.C. Department of Health
and Environmental Control
Office of Ocean and Coastal
Resource Management
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

Jacobs
Jordon, Jones and Goulding, Inc.
Attn: Mr. Adam H. Karagosian
309 East Morehead Street, Suite 110
Charlotte, North Carolina 28202

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): Sept 17, 2010

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Charleston (SAC), US 17 Roadway Improvements from Hutchinson Island, Georgia to SC 170, SAC 2009-00631-DJM

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Form I of 1

State: South Carolina County/parish/borough: Jasper County City: NA

Center coordinates of site (lat/long in degree decimal format): Lat. 32.17806° N, Long -81.07725° W.

Universal Transverse Mercator:

Name of nearest waterbody: Savannah River/Back River Complex

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Savannah River/Back River Complex

Name of watershed or Hydrologic Unit Code (HUC): 03060109

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: March 04, 2010

Field Determination. Date(s): March 16 2010 and May 19 2010

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There Are "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: Savannah River, Back River, and Little Back River provide access to international ports, as well as their historic significance in rice and international and national commerce.

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: Open Water Canal 1, 2, 4, 5, 7, 8, 9, 10, 10A, 10B, 11, 12, 13, 17, 18, and 19, and Streams 1, 2, and 3 linear feet: 10,661 with varying widths (ft) and/or 28.714 acres.

Wetlands: Wetlands 1-11, 13-32, 34-45, 45A, 48-50, 52, and 53 and POWs 6 and 15 for a total of 147.23 acres, which includes TNW wetlands as well as those areas above the plane of OHWL and MHWL. This calculation is based on the consultant's acreage computations.

Note: an aggregate of wetlands and canals were delineated by the SCDOT consultant, due to the linear nature of the roadway project and are located within the Savannah River/Back River Complex that was created for the purpose of historic rice cultivation. A number of the canals were constructed within the TNW portion of the Complex (specifically Canals 17-19) Streams 3-4 and Wetlands 32, 36, 38, 39, 43, 45, 45A, 50, 52, and 53 are situated in the TNW portion of the Complex. The remaining canal/stream/wetland designations are located within the adjacent wetland the TNW portion of the Complex, to

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).

include Open Water Canals 1, 2, 4, 5, 7-10, 10A, 10B, and 11-13, Stream 1, and Wetlands 1-11, 13-22, 24-27, 29-31, 34, 35, 37, 40-42, 44, 48, and 49 and POWs 6 and 15

c. Limits (boundaries) of jurisdiction based on 1987 Delineation Manual and the establishment of MHW and OHWM.
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. Stormwater features, which are not considered waters of the United States.

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: Savannah River/Back River Complex.

Summarize rationale supporting determination: Navigable in fact and observed tidal influence of within wetlands and manmade channels that were placed within said TNW wetlands that were converted to historic rice field, which are no longer active
The majority of the wetland area subject to this delineation are contained within the Savannah National Wildlife Refuge.

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": Review of USGS quads, local soil survey, infrared aerial photography support the adjacency call. These areas directly abut and are located outside the plane on influence of MHW and OHWL of the Savannah River/Back River/Little Back River, which are navigable in fact.

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

³ Supporting documentation is presented in Section III.F.

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

(j) **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**

Tributary gradient (approximate average slope): %

(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):

- | | |
|---|---|
| <input type="checkbox"/> Bed and banks | |
| <input type="checkbox"/> OHWM ⁶ (check all indicators that apply): | |
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> the presence of litter and debris |
| <input type="checkbox"/> changes in the character of soil | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> shelving | <input type="checkbox"/> the presence of wrack line |
| <input type="checkbox"/> vegetation matted down, bent, or absent | <input type="checkbox"/> sediment sorting |
| <input type="checkbox"/> leaf litter disturbed or washed away | <input type="checkbox"/> scour |
| <input type="checkbox"/> sediment deposition | <input type="checkbox"/> multiple observed or predicted flow events |
| <input type="checkbox"/> water staining | <input type="checkbox"/> abrupt change in plant community |
| <input type="checkbox"/> other (list): | |
| <input type="checkbox"/> Discontinuous OHWM. ⁷ Explain: | |

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

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

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> High Tide Line indicated by: | <input type="checkbox"/> Mean High Water Mark indicated by: |
| <input type="checkbox"/> oil or scum line along shore objects | <input type="checkbox"/> survey to available datum; |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings; |
| <input type="checkbox"/> physical markings/characteristics | <input type="checkbox"/> vegetation lines/changes in vegetation types |
| <input type="checkbox"/> tidal gauges | |
| <input type="checkbox"/> 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:

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:

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: approximately 7,158 linear feet with varying width (ft) / 27.84 acres of TNW open water area and approximately 79.23 acres of vegetated wetlands below the plane of MHWL and OHWL.
 - Wetlands adjacent to TNWs: 68.0 acres above the plane of MHWL and OHWL.
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 tributaries/canals were excavated from the Savannah River/Back River Complex for the purpose of maintaining extensive historic rice cultivation. The open water canals were observed and verified during several, site visits and are commonly seen during commutes through the general area. Flow is observed year around.

- 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. 3503 linear feet varies width (ft) / 0.874 acre
 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.**

- 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).

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: _____

⁸See Footnote # 3.

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

¹⁰Prior 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.

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): **Stormwater features in uplands.**

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft)
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- 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: 1:24,000, Limehouse and Savannah Quads
- USDA Natural Resources Conservation Service Soil Survey. Citation: Jasper County Soil Survey.
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is. (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): aerial photograph submitted by agent and MapInfo 2006 aerials.
or Other (Name & Date): Site photographs presented by SCDOT consultant.
- 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: The waters of the United States presented in this report are part and parcel to the Savannah River/Back River Complex which is contiguous to the Atlantic Ocean, much of which is navigable in fact. Historically, the overall area, including wetlands of the TNWs, as well as those adjacent wetlands were utilized rice cultivation and highly manipulated. Much of the broad area falls into the Savannah National Wildlife Refuge or its adjacent wetlands.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

| | | |
|--|--|-------------------|
| Applicant: South Carolina Department of Transportation (PIN 25999) | File Number: SAC 20099-00631-DJM | Date: |
| Attached is: | | See Section below |
| <input type="checkbox"/> | INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) | A |
| <input type="checkbox"/> | PROFFERED PERMIT (Standard Permit or Letter of permission) | B |
| <input type="checkbox"/> | PERMIT DENIAL | C |
| X | APPROVED JURISDICTIONAL DETERMINATION | D |
| <input type="checkbox"/> | PRELIMINARY JURISDICTIONAL DETERMINATION | E |

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer, South Atlantic Division, 60 Forsyth St, SW, Atlanta, GA 30308-8801. This form must be received by the Division Engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is **not appealable**. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact the Corps biologist who signed the letter to which this notification is attached. The name and telephone number of this person is given at the end of the letter.

If you only have questions regarding the appeal process you may also contact the Coordinator for Appeals in our South Atlantic Division Office in Atlanta, Georgia at (404) 562-5136.

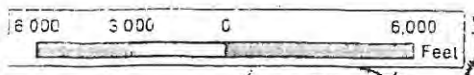
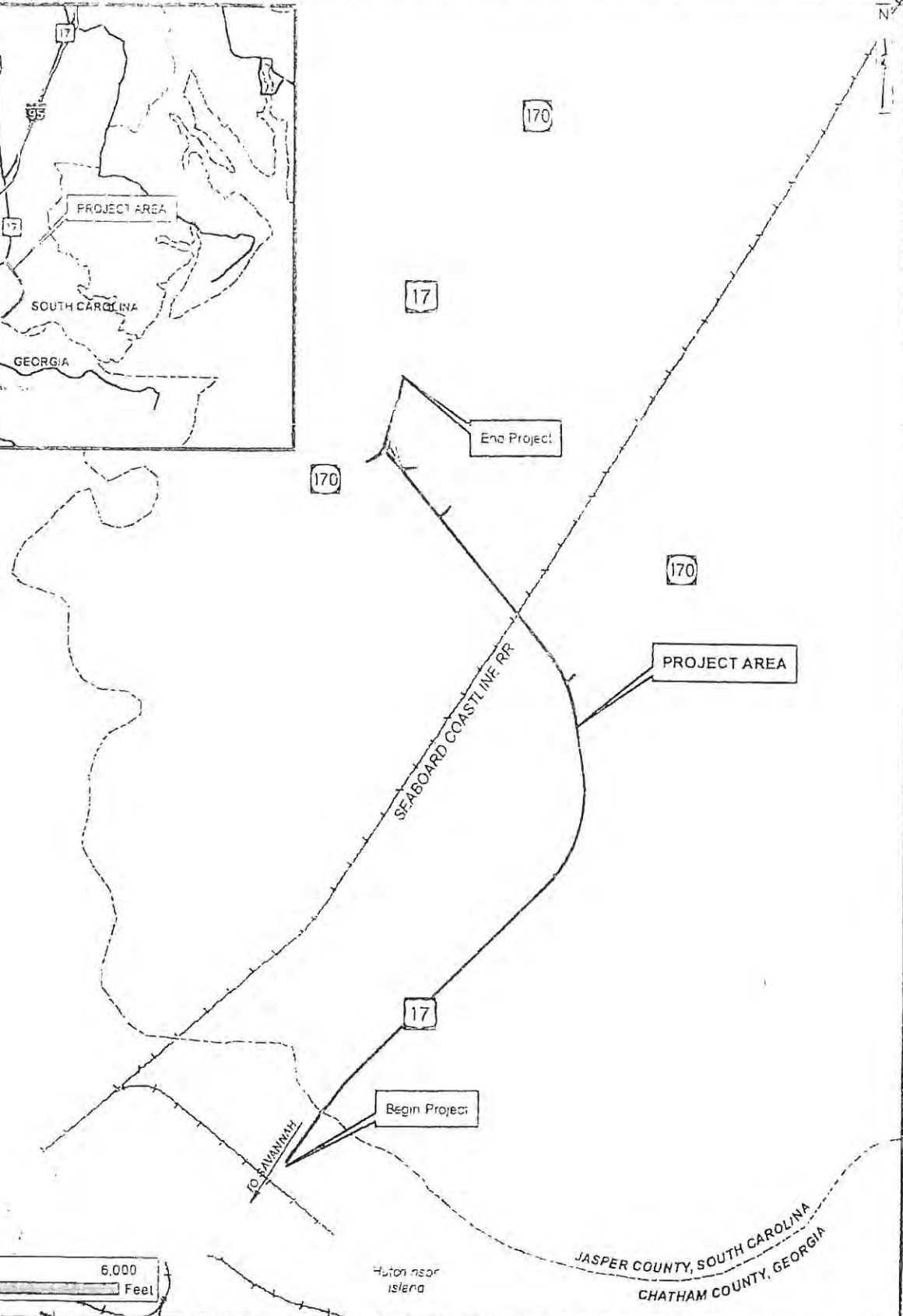
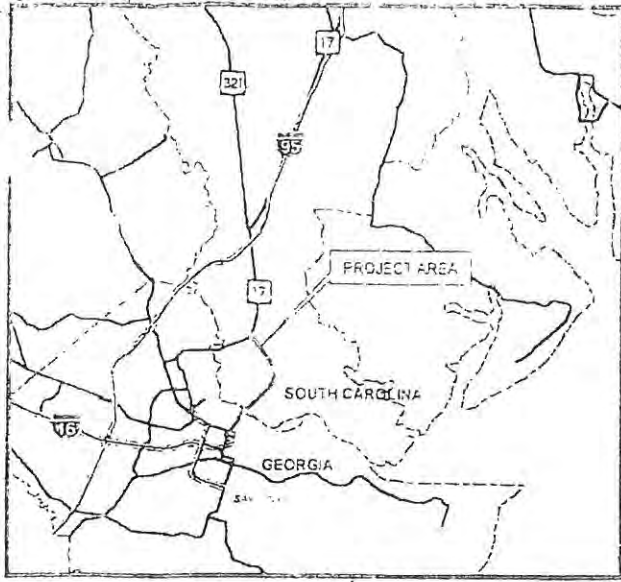
Mike Bell
60 Forsyth St, SW Atlanta, GA 30308-8801

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:



SAC 2009-00631-DJM
 US 17 Improvement
 Jasper County
 SCDOT PIN 25999_PE01
 SHEET 01 OF 16
 October 01, 2010

Date August 25 2009
 Scale 1" = 6,000'
 JIG No 03058003

Figure 1



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A HAGOOD AVENUE
CHARLESTON, SOUTH CAROLINA 29403-5107

November 14, 2011

Regulatory Division

Mr. Sean Connolly
SC Department of Transportation
Post Office Box 191
Columbia South Carolina 29202

Dear Mr. Connolly:

PIN 33036

This is in response to a request received November 9, 2011, for a wetland determination, prepared by Mr. Collin Lane with Edwards-Pitman Environmental, Inc., for a 51.7 acre tract located along US 17 crossing the Back River, beginning in Chatham County, Georgia and ending in Jasper County, South Carolina. The project area is depicted on the maps you submitted, re-labeled and entitled "SAC 2011-01156-DJJ US 17 Bridge Over Back River" and re-dated November 14, 2011.

This plat depicts the surveyed "Critical Area" boundaries as established by your office and approved by the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management (OCRM) on October 12, 2011 and the Georgia Department of Natural Resources, Coastal Resources Division on November 1, 2011. You have requested that this office verify the accuracy of this mapping as a true representation of wetlands or other waters of the United States within the regulatory authority of this office. The property contains 40.01 acres of salt marsh and/or open water tidal "critical area" subject to the jurisdiction of this office.

Based on a review of aerial photography and soil survey information, it has been determined that the surveyed jurisdictional area (i.e., "critical area") boundaries shown on the referenced maps are an accurate representation of jurisdictional areas within our regulatory authority. This office should be contacted prior to performing any work in these areas. You should be aware that the areas identified as jurisdictional may be subject to restrictions or requirements of other state or local government entities.

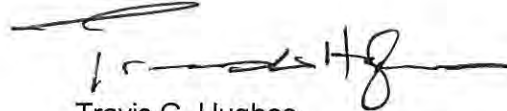
If a permit application is forthcoming as a result of this delineation, a copy of this letter, as well as the verified maps, should be submitted as part of the application. Otherwise, a delay could occur in confirming that a delineation was performed for the permit project area.

Please be advised that this wetland determination is valid for five (5) years from the date of this letter unless new information warrants revision of the delineation before the expiration date. All actions concerning this determination must be complete within this time frame, or an additional delineation must be conducted. This **approved** jurisdictional determination is an appealable action under the Corps of Engineers administrative appeal procedures defined at 33 CFR 331. The administrative appeal options, process and appeals request form is attached for your convenience and use.

In future correspondence concerning this matter, please refer to SAC 2011-01156-DJJ. Prior to performing any work, you should contact the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management (OCRM) and/or the Georgia Department of Natural Resources, Coastal Resources Division.

If you have any questions concerning this matter, please contact Elizabeth Williams at 843-329-8044 or toll free at 1-866-329-8187.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis G. Hughes". The signature is fluid and cursive, with a long horizontal stroke at the end.

Travis G. Hughes
Chief, Special Projects Branch

Enclosures:
Basis for Jurisdiction
Notification of Appeal Options

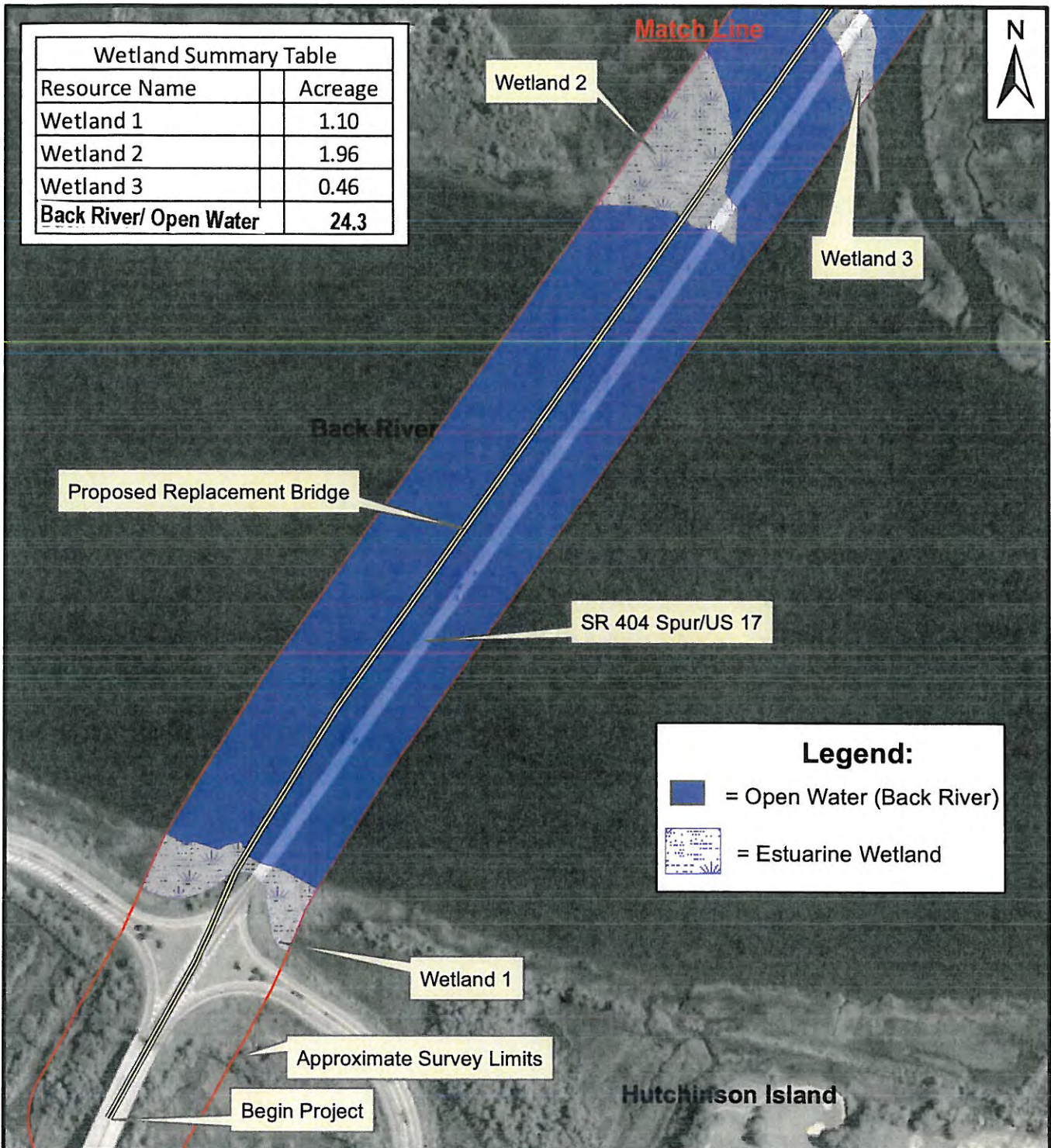
Copy Furnished:

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

Mr. Collin T. Lane
Edwards-Pitman Environmental, Inc.
1250 Winchester Parkway, Suite 200
Smyrna, GA 30080

Mr. Stanley J Knight, via e-mail

| Wetland Summary Table | |
|-------------------------------|-------------|
| Resource Name | Acreage |
| Wetland 1 | 1.10 |
| Wetland 2 | 1.96 |
| Wetland 3 | 0.46 |
| Back River/ Open Water | 24.3 |



Legend:

- = Open Water (Back River)
- = Estuarine Wetland

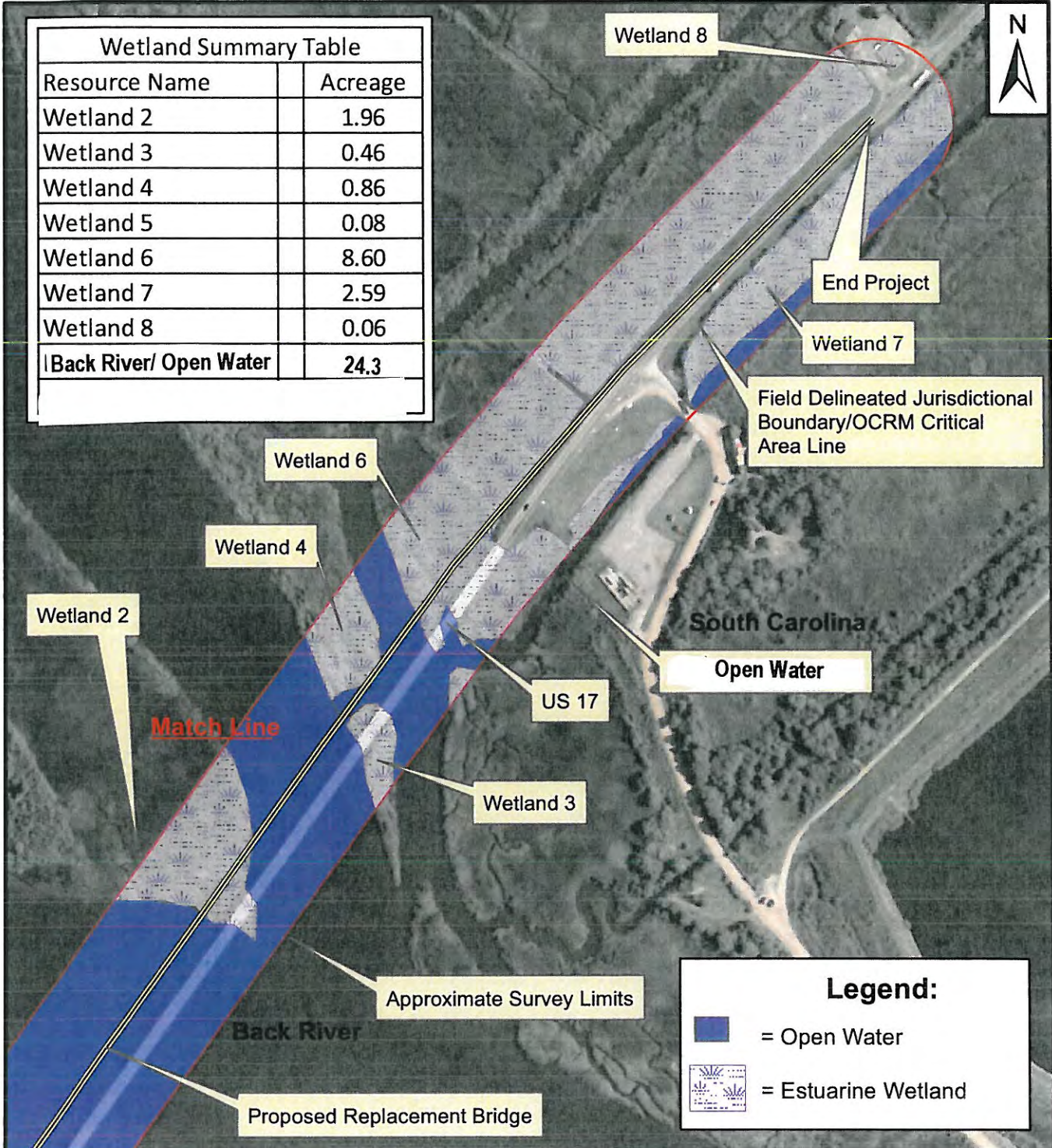


SAC 2011-01156-DJJ
 US 17 Bridge Over Back River
 Sheet 1 of 2 November 14, 2011

0 187.5 375 750
 ─────────────────────────────────── Feet

Source: USDA-NRCS (2010) National Agricultural Imagery Program

| Wetland Summary Table | |
|------------------------|---------|
| Resource Name | Acreage |
| Wetland 2 | 1.96 |
| Wetland 3 | 0.46 |
| Wetland 4 | 0.86 |
| Wetland 5 | 0.08 |
| Wetland 6 | 8.60 |
| Wetland 7 | 2.59 |
| Wetland 8 | 0.06 |
| Back River/ Open Water | 24.3 |



Legend:

- = Open Water
- = Estuarine Wetland



SAC 2011-01156-DJJ
US 17 Bridge Over Back River
 Sheet 2 of 2 November 14, 2011

0 187.5 375 750
 Feet

Source: USDA-NRCS (2010) National Agricultural Imagery Program

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): 11-14-11

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: SAC 2011-1156-DJJ, US 17 Bridge over Back River

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: SC County/parish/borough: Jasper/ Chatham City:
Center coordinates of site (lat/long in degree decimal format): Lat. 32.102005° N, Long. 81.088747° W.
Universal Transverse Mercator:

Name of nearest waterbody: Back River

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

Name of watershed or Hydrologic Unit Code (HUC): 03060109

- 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: 11-14-11
 Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are** "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 24.3 acres.
Wetlands: 15.7 acres.

c. Limits (boundaries) of jurisdiction based on: Established by mean (average) high waters.

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:

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: **Back River**.

Summarize rationale supporting determination: the waters and wetlands are subject to ebb and flow of the 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: **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:

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.

(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):

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: **Pick List**

Tributary gradient (approximate average slope): %

(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:

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.

(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:

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:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

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:

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, 40 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-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.**

- 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).

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: .

⁸See Footnote # 3.

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

¹⁰Prior 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.

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: .
- 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:
- 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: Savannah GA Topo Map.
- USDA Natural Resources Conservation Service Soil Survey. Citation: .
- National wetlands inventory map(s). Cite name: .
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): SCDNR aerial infrared 2006.
or Other (Name & Date): .
- Previous determination(s). File no. and date of response letter: SAC 2009-00631 (10-13-10), SAS 200701163 (9-5-08) .
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: Jurisdictional waters on site are subject to ebb and flow of the tide and thus are considered TNWs/ Navigable waters of the US.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

| | | |
|--------------|--|-------------------|
| Applicant: | File Number: | Date: |
| Attached is: | | See Section below |
| | INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) | A |
| | PROFFERED PERMIT (Standard Permit or Letter of permission) | B |
| | PERMIT DENIAL | C |
| X | APPROVED JURISDICTIONAL DETERMINATION | D |
| | PRELIMINARY JURISDICTIONAL DETERMINATION | E |

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer, South Atlantic Division, 60 Forsyth St, SW, Atlanta, GA 30308-8801. This form must be received by the Division Engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD **is not appealable**. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact the Corps biologist who signed the letter to which this notification is attached. The name and telephone number of this person is given at the end of the letter.

If you only have questions regarding the appeal process you may also contact the Coordinator for Appeals in our South Atlantic Division Office in Atlanta, Georgia at (404) 562-5136.

60 Forsyth St, SW Atlanta, GA 30308-8801

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

Appendix G
Back River Bridge Replacement Permit and Jurisdictional Determination
SAC 2011-1156-DIJ

**CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

**JOINT
PUBLIC NOTICE**

**CHARLESTON AND SAVANNAH DISTRICTS- US ARMY CORPS OF ENGINEERS,
and
S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL-
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT,
and
GEORGIA DEPARTMENT OF NATURAL RESOURCES- ENVIRONMENTAL PROTECTION DIVISION**

REGULATORY DIVISION
Refer to: P/N #2011-1156-DIJ

January 6, 2012

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), the South Carolina Coastal Zone Management Act (48-39-10 et.seq.), the State of Georgia Coastal Management Program, and the Coastal Marshlands Protection Act (Georgia Laws), an application has been submitted by

**Georgia Department of Transportation
600 W. Peachtree Street, NW
Atlanta, Georgia 30308
and**

**South Carolina Department of Transportation
Post Office Box 191, 955 Park Street
Columbia, South Carolina 20202-0191**

for a permit to replace a bridge and place fill material in wetlands adjacent to and within

The Back River

located approximately one-mile north of Savannah, Georgia, beginning at the end of the existing Talmadge Bridge in Chatham County along the SR 404 Spur/ US 17, continuing over the Back River and ending along US 17 in Jasper County, South Carolina (from: Latitude 32.097732, Longitude -81.091956, to: Latitude: 32.108141, Longitude: -81.082747).). The Back River is a Section 10 navigable waterway and is a Federal Project maintained by the Savannah District, US Army Corps of Engineers.

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by the above mentioned offices until

30 DAYS FROM THE DATE OF THIS NOTICE

from those interested in the activity and whose interests may be affected by the proposed work.

BACKGROUND

This Joint Public Notice announces a request for authorizations from the US Army Corps of Engineers, the SC Department of Health and Environmental Control and the State of Georgia. The applicant's proposed work may also require local governmental approval.

The authority of the Secretary of the Army and Chief of Engineers with respect to permitting bridges was transferred to the Secretary of Transportation under the Department of Transportation Act of October 15, 1966, therefore the US Coast Guard (USCG) has the authority and responsibility for permitting bridge. Based on this, the USACE permitting authority for this project would be limited to the placement of the bridge piles in navigable waters and the placement of fill material in jurisdictional wetlands and waters of the US for the bridge approaches.

STATE OF SOUTH CAROLINA

Water Quality Certification and South Carolina Coastal Zone Management Program: The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

SCDHEC will receive written statements regarding the proposed work. Comments concerning these actions should be submitted to: **South Carolina Department of Health and Environmental Control**

Office of Ocean and Coastal Resources Management

**1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405.**

STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, intends to certify this project at the end of 30 days in accordance with the provisions of Section 401 of the Clean Water Act, which is required for a Federal Permit to conduct activity in, on, or adjacent to the waters of the State of Georgia. Copies of the application and supporting documents relative to a specific application will be available for review and copying at the office of the Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354, during regular office hours. A copier machine is available for public use at a charge of 25 cents per page. Any person who desires to comment, object, or request a public hearing relative to State Water Quality Certification must do so within 30 days of the State's receipt of application in writing and state the reasons or basis of objections or request for a hearing. The application can be reviewed in the Savannah District, US Army Corps of Engineers, Regulatory Division, 100 W. Oglethorpe Avenue Savannah, Georgia 31401-3640.

State-owned Property and Resources: The applicant may also require assent from the State of Georgia, which may be in the form of a license, easement, lease, permit or other appropriate instrument.

Marshland Protection: This notice also serves as notification of a request to alter coastal marshlands (under

the provision of the Coastal Marshlands Protection Act, Georgia Laws, 1970, p. 939 and as amended), if required. Comments concerning this action should be submitted to the Ecological Services Section, Coastal Resources Division, Georgia Department of Natural Resources, 1 Conservation Way, Brunswick, Georgia 31523-8600 (Telephone 912-264-7218).

Georgia Coastal Management Program: Prior to the Corps of Engineers making a final permit decision on this application, the project must be certified by the Georgia Department of Natural Resources, Coastal Resources Division, to be consistent with applicable provisions of the State of Georgia Coastal Management Program (15 CFR 930). Anyone wishing to comment on Coastal Management Program certification of this project should submit comments in writing within 30 days of the date of this notice to the Federal Consistency Coordinator, Ecological Services Section, Coastal Resources Division, Georgia Department of Natural Resources, One Conservation Way, Brunswick, Georgia 31523-8600 (Telephone 912-264-7218).

DESCRIPTION OF PROPOSED WORK

The proposed work consists of replacing the existing bridge over the Back River on a new alignment. The new alignment will shift the SR 404 Spur/ US 17 interchange with Wayne Shackelford Boulevard on Hutchinson Island to the west of its current location and create a new bridge over the Back River to the west of the existing bridge. The proposed project stays to the west of the existing alignment until merging back with the existing road alignment in Jasper County, South Carolina. The proposed typical section of the bridge would consist of two twelve foot travel lanes, one in each direction, plus eight-foot shoulders on either side for the majority of the project corridor. A southbound deceleration lane would be included to provide a safe exit onto Hutchinson Island, and a northbound deceleration lane would be provided to allow a safe exit onto an unnamed access road in South Carolina on the east side of US 17. The existing bridge will be demolished once the new structure is open to traffic. The purpose of the proposed work is to replace a structurally deficient bridge.

The proposed project would require permanent fill in 1.65 acres of tidal wetlands and the temporary clearing of 0.28 acre of tidal wetlands. The impacts will allow for the construction of the bridge approaches that would tie into the existing roadway network, re-aligning the existing roadway, construction of the ends of the bridge, as well as allowing access to a temporary work bridge that would allow for construction from the South Carolina side of the bridge where water depths are not sufficient to allow for construction from barges. The proposed bridge will utilize scuppers for bridge drainage. The replacement bridge is elevated 3 feet above the existing bridge and is designed with a 0.3 percent grade. The applicant states that due to the length of the bridge and minimal slope, it is not feasible to drain the stormwater back to land.

The applicant states that they have minimized impacts to wetlands as much as practicable. Geotechnical analysis of the structural capacity of the underlying marsh soils revealed that the load capacity was not sufficient to support the roadway with 2:1 slopes without a high probability of roadway failure. As a result, the recommendation from the geotechnical analysis was to utilize 4:1 slopes in order to provide greater structural load capacity. In addition, the proposed design utilizes 70-foot spacing between bents, which is longer than the current spacing. This minimizes the number of bents located in the Back River.

The applicant has calculated the required mitigation credits needed to compensate for the proposed impacts utilizing the April 2004 version of the USACE Savannah District's Standard Operating Procedure for Compensatory Mitigation and the USACE Charleston District's Required Wetland Mitigation Credit Table and Worksheet, as appropriate. No on-site location existed for wetland restoration to be included as a component of the compensatory mitigation for project related impacts to waters of the US. The applicant proposes to compensate for the impacts by purchasing 4.1 tidal marsh mitigation credits for the Georgia impacts from Salt Creek Saltmarsh Mitigation Bank in Chatham County, Georgia. Currently this mitigation bank is not approved; however the applicant proposes to purchase the credits when they become available. Impacts in South Carolina

will be mitigated by debiting 18.2 tidal marsh mitigation credits from SCDOT's Huspa Creek Mitigation Bank in Beaufort County, South Carolina.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 1.95 acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the applicant has provided a protected species survey for the property associated with the activity described above. Based upon this report, the District Engineer has determined that the project is not likely to adversely affect the manatee, wood stork, and the shortnose sturgeon and there will be no effect on other Federally endangered, threatened, or proposed species nor will the project result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

The applicant did coordinate with the South Carolina and Georgia State Historic Preservation Offices early in the planning process. One NRHP eligible site was identified and a Memorandum of Agreement (MOA) was signed between the Federal Highway Administration and Georgia Department of Transportation in 2007. It is the Corps' understanding that since that time, all stipulations of the MOA have been fulfilled. In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite does not contain any other registered properties or properties listed as being eligible for inclusion in the Register. To insure that other cultural resources that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the South Carolina and Georgia State Historic Preservation Offices to provide any information it may have with regard to historic and cultural resources.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will

be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Charleston District, Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity. Comments should be submitted to:

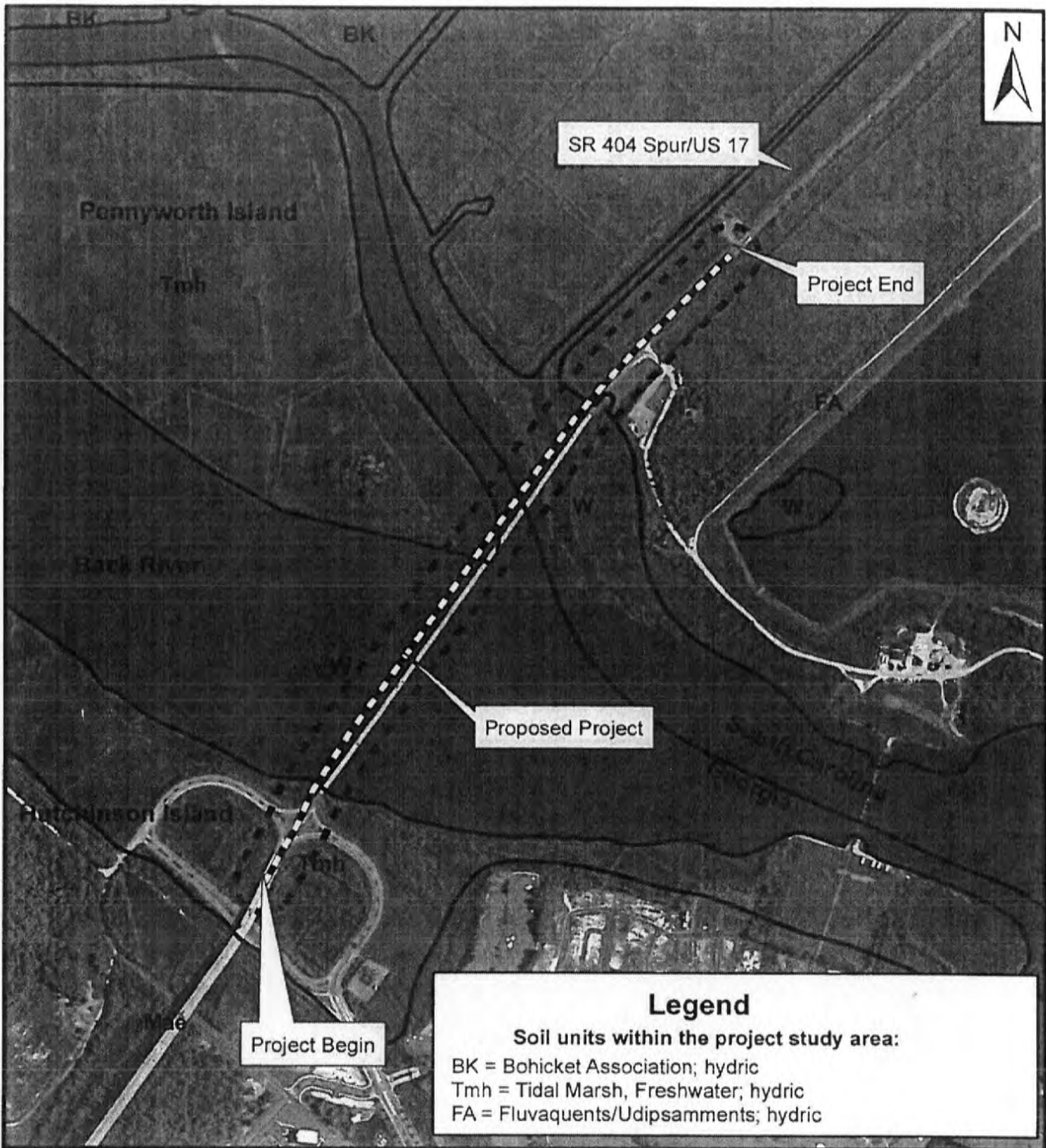
**Charleston District, US Army Corps of Engineers,
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

If there are any questions concerning this public notice, please contact Elizabeth Williams at 843-329-8044 or toll free at 1-866-329-8187.



E US 17 Bridge Over Back River ver
 SAC 2011-01156-DIJ
 Sheet 1 of 16 Januray 5, 2011

Source: USDA-NRCS (2010) National Agricultural Imagery Program



Legend

Soil units within the project study area:

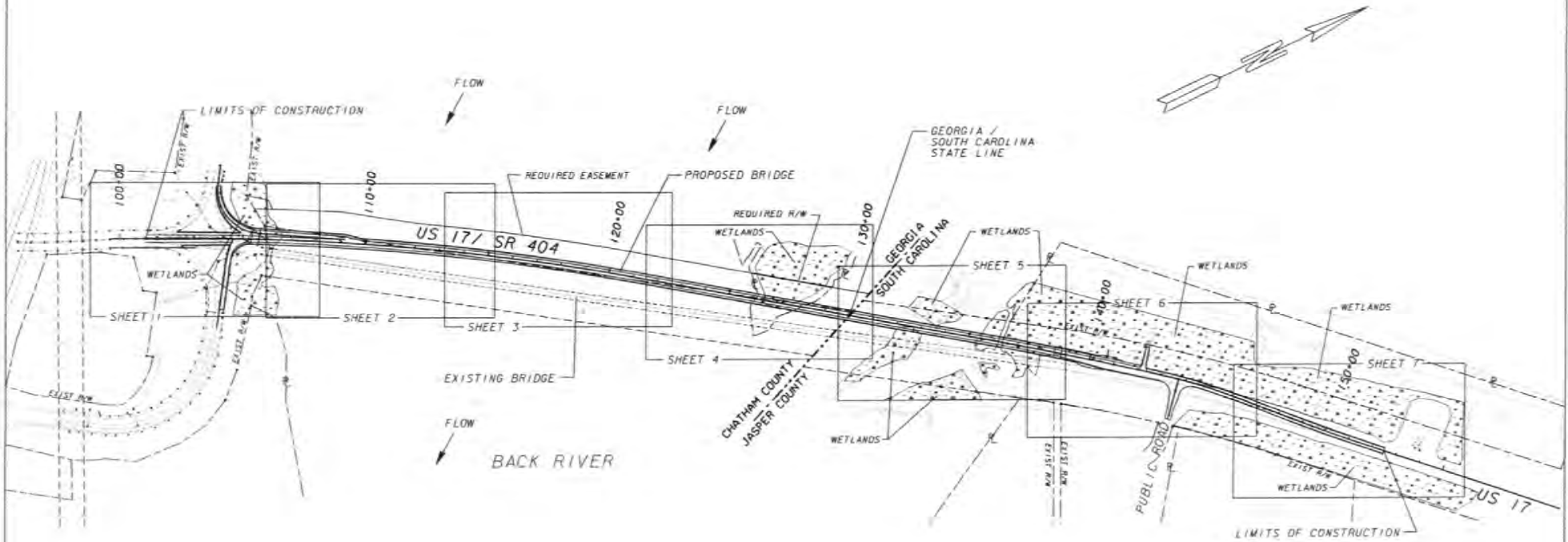
- BK = Bohicket Association; hydric
- Tmh = Tidal Marsh, Freshwater; hydric
- FA = Fluvaquents/Udipsamments; hydric



US 17 Bridge Over Back River
 SAC 2011-01156-DIJ
 Sheet 2 of 16 Januray 5, 2011

Source: USDA-NRCS (2010) National Agricultural Imagery Program

| | |
|------------------------|------------|
| GEORGIA IMPACTS | |
| FILL (PERMANENT) | 0.40 ACRES |
| CLEAR (TEMPORARY) | 0.08 ACRES |
| SOUTH CAROLINA IMPACTS | |
| FILL (PERMANENT) | 1.25 ACRES |
| CLEAR (TEMPORARY) | 0.20 ACRES |
| TOTAL WETLAND IMPACTS | |
| | 1.93 ACRES |



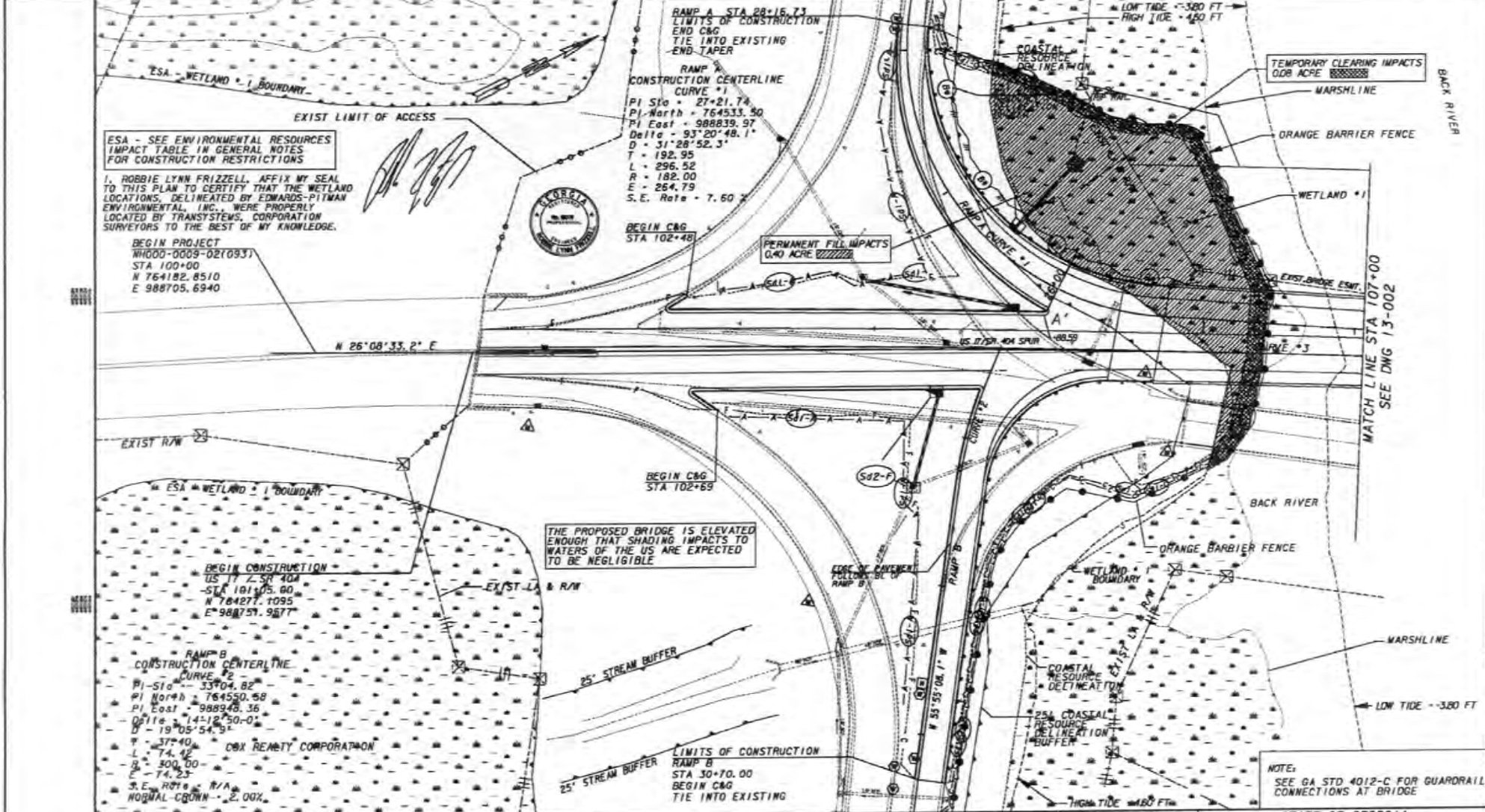
LEGEND

- WETLANDS
- PROPERTY LINE

US 17 Bridge Over Back River
SAC 2011-01156-DIJ
Sheet 3 of 16 Januray 5, 2011

NOTE: CRITICAL AREA BOUNDARIES WERE
 DELINEATED BY EDWARDS-PITMAN
 ENVIRONMENTAL, INC. AND SURVEYED
 BY TRANSYSTEMS, INC.

 THIS DELINEATION WAS APPROVED
 BY SCDHEC-OCRM ON 10-12-11 BY
 K LAMAKER



ESA - SEE ENVIRONMENTAL RESOURCES IMPACT TABLE IN GENERAL NOTES FOR CONSTRUCTION RESTRICTIONS

I, ROBBIE LYNN FRIZZELL, AFFIX MY SEAL TO THIS PLAN TO CERTIFY THAT THE WETLAND LOCATIONS, DELINEATED BY EDWARDS-PITMAN ENVIRONMENTAL, INC., WERE PROPERLY LOCATED BY TRANSYSTEMS CORPORATION SURVEYORS TO THE BEST OF MY KNOWLEDGE.

BEGIN PROJECT
 WH000-0009-02(031)
 STA 100+00
 N 76+182.8510
 E 988705.6940

RAMP A STA 28+16.73
 LIMITS OF CONSTRUCTION
 END C&G
 TIE INTO EXISTING
 END-TAPER
 RAMP A
 CONSTRUCTION CENTERLINE
 CURVE #1
 PI Sta = 27+21.74
 PI North = 764533.50
 PI East = 988939.97
 Delta = 93°20'48.1"
 D = 31°28'52.3"
 T = 192.95
 L = 296.52
 R = 182.00
 E = 254.79
 S.E. Rate = 7.60

N 26°08'33.2" E

BEGIN CONSTRUCTION
 US 17 Z.S. 404
 STA 101+05.90
 N 764277.1095
 E 988751.9577

RAMP B
 CONSTRUCTION CENTERLINE
 CURVE #2
 PI-Sta = 33+04.82
 PI North = 764550.59
 PI East = 988945.36
 Delta = 141°12'50.0"
 D = 19°05'54.9"
 T = 377.40
 L = 74.42
 R = 300.00
 E = 74.25
 S.E. Rate = N/A
 NORMAL CROWN = .2.00%

THE PROPOSED BRIDGE IS ELEVATED ENOUGH THAT SHADING IMPACTS TO WATERS OF THE US ARE EXPECTED TO BE NEGLIGIBLE

NOTE:
 SEE GA STD 4012-C FOR GUARDRAIL CONNECTIONS AT BRIDGE

| | |
|---------------------------|--|
| WETLANDS | |
| PERMANENT WETLAND IMPACTS | |
| TEMPORARY WETLAND IMPACTS | |

| RESOURCE | IMPACT TYPE | IMPACT ACREAGE |
|-----------|-------------|----------------|
| WETLAND I | CLEARING | 0.08 ACRE |
| WETLAND I | FILL | 0.40 ACRE |

GEORGIA DEPARTMENT OF TRANSPORTATION
 S&A



| REVISION DATES |
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STATE OF GEORGIA
 DEPARTMENT OF TRANSPORTATION
 OFFICE: ROADWAY DESIGN
 MAINLINE PLAN
 US 17 BACK RIVER BRIDGE

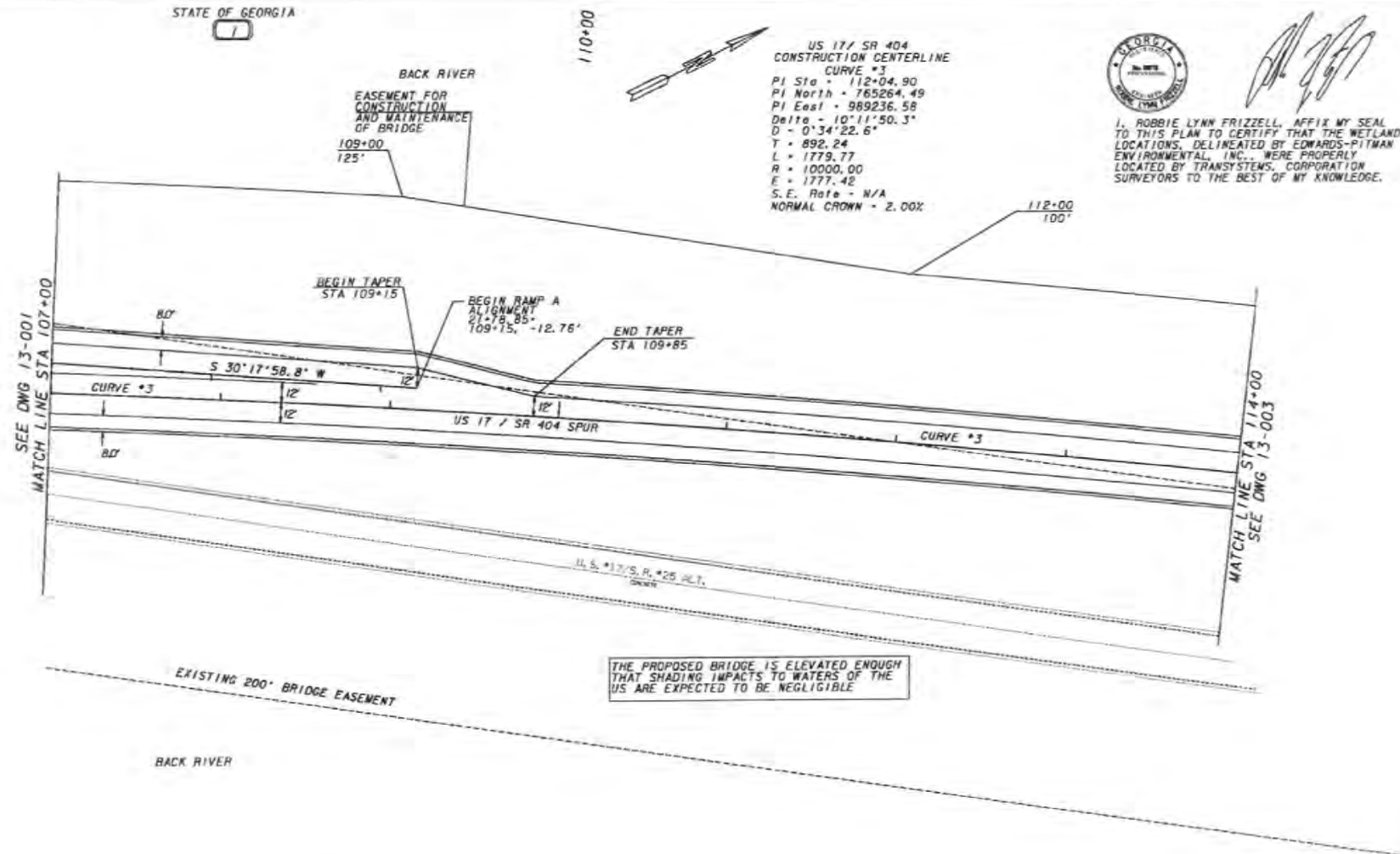
13-001

STATE OF GEORGIA
1

US 17 / SR 404
CONSTRUCTION CENTERLINE
CURVE *3
PI Sta = 112+04.90
PI North = 765264.49
PI East = 989236.58
Delta = 10°11'50.3"
D = 0°34'22.6"
T = 892.24
L = 1779.77
R = 10000.00
E = 1777.42
S.E. Rate = N/A
NORMAL CROWN = 2.00%



I, ROBBIE LYNN FRIZZELL, AFFIX MY SEAL TO THIS PLAN TO CERTIFY THAT THE WETLAND LOCATIONS, DELINEATED BY EDWARDS-PITMAN ENVIRONMENTAL, INC., WERE PROPERLY LOCATED BY TRANSYSTEMS CORPORATION SURVEYORS TO THE BEST OF MY KNOWLEDGE.



THE PROPOSED BRIDGE IS ELEVATED ENOUGH THAT SHADING IMPACTS TO WATERS OF THE US ARE EXPECTED TO BE NEGLIGIBLE

STATE OF GEORGIA
1

| WETLANDS | RESOURCE * | IMPACT TYPE | IMPACT ACREAGE |
|---------------------------|------------|-------------|----------------|
| PERMANENT WETLAND IMPACTS | [Symbol] | | |
| TEMPORARY WETLAND IMPACTS | [Symbol] | | |

| RESOURCE * | IMPACT TYPE | IMPACT ACREAGE |
|------------|-------------|----------------|
| | | |



| REVISION DATES |
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STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
OFFICE: ROADWAY DESIGN
MAINLINE PLAN
US 17 BACK RIVER BRIDGE

US 17 Bridge Over Back River
SAC 2011-01156-DIJ
Sheet 5 of 16 Januray 5, 2011

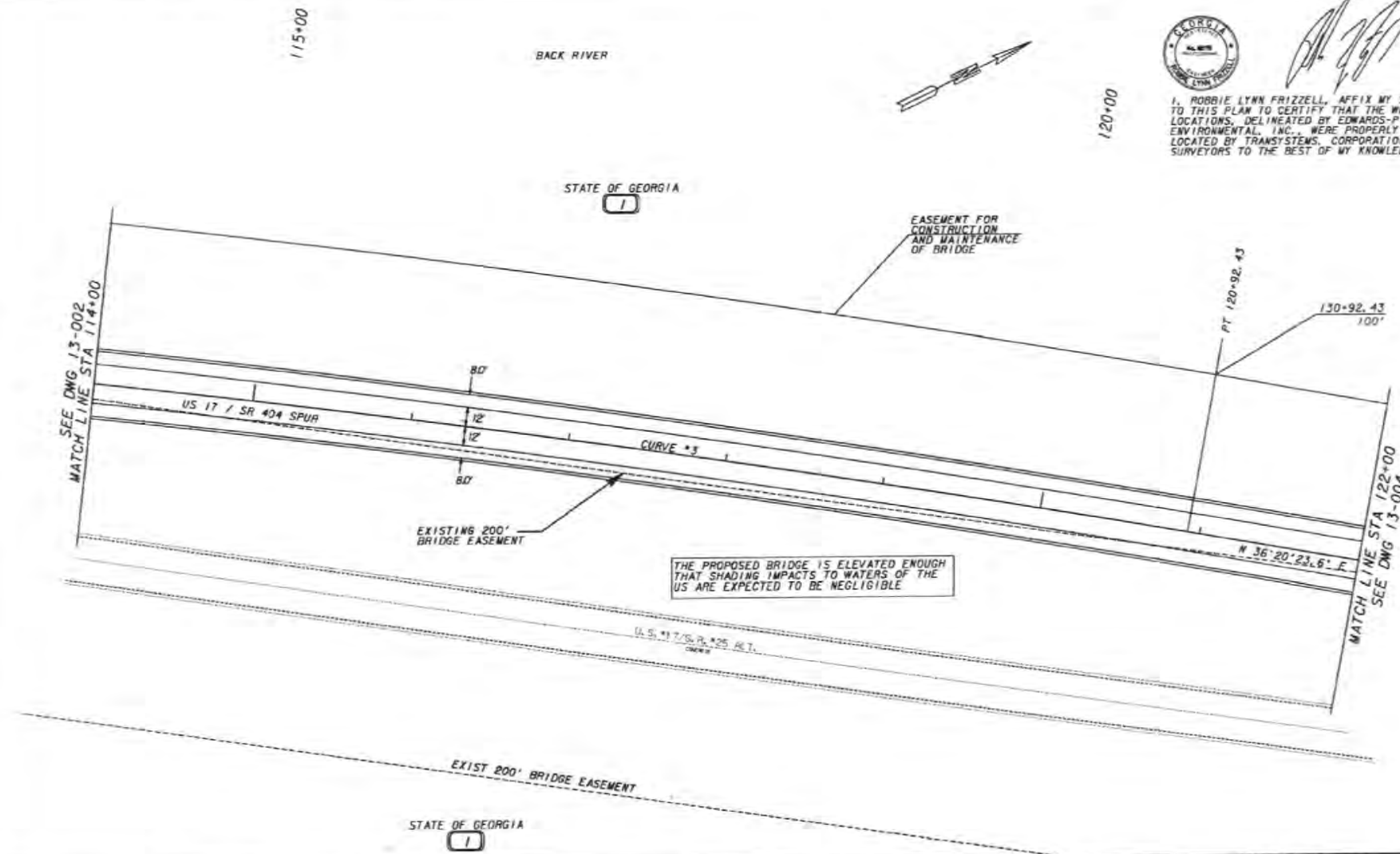
13-002

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Robb L. Frizzell

I, ROBBIE LYNN FRIZZELL, AFFIX MY SEAL TO THIS PLAN TO CERTIFY THAT THE WETLAND LOCATIONS, DELINEATED BY EDWARDS-PITMAN ENVIRONMENTAL, INC., WERE PROPERLY LOCATED BY TRANSYSTEMS, CORPORATION SURVEYORS TO THE BEST OF MY KNOWLEDGE.



THE PROPOSED BRIDGE IS ELEVATED ENOUGH THAT SHADING IMPACTS TO WATERS OF THE US ARE EXPECTED TO BE NEGLIGIBLE

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| WETLANDS | |
| PERMANENT WETLAND IMPACTS | |
| TEMPORARY WETLAND IMPACTS | |

| RESOURCE | IMPACT TYPE | IMPACT ACREAGE |
|----------|-------------|----------------|
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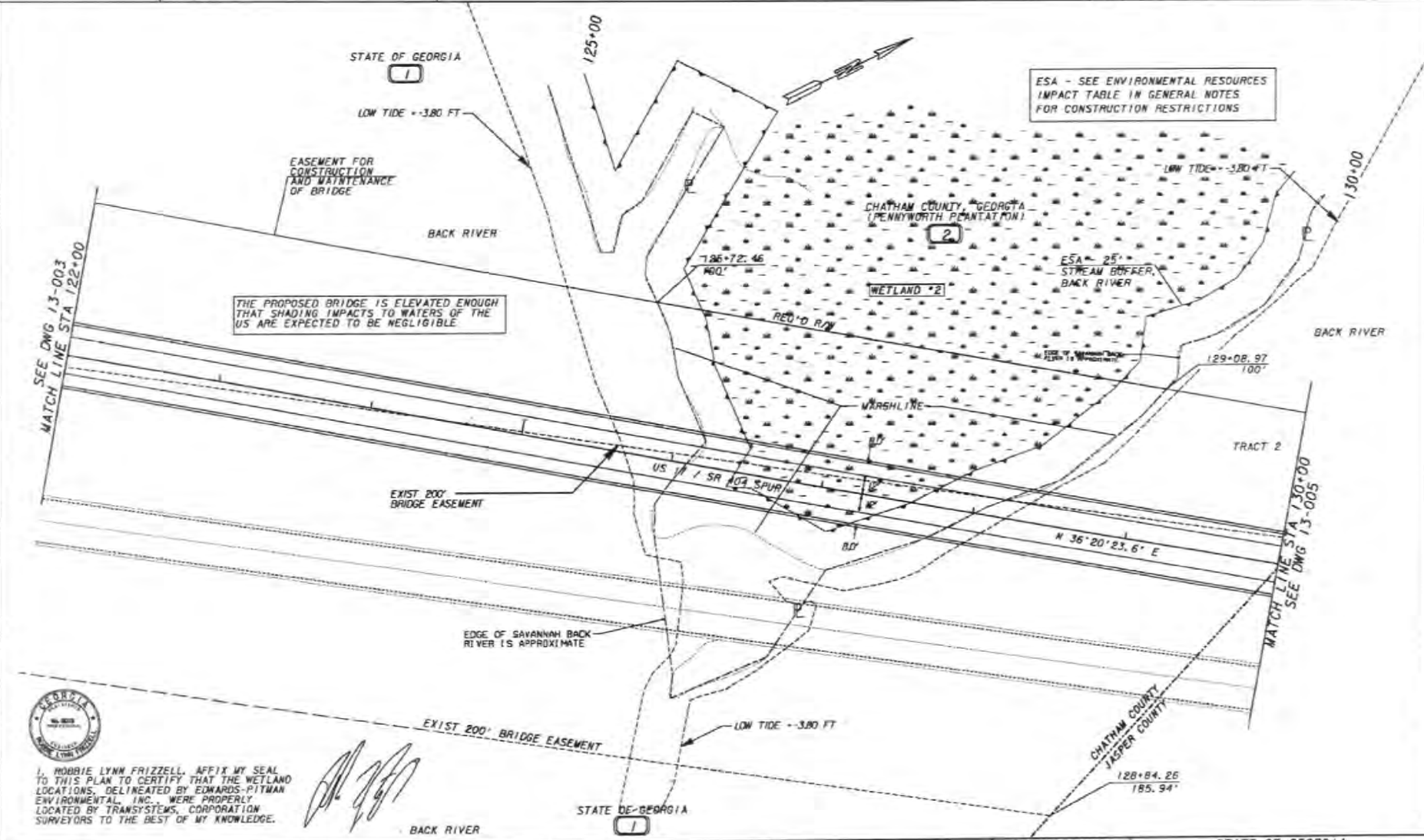


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STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
OFFICE: ROADWAY DESIGN
MAINLINE PLAN
US 17 BACK RIVER BRIDGE

13-003

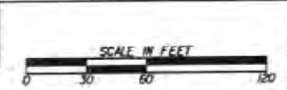
US 17 Bridge Over Back River
SAC 2011-01156-DIJ
Sheet 6 of 16 Januray 5, 2011



I, ROBBIE LYNN FRIZZELL, AFFIX MY SEAL TO THIS PLAN TO CERTIFY THAT THE WETLAND LOCATIONS, DELINEATED BY EDWARDS-PITMAN ENVIRONMENTAL, INC., WERE PROPERLY LOCATED BY TRANSYSTEMS, CORPORATION SURVEYORS TO THE BEST OF MY KNOWLEDGE.

| | |
|---------------------------|--|
| WETLANDS | |
| PERMANENT WETLAND IMPACTS | |
| TEMPORARY WETLAND IMPACTS | |

| RESOURCE | IMPACT TYPE | IMPACT ACREAGE |
|-----------|-------------|----------------|
| WETLAND 2 | NO IMPACTS | NO IMPACTS |

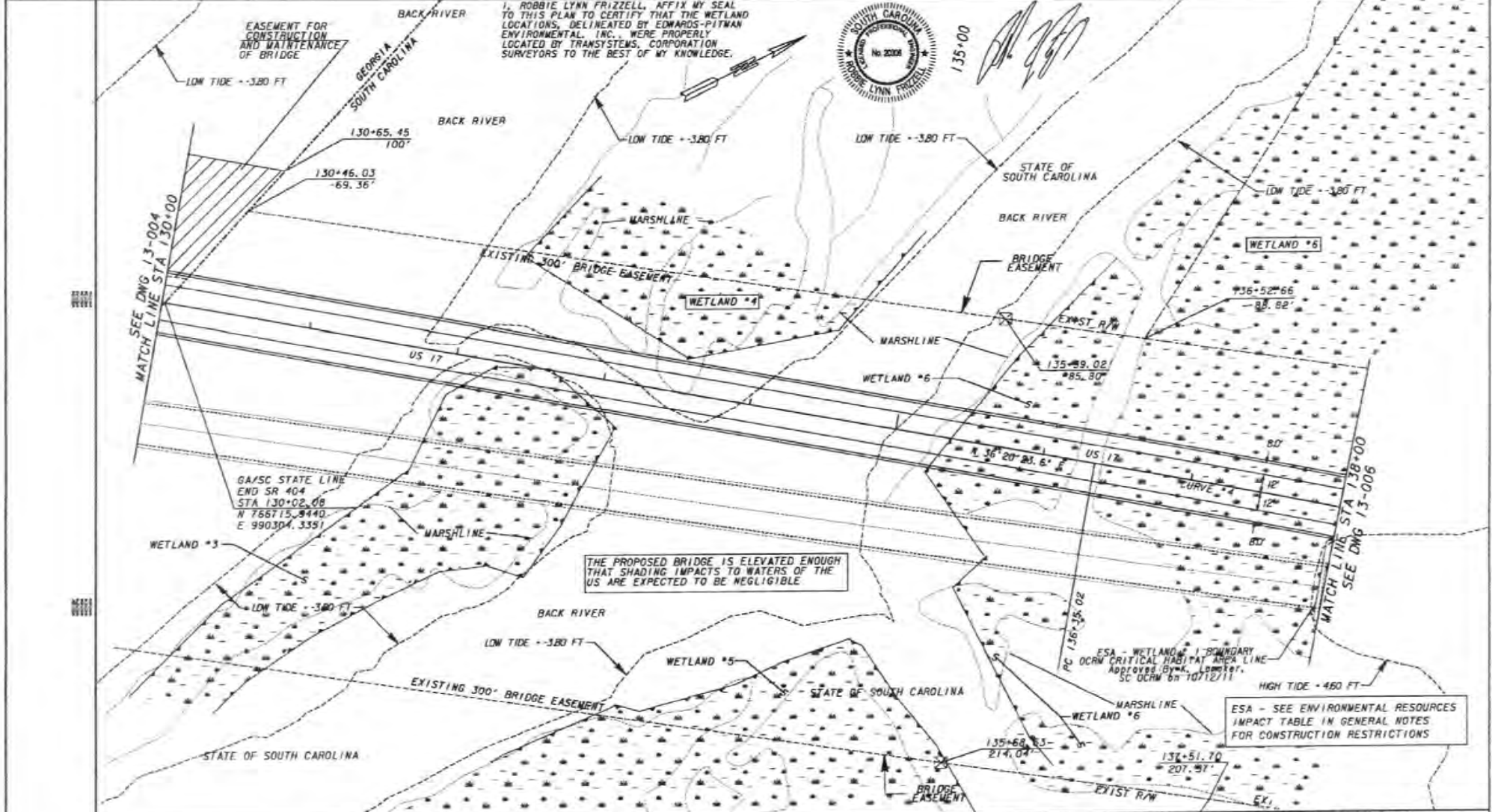


| REVISION DATES |
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STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
OFFICE: ROADWAY DESIGN
MAINLINE PLAN
US 17 BACK RIVER BRIDGE

13-004

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SEE DWG 13-004
MATCH LINE STA 130+00

MATCH LINE STA 138+00
SEE DWG 13-005

THE PROPOSED BRIDGE IS ELEVATED ENOUGH THAT SHADING IMPACTS TO WATERS OF THE US ARE EXPECTED TO BE NEGLIGIBLE

ESA - WETLAND #1 BOUNDARY
OCRW CRITICAL HABITAT AREA LINE
Approved By: M. Lomster,
SC OCRM on 10/12/11

ESA - SEE ENVIRONMENTAL RESOURCES
IMPACT TABLE IN GENERAL NOTES
FOR CONSTRUCTION RESTRICTIONS

| | |
|---------------------------|--|
| WETLANDS | |
| PERMANENT WETLAND IMPACTS | |
| TEMPORARY WETLAND IMPACTS | |

| RESOURCE * | IMPACT TYPE | IMPACT ACREAGE |
|------------|-------------|----------------|
| WETLAND 3 | NO IMPACTS | NO IMPACTS |
| WETLAND 4 | NO IMPACTS | NO IMPACTS |
| WETLAND 5 | NO IMPACTS | NO IMPACTS |
| WETLAND 6 | NO IMPACTS | NO IMPACTS |

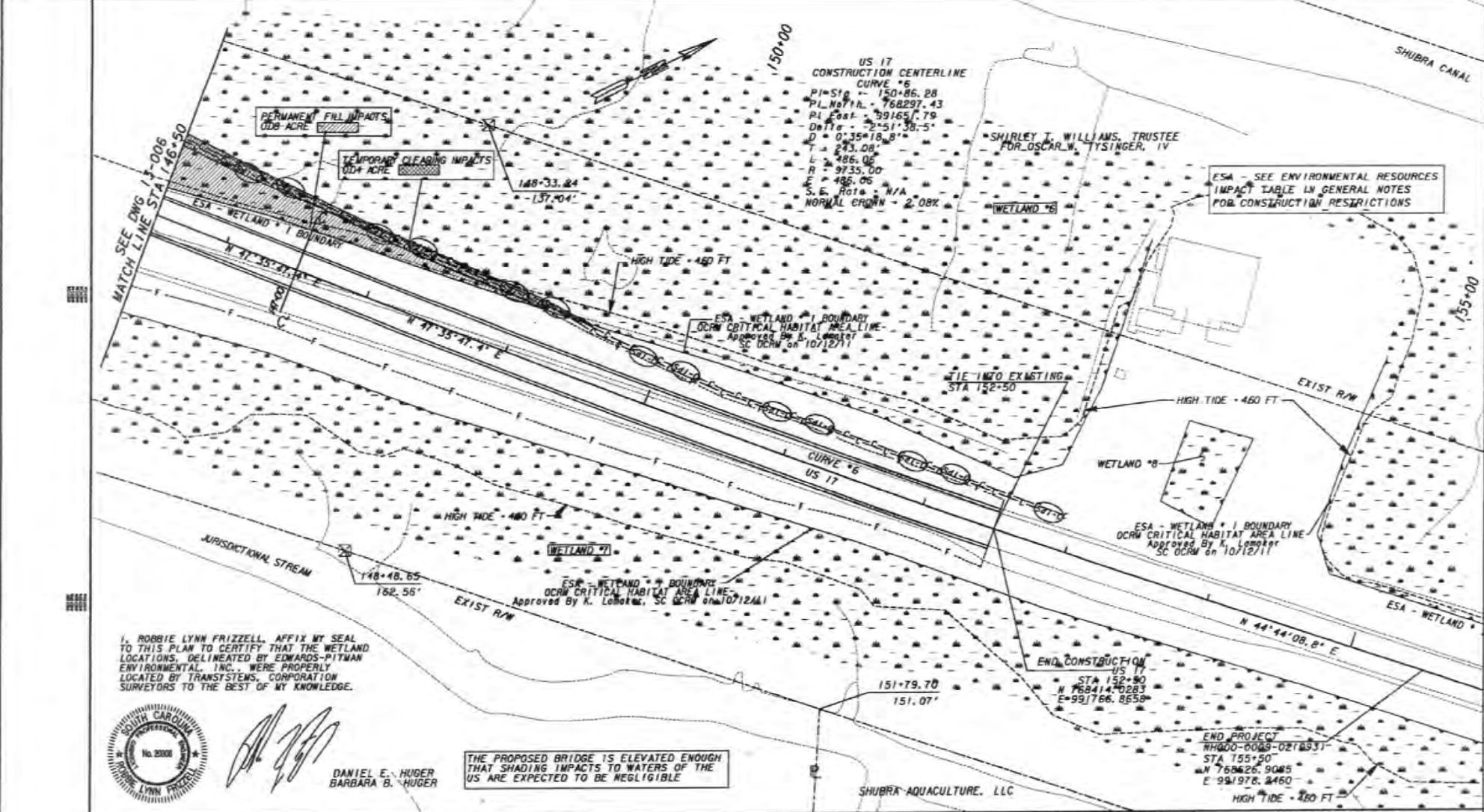
GEORGIA
DEPARTMENT
OF
TRANSPORTATION



| REVISION DATES |
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STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
OFFICE: ROADWAY DESIGN
MAINLINE PLAN
US 17 BACK RIVER BRIDGE

13-005



I, ROBBIE LYNN FRIZZELL, AFFIX MY SEAL TO THIS PLAN TO CERTIFY THAT THE WETLAND LOCATIONS, DELINEATED BY EDWARDS-PITMAN ENVIRONMENTAL, INC., WERE PROPERLY LOCATED BY TRANSYSTEMS, CORPORATION SURVEYORS TO THE BEST OF MY KNOWLEDGE.

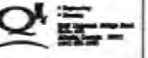


[Signature]
 DANIEL E. HUGER
 BARBARA B. HUGER

THE PROPOSED BRIDGE IS ELEVATED ENOUGH THAT SHADING IMPACTS TO WATERS OF THE US ARE EXPECTED TO BE NEGLIGIBLE

| | |
|---------------------------|--|
| WETLANDS | |
| PERMANENT WETLAND IMPACTS | |
| TEMPORARY WETLAND IMPACTS | |

| RESOURCE # | IMPACT TYPE | IMPACT ACREAGE |
|------------|-------------|----------------|
| WETLAND 6 | CLEARING | 0.04 ACRE |
| WETLAND 6 | FILL | 0.08 ACRE |



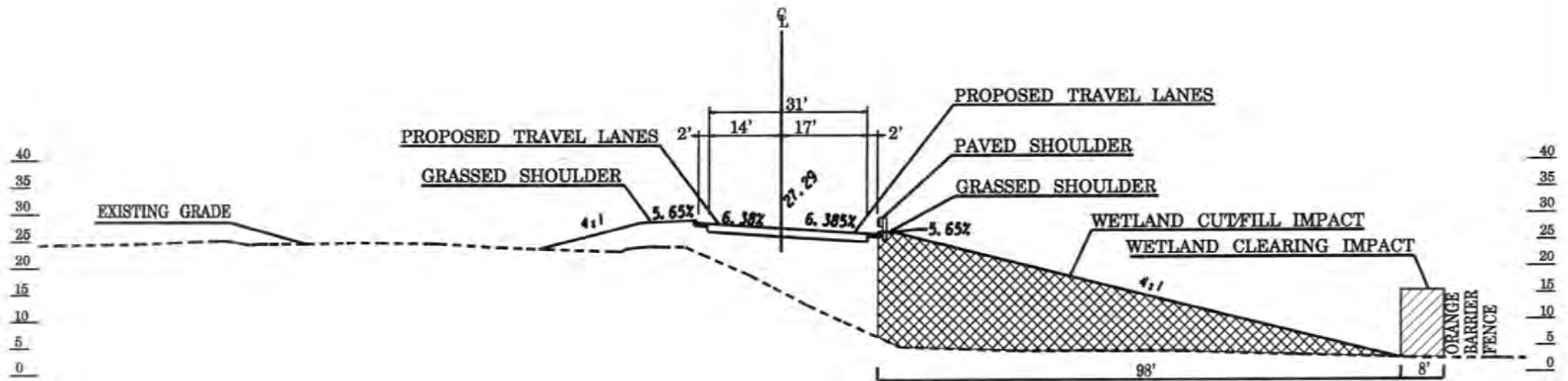
| REVISION DATES |
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STATE OF GEORGIA
 DEPARTMENT OF TRANSPORTATION
 OFFICE: ROADWAY DESIGN
 MAINLINE PLAN
 US 17 BACK RIVER BRIDGE

13-007

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BACK RIVER
SECTION A-A'
RAMP A GA
STA 26+00.00

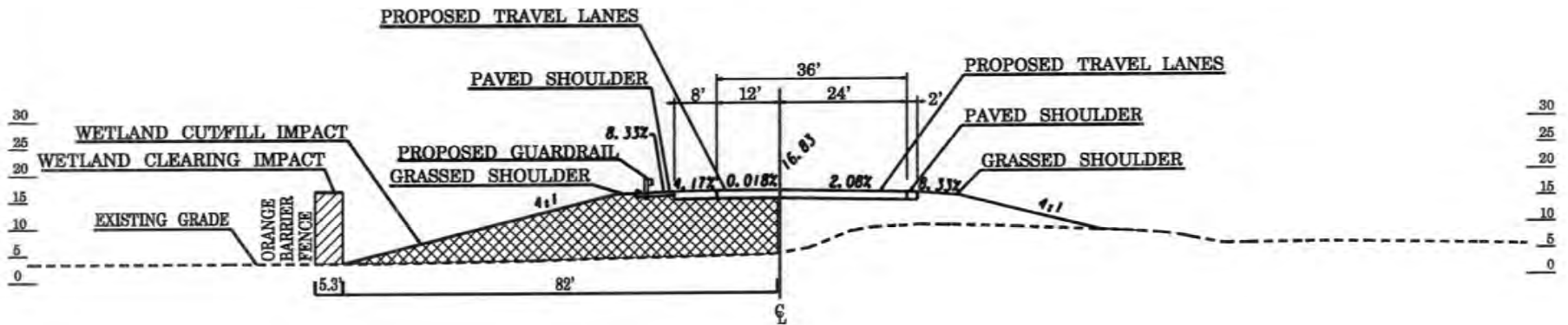


US 17 Bridge Over Back River
SAC 2011-01156-DIJ
Sheet 11 of 16 Januray 5, 2011



BACK RIVER CROSS SECTION

BACK RIVER
SECTION B-B'
MAINLINE S.C.
STA 141+00.00

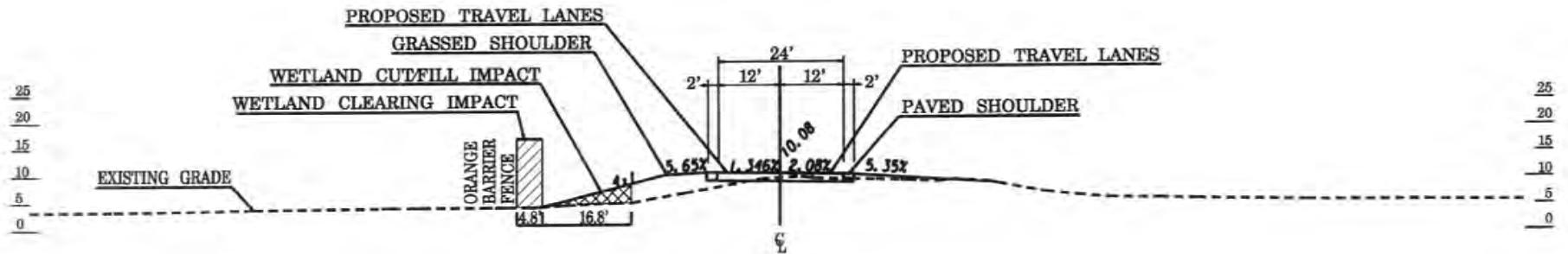


US 17 Bridge Over Back River
SAC 2011-01156-DIJ
Sheet 12 of 16 Januray 5, 2011



BACK RIVER CROSS SECTION

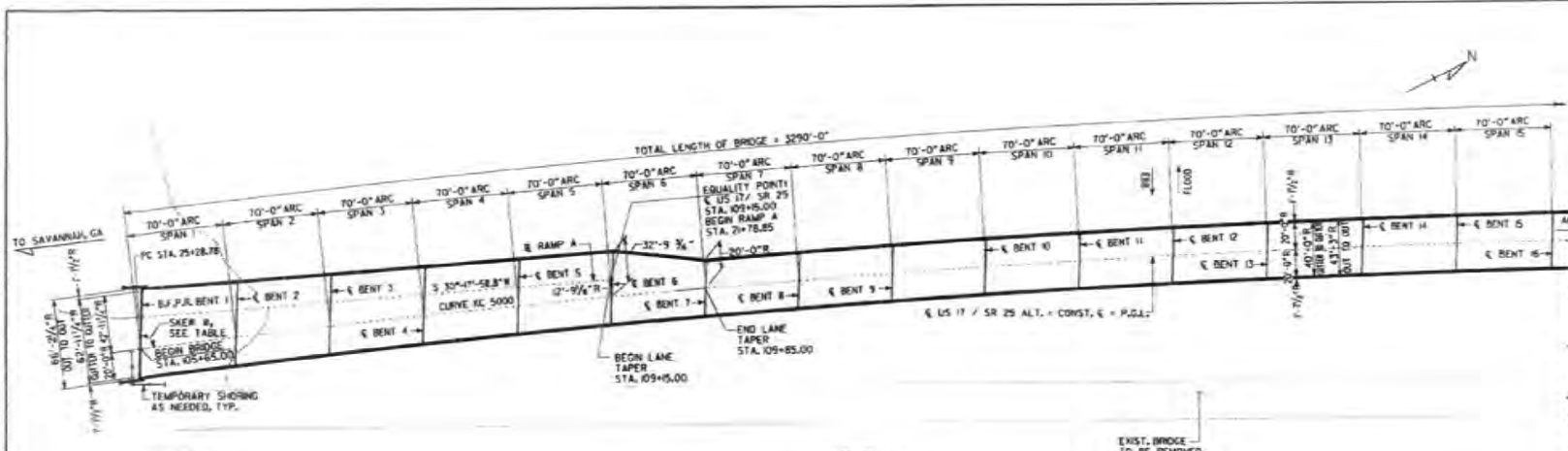
BACK RIVER
SECTION C-C'
MAINLINE S.C.
STA 147+50.00



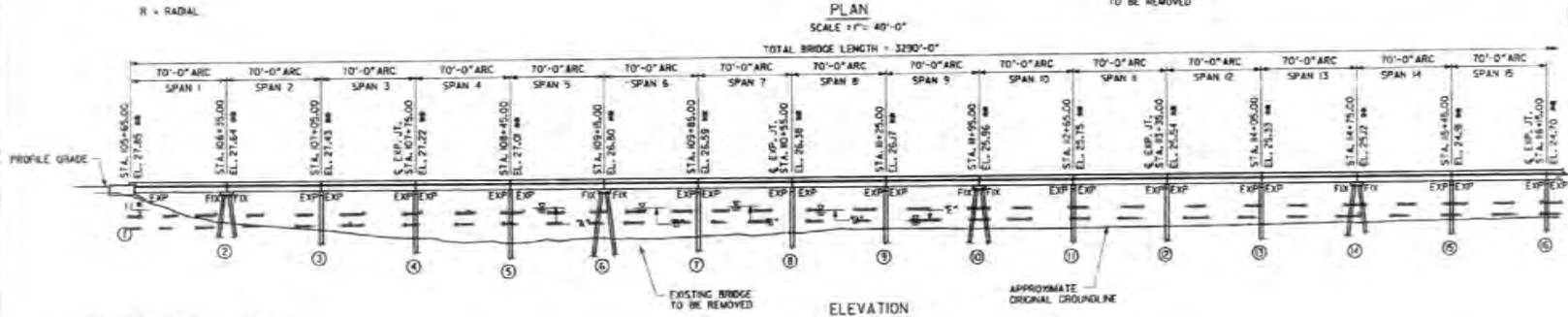
US 17 Bridge Over Back River
SAC 2011-01156-DIJ
Sheet 13 of 16 Januray 5, 2011



BACK RIVER CROSS SECTION



| ANGLES OF INTERSECTION | | | |
|------------------------|---------------|-------------|---------------|
| BENT #, TOC | BENT #, TOC | BENT #, TOC | BENT #, TOC |
| 1 | 81°-44'-54.5" | 15 | 86°-51'-48.4" |
| 2 | 81°-38'-58.3" | 16 | 87°-15'-52.3" |
| 3 | 82°-03'-02.3" | 17 | 87°-39'-56.7" |
| 4 | 82°-27'-06.0" | 18 | 88°-04'-00.0" |
| 5 | 82°-51'-09.9" | 19 | 88°-28'-03.9" |
| 6 | 83°-15'-13.7" | 20 | 88°-52'-07.7" |
| 7 | 83°-39'-17.5" | 21 | 89°-16'-11.5" |
| 8 | 84°-03'-21.3" | 22 | 89°-40'-15.4" |
| 9 | 84°-27'-25.1" | 23-44 | 90°-03'-00.0" |
| 10 | 84°-51'-28.9" | 45 | 89°-56'-28.5" |
| 11 | 85°-15'-32.7" | 46 | 89°-3'-45.4" |
| 12 | 85°-39'-36.5" | 47 | 89°-07'-02.2" |
| 13 | 86°-03'-40.3" | 48 | 88°-42'-19.1" |
| 14 | 86°-27'-44.1" | | |



3"- 25 YR STORM SURGE ELEV. (MAX) = 8.67
 3"- 25 YR STORM SURGE ELEV. (9 MAX DISCHARGE) = 7.70
 1"- OVERTOPPING STORM SURGE ELEV. (9 MAX DISCHARGE) = 8.44
 0"- SPRING HIGH TIDE = 4.6
 1"- SPRING LOW TIDE = -3.8

**SR 404 SPUR (US 17)
HORIZONTAL CURVE DATA**

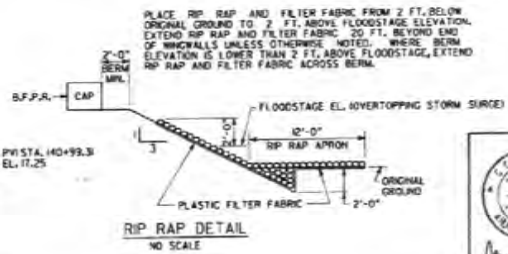
| | |
|---------------------|---------------------|
| CURVE KC 5000 | CURVE KC 5002 |
| PI STA. = 12+04.90 | PI STA. = 138+25.98 |
| Δ = 40°-11'-50.3"RT | Δ = 21°-02'-04.8"RT |
| D = 0°-34'-22.65" | D = 0°-35'-18.8" |
| T = 892.24' | T = 186.96' |
| LC = 1779.77' | LC = 373.98' |
| R = 10,000' | R = 9,735' |
| SE = 0.0200 FT/FT | SE = 0.0200 FT/FT |

**RAMP A
HORIZONTAL CURVE DATA**

| |
|---------------------|
| PI STA. = 27+28.74 |
| Δ = 33°-20'-48.7"RT |
| D = 3°-28'-52.3" |
| T = 192.95' |
| LC = 296.52' |
| R = 182.00' |
| SE = VARIES |

**SR 404 SPUR (US 17)
PROPOSED VERTICAL CURVE DATA**

| | |
|------------------|-----------|
| PI STA. 140+99.3 | EL. 17.25 |
| STA. 103+10.00 | EL. 28.62 |
| -0.3000% | |



EXISTING BRIDGE SERIAL NO. 051-0093-0
 EXISTING BRIDGE TD NO. 051-0044P-002-6DN
 P.I. NO. 522920

BRIDGE NO. 1

GEORGIA
DEPARTMENT OF TRANSPORTATION
ENGINEERING DIVISION-OFFICE OF BRIDGES AND STRUCTURES

PLAN AND ELEVATION (1 OF 3)
US 17 OVER BACK RIVER
CHATHAM COUNTY NH000-0009-02(093)

SCALE: AS SHOWN

JANUARY 2011

DRAWING NO. 35-0
BRIDGE SHEET 1 OF 43

DATE: [] [] []

BY: []

REVISIONS: []

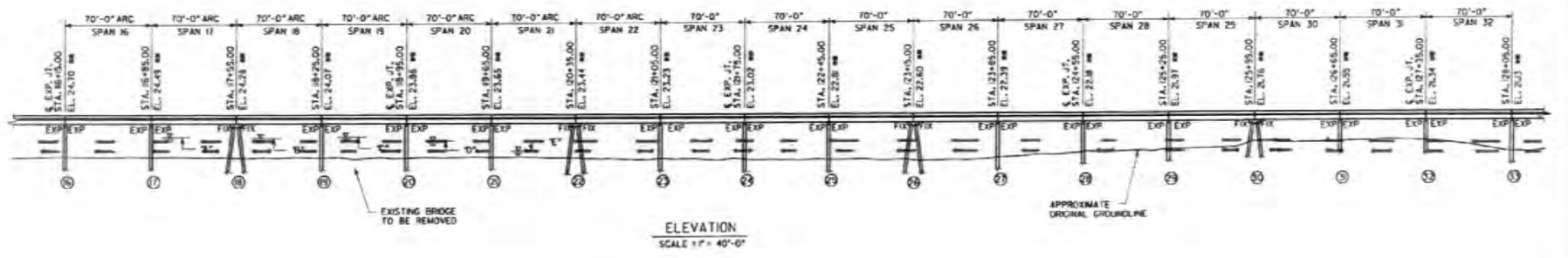
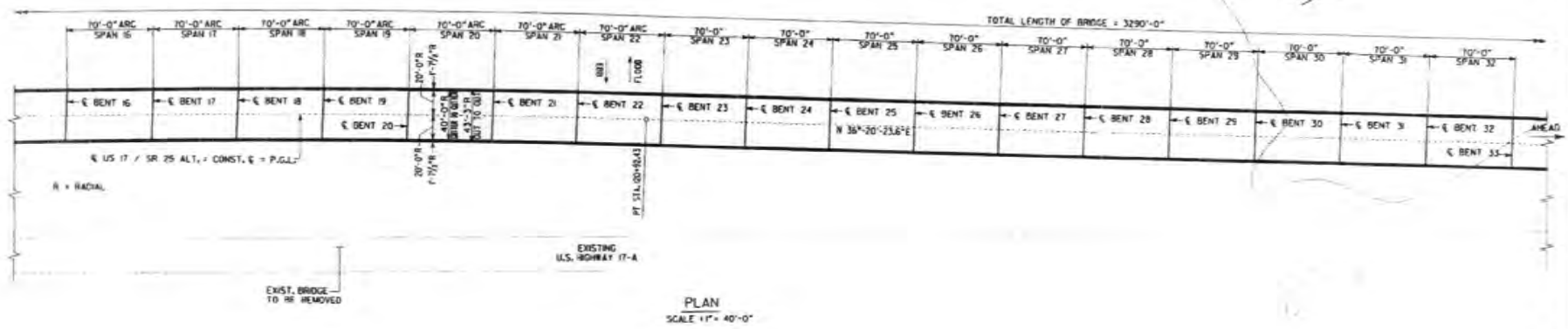
DESIGNED BY: []

CHECKED BY: []

APPROVED BY: []

US 17 Bridge Over Back River
 SAC 2011-01156-DIJ
 Sheet 14 of 16 Januray 5, 2011

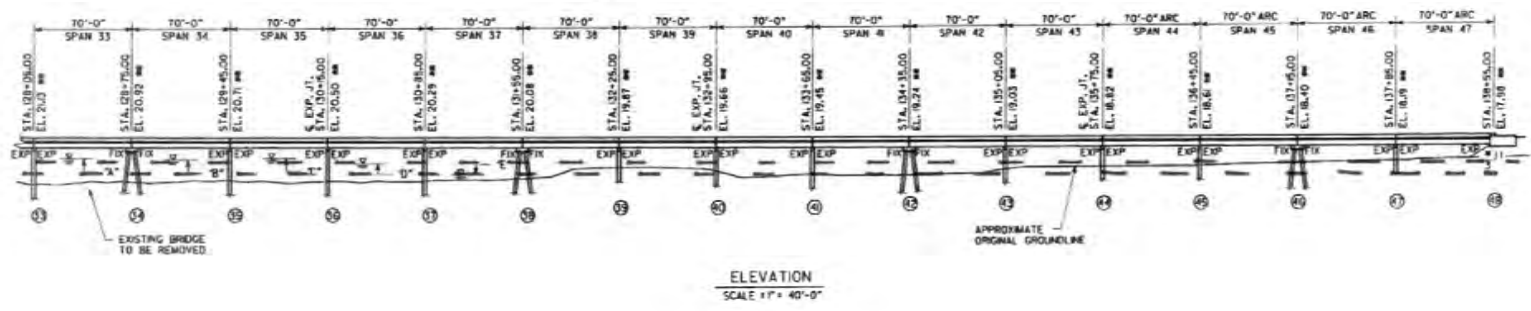
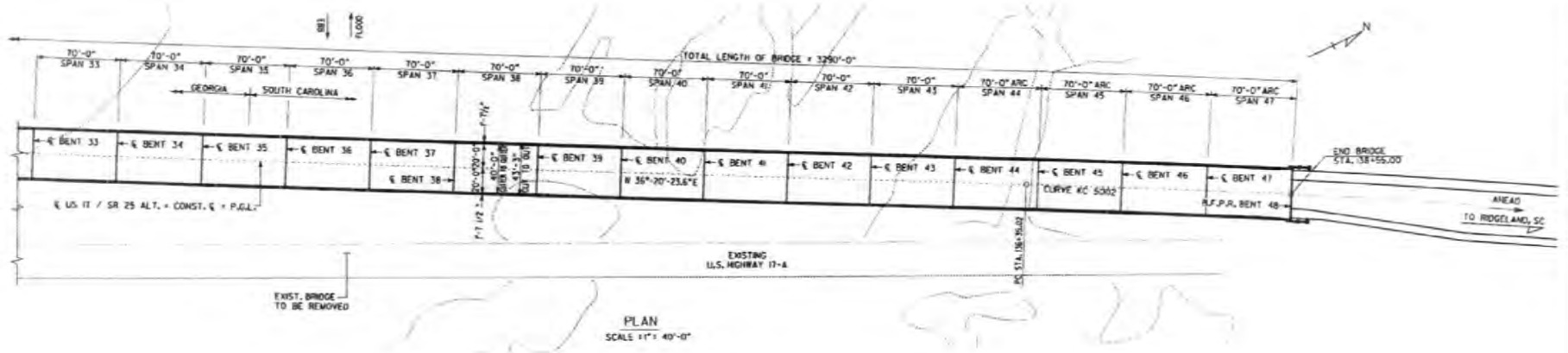
| | | | |
|------|------------------|------|----|
| DATE | PROJECT NUMBER | REV. | BY |
| GA | MD00-0009-021093 | | |



US 17 Bridge Over Back River
SAC 2011-01156-DIJ
 Sheet 15 of 16 Januray 5, 2011

| | |
|---|---|
| BRIDGE NO. 1 | |
| GEORGIA DEPARTMENT OF TRANSPORTATION ENGINEERING DIVISION-OFFICE OF BRIDGES AND STRUCTURES | |
| PLAN AND ELEVATION (2 OF 3) US 17 OVER BACK RIVER CHATHAM COUNTY NH000-0009-021093 | |
| SCALE: AS SHOWN JANUARY 2011 | |
| DATE REVISIONS BY | DESIGNED BY: AS CHECKED BY: T DRAWN BY: PNL |

| | | | |
|------|------------------|------|------|
| DATE | PROJECT NUMBER | DATE | TIME |
| GA. | MD00-0009-021093 | | |



US 17 Bridge Over Back River
SAC 2011-01156-DIJ
Sheet 16 of 16 Januray 5, 2011

| | |
|---|-----------------------------------|
| BRIDGE NO. 1 | |
| GEORGIA DEPARTMENT OF TRANSPORTATION ENGINEERING DIVISION-OFFICE OF BRIDGES AND STRUCTURES | |
| PLAN AND ELEVATION (3 OF 3) US 17 OVER BACK RIVER CHATHAM COUNTY NH000-0009-021093 | |
| SCALE: AS SHOWN | JANUARY 2011 |
| DRAWN BY: PS CHECKED BY: AS DATE: 01/05/11 | DESIGNED BY: PS DATE: 01/05/11 |

Appendix H
Site Photographs

**U.S. Route 17 Widening
Chatham County, GA
Site Photographs**



Photograph 1 – Wetland 51/52 on east side of U.S. Route 17

**U.S. Route 17 Widening
Chatham County, GA
Site Photographs**



Photograph 2 – Back River on west side of U.S. Route 17

**U.S. Route 17 Widening
Chatham County, GA
Site Photographs**



Photograph 3 – Wetland 54 on west side of U.S. Route 17



United States Department of the Interior

Fish and Wildlife Service

105 West Park Drive, Suite D
Athens, Georgia 30606
Phone: (706) 613-9493
Fax: (706) 613-6059

West Georgia Sub-Office
Post Office Box 52560
Fort Benning, Georgia 31995-2560
Phone: (706) 544-6428
Fax: (706) 544-6419

Coastal Sub-Office
4980 Wildlife Drive
Townsend, Georgia 31331
Phone: (912) 832-8739
Fax: (912) 832-8744

August 15, 2014

Mr. Edward W. Frierson
South Carolina Department of Transportation
Post Office Box 191
Columbia, South Carolina 29202-0191

RE: USFWS Log Number 2014-0987

Dear Mr. Frierson:

Thank you for your correspondence initiating informal consultation for South Carolina Department of Transportation (SCDOT) U.S. Highway 17 project in Chatham County, Georgia and Jasper County, South Carolina. The proposed project would widen US 17 and construction of a new bridge over the Back River. The proposed project is located in the Lower Savannah River Watershed, Hydrologic Unit Code (HUC) 03070109. These comments are provided in accordance with the provisions of the Endangered Species Act (ESA) of 1973, as amended; (16 U.S.C. 1531 *et seq.*) to further the conservation of fish and wildlife resources and their habitats.

The proposed project would construct a new bridge parallel to an existing U. S. 17 bridge and widen the approaches from two to four lanes. The field surveys of the project corridor identified suitable habitat for species listed under the ESA. The proposed project would impact estuarine tidal river habitats within the Back River. These habitats are utilized by the West Indian manatee (*Trichechus manatus*)

Based on the information provided in SCDOT's June 2014 ecology assessment, including the associated Special Provisions for the protection of the manatee, we concur with your determination of "not likely to adversely affect" for the West Indian manatee. The requirements of section 7 of the ESA have been satisfied and no further consultation is

required. However, obligations under section 7 of the ESA must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered; (2) this action is subsequently modified in a manner which was not considered in this assessment; or (3) a new species is listed or critical habitat determined that may be affected by the identified action.

We appreciate the opportunity to comment on your project. If you have any additional questions, please write or call our Coastal Georgia Sub Office staff biologist, Christopher Coppola, at 912-832-8739 extension 6.

Sincerely,



Strant T. Colwell
Coastal Georgia Supervisor

cc: GDOT, Atlanta, Georgia, Hiral Patel

Gordon Murphy

From: Long, Chad C. <LongCC@scdot.org>
Sent: Monday, July 14, 2014 10:14 AM
To: Gordon Murphy
Subject: FW: US 17_Back River Bridge
Attachments: US 17_Back River_USCG Response Letter.pdf

-----Original Message-----

From: Randall.D.Overton@uscg.mil [<mailto:Randall.D.Overton@uscg.mil>]
Sent: Monday, July 07, 2014 9:58 AM
To: Belcher, Jeffery - FHWA
Cc: Long, Chad C.
Subject: RE: US 17_Back River Bridge

Shane,

As we discussed on the phone, the attached July 20, 2009 letter from Ms. Evelyn Smart of this office remains valid for the US 17 Back River Bridge project. The Back River is a navigable water of the United States and falls under the jurisdiction of the Coast Guard for bridge permitting purposes however the proposed bridge widening project will not require a formal Coast Guard Bridge permit. The Back River at the proposed project location has been determined to qualify as an Advance Approved waterway for Coast Guard Bridge permitting purposes. All stipulations outlined in the attached letter remain valid.

Thank you and please let me know if you have questions or concerns about this determination.

Randall Overton
Federal Permit Agent USCG
909 SE 1st Ave Suite 432
Miami, FL 33131
(305) 205-0795 Cell
(305) 415-6736 Office

-----Original Message-----

From: prvs=2539bc900=Jeffrey.Belcher@dot.gov [<mailto:prvs=2539bc900=Jeffrey.Belcher@dot.gov>] On Behalf Of Jeffrey.Belcher@dot.gov
Sent: Wednesday, July 02, 2014 9:15 AM
To: Overton, Randall D CIV
Cc: LongCC@scdot.org
Subject: US 17_Back River Bridge
Importance: High

Randall,

Attached is the 2009 response letter received from the USCG stating that a permit is not needed for the project. Based on our conversation this morning we are following-up with your office regarding the validity of the permit determination since the letter stated that the decision would need to be reassessed if the new bridge was not constructed within two years. The letter also states that an updated Bridge Project Questionnaire be submitted with the reassessment. Please let us know if a new questionnaire is needed at this time.

Much thanks for your assistance,

J. Shane Belcher

Environmental Coordinator

Federal Highway Administration

1835 Assembly Street, Suite 1270

Columbia, SC 29201

Phone: 803-253-3187

Fax: 803-253-3989



United States Department of the Interior

FISH AND WILDLIFE SERVICE

176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407



July 1, 2014

RECEIVED

JUL - 2 2014

Mr. Edward Frierson
NEPA Coordinator
S.C. Department of Transportation
P.O. Box 191
Columbia, SC 29202-0191

**Environmental Management
SCDOT**

Re: Biological Survey, US-17 Widening, Chatham County, Georgia and
Jasper County, South Carolina
FWS Log No. 2014-I-0318

Dear Mr. Frierson:

The U.S. Fish and Wildlife Service (Service) has received the biological survey for the South Carolina Department of Transportation's (SCDOT) proposed widening of US Hwy 17 in Jasper County, South Carolina, and the construction of a new bridge over the Back River in Chatham County, Georgia. This survey was conducted due to a change in the original project's scope of work. The new project has been reduced from 7.5 miles to 4.2 miles in length and will begin at the US Hwy 17/SC Route 315 intersection proceeding south to the South Carolina state line shared with Georgia. In addition, a new bridge will be constructed over the Back River adjacent to the bridge currently under construction. In accordance with the National Environmental Policy Act of 1969 (NEPA) and the Endangered Species Act of 1973 (ESA), SCDOT performed a survey to determine the presence of federally protected species in the project's corridor.

A Biological Assessment (BA) was developed by SCDOT for the original 7.5 mile project in 2009. The Service reviewed the BA and concurred with SCDOT's findings on December 1, 2009. Upon review of the current, shorter project, the Service again concurs that the road widening is not likely to adversely affect the species addressed in the BA. However, the new project includes the construction of a bridge over the Back River which represents a potential threat to the West Indian manatee not considered in the Service's 2009 correspondence.

The SCDOT has evaluated the proposed bridge construction and recognizes its potential to impact the manatee. Therefore, in order to reduce potential harm SCDOT will require that equipment usage and materials for the bridge may not impede 50 percent of the river

channel to allow safe passage for the manatee during bridge construction. In addition, all contractors involved in the construction will be required to comply with the Service's Standard Manatee Conditions for In-water Work. With these precautions SCDOT has determined that the proposed activity is not likely to adversely affect the manatee.

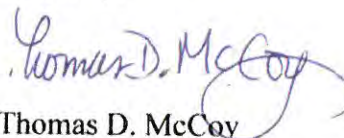
Upon review of the information provided, the Service concurs with the SCDOT determination that US Hwy 17 bridge construction over the Back River may affect, but is not likely to adversely affect the West Indian manatee. Please note that obligations under section 7 of the ESA must be reconsidered if: (1) new information reveals impacts of this identified action may affect any listed species or critical habitat in a manner not previously considered; (2) this action is subsequently modified in a manner, which was not considered in this assessment; or (3) a new species is listed or critical habitat is designated that may be affected by the identified action. The Service recommends SCDOT contact the National Oceanographic and Atmospheric Administration regarding consultation requirements and determinations regarding the Atlantic and shortnose sturgeon.

For informational purposes only, the Service has included a list of species that have been petitioned for listing under the Endangered Species Act as well as Candidate Species. These species are collectively referred to as "At-Risk Species" (ARS). We have included a list of the ARS that may occur in Jasper County, South Carolina. Although there are no Federal protections afforded to ARS, please consider including them in your survey efforts. Incorporating proactive measures to avoid or minimize harm to ARS may improve their status and assist with precluding the need to list these species. Additional information on ARS can be found at:

<http://www.fws.gov/southeast/candidateconservation>.

If you have any questions regarding the Service's determination, please do not hesitate to contact Mr. Mark Caldwell at (843) 727-4707 ext. 215, and reference FWS Log No. 2014-I-0318.

Sincerely,



Thomas D. McCoy
Acting Field Supervisor

TDM/MAC

South Carolina List of At-Risk, Candidate, Endangered, and Threatened Species - Jasper County

- * Contact National Marine Fisheries Service (NMFS) for more information on this species
- ** The U.S. Fish and Wildlife Service (FWS) and NMFS share jurisdiction of this species
- ARS At-Risk Species - Species that the FWS has been petitioned to list and for which a positive 90-day finding has been issued (listing may be warranted); information is provided only for conservation actions as no Federal protections currently exist.
- BGEPA Federally protected under the Bald and Golden Eagle Protection Act
- C FWS or NMFS has on file sufficient information on biological vulnerability and threat(s) to support proposals to list these species
- CH Critical Habitat
- E Federally Endangered
- P or P - CH Proposed for listing or critical habitat in the Federal Register
- S/A Federally protected due to similarity of appearance to a listed species
- T Federally Threatened

| COUNTY | CATEGORY | COMMON NAME | SCIENTIFIC NAME | STATUS | |
|--------|------------|---------------------------------|---|---------|--|
| Jasper | Amphibian | Frosted flatwoods salamander | <i>Ambystoma cingulatum</i> | T, CH | |
| | Bird | Bald eagle | <i>Haliaeetus leucocephalus</i> | BGEPA | |
| | Bird | Black rail | <i>Laterallus jamaicensis</i> | ARS | |
| | Bird | Black-capped petrel | <i>Pterodroma hasitata</i> | ARS | |
| | Bird | MacGillivray's seaside sparrow | <i>Ammodramus maritimus macgillivrayi</i> | ARS | |
| | Bird | Piping plover | <i>Charadrius melodus</i> | T, CH | |
| | Bird | Red-cockaded woodpecker | <i>Picoides borealis</i> | E | |
| | Bird | Red knot | <i>Calidris canutus rufo</i> | P | |
| | Bird | Wood stork | <i>Mycteria americana</i> | T | |
| | Crustacean | None Found | | | |
| | Fish | American eel | <i>Anguilla rostrata</i> | ARS | |
| | Fish | Atlantic Sturgeon* | <i>Acipenser oxyrinchus*</i> | E | |
| | Fish | Blueback herring | <i>Alosa aestivalis</i> | ARS | |
| | Fish | Robust redbhorse | <i>Moxostoma robustum</i> | ARS | |
| | Fish | Shortnose sturgeon* | <i>Acipenser brevirostrum*</i> | E | |
| | Insect | Rare skipper | <i>Problema bulenta</i> | ARS | |
| | Mammal | Finback whale* | <i>Balaenoptera physalus*</i> | E | |
| | Mammal | Humpback whale* | <i>Megaptera novaengliae*</i> | E | |
| | Mammal | Right whale* | <i>Balaena glacialis*</i> | E | |
| | Mammal | West Indian manatee | <i>Trichechus manatus</i> | E | |
| | Mollusk | Altamaha arc mussel | <i>Alasmidonta arcuata</i> | ARS | |
| | Mollusk | Brother spike | <i>Elliptio fraterna</i> | ARS | |
| | Plant | American chaffseed | <i>Schwalbea americana</i> | E | |
| | Plant | Bog spicebush | <i>Lindera subcoriacea</i> | ARS | |
| | Plant | Canby's dropwort | <i>Oxypolis canbyi</i> | E | |
| | Plant | Carolina-birds-in-a-nest | <i>Macbridea caroliniana</i> | ARS | |
| | Plant | Ciliate-leaf tickseed | <i>Coreopsis integrifolia</i> | ARS | |
| | Plant | Ocmulgee skullcap | <i>Scutellaria ocmulgee</i> | ARS | |
| | Plant | Pondberry | <i>Lindera melissifolia</i> | E | |
| | Reptile | Eastern diamondback rattlesnake | <i>Crotalus adamanteus</i> | ARS | |
| | Reptile | Florida pine snake | <i>Pituophis melanoleucus mugitus</i> | ARS | |
| | Reptile | Gopher tortoise | <i>Gopherus polyphemus</i> | C | |
| | Reptile | Green sea turtle** | <i>Chelonia mydas**</i> | T | |
| | Reptile | Kemp's ridley sea turtle** | <i>Lepidochelys kempii**</i> | E | |
| | Reptile | Leatherback sea turtle** | <i>Dermochelys coriacea**</i> | E | |
| | Reptile | Loggerhead sea turtle** | <i>Caretta caretta**</i> | P-CH, T | |
| | Reptile | Southern hognose snake | <i>Heterodon simus</i> | ARS | |
| | Reptile | Spotted turtle | <i>Clemmys guttata</i> | ARS | |

These lists should be used only as a guideline, not as the final authority. The lists include known occurrences and areas where the species has a high possibility of occurring. Records are updated as deemed necessary and may differ from earlier lists.

For a list of State endangered, threatened, and species of concern, please visit <http://www.dnr.sc.gov/species/index.html>.

Interagency Meeting Minutes
June 17, 2014

US 17 Widening from SC 315 to GA State Line Meeting Minutes

June 17, 2014

1:00 PM

Present:

South Carolina Department of Transportation (SCDOT) – Chad Long (Organizer, ENV project manager), Nicole Riddle, Will McGoldrick, Russell Chandler

Baker – Gordon Murphy (ENV Project manager), Renée Flinchum-Bowles

Federal Highways Administration (FHWA) – Shane Belcher

US Army Corps of Engineers (USACE) – Elizabeth Williams

US Fish and Wildlife Services (USFWS) – Mark Caldwell

SC Department of Health and Environmental Control- Ocean and Coastal Resource Management (SCDHEC-OCRM) – Paul Wojoski

National Oceanic and Atmospheric Administration-National Marine Fisheries (NOAA-NMFS) – Jaclyn Daly

SC Department of Natural Resources (SCDNR) – Susan Davis

SCDHEC Water Quality division – Don Padgett (via conference call)

Introduction

SCDOT opened the meeting, introductions were made, and a brief overview of where the project left off to date and then the current project overview was handed over to Baker.

Overview of the Project Discussed

SCDOT began the discussion by explaining a brief history of the project development and a project timeline. Baker was brought in to help in the environmental documentation and permitting phases of the project; they will also be conducting the bridge design for the bridge that crosses Back River. There have been many major changes since the conception of the project. The greatest of these changes were the logical termini. Originally, the termini were SC 170 to GA state line, however, traffic studies conducted in 2012, provided data to show most traffic was turning off to SC 315. The ADT from GA to SC 315 was 13,000; less than half continued to SC 170. Based on traffic data the termini were then changed to the current proposal from SC 315 to the Georgia SR 404 Spur. SCDOT conducted most of the design for the SC portion of the widening. There have been some delays in getting information from GDOT and this has slowed the project. GDOT has provided survey data and design for the GA portion of the widening project.

Three alternatives were discussed. (refer to the fact sheet)

Baker mentioned alternatives 1 and 2 are ideal because it allows for an area for stormwater treatment. The use of a concrete median would require a closed system for stormwater as to not impact the wetlands on both sides of the project. This would add considerable cost to the project and require more maintenance in the future. The grassed median provides for an area for storage and treatment of stormwater. A cable barrier would also need a wider median.

Baker explained the GDOT bridge is 2-lane and SCDOT will be required to build a replacement bridge with an additional 2 lanes in order to tie into the widening project. It was noted that the project will be covered in one EA but will be let in separate phases under one permit. The reasoning behind the two lane bridge is SCDOT changed the termini too late into the GDOT design process and GDOT was not willing to change the design. The SC bridge will be very close to the current alignment of the existing bridge. It will likely be built between the existing bridge and the new GDOT bridge.

Baker explained the wetlands delineation was conducted in 2008/2009, and approved by the USACE. However, no Critical Area plat was made for OCRM. A new delineation was conducted and all lines were collected by survey. The survey should be complete by the end of June 2014. It will include Freshwater Wetlands and Critical Area. The GA data has been approved by their version of OCRM. The impacts table included in the project fact sheet only represents 3.8 miles of the total 4.5 miles of the widening. Those figures will be updated as the design continues towards completion. The impacts listed are for fill and temporary clearing.

Baker explained the largest impacts to the project will be wetlands. There are a few businesses on the West side of the travelway that may be affected. There are no major historical or cultural impacts. The Biological Assessment did not originally include Back River. It has been updated and the Atlantic Sturgeon, Shortnose Sturgeon, and Manatee have all been added to the list of species of concern.

Two alignments to the bridge across Back River to GA were viewed and discussed. There are two alignments to consider, East and West. Neither has been selected as a preferred at this time. Both can tie into what SCDOT has designed for the widening project. The alignment to the West was determined to have less navigational impacts.

Agency questions, concerns, and suggestions/ SCDOT response

SCDNR

Question: What is the design speed for the corridor and the types of traffic?

Response: There is approximately 10% truck traffic according to the traffic count. The posted speed limit is 55 but the design speed is likely higher.

Comment: Mentioned the US 17 Widening through the ACE basin as a model to consider. 21' medians were mentioned and asked why that is not feasible for this project.

Response: The project is only 4.5 miles long and the 21' median would create driver expectancy issues and would require a total redesign to meet the 21' width. SCDOT will explore the ACE Basin design in greater detail.

Question: Why would there be clearing within the marsh?

Response: Clearing would take place in the upland island areas that contain FW wetlands that consist of shrubs and upland trees that will impede construction activities.

Comment: SCDNR as well as USFWS stated that they would not be in support of using Clydesdale as suitable mitigation for this project

USFWS

Comment: Added that SCDOT/ Baker should look into the Combahee River Crossing project and design similarly.

Question: Is the 10' inside shoulder part of the median and is the project alignment is to the East?

Response: Yes to both

Question: Are there are any wetland savings by aligning to the West?

Response: Will look further into.

Question: Asked about building the new bridge on the old pilings of the bridge to be removed and suggested old bridge be used for public recreation?

Response: Those pilings will be removed and the goal of setting up a public fishing access would not be feasible. The new bridge could not be built on the existing bridge alignment because it would be difficult to build around the existing pilings that will be left in the ground once they are cut off.

Question: Asked about the impact totals and if the table listed represented the entire project?

Response: No, these impacts only represent the current design. When the design is complete a new impact assessment will take place and agencies will be updated accordingly.

Comment: Stated that they would handle all BA correspondence but suggested SCDOT/Baker send the BA to the USFWS, Georgia office and their comments would also be addressed in the BA.

Question: Asked what was being considered for mitigation. Concerns were voiced over using the potential banks of Murray Hill and Clydesdale. USFW, stated they will not consider that acceptable and suggested HUSPA Creek Mitigation Bank?

Response: If Clydesdale is approved by the USACE that it will be the top choice for mitigation.

Comment: Suggested PRM possibilities within the Savannah River Wildlife Refuge. Possible restoration activities or land acquisitions.

NOAA-NMFS

Comment: The impacts to marsh from the GDOT project should not be included in the acreage impacts from the SCDOT project. However, they should be discussed in cumulative impact section.

Comment: The State of Georgia has in-water work windows for stripped bass spawning and SCDOT should look into when that is for more in-water work window context.

Question: Asked if Huspa Creek mitigation bank is available to use would it be required for SCDOT to use those credits?

Response: There would not be enough credits and SCDOT does not want to use all of those credits available for this project.

USACE response: Explained while a banking instrument is preferred, it is not required. Any bank approved by the USCAE is preferred, but if PRM is available, closer to the project area, and creates a more beneficial mitigation role for the watershed PRM is acceptable. In order to not drain all banks, PRM is a viable option. However, SCDOT must propose PRM in order to use it as an option and it will need to be justified as to why it's a viable option.

Comment: Stated the surround wetlands are not high quality. They have been impacted and manipulated already and do not look to be high quality.

Question: How many culverts are along the corridor and did we plan to replace any?

Response: There are two locations but are not planning to be replaced or extended. It was briefly discussed that increasing culverts or cross pipes to increase tidal flow could result in some onsite mitigation credits. However, this was quickly dismissed since both sides of the roadway are being regularly inundated with water therefore, this would not make any improvement to hydrologic flow.

Question: Requested an estimated timeline

Response: The Draft Environmental Assessment is projected to be complete by July 2014, a public hearing in September 2014, FONSI, then the permitting process. A permitting discussion needs to take place, especially the mitigation component.

Question: Asked about EFH documentation. Requested that the document not discuss tidal salt marsh in general but really get into details about the areas that will be impacted. Their qualitative and quantitative aspects should be discussed. Be specific and be sure to include an oyster survey.

Comment: Noted that there are some questionable FW v Tidal areas on the map provided. Wetlands 42-48 showed FW in what looks to be an extremely tidal area. Those areas will be double checked for correctness. Freshwater tidal wetlands and estuarine wetlands are both EFH. True freshwater wetlands (no influence of the tide or salinity) are not EFH.

A lengthy discussion of FW tidal v Brackish waters and which one ranks higher or lower, or how they should be viewed for mitigation purposes was held.

Question: Asked about the difference in slopes on Alternatives 1 and 2. Why is 1 6:1 and 2 4:1?

Response: It was explained that 6:1 slopes are used as SCDOT standard and this was an avoidance and minimization action taken into account by SCDOT design.

Comment: It was also discussed that GDOT had found that instability of the soils in this area created a hazard and they used 6:1 slopes to avoid any major maintenance issues in the future as well as safety.

Response: Will look into.

Comment: Requested that for impacts analysis that FW and CA impacts be separated and the types of impacts to each be separated.

USACE

Question: Asked if the bridge and the widening will be one permit document.

Response: Yes but the project will be constructed in phases. An extended life permit will be requested due to the different timelines of the bridge and the widening project. Currently there is a funding issue for the widening that must be resolved. GA needs to add it to their long range plan before FHWA has assurance funding will be available. Due to additional costs of ground improvements (10-15 million dollars) and estimated mitigation costs (10-15 million dollars) there is a funding shortfall in SC as well.

Question: Asked if the surcharged soil will be placed within the footprint of the project.

Response: Yes

FHWA

Question: About whether a Coast Guard permit would be needed.

Response: No Coast Guard permit is required. Coordination has taken place already for an exemption request but will re-initiate to verify.

Question: Asked about the timing of the EFH document

NOAA-NMFS response: The EFH document would be submitted during the NEPA process and approval of the EFH document would occur prior to the permit. It will require the design to be final so NOAA-NMFS can properly review the document.

Comment: Requested that navigational concerns be given its own section within the EA document.

SCDHEC-OCRM

Question: Asked if there are any utilities to be moved or any other impacts associated with utilities.

Response: Will look into further

Comment: Concern over drainage to the marsh

Response: Earthen grassed swales will be used to store and treat stormwater before entering the marsh. There were no objections to this idea from any agency. Baker added that there are no impaired waterbodies for this project in SC or GA.

Meeting Conclusion:

SCDOT closed the meeting by explaining meeting minutes would be written up and disseminated to all in attendance for their records. The meeting minutes will be included in the NEPA document in order to verify agency coordination.

The meeting concluded at 2:20 PM.

Don Padgett SCDHEC 803.898-1279



Meeting Sign-In Sheet
Proposed Widening of US 17 Jasper County
June 17, 2014

| Name | Agency | Email Address |
|-------------------------------|------------------|--|
| Chad Long | SCDOT | longcc@scdot.org |
| Nicole Riddie | SCDOT | RiddieNLO@scdot.org |
| Russell Chandler | SCDOT | ChandlerTR@scdot.org |
| Gordon Murphy | Baker | gmurphy@mbakerintl.com |
| Renée Flinchum-Bailes | Baker | ryflinchum@mbakerintl.com |
| SHANE BELCHER | FHWA | jeffrey.belcher@dot.gov |
| Elizabeth Williams | USACE | elizabeth.g.williams@usace.army.mil |
| Will McGoldrick | DOT | mcgoldrwr@scdot.org |
| Mark Caldwell | USFWS | mark-caldwell@fws.gov |
| Paul Wojoska | SCDHEC OCRM | wojoska@dhc.sc.gov |
| Jaclyn Daly | NOAA | jaclyn.daly@noaa.gov |
| Susan Davis | SLDNR | DavisS@DNR.SL.GOV |
| | | |
| | | |
| | | |

Letter of Interest and Responses

April 15, 2014



South Carolina
Department of Transportation

April 15, 2014

Electronic Correspondence: You are receiving this document in electronic format in an effort to save resources and expedite delivery.

Re: Letter of Intent for the Proposed US 17 Widening Project in Jasper County, South Carolina and Chatham County, Georgia. PIN: 39168 File No.: 27.039168

Dear Sir/Madam:

The South Carolina Department of Transportation (SCDOT) proposes to improve U.S. 17 (Speedway Boulevard) from the Georgia SR 404 Spur on Hutchinson Island in Chatham County, Georgia, approximately four miles north to S.C. 315 (South Okatie Highway) in Jasper County, South Carolina. The improvements include the widening of U.S. 17 from two to four travel lanes, with a 36-foot wide depressed median. The purpose of the project is to increase the capacity of the roadway in order to meet traffic and safety demands on U.S. 17 between Hutchinson Island and S.C. 315. The proposed widening would require that a new bridge structure be constructed over the Back River in order to accommodate the additional travel lanes (refer to Figure 1). With regards to the existing bridge, the Georgia Department of Transportation (GDOT) has applied for and received a permit to construct a new bridge. As part of this permitted action, GDOT will remove the existing bridge once the new bridge is completed.

The purpose of this letter is to update you on this project as well as solicit any additional information that you may have related to the potential social, economic, and environmental impacts of the proposed project on the area. The SCDOT, in consultation with the Federal Highway Administration (FHWA), are preparing an Environmental Assessment (EA) to evaluate the benefits and impacts from the proposed project, in accordance with the *National Environmental Policy Act* (NEPA) and implementing regulations.

As shown on Figure 1, land adjacent to the study corridor is mostly undeveloped and consists of wetland areas. The Savannah College Equestrian Center is located on the east side of U.S. 17, just south of the intersection of South Okatie Highway.

Preliminary field work has been completed for wetlands and waters of the U.S., and palustrine forested, palustrine scrub-shrub, palustrine emergent wetlands, as well as estuarine emergent wetlands are present throughout the study corridor. The project will be designed to minimize wetland impacts to the maximum extent practicable. Coordination will occur with the USACE, South Carolina Department of Health and Environmental Control – Ocean and Coastal Resource Management, and Georgia Department of Natural Resources – Environmental Protection Division as the project continues.

In accordance with Section 7 of the *Endangered Species Act*, a database search and field survey was previously completed in 2010 for federally protected species. This information will be supplemented with any new data available since this survey. Due to the presence of essential fish habitat, an assessment will be completed and coordination will occur with the National Marine Fisheries Service.

Previous cultural resource surveys were completed for this project. Based on the results of the field survey the study corridor in South Carolina, the South Carolina State Historic Preservation Office (SHPO) determined that no historic properties would be affected by the proposed undertaking. With regards to the cultural resources survey in Georgia, a submerged late 19th century sailing vessel was found in the Back River near the river bank of Hutchinson Island. Georgia SHPO determined that if the U.S. 17



Bridge was replaced over the Back River, that it would have an adverse affect to this historic resource. A Memorandum of Agreement was signed with the Georgia SHPO to mitigate the adverse effect through data excavation and documentation. An Archaeological Mitigation Report was prepared documenting this resource, and will be included as an Appendix to the EA. If any surveys are needed outside the previously studied corridor, then additional coordination will occur with the Georgia and South Carolina SHPOs.

A noise analysis will also be conducted for the study area to predict future noise levels in accordance with the SCDOT and GDOT Noise Policies. Through conformance with Best Management Practices and standard SCDOT procedures during construction, no adverse impacts to the area's air quality or water quality are anticipated.

As an integral part of the environmental process, the SCDOT is soliciting input from agencies and individuals concerning the potential social, economic, and environmental impacts of the proposed project on the area. To ensure that issues of the proposed project are fully evaluated, the SCDOT requests your written response concerning any beneficial or adverse impacts of the project relating to the interest of your agency. The SCDOT looks forward to receiving your comments on the project within 30 days of the receipt of this letter. Comments should be addressed to the following:

Mr. Chad Long
Archaeologist/NEPA Environmental Coordinator
SCDOT
P.O. Box 191
Columbia, SC 29201




Your expeditious handling of this notice will be appreciated. Should you have any questions, please contact me at (803) 737-1396.

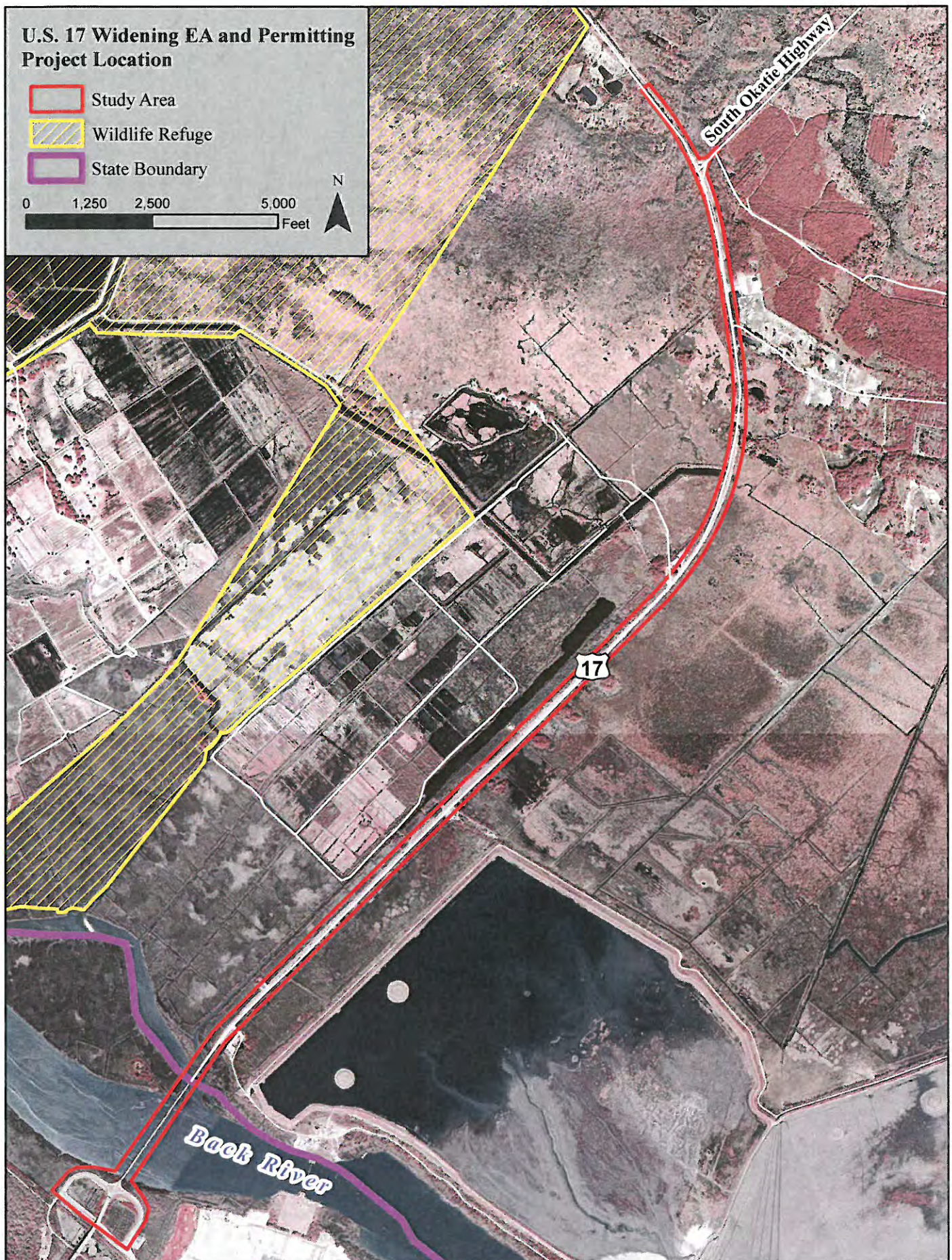
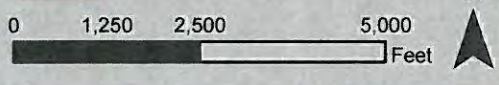
Sincerely,



Chad Long
Archaeologist/NEPA Environmental Coordinator
South Carolina Department of Transportation

U.S. 17 Widening EA and Permitting Project Location

-  Study Area
-  Wildlife Refuge
-  State Boundary





OFFICE OF THE JASPER COUNTY ADMINISTRATOR

358 Third Avenue – Courthouse Square – Post Office Box 1149
Ridgeland, South Carolina 29936 – 843-717-3690 – Fax 726-7800 – TDD 726-7519

Andrew P. Fulghum
County Administrator

April 24, 2014

afulghum@jaspercountysc.gov

VIA ELECTRONIC MAIL TO longcc@scdot.org

Chad Long, Archeologist/NEPA Environmental Coordinator
South Carolina Department of Transportation
Post Office box 191
Columbia, South Carolina 29201

RE: Letter of Intent for the Proposed US 17 Widening Project in Jasper County, South Carolina and Chatham County, Georgia PIN: 39168 File No.: 27.039168

Dear Mr. Long:

I have received your letter of April 15, 2014. Know that Jasper County favors the construction of this project that has been planned, designed, fully funded, and slated for construction in 2015. Jasper County offers the following response to your solicitation for input as to the potential social, economic and environmental impacts of the project:

Social

The potential social impacts are positive. The project will improve the safety of a heavily traveled and dangerous road that has lacked routine maintenance and provides direct access to the cultural amenities located within Jasper County such as the Savannah College of Art and Design's Equestrian Center and the federal Savannah Wildlife Refuge.

Economic

The potential economic impact is positive. This particular section of Rt. 17 serves as a major commuting thoroughfare for residents who travel between the two states and commute back and forth to work from Lowcountry South Carolina locations to Georgia. It is also a critical piece of infrastructure to serve the future Jasper Ocean Terminal as identified jointly by SCDOT and the South Carolina Ports Authority in the *2008 Jasper Port Infrastructure Summary*.

Environmental

The potential environmental impacts are negligible as a majority of the work abuts a federal dredge spoil area.

I would also like to add the fact that I am astounded that your advisory of April 15, 2014 made no mention of what appears to be a new political ploy by SCDOT to delay the construction by blaming new, federal seismic regulations. I am further disappointed that I had to learn that information from a telephone conversation with you and not by official notice of the SCDOT.

VIA ELECTRONIC MAIL TO longcc@scdot.org

page two of two

Chad Long, Archeologist/NEPA Environmental Coordinator
South Carolina Department of Transportation
April 24, 2014

We have all watched as SCDOT has wasted state resources by not joining with GADOT to enhance the construction of the Back River Bridge. Now, it appears as though SCDOT is attempting to place more political hurdles in front of another important project in Jasper County.

By this letter, Jasper County officially requests a meeting with recently appointed SCDOT Secretary Janet Oakley to discuss the actual status of the project, unequal application of the new federal seismic regulations, and environmental injustice.

Thank you very much for your time. We look forward to SCDOT's response.

Very truly yours,

A handwritten signature in blue ink, consisting of a large circular loop followed by a series of smaller loops and a long horizontal tail.

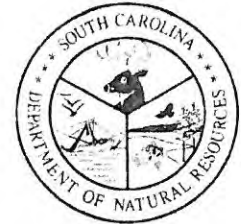
Andrew P. Fulghum, ICMA-CM
County Administrator

APF/hj

cc: Janet Oakley via electronic mail to: janetoak@aol.com

South Carolina Department of Natural Resources

PO Box 12559
Charleston, SC 29422
843.953.9003 Office
843.953.9399 Fax
Daviss@dnr.sc.gov



Alvin A. Taylor
Director
Robert D. Perry
Director, Office of
Environmental Programs

April 23, 2014

Mr. Chad Long
Environmental Project Manager
SCDOT
P.O. Box 191
Columbia, SC 29202-0191

RECEIVED

APR 28 2014

Environmental Management
SCDOT

Re: Proposed U.S. Highway 17 Widening Project in Jasper County

Dear Mr. Long:

Personnel from the South Carolina Department of Natural Resources have reviewed the proposal to widen U.S. Highway 17 in Jasper County and offer the following comments.

Based on the limited information provided about the proposed project, we are unable to provide any specific comments on potential impacts to natural resources at this time. We would, however, like to express some general comments regarding highway widening projects. As you are well aware, coastal South Carolina contains extensive acreage of both salt and freshwater wetlands. Wetland areas provide valuable habitat for fish and wildlife and are essential in maintaining water quality in adjoining water bodies. Careful consideration should be given to avoiding wetland impacts whenever possible and minimizing unavoidable impacts to the maximum extent possible.

Means for avoiding and minimizing wetland impacts should be incorporated early on in the planning and design stages and should include such things as bridging and culverting wetland crossings, reduced median and shoulder widths, and the use of top down construction methods. Mitigation for unavoidable wetland impacts should be addressed in the planning and environmental review stages of the project and should focus on the in-kind replacement of lost wetland functions. An environmental review process should also consider potential impacts to threatened and endangered species. Information concerning known populations of federal and/or state endangered or threatened species and other sensitive species can be obtained by contacting S.C. Department of Natural Resources staff within the Wildlife Diversity Section, Columbia, S.C. 29202, (803) 734-3917.

We ask that you consider the above outlined issues in the preparation of an Environmental Assessment for this project. Please contact us for further comment when additional information becomes available.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan F. Davis". The signature is fluid and cursive, with a large initial "S" and a distinct "D" at the end.

Susan F. Davis
Coastal Environmental Coordinator



Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

RECEIVED

APR 28 2014

April 21, 2014

Environmental Management
SCDOT

Mr. Chad Long
Archaeologist/NEPA Environmental Coordinator
SC Department of Transportation
Post Office Box 191
Columbia, SC 29201

Re: Letter of Intent for the Proposed US 17 Widening Project in Jasper County, South Carolina and Chatham County, Georgia. PIN: 39168 File No.: 27.039168

Dear Mr. Long:

On April 16, 2014, we received a Letter of Intent, dated April 15, 2014, concerning the proposed US 17 widening project in Jasper County, South Carolina. *Based on the information provided, I am responding on behalf of the South Carolina Department of Health and Environmental Control, Bureau of Air Quality (Bureau).*

The Bureau is tasked with implementing the Federal Clean Air Act (1990, as amended) in the State of South Carolina. The Bureau is required to ensure compliance with the National Ambient Air Quality Standards (NAAQS) for criteria pollutants. Currently two criteria pollutants are of particular concern in South Carolina:

- **Ozone** – The 2008 8-hour ozone standards (primary and secondary) are currently set at 0.075 parts per million (ppm). The area represented in this proposal is meeting the 2008 ozone standards. The Environmental Protection Agency (EPA) is currently reviewing the 2008 ozone standard and the proposal of a new standard is anticipated.
- **Particulate Matter 2.5** (Particulates 2.5 microns in size and smaller) – The 2012 standard for maximum daily concentration is set at 35 micrograms per cubic meter. The 2012 standard for the maximum annual concentration is set at 12 micrograms per cubic meter. The area represented in this proposal is meeting the 2012 particulate matter 2.5 standards.

Presently only the eastern portion of York County has been designated nonattainment for the 2008 8-hour ozone NAAQS. For more information on which areas have been designated nonattainment, please visit <http://www.epa.gov/oar/oaqps/greenbk>. If a project is located in a nonattainment area, it may be subject to prescriptive requirements such as Transportation Conformity or air quality modeling.

An asbestos survey and project license may be required prior to any demolition activities such as deconstruction of a building or removal of structures in the right-of-way of a road project. If you have any questions regarding asbestos regulatory applicability you may contact Robin Mack (with the Bureau's Asbestos Section) at (803) 898-4270 or mackrs@dhec.sc.gov.

All necessary environmental permits for the subject project must be obtained in accordance with applicable state and federal regulations. If you have not already done so, please contact the Bureau of Water at (803) 898-4300 and the Bureau of Land and Waste Management at (803) 898-2000 for input regarding those program areas' assessments of this proposed project.

Emissions from construction equipment are regulated by federal standards. The Bureau would like to offer the following suggestions on how this project can help us stay in compliance with the NAAQS. More importantly, these strategies are beneficial to the health of citizens of South Carolina.

- Utilize alternatively fueled equipment.
- Utilize emission controls applicable to your equipment.
- Reduce idling time on equipment.
- Fugitive dust emissions should be minimized through good operating practices.
- Seek to accommodate all travel modes including bicycle and pedestrian travel when possible.

The Bureau can provide model clean construction contract language. A vendor may need to retrofit, repower or replace older and more polluting diesel construction equipment in order to satisfy clean construction requirements. These types of projects can be financed with Congestion Mitigation and Air Quality (CMAQ) funds, and are in fact a high priority for CMAQ funding. Please contact our office if assistance is needed.

Thank you for the opportunity to comment on this project. Should you have any further questions or comments concerning this matter, please do not hesitate to contact me at (803) 898-4122 or at robertln@dhec.sc.gov.

Sincerely,



L. Nelson Roberts, Jr., Manager
Air Quality Standards and Assessment Section
SCDHEC Bureau of Air Quality

ec: Shane Johnson, Lowcountry EQC Beaufort Office, johnsosl@dhec.sc.gov

South Carolina Department of Natural Resources

PO Box 12559
Charleston, SC 29422
843.953.9003 Office
843.953.9399 Fax
Daviss@dnr.sc.gov



Alvin A. Taylor
Director
Robert D. Perry
Director, Office of
Environmental Programs

April 23, 2014

Mr. Chad Long
Environmental Project Manager
SCDOT
P.O. Box 191
Columbia, SC 29202-0191

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APR 28 2014

Environmental Management
SCDOT

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Susan F. Davis
Coastal Environmental Coordinator



Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

April 23, 2014

RECEIVED

S. C. Department of Transportation
Attn: Mr. Chad Long
Environmental Management Office, Room 509
955 Park Street
P. O. Box 191
Columbia, SC 29202-0191

APR 28 2014

**Environmental Management
SCDOT**

Re: Proposed US 17 Widening in Jasper County SC and Chatham County, GA
PIN 39168

Dear Mr. Long:

The South Carolina Department of Health and Environmental Control (SCDHEC) is providing comments regarding potential environmental impacts of the above referenced project, as requested in your Letter of Intent dated April 15, 2014. As you are aware, SCDHEC's Bureau of Water administers applicable regulations pertaining to water quality standards and classifications, including wetland protection, in accordance with the South Carolina Pollution Control Act, the Federal Clean Water Act, the State Stormwater Management and Sediment Reduction Act, Construction in Navigable Waters Permitting, and associated regulations for all of these statutes. SCDHEC's Office of Ocean and Coastal Resource Management (OCRM) administers regulations in accordance with provisions of the Coastal Zone Management Act.

The following comments are provided as input concerning environmental impacts in preparation of an Environmental Assessment (EA) in accordance with regulations of the Federal Highway Administration and National Environmental Policy Act.

The proposed work involves widening US 17 (Speedway Boulevard) from the Georgia SR 404 Spur on Hutchinson Island in Chatham County, GA, approximately 4 miles north to SC 315 (South Okatie Highway) in Jasper County, SC. The work would include the widening of US 17 from 2 to 4 travel lanes, with a 36-foot-wide depressed median. The proposed widening would require that a new bridge structure be constructed over the Back River in order to accommodate the additional travel lanes. The purpose of the project is to increase the capacity of the roadway in order to meet traffic and safety demands on US 17 between Hutchinson Island and SC 315.

Page 2
Mr. Chad Long
April 23, 2014

SCDHEC recommends efforts be made to minimize impacts to open water, associated wetlands, water quality and navigation when planning and constructing this project. Such efforts could include increasing the bridge length and vertical clearance to improve navigability. In addition, access to the project site should be attained from highland, from the portion of the bridge already completed (“end on end construction”) or from temporary work trestles, floating barges or mats instead of barge canals or causeways.

Also, any additional stream or wetland impacts could be minimized by enlarging or adding to existing culverts to accommodate bank-full rain events, improve hydrologic flows and aquatic life passage. In addition, reducing road widths by utilizing 2:1 slopes and/or reducing median widths or shifting alignments in sensitive areas may minimize aquatic impacts.

The Back River is designated SB waters in the vicinity of the project, indicating that there is no shellfish harvesting use. In addition, there are no impaired monitoring sites or TMDLs in the vicinity of the project. Potential water quality impacts of stormwater associated with the project will be avoided if the applicant uses best management practices to minimize sediment migration during construction, as well as other post construction stormwater management practices. Also, the bridge should be designed to minimize the amount of stormwater to be discharged directly from scuppers, if practicable.

SCDHEC will review any additional information provided including a thorough description (and quantification) of open water and wetland resources that will potentially be impacted by the proposed project. The above information will be useful in making a decision regarding the water quality review and Critical Area Permit (Permit) administered by SCDHEC. If required, the Permit may be conditioned to address specific modifications and measures that would be required to further reduce wetland and water quality impacts after a review of detailed project drawings. Also, a final mitigation plan addressing unavoidable wetland/stream impacts must be reviewed and approved by SCDHEC during the certification process.

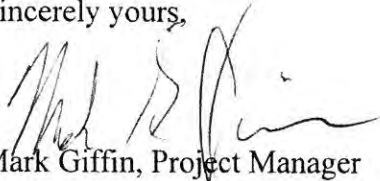
In addition to the aforementioned Permit, the proposed work must be in compliance with State Sediment and Erosion Control and NPDES MS4 stormwater permitting requirements administered by the Bureau of Water.

Finally, please ensure that all other necessary environmental permits for this project are obtained in accordance with applicable State and Federal regulations. If you have not done so already, please contact the Bureau of Air Quality and the Bureau of Land and Waste Management for input regarding those program areas’ assessments of this proposed project.

Page 2
Mr. Chad Long
April 23, 2014

Please call me at 898-4179 if you have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Mark Giffin', written over a light blue horizontal line.

Mark Giffin, Project Manager
Water Quality Certification and Wetlands Section

cc: Heather Preston
Chuck Hightower
Jill Stewart
Blair Williams (OCRM)
Myra Reece (BAQ)
Daphne Neel (BLWM)
Low Country Region EQC Region



Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

RECEIVED

APR 28 2014

April 21, 2014

Environmental Management
SCDOT

Mr. Chad Long
Archaeologist/NEPA Environmental Coordinator
SC Department of Transportation
Post Office Box 191
Columbia, SC 29201

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Thank you for the opportunity to comment on this project. Should you have any further questions or comments concerning this matter, please do not hesitate to contact me at (803) 898-4122 or at robertln@dhec.sc.gov.

Sincerely,



L. Nelson Roberts, Jr., Manager
Air Quality Standards and Assessment Section
SCDHEC Bureau of Air Quality

ec: Shane Johnson, Lowcountry EQC Beaufort Office, johnsosl@dhec.sc.gov

Section 106 Coordination

Gordon Murphy

From: Long, Chad C. <LongCC@scdot.org>
Sent: Tuesday, March 11, 2014 12:46 PM
To: Belcher, Jeffery - FHWA; Gordon Murphy
Subject: FW: PI 522920 Chatham HP 050120-010 US 17 Widening & Bridge Construction over Back River

FYI

From: Bedell, Jennifer [<mailto:Jennifer.Bedell@dnr.state.ga.us>]
Sent: Tuesday, March 11, 2014 12:15 PM
To: Long, Chad C.
Cc: Anderson-Cordova, Karen
Subject: RE: PI 522920 Chatham HP 050120-010 US 17 Widening & Bridge Construction over Back River

Hi Chad-

Sorry for the confusion. We normally have a worksheet and send a formal letter for concurrence for Georgia (or GDOT) projects. We did discuss whether a circle or scratch-out was most appropriate for your letter. It looks like Karen underlined the word "concur".

To verify: GASHPO concurs with the SCDOT determination that no historic properties will be affected.

Please let me know if you require anything else.

Jenn

Jennifer Bedell

Review Archaeologist
Historic Preservation Division
Georgia Department of Natural Resources
254 Washington St. SW., Ground Floor
Atlanta, GA 30334
404.657.1042

From: Long, Chad C. [<mailto:LongCC@scdot.org>]
Sent: Monday, March 10, 2014 4:23 PM
To: Bedell, Jennifer
Subject: FW: PI 522920 Chatham HP 050120-010 US 17 Widening & Bridge Construction over Back River

Hi Jennifer,

I just received this letter from HPD. If the SHPO concurs, the "do not" portion in the parentheses is usually scratched out. I just wanted to double check and make sure we had concurrence.

Can you verify?

Thanks,

Chad

From: HPD-106reply [<mailto:HPD-106reply@dnr.state.ga.us>]
Sent: Monday, March 10, 2014 4:13 PM
To: 'Jim Pomfret'
Cc: Long, Chad C.
Subject: PI 522920 Chatham HP 050120-010 US 17 Widening & Bridge Construction over Back River

From: Historic Preservation Division

Attached is our letter on the subject undertaking (in Adobe Acrobat PDF format)

Do not respond to this e-mail.

If you have any questions concerning our letter, please contact:
Jennifer Bedell at Jennifer.Bedell@dnr.state.ga.us

A free copy of Adobe Acrobat Reader can be downloaded from: www.adobe.com



South Carolina
Department of Transportation

February 24, 2014

PI

DNR Historic
Preservation Div

2014 FEB 26 PM 2:12

Dr. David Crass
Georgia Department of Natural Resources
Historic Preservation Division
254 Washington Street, SW
Ground Level
Atlanta, GA 30334

RE: U.S. Route 17 Widening and Bridge Construction over the Back River in Jasper County,
South Carolina and Chatham County, Georgia.
Project ID: 39168

Dear Dr. Crass:

The South Carolina Department of Transportation (SCDOT) proposes to improve U.S. 17 (Speedway Boulevard) from the Georgia SR 404 Spur on Hutchinson Island in Chatham County, Georgia, approximately four miles north to S.C. 315 (South Okatie Highway) in Jasper County, South Carolina. The improvements include the widening of U.S. 17 from two to four travel lanes, with a 36-foot wide depressed median. The purpose of the project is to increase the capacity of the roadway in order to meet traffic and safety demands on U.S. 17 between Hutchinson Island and S.C. 315. The proposed widening would require that a new bridge structure be constructed over the Back River in order to accommodate the additional travel lanes (see attached map).

The purpose of this letter is to initiate consultation with your office under Section 106 regulations of the National Historic Preservation Act. The proposed undertaking will involve new bridge construction and widening of the approach roads at the U.S. 17/SR 404 interchange on Hutchinson Island. All proposed construction activities will take place within existing right-of-way. Enclosed is a brief letter report that describes background research and identification efforts within the project's Area of Potential Effects within the state of Georgia.

Per 36 CFR Part 800, the Department is providing your office with the results of our identification efforts. Based on the results of background and archival research, the Department has determined that **no historic properties will be affected** by the proposed undertaking.

It is requested that you review the enclosed material and, if appropriate, indicate your concurrence in the Department's findings. Please respond within 30 days if you have any objections or if you have need of additional information.

Sincerely,



Chad C. Long
Archaeologist

CCL:ccl
Enclosure

I (do not) concur in the above determination.

Signed: Karen Radwan Date: 03/10/14

cc: Shane Belcher, FHWA-SC Division
Jim Pomfret, GDOT



Gordon Murphy

From: Long, Chad C. <LongCC@scdot.org>
Sent: Wednesday, June 04, 2014 9:18 PM
To: Gordon Murphy
Subject: Fwd: u.s. Rout 17 Widening and Bridge Construction, Jasper County, SC and Chatham County, GA Project ID: 39168
Attachments: image003.jpg

Begin forwarded message:

From: <Jeffrey.Belcher@dot.gov>
Date: June 4, 2014 at 12:16:52 PM EDT
To: <LongCC@scdot.org>
Subject: FW: u.s. Rout 17 Widening and Bridge Construction, Jasper County, SC and Chatham County, GA Project ID: 39168

For your file.

J. Shane Belcher

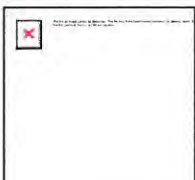
Environmental Coordinator
FHWA South Carolina
1835 Assembly Street, Suite 1270
Columbia, SC 29201
Phone: 803-253-3187
Jeffrey.belcher@dot.gov

From: Kim Jumper [<mailto:kim.jumper@shawnee-tribe.com>]
Sent: Tuesday, June 03, 2014 12:51 PM
To: Belcher, Jeffrey (FHWA)
Subject: u.s. Rout 17 Widening and Bridge Construction, Jasper County, SC and Chatham County, GA Project ID: 39168

This letter is in response to the above referenced project.

The Shawnee Tribe's Tribal Historic Preservation Department concurs that no known historic properties will be negatively impacted by this project. We have no issues or concerns at this time, but in the event that archaeological materials are encountered during construction, use, or maintenance of this location, please re-notify us at that time as we would like to resume consultation under such a circumstance.

Thank you for giving us the opportunity to comment on this project.



Sincerely,
Kim Jumper, THPO
Shawnee Tribe

From: Belcher, Jeffrey (FHWA)
To: "joseph.blanchard@astribc.com"
Subject: Federal Highway Administration: US 17 Widening & Bridge Construction in Jasper Co., SC and Chatham Co., Ga
Date: Wednesday, March 05, 2014 2:24:00 PM
Attachments: [Absentee-Shawnee US 17 Back River Tribal Coorespondence with Attachments.pdf](#)
[US 17 Cultural Report GA Portion.pdf](#)
[US 17 Cultural Report SC Portion.pdf](#)

Mr. Blanchard,

The attached information regarding the subject project is being sent to initiate consultation with your office under Section 106 regulations of the National Historic Preservation Act. The attachments provide information about the proposed project along with cultural resource studies for the Georgia and South Carolina portions of the project. If you have any questions regarding any of the attachments or the project in general, please do not hesitate to call.

Much thanks,

J. Shane Belcher
Environmental Coordinator
Federal Highway Administration
1835 Assembly Street, Suite 1270
Columbia, SC 29201
Phone: 803-253-3187
Fax: 803-253-3989



U.S. Department
of Transportation
**Federal Highway
Administration**

South Carolina

March 5, 2014

1835 Assembly Street, Suite 1270
Columbia, South Carolina 29201
803-765-5411
803-253-3989

In Reply Refer To:
HDA-SC

Mr. Joseph Blanchard
Tribal Historic Preservation Officer
Absentee-Shawnee Tribe of Oklahoma
2025 Gordon Cooper Drive
Shawnee, OK 74801

RE: U.S. Route 17 Widening and Bridge Construction over the Back River in Jasper County,
South Carolina and Chatham County, Georgia. Project ID: 39168

Dear Mr. Blanchard:

The Federal Highway Administration (FHWA) and the South Carolina Department of Transportation (SCDOT) propose to improve U.S. Route 17 (Speedway Boulevard) from the Georgia State Route 404 Spur on Hutchinson Island in Chatham County, Georgia to approximately four mile north of S.C. Route 315 (South Okatie Highway) in Jasper County, South Carolina. The improvements include the widening of U.S. Route 17 from two to four travel lanes, with a 36-foot wide depressed median. The purpose of the project is to increase the capacity of the roadway in order to meet traffic and safety demands on U.S. Route 17 between Hutchinson Island and S.C. Route 315. The proposed widening would require that a new bridge structure be constructed over the Back River in order to accommodate the additional travel lanes (see enclosed map).

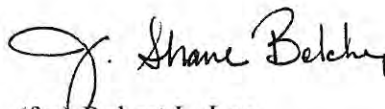
The purpose of this letter is to initiate consultation with your office under Section 106 regulations of the National Historic Preservation Act. The proposed undertaking will involve new road and bridge construction plus the widening of the approach roads at the U.S. Route 17/Georgia State Route 404 interchange on Hutchinson Island. All proposed construction activities will take place within the existing right-of-way. Enclosed is a brief letter report that describes background research and identification efforts within the project's Area of Potential Effects within the state of Georgia. A survey report for the South Carolina portion of the project is also enclosed.

Per 36 CFR Par 800, we are providing your office with the results of our identification efforts. Based on the results of background and archival research, we have determined that **no historic properties will be affected** by the proposed undertaking.

It is requested that you review the enclosed material and, if appropriate, indicate your concurrence in the findings. Please respond within thirty (30) days if you have any objections or if you have need of additional information. Please address any questions you may have

regarding the proposed project to Mr. J. Shane Belcher at 803-253-3187 or jeffrey.belcher@dot.gov.

Sincerely,


(for) Robert L. Lee
Division Administrator

Enclosures

I (do not) concur in the above determination.

Signed: _____ Date: _____

ec: Mr. Chad Long, Chief Archaeologist, SCDOT
Ms. Jennifer Giersch, FHWA-GA

From: Belcher, Jeffrey (FHWA)
To: "[Wenonah Haire](#)"
Cc: [Caitlin Haire](#)
Subject: Federal Highway Administration: US 17 Widening & Bridge Construction in Jasper Co., SC and Chatham Co., Ga
Date: Wednesday, March 05, 2014 3:01:00 PM
Attachments: [Catawba Indian Nation US 17 Back River Tribal Coorespondence with Attachments.pdf](#)
[US 17 Cultural Report GA Portion.pdf](#)
[US 17 Cultural Report SC Portion.pdf](#)

Wenonah and Caitlin,

Thought I would send this directly rather than via SCDOT since some of the project extends into Georgia. The attached information regarding the subject project is being sent to initiate consultation with your office under Section 106 regulations of the National Historic Preservation Act. The attachments provide information about the proposed project along with cultural resource studies for the Georgia and South Carolina portions of the project. If you have any questions regarding any of the attachments or the project in general, please do not hesitate to call. If you need a hard copy let me know and I'll get one out.

J. Shane Belcher

Environmental Coordinator

Federal Highway Administration

1835 Assembly Street, Suite 1270

Columbia, SC 29201

Phone: 803-253-3187

Fax: 803-253-3989

Catawba Indian Nation
Tribal Historic Preservation Office
1536 Tom Steven Road
Rock Hill, South Carolina 29730

Office 803-328-2427
Fax 803-328-5791

Division Office
Columbia S.C.

APR 4 2014

Federal Highway Administration



March 31, 2014

Attention: Robert L. Lee
USDOT FHWA
1835 Assembly Street, Suite 1270
Columbia, SC 29201

| Re. THPO # | TCNS# | Project Description |
|------------|-------|--|
| 2014-133-1 | | US Route 17 Widening and Bridge Construction over the Back River in Jasper Co. & Chatham Co. |

Dear Mr. Lee,

The Catawba have no immediate concerns with regard to traditional cultural properties, sacred sites or Native American archaeological sites within the boundaries of the proposed project areas. **However, the Catawba are to be notified if Native American artifacts and / or human remains are located during the ground disturbance phase of this project.**

If you have questions please contact Caitlin Totherow at 803-328-2427 ext. 226, or e-mail caitlinh@ccppcrafts.com.

Sincerely,

Wenonah G. Haire
Tribal Historic Preservation Officer



U.S. Department
of Transportation
**Federal Highway
Administration**

South Carolina

March 5, 2014

1835 Assembly Street, Suite 1270
Columbia, South Carolina 29201
803-765-5411
803-253-3989

In Reply Refer To:
HDA-SC

Ms. Wenonah Haire
Tribal Historic Preservation Officer
The Catawba Indian Nation
1536 Tom Steven Road
Rock Hill, SC 29731

RE: U.S. Route 17 Widening and Bridge Construction over the Back River in Jasper County,
South Carolina and Chatham County, Georgia. Project ID: 39168

Dear Ms. Haire:

The Federal Highway Administration (FHWA) and the South Carolina Department of Transportation (SCDOT) propose to improve U.S. Route 17 (Speedway Boulevard) from the Georgia State Route 404 Spur on Hutchinson Island in Chatham County, Georgia to approximately four mile north of S.C. Route 315 (South Okatie Highway) in Jasper County, South Carolina. The improvements include the widening of U.S. Route 17 from two to four travel lanes, with a 36-foot wide depressed median. The purpose of the project is to increase the capacity of the roadway in order to meet traffic and safety demands on U.S. Route 17 between Hutchinson Island and S.C. Route 315. The proposed widening would require that a new bridge structure be constructed over the Back River in order to accommodate the additional travel lanes (see enclosed map).

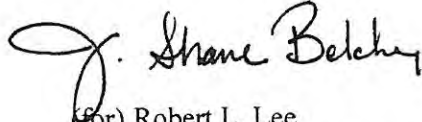
The purpose of this letter is to initiate consultation with your office under Section 106 regulations of the National Historic Preservation Act. The proposed undertaking will involve new road and bridge construction plus the widening of the approach roads at the U.S. Route 17/Georgia State Route 404 interchange on Hutchinson Island. All proposed construction activities will take place within the existing right-of-way. Enclosed is a brief letter report that describes background research and identification efforts within the project's Area of Potential Effects within the state of Georgia. A survey report for the South Carolina portion of the project is also enclosed.

Per 36 CFR Par 800, we are providing your office with the results of our identification efforts. Based on the results of background and archival research, we have determined that **no historic properties will be affected** by the proposed undertaking.

It is requested that you review the enclosed material and, if appropriate, indicate your concurrence in the findings. Please respond within thirty (30) days if you have any objections or if you have need of additional information. Please address any questions you may have

regarding the proposed project to Mr. J. Shane Belcher at 803-253-3187 or jeffrey.belcher@dot.gov.

Sincerely,



(for) Robert L. Lee
Division Administrator

Enclosures

I (~~do not~~) concur in the above determination.

Signed: Wenoch & Hain Date: 3/26/14

cc: Mr. Chad Long, Chief Archaeologist, SCDOT
Ms. Jennifer Giersch, FHWA-GA

From: [LaDonna Brown](#)
To: [Belcher, Jeffrey \(FHWA\)](#)
Subject: Read: Federal Highway Administration: US 17 Widening & Bridge Construction in Jasper Co., SC and Chatham Co., Ga
Date: Wednesday, March 05, 2014 2:49:59 PM

Your message

To:
Subject: Federal Highway Administration: US 17 Widening & Bridge Construction in Jasper Co., SC and Chatham Co., Ga
Sent: Wednesday, March 05, 2014 2:49:58 PM (UTC-05:00) Eastern Time (US & Canada)
was read on Wednesday, March 05, 2014 2:49:49 PM (UTC-05:00) Eastern Time (US & Canada).

From: Belcher, Jeffrey (FHWA)
To: "ladonna.brown@chickasaw.net"
Subject: Federal Highway Administration: US 17 Widening & Bridge Construction in Jasper Co., SC and Chatham Co., Ga
Date: Wednesday, March 05, 2014 2:34:00 PM
Attachments: [Chickasaw Nation US 17 Back River Tribal Coorespondence with Attachments.pdf](#)
[US 17 Cultural Report GA Portion.pdf](#)
[US 17 Cultural Report SC Portion.pdf](#)

Ms. Brown

The attached information regarding the subject project is being sent to initiate consultation with your office under Section 106 regulations of the National Historic Preservation Act. The attachments provide information about the proposed project along with cultural resource studies for the Georgia and South Carolina portions of the project. If you have any questions regarding any of the attachments or the project in general, please do not hesitate to call.

Much thanks,

J. Shane Belcher
Environmental Coordinator
Federal Highway Administration
1835 Assembly Street, Suite 1270
Columbia, SC 29201
Phone: 803-253-3187
Fax: 803-253-3989



U.S. Department
of Transportation
**Federal Highway
Administration**

South Carolina

March 5, 2014

1835 Assembly Street, Suite 1270
Columbia, South Carolina 29201
803-765-5411
803-253-3989

In Reply Refer To:
HDA-SC

Ms. LaDonna Brown
Historic Preservation Officer
The Chickasaw Nation
2020 Arlington, Suite 4
Ada, OK 74820

RE: U.S. Route 17 Widening and Bridge Construction over the Back River in Jasper County,
South Carolina and Chatham County, Georgia. Project ID: 39168

Dear Ms. Brown:

The Federal Highway Administration (FHWA) and the South Carolina Department of Transportation (SCDOT) propose to improve U.S. Route 17 (Speedway Boulevard) from the Georgia State Route 404 Spur on Hutchinson Island in Chatham County, Georgia to approximately four mile north of S.C. Route 315 (South Okatie Highway) in Jasper County, South Carolina. The improvements include the widening of U.S. Route 17 from two to four travel lanes, with a 36-foot wide depressed median. The purpose of the project is to increase the capacity of the roadway in order to meet traffic and safety demands on U.S. Route 17 between Hutchinson Island and S.C. Route 315. The proposed widening would require that a new bridge structure be constructed over the Back River in order to accommodate the additional travel lanes (see enclosed map).


The purpose of this letter is to initiate consultation with your office under Section 106 regulations of the National Historic Preservation Act. The proposed undertaking will involve new road and bridge construction plus the widening of the approach roads at the U.S. Route 17/Georgia State Route 404 interchange on Hutchinson Island. All proposed construction activities will take place within the existing right-of-way. Enclosed is a brief letter report that describes background research and identification efforts within the project's Area of Potential Effects within the state of Georgia. A survey report for the South Carolina portion of the project is also enclosed.

Per 36 CFR Par 800, we are providing your office with the results of our identification efforts. Based on the results of background and archival research, we have determined that **no historic properties will be affected** by the proposed undertaking.

It is requested that you review the enclosed material and, if appropriate, indicate your concurrence in the findings. Please respond within thirty (30) days if you have any objections or if you have need of additional information. Please address any questions you may have

regarding the proposed project to Mr. J. Shane Belcher at 803-253-3187 or jeffrey.belcher@dot.gov.

Sincerely,



(for) Robert L. Lee
Division Administrator

Enclosures

I (do not) concur in the above determination.

Signed: _____ Date: _____

ec: Mr. Chad Long, Chief Archaeologist, SCDOT
Ms. Jennifer Giersch, FHWA-GA

From: Belcher, Jeffrey (FHWA)
To: "[Robin Dushane](#)"
Subject: Federal Highway Administration: US 17 Widening & Bridge Construction in Jasper Co., SC and Chatham Co., Ga
Date: Wednesday, March 05, 2014 2:37:00 PM
Attachments: [Eastern Shawnee US 17 Back River Tribal Coorespondence with Attachments.pdf](#)
[US 17 Cultural Report GA Portion.pdf](#)
[US 17 Cultural Report SC Portion.pdf](#)

Ms. Dushane

The attached information regarding the subject project is being sent to initiate consultation with your office under Section 106 regulations of the National Historic Preservation Act. The attachments provide information about the proposed project along with cultural resource studies for the Georgia and South Carolina portions of the project. If you have any questions regarding any of the attachments or the project in general, please do not hesitate to call.

Much thanks,

J. Shane Belcher
Environmental Coordinator
Federal Highway Administration
1835 Assembly Street, Suite 1270
Columbia, SC 29201
Phone: 803-253-3187
Fax: 803-253-3989



U.S. Department
of Transportation
**Federal Highway
Administration**

South Carolina

March 5, 2014

1835 Assembly Street, Suite 1270
Columbia, South Carolina 29201
803-765-5411
803-253-3989

In Reply Refer To:
HDA-SC

Ms. Robin DuShane
Cultural Preservation Director
Eastern Shawnee Tribe of Oklahoma
127 W. Oneida Street
Seneca, MO 64865

RE: U.S. Route 17 Widening and Bridge Construction over the Back River in Jasper County,
South Carolina and Chatham County, Georgia. Project ID: 39168

Dear Ms. DuShane:

The Federal Highway Administration (FHWA) and the South Carolina Department of Transportation (SCDOT) propose to improve U.S. Route 17 (Speedway Boulevard) from the Georgia State Route 404 Spur on Hutchinson Island in Chatham County, Georgia to approximately four mile north of S.C. Route 315 (South Okatie Highway) in Jasper County, South Carolina. The improvements include the widening of U.S. Route 17 from two to four travel lanes, with a 36-foot wide depressed median. The purpose of the project is to increase the capacity of the roadway in order to meet traffic and safety demands on U.S. Route 17 between Hutchinson Island and S.C. Route 315. The proposed widening would require that a new bridge structure be constructed over the Back River in order to accommodate the additional travel lanes (see enclosed map).

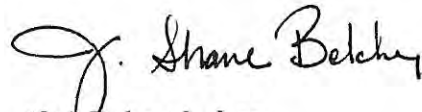
The purpose of this letter is to initiate consultation with your office under Section 106 regulations of the National Historic Preservation Act. The proposed undertaking will involve new road and bridge construction plus the widening of the approach roads at the U.S. Route 17/Georgia State Route 404 interchange on Hutchinson Island. All proposed construction activities will take place within the existing right-of-way. Enclosed is a brief letter report that describes background research and identification efforts within the project's Area of Potential Effects within the state of Georgia. A survey report for the South Carolina portion of the project is also enclosed.

Per 36 CFR Par 800, we are providing your office with the results of our identification efforts. Based on the results of background and archival research, we have determined that **no historic properties will be affected** by the proposed undertaking.

It is requested that you review the enclosed material and, if appropriate, indicate your concurrence in the findings. Please respond within thirty (30) days if you have any objections or if you have need of additional information. Please address any questions you may have

regarding the proposed project to Mr. J. Shane Belcher at 803-253-3187 or jeffrey.belcher@dot.gov.

Sincerely,


(for) Robert L. Lee
Division Administrator

Enclosures

I (do not) concur in the above determination.

Signed: _____ Date: _____

ec: Mr. Chad Long, Chief Archaeologist, SCDOT
Ms. Jennifer Giersch, FHWA-GA

From: [Emman Spain](#)
To: [Belcher, Jeffrey \(FHWA\)](#)
Subject: RE: Federal Highway Administration: US 17 Widening & Bridge Construction in Jasper Co., SC and Chatham Co., Ga
Date: Thursday, April 03, 2014 12:23:42 PM

Mr. Belcher,

The Muscogee (Creek) Nation has received notice of FHWA's project to widen U. S. Highway 17 and to construct a bridge over Back River in Jasper County, S.C. and Chatham County, Ga. After review of the information sent and the project area, we concur with FHWA's determination of "No Historic Properties affected". Thank you.

Emman Spain, THPO
Muscogee (Creek) Nation

From: Jeffrey.Belcher@dot.gov [mailto:Jeffrey.Belcher@dot.gov]
Sent: Wednesday, March 05, 2014 1:42 PM
To: Emman Spain; Emman Spain
Subject: Federal Highway Administration: US 17 Widening & Bridge Construction in Jasper Co., SC and Chatham Co., Ga

Mr. Spain,

The attached information regarding the subject project is being sent to initiate consultation with your office under Section 106 regulations of the National Historic Preservation Act. The attachments provide information about the proposed project along with cultural resource studies for the Georgia and South Carolina portions of the project. If you have any questions regarding any of the attachments or the project in general, please do not hesitate to call.

Much thanks,

J. Shane Belcher
Environmental Coordinator
Federal Highway Administration
1835 Assembly Street, Suite 1270
Columbia, SC 29201
Phone: 803-253-3187
Fax: 803-253-3989

From: Belcher, Jeffrey (FHWA)
To: "ESpain@MCN-NSN.gov"; "espain@muscogeenation-nsn.gov"
Subject: Federal Highway Administration: US 17 Widening & Bridge Construction in Jasper Co., SC and Chatham Co., Ga
Date: Wednesday, March 05, 2014 2:40:00 PM
Attachments: [Muscogee Creek Nation US 17 Back River Tribal Coorespondence with Attachments.pdf](#)
[US 17 Cultural Report GA Portion.pdf](#)
[US 17 Cultural Report SC Portion.pdf](#)

Mr. Spain,

The attached information regarding the subject project is being sent to initiate consultation with your office under Section 106 regulations of the National Historic Preservation Act. The attachments provide information about the proposed project along with cultural resource studies for the Georgia and South Carolina portions of the project. If you have any questions regarding any of the attachments or the project in general, please do not hesitate to call.

Much thanks,

J. Shane Belcher
Environmental Coordinator
Federal Highway Administration
1835 Assembly Street, Suite 1270
Columbia, SC 29201
Phone: 803-253-3187
Fax: 803-253-3989



U.S. Department
of Transportation
**Federal Highway
Administration**

South Carolina

1835 Assembly Street, Suite 1270
Columbia, South Carolina 29201
803-765-5411
803-253-3989

March 5, 2014

In Reply Refer To:
HDA-SC

Mr. Emman Spain
Tribal Historic Preservation Officer
Muscogee (Creek) Nation
1008 East Eufaula
Okmulgee, OK 74447

RE: U.S. Route 17 Widening and Bridge Construction over the Back River in Jasper County, South Carolina and Chatham County, Georgia. Project ID: 39168

Dear Mr. Spain:

The Federal Highway Administration (FHWA) and the South Carolina Department of Transportation (SCDOT) propose to improve U.S. Route 17 (Speedway Boulevard) from the Georgia State Route 404 Spur on Hutchinson Island in Chatham County, Georgia to approximately four mile north of S.C. Route 315 (South Okatie Highway) in Jasper County, South Carolina. The improvements include the widening of U.S. Route 17 from two to four travel lanes, with a 36-foot wide depressed median. The purpose of the project is to increase the capacity of the roadway in order to meet traffic and safety demands on U.S. Route 17 between Hutchinson Island and S.C. Route 315. The proposed widening would require that a new bridge structure be constructed over the Back River in order to accommodate the additional travel lanes (see enclosed map).

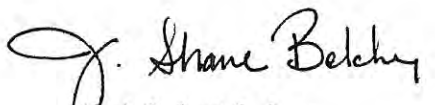
The purpose of this letter is to initiate consultation with your office under Section 106 regulations of the National Historic Preservation Act. The proposed undertaking will involve new road and bridge construction plus the widening of the approach roads at the U.S. Route 17/Georgia State Route 404 interchange on Hutchinson Island. All proposed construction activities will take place within the existing right-of-way. Enclosed is a brief letter report that describes background research and identification efforts within the project's Area of Potential Effects within the state of Georgia. A survey report for the South Carolina portion of the project is also enclosed.

Per 36 CFR Par 800, we are providing your office with the results of our identification efforts. Based on the results of background and archival research, we have determined that **no historic properties will be affected** by the proposed undertaking.

It is requested that you review the enclosed material and, if appropriate, indicate your concurrence in the findings. Please respond within thirty (30) days if you have any objections or if you have need of additional information. Please address any questions you may have

regarding the proposed project to Mr. J. Shane Belcher at 803-253-3187 or jeffrey.belcher@dot.gov.

Sincerely,


(for) Robert L. Lee
Division Administrator

Enclosures

I (do not) concur in the above determination.

Signed: _____ Date: _____

cc: Mr. Chad Long, Chief Archaeologist, SCDOT
Ms. Jennifer Giersch, FHWA-GA

From: Belcher, Jeffrey (FHWA)
To: "rthrower@pci-nsn.gov"
Subject: Federal Highway Administration: US 17 Widening & Bridge Construction in Jasper Co., SC and Chatham Co., Ga
Date: Wednesday, March 05, 2014 2:43:00 PM
Attachments: [Poarch Band of Creeks US 17 Back River Tribal Coorespondence with Attachments.pdf](#)
[US 17 Cultural Report GA Portion.pdf](#)
[US 17 Cultural Report SC Portion.pdf](#)

Mr. Thrower,

The attached information regarding the subject project is being sent to initiate consultation with your office under Section 106 regulations of the National Historic Preservation Act. The attachments provide information about the proposed project along with cultural resource studies for the Georgia and South Carolina portions of the project. If you have any questions regarding any of the attachments or the project in general, please do not hesitate to call.

Much thanks,

J. Shane Belcher
Environmental Coordinator
Federal Highway Administration
1835 Assembly Street, Suite 1270
Columbia, SC 29201
Phone: 803-253-3187
Fax: 803-253-3989



U.S. Department
of Transportation
**Federal Highway
Administration**

South Carolina

March 5, 2014

1835 Assembly Street, Suite 1270
Columbia, South Carolina 29201
803-765-5411
803-253-3989

In Reply Refer To:
HDA-SC

Mr. Robert Thrower
Tribal Historic Preservation Officer
Poarch Band of Creek Indians
5811 Jack Springs Road
Atmore, AL 36502

RE: U.S. Route 17 Widening and Bridge Construction over the Back River in Jasper County,
South Carolina and Chatham County, Georgia. Project ID: 39168

Dear Mr. Thrower:

The Federal Highway Administration (FHWA) and the South Carolina Department of Transportation (SCDOT) propose to improve U.S. Route 17 (Speedway Boulevard) from the Georgia State Route 404 Spur on Hutchinson Island in Chatham County, Georgia to approximately four mile north of S.C. Route 315 (South Okatie Highway) in Jasper County, South Carolina. The improvements include the widening of U.S. Route 17 from two to four travel lanes, with a 36-foot wide depressed median. The purpose of the project is to increase the capacity of the roadway in order to meet traffic and safety demands on U.S. Route 17 between Hutchinson Island and S.C. Route 315. The proposed widening would require that a new bridge structure be constructed over the Back River in order to accommodate the additional travel lanes (see enclosed map).

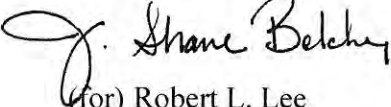
The purpose of this letter is to initiate consultation with your office under Section 106 regulations of the National Historic Preservation Act. The proposed undertaking will involve new road and bridge construction plus the widening of the approach roads at the U.S. Route 17/Georgia State Route 404 interchange on Hutchinson Island. All proposed construction activities will take place within the existing right-of-way. Enclosed is a brief letter report that describes background research and identification efforts within the project's Area of Potential Effects within the state of Georgia. A survey report for the South Carolina portion of the project is also enclosed.

Per 36 CFR Par 800, we are providing your office with the results of our identification efforts. Based on the results of background and archival research, we have determined that **no historic properties will be affected** by the proposed undertaking.

It is requested that you review the enclosed material and, if appropriate, indicate your concurrence in the findings. Please respond within thirty (30) days if you have any objections or if you have need of additional information. Please address any questions you may have

regarding the proposed project to Mr. J. Shane Belcher at 803-253-3187 or jeffrey.belcher@dot.gov.

Sincerely,


(for) Robert L. Lee
Division Administrator

Enclosures

I (do not) concur in the above determination.

Signed: _____ Date: _____

cc: Mr. Chad Long, Chief Archaeologist, SCDOT
Ms. Jennifer Giersch, FHWA-GA

From: [Paul Backhouse](#)
To: [Belcher, Jeffrey \(FHWA\)](#)
Subject: Read: Federal Highway Administration: US 17 Widening & Bridge Construction in Jasper Co., SC and Chatham Co., Ga
Date: Wednesday, March 05, 2014 3:41:38 PM

Your message

To:
Subject: Federal Highway Administration: US 17 Widening & Bridge Construction in Jasper Co., SC and Chatham Co., Ga
Sent: Wednesday, March 05, 2014 3:41:37 PM (UTC-05:00) Eastern Time (US & Canada)
was read on Wednesday, March 05, 2014 3:41:31 PM (UTC-05:00) Eastern Time (US & Canada).

From: [Geoffrey Wasson](#)
To: [Belcher, Jeffrey \(FHWA\)](#)
Subject: Read: Federal Highway Administration: US 17 Widening & Bridge Construction in Jasper Co., SC and Chatham Co., Ga
Date: Thursday, March 06, 2014 8:08:12 AM

Your message

To:
Subject: Federal Highway Administration: US 17 Widening & Bridge Construction in Jasper Co., SC and Chatham Co., Ga
Sent: Thursday, March 06, 2014 8:08:11 AM (UTC-05:00) Eastern Time (US & Canada)
was read on Thursday, March 06, 2014 8:07:38 AM (UTC-05:00) Eastern Time (US & Canada).

From: Belcher, Jeffrey (FHWA)
To: ["paulbackhouse@semtribe.com"](mailto:paulbackhouse@semtribe.com)
Cc: ["bradlevmueller@semtribe.com"](mailto:bradlevmueller@semtribe.com); ["geoffreywasson@semtribe.com"](mailto:geoffreywasson@semtribe.com); ["alisonwing@semtribe.com"](mailto:alisonwing@semtribe.com)
Subject: Federal Highway Administration: US 17 Widening & Bridge Construction in Jasper Co., SC and Chatham Co., Ga
Date: Wednesday, March 05, 2014 2:49:00 PM
Attachments: [Seminole Tribe of FL US 17 Back River Tribal Coorespondence with Attachments.pdf](#)
[US 17 Cultural Report GA Portion.pdf](#)
[US 17 Cultural Report SC Portion.pdf](#)

Mr. Backhouse,

The attached information regarding the subject project is being sent to initiate consultation with your office under Section 106 regulations of the National Historic Preservation Act. The attachments provide information about the proposed project along with cultural resource studies for the Georgia and South Carolina portions of the project. If you have any questions regarding any of the attachments or the project in general, please do not hesitate to call.

Much thanks,

J. Shane Belcher

Environmental Coordinator

Federal Highway Administration

1835 Assembly Street, Suite 1270

Columbia, SC 29201

Phone: 803-253-3187

Fax: 803-253-3989



U.S. Department
of Transportation
**Federal Highway
Administration**

South Carolina

March 5, 2014

1835 Assembly Street, Suite 1270
Columbia, South Carolina 29201
803-765-5411
803-253-3989

In Reply Refer To:
HDA-SC

Dr. Paul N. Backhouse
Tribal Historic Preservation Officer
Seminole Tribe of Florida
30290 Josie Billie Highway, PMB 1004
Clewiston, FL 33440

RE: U.S. Route 17 Widening and Bridge Construction over the Back River in Jasper County,
South Carolina and Chatham County, Georgia. Project ID: 39168

Dear Dr. Backhouse:

The Federal Highway Administration (FHWA) and the South Carolina Department of Transportation (SCDOT) propose to improve U.S. Route 17 (Speedway Boulevard) from the Georgia State Route 404 Spur on Hutchinson Island in Chatham County, Georgia to approximately four mile north of S.C. Route 315 (South Okatie Highway) in Jasper County, South Carolina. The improvements include the widening of U.S. Route 17 from two to four travel lanes, with a 36-foot wide depressed median. The purpose of the project is to increase the capacity of the roadway in order to meet traffic and safety demands on U.S. Route 17 between Hutchinson Island and S.C. Route 315. The proposed widening would require that a new bridge structure be constructed over the Back River in order to accommodate the additional travel lanes (see enclosed map).

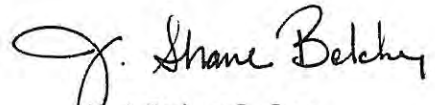
The purpose of this letter is to initiate consultation with your office under Section 106 regulations of the National Historic Preservation Act. The proposed undertaking will involve new road and bridge construction plus the widening of the approach roads at the U.S. Route 17/Georgia State Route 404 interchange on Hutchinson Island. All proposed construction activities will take place within the existing right-of-way. Enclosed is a brief letter report that describes background research and identification efforts within the project's Area of Potential Effects within the state of Georgia. A survey report for the South Carolina portion of the project is also enclosed.

Per 36 CFR Par 800, we are providing your office with the results of our identification efforts. Based on the results of background and archival research, we have determined that **no historic properties will be affected** by the proposed undertaking.

It is requested that you review the enclosed material and, if appropriate, indicate your concurrence in the findings. Please respond within thirty (30) days if you have any objections or if you have need of additional information. Please address any questions you may have

regarding the proposed project to Mr. J. Shane Belcher at 803-253-3187 or jeffrey.belcher@dot.gov.

Sincerely,


(for) Robert L. Lee
Division Administrator

Enclosures

I (do not) concur in the above determination.

Signed: _____ Date: _____

cc: Mr. Chad Long, Chief Archaeologist, SCDOT
Ms. Jennifer Giersch, FHWA-GA

From: Belcher, Jeffrey (FHWA)
To: "ben.barnes@gmail.com"
Subject: Federal Highway Administration: US 17 Widening & Bridge Construction in Jasper Co., SC and Chatham Co., Ga
Date: Wednesday, March 05, 2014 2:53:00 PM
Attachments: [Shawnee Tribe US 17 Back River Tribal Coorespondence with Attachments.pdf](#)
[US 17 Cultural Report GA Portion.pdf](#)
[US 17 Cultural Report SC Portion.pdf](#)

Second Chief Barnes,

The attached information regarding the subject project is being sent to initiate consultation with your office under Section 106 regulations of the National Historic Preservation Act. The attachments provide information about the proposed project along with cultural resource studies for the Georgia and South Carolina portions of the project. If you have any questions regarding any of the attachments or the project in general, please do not hesitate to call.

Much thanks,

J. Shane Belcher
Environmental Coordinator
Federal Highway Administration
1835 Assembly Street, Suite 1270
Columbia, SC 29201
Phone: 803-253-3187
Fax: 803-253-3989



U.S. Department
of Transportation
**Federal Highway
Administration**

South Carolina

March 5, 2014

1835 Assembly Street, Suite 1270
Columbia, South Carolina 29201
803-765-5411
803-253-3989

In Reply Refer To:
HDA-SC

Second Chief Ben Barnes
The Shawnee Tribe
29 S. Highway 69A
Miami, OK 74355

RE: U.S. Route 17 Widening and Bridge Construction over the Back River in Jasper County,
South Carolina and Chatham County, Georgia. Project ID: 39168

Dear Second Chief Barnes:

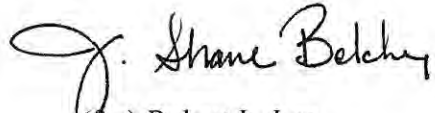
The Federal Highway Administration (FHWA) and the South Carolina Department of Transportation (SCDOT) propose to improve U.S. Route 17 (Speedway Boulevard) from the Georgia State Route 404 Spur on Hutchinson Island in Chatham County, Georgia to approximately four mile north of S.C. Route 315 (South Okatie Highway) in Jasper County, South Carolina. The improvements include the widening of U.S. Route 17 from two to four travel lanes, with a 36-foot wide depressed median. The purpose of the project is to increase the capacity of the roadway in order to meet traffic and safety demands on U.S. Route 17 between Hutchinson Island and S.C. Route 315. The proposed widening would require that a new bridge structure be constructed over the Back River in order to accommodate the additional travel lanes (see enclosed map).

The purpose of this letter is to initiate consultation with your office under Section 106 regulations of the National Historic Preservation Act. The proposed undertaking will involve new road and bridge construction plus the widening of the approach roads at the U.S. Route 17/Georgia State Route 404 interchange on Hutchinson Island. All proposed construction activities will take place within the existing right-of-way. Enclosed is a brief letter report that describes background research and identification efforts within the project's Area of Potential Effects within the state of Georgia. A survey report for the South Carolina portion of the project is also enclosed.

Per 36 CFR Par 800, we are providing your office with the results of our identification efforts. Based on the results of background and archival research, we have determined that **no historic properties will be affected** by the proposed undertaking.

It is requested that you review the enclosed material and, if appropriate, indicate your concurrence in the findings. Please respond within thirty (30) days if you have any objections or if you have need of additional information. Please address any questions you may have regarding the proposed project to Mr. J. Shane Belcher at 803-253-3187 or jeffrey.belcher@dot.gov.

Sincerely,


(for) Robert L. Lee
Division Administrator

Enclosures

I (do not) concur in the above determination.

Signed: _____ Date: _____

cc: Mr. Chad Long, Chief Archaeologist, SCDOT
Ms. Jennifer Giersch, FHWA-GA

From: Belcher, Jeffrey (FHWA)
To: "chascoleman75@yahoo.com"
Subject: Federal Highway Administration: US 17 Widening & Bridge Construction in Jasper Co., SC and Chatham Co., Ga
Date: Wednesday, March 05, 2014 2:56:00 PM
Attachments: [Thlopthlocco Tribal Town US 17 Back River Tribal Coorespondence with Attachments.pdf](#)
[US 17 Cultural Report GA Portion.pdf](#)
[US 17 Cultural Report SC Portion.pdf](#)

Mr. Coleman,

The attached information regarding the subject project is being sent to initiate consultation with your office under Section 106 regulations of the National Historic Preservation Act. The attachments provide information about the proposed project along with cultural resource studies for the Georgia and South Carolina portions of the project. If you have any questions regarding any of the attachments or the project in general, please do not hesitate to call.

Much thanks,

J. Shane Belcher
Environmental Coordinator
Federal Highway Administration
1835 Assembly Street, Suite 1270
Columbia, SC 29201
Phone: 803-253-3187
Fax: 803-253-3989



U.S. Department
of Transportation
**Federal Highway
Administration**

South Carolina

March 5, 2014

1835 Assembly Street, Suite 1270
Columbia, South Carolina 29201
803-765-5411
803-253-3989

In Reply Refer To:
HDA-SC

Mr. Charles Coleman
Tribal Historic Preservation Officer
Thlopthlocco Tribal Town
P.O. Box 188
Okemah, OK 74859

RE: U.S. Route 17 Widening and Bridge Construction over the Back River in Jasper County, South Carolina and Chatham County, Georgia. Project ID: 39168

Dear Mr. Coleman:

The Federal Highway Administration (FHWA) and the South Carolina Department of Transportation (SCDOT) propose to improve U.S. Route 17 (Speedway Boulevard) from the Georgia State Route 404 Spur on Hutchinson Island in Chatham County, Georgia to approximately four mile north of S.C. Route 315 (South Okatie Highway) in Jasper County, South Carolina. The improvements include the widening of U.S. Route 17 from two to four travel lanes, with a 36-foot wide depressed median. The purpose of the project is to increase the capacity of the roadway in order to meet traffic and safety demands on U.S. Route 17 between Hutchinson Island and S.C. Route 315. The proposed widening would require that a new bridge structure be constructed over the Back River in order to accommodate the additional travel lanes (see enclosed map).


The purpose of this letter is to initiate consultation with your office under Section 106 regulations of the National Historic Preservation Act. The proposed undertaking will involve new road and bridge construction plus the widening of the approach roads at the U.S. Route 17/Georgia State Route 404 interchange on Hutchinson Island. All proposed construction activities will take place within the existing right-of-way. Enclosed is a brief letter report that describes background research and identification efforts within the project's Area of Potential Effects within the state of Georgia. A survey report for the South Carolina portion of the project is also enclosed.

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It is requested that you review the enclosed material and, if appropriate, indicate your concurrence in the findings. Please respond within thirty (30) days if you have any objections or if you have need of additional information. Please address any questions you may have

regarding the proposed project to Mr. J. Shane Belcher at 803-253-3187 or jeffrey.belcher@dot.gov.

Sincerely,


(for) Robert L. Lee
Division Administrator

Enclosures

I (do not) concur in the above determination.

Signed: _____ Date: _____

ec: Mr. Chad Long, Chief Archaeologist, SCDOT
Ms. Jennifer Giersch, FHWA-GA

Early Agency Coordination



United States Department of the Interior

FISH AND WILDLIFE SERVICE

176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407



December 19, 2012

Lt. Colonel Edward P. Chamberlayne
District Engineer
U.S. Army Corps of Engineers
69A Hagood Avenue
Charleston, SC 29403-5107

Attn: Christopher Mims

Re: P/N SAC-2011-00179-DIM, South Carolina Department of Transportation
Charleston County, SC
FWS Log No. 2013-CPA-0036

Dear Colonel Chamberlayne:

The U.S. Fish and Wildlife Service (Service) has reviewed the above-referenced public notice dated November 20, 2012. The applicant has requested a Department of the Army permit pursuant to section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 *et seq.*) to place fill material in tidal waters and freshwater wetlands in Sand, Russell, and Store Creeks in Charleston County, South Carolina. This report is submitted in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*) and section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531-1543) (ESA). This report is also to serve as official comments to the South Carolina Department of Health and Environmental Control.

The proposed activity consists of the replacement of three existing structurally deficient bridges with wider, two-lane bridges along SC 174, which provides access to Edisto Island. The South Carolina Department of Transportation (SCDOT) proposes to replace the bridges over Russell and Store Creeks on new alignment adjacent to the existing bridges. The Sand Creek bridge will be replaced on the existing alignment. The typical roadway approach section for the proposed project would consist of two 12-foot travel lanes, 2-foot paved shoulders, and 8 to 10-foot grass shoulders. The new typical bridge section for the three bridges would consist of two 12-foot travel lanes and two 10-foot paved shoulders, which would accommodate future bike lanes.

The proposed project would require impacts to 4.242 acres of federally jurisdictional waters. As mitigation for impacts to tidal waters of the United States, the applicant has proposed to debit 51.02 credits from the Huspa Creek Mitigation Bank. For impacts to freshwater wetlands, the applicant proposes to debit 1.35 acres from the SCDOT Black River Mitigation Bank. The Service participated in early coordination meetings for this project with other State and

Federal agencies. The meetings provided an opportunity to consider measures to minimize impacts to fish and wildlife resources which during the design phase of the proposed project. The majority of our concerns were addressed in the project design. However, the Service has some remaining concerns with the current proposal, as outlined below to further reduce project associated impacts.

- Reduce the size of the proposed bike lanes or remove them from project design, because there are currently no designated bike lanes along SC 174; ?
- Avoid the placement of fill in Outstanding Resource Waters and/or adjacent wetlands for the purposes of stormwater management. Accordingly, the Service urges the applicant to seek less damaging methods for treating stormwater;
- Reduce the overall duration of impacts and avoid affecting the progress of restoration in temporary impact areas, the Service recommends that any work associated with the necessary relocation of utility lines be conducted concurrently with the project; *utility included?*
- Reduce the impacts associated with the temporary detour over Sand Creek during project construction, the Service recommends that bridging be used to the maximum extent possible; and
- Reduce potential construction-related impacts to the manatee to discountable and insignificant levels, the Service recommends implementing the *Standard Manatee Construction Conditions*. ✓

Manatee Guidelines

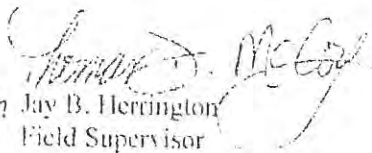
The permittee will comply with the following manatee protection construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel must monitor water-related activities for the presence of manatee(s) during May 15 - October 15.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973.
- c. Any siltation barriers used during the project shall be made of material in which manatees cannot become entangled and must be properly secured, and regularly monitored to avoid manatee entrapment.
- d. All vessels associated with the project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

- e. If manatee(s) are seen within 100 yards of the active construction area all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet to a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.
- f. Any collision with and/or injury to a manatee shall be reported immediately to Mr. Jim Valade of the U.S. Fish and Wildlife Service, North Florida Field Office, at (904) 731-3116.

The Service appreciates the opportunity to review and provide comments on the submitted permit. If you should need further assistance please contact Mr. Mark Leao at (843) 727-4707 ext. 228, and reference FWS Log No. 2013-CPA-0036.

Sincerely,


Jay B. Herrington
Field Supervisor

JBH:ACL

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

Report any collision with or injury to a manatee:

Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A HAGOOD AVENUE
CHARLESTON, SOUTH CAROLINA 29403-5107

November 14, 2011

Regulatory Division

Mr. Sean Connolly
SC Department of Transportation
Post Office Box 191
Columbia South Carolina 29202

Dear Mr. Connolly:

Pin 33036

This is in response to a request received November 9, 2011, for a wetland determination, prepared by Mr. Collin Lane with Edwards-Pitman Environmental, Inc., for a 51.7 acre tract located along US 17 crossing the Back River, beginning in Chatham County, Georgia and ending in Jasper County, South Carolina. The project area is depicted on the maps you submitted, re-labeled and entitled "SAC 2011-01156-DJJ US 17 Bridge Over Back River" and re-dated November 14, 2011.

This plat depicts the surveyed "Critical Area" boundaries as established by your office and approved by the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management (OCRM) on October 12, 2011 and the Georgia Department of Natural Resources, Coastal Resources Division on November 1, 2011. You have requested that this office verify the accuracy of this mapping as a true representation of wetlands or other waters of the United States within the regulatory authority of this office. The property contains 40.01 acres of salt marsh and/or open water tidal "critical area" subject to the jurisdiction of this office.

Based on a review of aerial photography and soil survey information, it has been determined that the surveyed jurisdictional area (i.e., "critical area") boundaries shown on the referenced maps are an accurate representation of jurisdictional areas within our regulatory authority. This office should be contacted prior to performing any work in these areas. You should be aware that the areas identified as jurisdictional may be subject to restrictions or requirements of other state or local government entities.

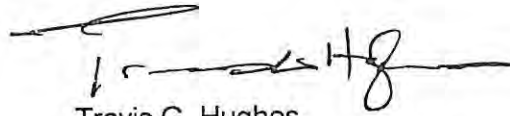
If a permit application is forthcoming as a result of this delineation, a copy of this letter, as well as the verified maps, should be submitted as part of the application. Otherwise, a delay could occur in confirming that a delineation was performed for the permit project area.

Please be advised that this wetland determination is valid for five (5) years from the date of this letter unless new information warrants revision of the delineation before the expiration date. All actions concerning this determination must be complete within this time frame, or an additional delineation must be conducted. This **approved** jurisdictional determination is an appealable action under the Corps of Engineers administrative appeal procedures defined at 33 CFR 331. The administrative appeal options, process and appeals request form is attached for your convenience and use.

In future correspondence concerning this matter, please refer to SAC 2011-01156-DJJ. Prior to performing any work, you should contact the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management (OCRM) and/or the Georgia Department of Natural Resources, Coastal Resources Division.

If you have any questions concerning this matter, please contact Elizabeth Williams at 843-329-8044 or toll free at 1-866-329-8187.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis G. Hughes". The signature is fluid and cursive, with a prominent "H" and "G".

Travis G. Hughes
Chief, Special Projects Branch

Enclosures:
Basis for Jurisdiction
Notification of Appeal Options

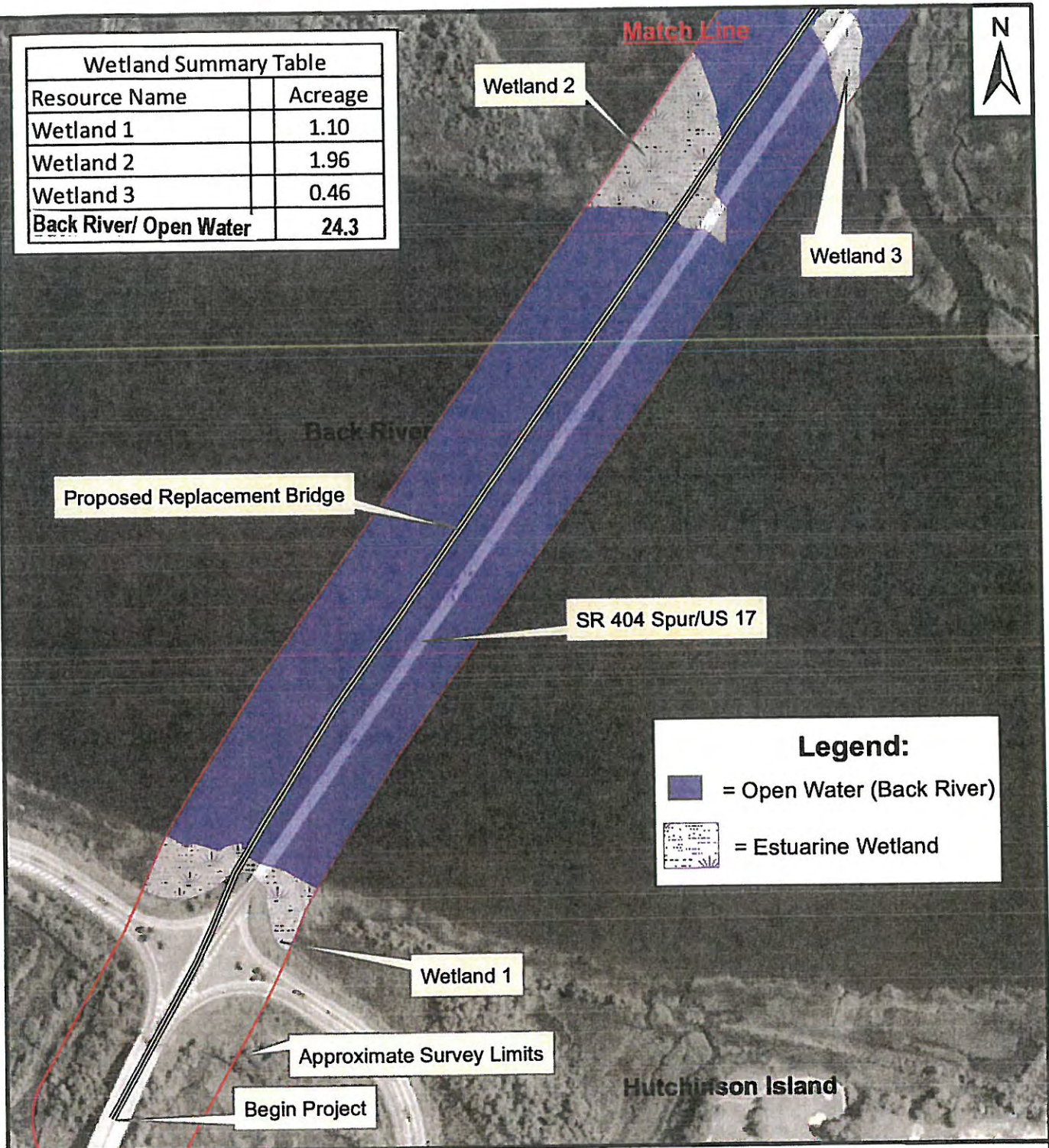
Copy Furnished:

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

Mr. Collin T. Lane
Edwards-Pitman Environmental, Inc.
1250 Winchester Parkway, Suite 200
Smyrna, GA 30080

Mr. Stanley J Knight, via e-mail

| Wetland Summary Table | |
|-------------------------------|-------------|
| Resource Name | Acreage |
| Wetland 1 | 1.10 |
| Wetland 2 | 1.96 |
| Wetland 3 | 0.46 |
| Back River/ Open Water | 24.3 |



Legend:

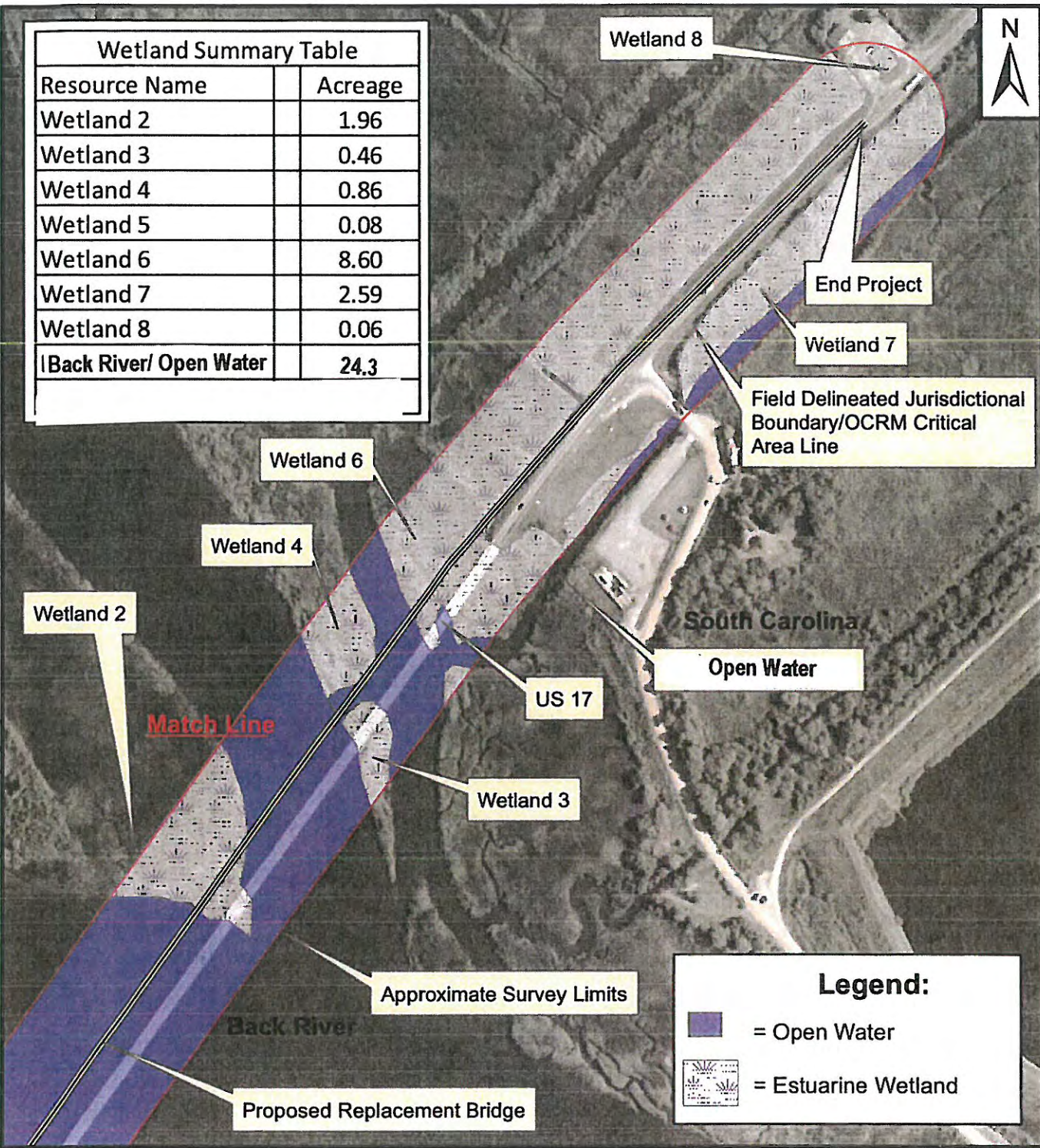
- = Open Water (Back River)
- = Estuarine Wetland



SAC 2011-01156-DJJ
US 17 Bridge Over Back River
 Sheet 1 of 2 November 14, 2011
 0 187.5 375 750
 Feet

Source: USDA-NRCS (2010) National Agricultural Imagery Program

| Wetland Summary Table | |
|------------------------|---------|
| Resource Name | Acreage |
| Wetland 2 | 1.96 |
| Wetland 3 | 0.46 |
| Wetland 4 | 0.86 |
| Wetland 5 | 0.08 |
| Wetland 6 | 8.60 |
| Wetland 7 | 2.59 |
| Wetland 8 | 0.06 |
| Back River/ Open Water | 24.3 |



Legend:

- = Open Water
- = Estuarine Wetland



SAC 2011-01156-DJJ
US 17 Bridge Over Back River
 Sheet 2 of 2 November 14, 2011

0 187.5 375 750
 Feet

Source: USDA-NRCS (2010) National Agricultural Imagery Program

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): 11-14-11

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: SAC 2011-1156-DJJ, US 17 Bridge over Back River

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: SC County/parish/borough: Jasper/ Chatham City:
Center coordinates of site (lat/long in degree decimal format): Lat. 32.102005° N, Long. 81.088747° W.
Universal Transverse Mercator:

Name of nearest waterbody: Back River

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

Name of watershed or Hydrologic Unit Code (HUC): 03060109

- 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: 11-14-11
 Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are** "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]

I. 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 24.3 acres.
Wetlands: 15.7 acres.

c. Limits (boundaries) of jurisdiction based on: Established by mean (average) high waters.

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:

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: **Back River**.

Summarize rationale supporting determination: the waters and wetlands are subject to ebb and flow of the 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: **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:

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.

(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**

Tributary gradient (approximate average slope): %

(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):

- | | |
|---|---|
| <input type="checkbox"/> Bed and banks | |
| <input type="checkbox"/> OHWM ⁶ (check all indicators that apply): | |
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> the presence of litter and debris |
| <input type="checkbox"/> changes in the character of soil | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> shelving | <input type="checkbox"/> the presence of wrack line |
| <input type="checkbox"/> vegetation matted down, bent, or absent | <input type="checkbox"/> sediment sorting |
| <input type="checkbox"/> leaf litter disturbed or washed away | <input type="checkbox"/> scour |
| <input type="checkbox"/> sediment deposition | <input type="checkbox"/> multiple observed or predicted flow events |
| <input type="checkbox"/> water staining | <input type="checkbox"/> abrupt change in plant community |
| <input type="checkbox"/> other (list): | |
| <input type="checkbox"/> Discontinuous OHWM. ⁷ Explain: | |

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> High Tide Line indicated by: | <input type="checkbox"/> Mean High Water Mark indicated by: |
| <input type="checkbox"/> oil or scum line along shore objects | <input type="checkbox"/> survey to available datum; |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings; |
| <input type="checkbox"/> physical markings/characteristics | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges | |
| <input type="checkbox"/> 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:

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.

(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:

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:

Directly abuts? (Y/N) Size (in acres) Directly abuts? (Y/N) Size (in acres)

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:

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, 40 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-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.**

- 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).

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: .

⁸See Footnote # 3.

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

¹⁰Prior 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.

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: .
- 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: .
- 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: Savannah GA Topo Map.
- USDA Natural Resources Conservation Service Soil Survey. Citation: .
- National wetlands inventory map(s). Cite name: .
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): SCDNR aerial infrared 2006.
or Other (Name & Date): .
- Previous determination(s). File no. and date of response letter: SAC 2009-00631 (10-13-10), SAS 200701163 (9-5-08) .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: Jurisdictional waters on site are subject to ebb and flow of the tide and thus are considered TNWs/ Navigable waters of the US.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

| | | |
|--------------|--|-------------------|
| Applicant: | File Number: | Date: |
| Attached is: | | See Section below |
| | INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) | A |
| | PROFFERED PERMIT (Standard Permit or Letter of permission) | B |
| | PERMIT DENIAL | C |
| X | APPROVED JURISDICTIONAL DETERMINATION | D |
| | PRELIMINARY JURISDICTIONAL DETERMINATION | E |

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer, South Atlantic Division, 60 Forsyth St, SW, Atlanta, GA 30308-8801. This form must be received by the Division Engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is **not appealable**. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact the Corps biologist who signed the letter to which this notification is attached. The name and telephone number of this person is given at the end of the letter.

If you only have questions regarding the appeal process you may also contact the Coordinator for Appeals in our South Atlantic Division Office in Atlanta, Georgia at (404) 562-5136.

60 Forsyth St, SW Atlanta, GA 30308-8801

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701-5505
727.824.5312, FAX 824.5309
<http://sero.nmfs.noaa.gov>

APR 8 2011

F/SER31:JC

Mr. Edward Frierson
NEPA Coordinator/Biologist
South Carolina Department of Transportation
P.O. Box 191
Columbia, SC 29202-0191

Dear Mr. Frierson:

This letter responds to your December 8, 2010, letter regarding a proposed project by the South Carolina Department of Transportation (SCDOT) to widen the bridge over the Back River and widen the roadway from Hutchinson Island to SC 170. This project is a joint endeavor between SCDOT and the Georgia Department of Transportation (GDOT). GDOT previously received concurrence from NMFS on January 12, 2009, for the construction activities proposed to occur within Georgia, and now SCDOT seeks concurrence from NMFS for construction proposed for the South Carolina portion of road widening. NMFS requested additional information from SCDOT by phone on February 23, 2011, and a response was given the same day. You determined that the proposed activities may affect but are not likely to adversely affect shortnose sturgeon and requested concurrence from the National Marine Fisheries Service (NMFS), pursuant to Section 7 of the Endangered Species Act (ESA). This consultation is being conducted with the South Carolina Department of Transportation (SCDOT) as the non-federal representative designated by the Federal Highway Administration, South Carolina Division (letter dated March 17, 2004), pursuant to 50 CFR 402.08. NMFS' determinations regarding the effects of the proposed action are based on the description of the action in this informal consultation. You are reminded that any changes to the proposed action may negate the findings of the present consultation and may require reinitiation of consultation with NMFS.

The project is located at 32.104878°N and 81.085967°W (North American Datum of 1983) on the Back River that runs between Georgia and South Carolina. GDOT proposes to construct a new bridge over the Back River and its adjacent wetlands and remove the existing bridge which is both structurally deficient and functionally obsolete. SCDOT's portion of the proposed work involves only the widening of the portion of roadway (US 17) from Hutchinson Island, Georgia (Chatham County), to SC 170 (Jasper County), and includes adding two travel lanes leading to the bridge itself that would tie into the existing four-lane typical section of SR 404 Spur/US 17 centerline. The project area for the SCDOT portion of the project includes approximately 7.5 miles of roadway beginning at the US Hwy 17/SC 170 interface south to the South Carolina state line shared with Georgia. The existing US Hwy 17 consists of two, 12-ft-wide travel lanes with 5-ft-wide earthen shoulders on either side. Wetlands vegetation within portions of the project area include: smooth cordgrass (*Spartina alterniflora*), big cordgrass (*Spartina cynosuroides*), and black needlerush (*Juncus roemerianus*). The impacts from the South Carolina portion of the



proposed actions will result from widening the soft shoulder portion of the causeway to accommodate the overall width necessary to construct an additional two lanes. The widening of US 17 will impact a total of approximately 79 acres of estuarine wetlands, according to a biological survey conducted by Jordon, Jones, and Goulding, Inc. during May and July of 2009. The widening of land to support the additional two lanes on US 17 will average approximately 86 sq ft of fill for each linear foot of distance, but will not be an equal square footage along the entire distance of approximately 7.5 miles. SCDOT Standard Specifications will be followed. Remnant materials will be removed in such a fashion as to minimize siltation. No cofferdams will be constructed and no dredging is anticipated. Total time for in-water construction is expected to be about 24 months.

The SCDOT will use standard Best Management Practices as prescribed in the Georgia Department of Transportation, State of Georgia, Standard Specifications Construction of Transportation Systems 2001 Edition available at <http://tomcat2.dot.state.ga.us/ContractsAdministration/uploads/DOT%202001.pdf>. Generally, these provisions provide conditions intended, at a minimum, to protect shortnose sturgeon and their habitat during construction activities in proximity to the species. A special provision for the protection of threatened and/or endangered species is being implemented by SCDOT for this project: No in-water work in the Back River will occur between December 1 and April 30 of any year. The in-water moratorium prohibits Georgia (GDOT) portions of the work including pile installation and removal, and activities associated with bridge construction or destruction (including lowering equipment and materials into the river, and blasting), but also precludes any in-water work associated with the SCDOT widening of US 17. Additionally, two rows of Type "C" silt fence will be required for all areas in which road widening occurs where there are wetlands and other waterways.

The only federally-listed species under NMFS jurisdiction that occurs in the area of this project is the endangered shortnose sturgeon (*Acipenser brevirostrum*). There is no NMFS-designated critical habitat in the project area. Shortnose sturgeon are known to inhabit the Back River and the adjacent Savannah River. The fish migrate seasonally between freshwater and mesohaline areas within the river based on water temperature and salinity cues. Foraging in mesohaline portions of the estuary, including the project area, typically occurs in the winter.¹ Hence, the road construction occurring May through November, will occur during a period when the fish are likely to be upstream of the project area. The project area is not currently known to support habitat for shortnose sturgeon spawning or foraging.

We have analyzed the proposed action and believe the only potential effects to shortnose sturgeon are to their foraging habitats: temporarily during construction and long-term from in-water structures. NMFS has determined this effect will be insignificant because: (1) Implementation of the in-water moratorium prohibiting construction/demolition coincides with the period when shortnose are most likely to be present in the project area; (2) implementation of best management practices will reduce or eliminate in-water effects to benthic prey. Based on the above, NMFS believes the project is not likely to adversely affect shortnose sturgeon.

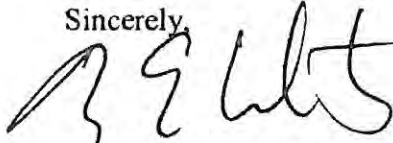
This concludes your consultation responsibilities under the ESA for species under NMFS'

¹ Hall, J.W., T.I.J. Smith, and S.D. Lamprct. 1991. Movements and habitats of shortnose sturgeon, *Acipenser brevirostrum*, in the Savannah River. Copeia: 695-702.

purview. Consultation must be reinitiated if a take occurs or new information reveals effects of the action not previously considered, or the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat in a manner or to an extent not previously considered, or if a new species is listed or critical habitat designated that may be affected by the identification action.

We have enclosed additional information on other statutory requirements that may apply to this action, and on NMFS' Public Consultation Tracking System to allow you to track the status of ESA consultations. If you have any questions, please contact Joseph Cavanaugh by e-mail at Joseph.cavanaugh@noaa.gov. Thank you for your continued cooperation in the conservation of listed species.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Crabtree". The signature is fluid and cursive, with a large initial "R" and a stylized "C".

Roy E. Crabtree, Ph.D.
Regional Administrator

Enclosure

File: 1514-22.L.2

Ref: I/SER/2010/06374

**PCTS Access and Additional Considerations for ESA Section 7 Consultations
(Revised 7-15-2009)**

Public Consultation Tracking System (PCTS) Guidance: PCTS is an online query system at <https://pcts.nmfs.noaa.gov/> that allows federal agencies and U.S. Army Corps of Engineers' (COE) permit applicants and their consultants to ascertain the status of NMFS' Endangered Species Act (ESA) and Essential Fish Habitat (EFH) consultations, conducted pursuant to ESA section 7, and Magnuson-Stevens Fishery Conservation and Management Act's (MSA) sections 305(b)2 and 305(b)(4), respectively. Federal agencies are required to enter an agency-specific username and password to query the Federal Agency Site. The COE "Permit Site" (no password needed) allows COE permit applicants and consultants to check on the current status of Clean Water Act section 404 permit actions for which NMFS has conducted, or is in the process of conducting, an ESA or EFH consultation with the COE.

For COE-permitted projects, click on "Enter Corps Permit Site." From the "Choose Agency Subdivision (Required)" list, pick the appropriate COE district. At "Enter Agency Permit Number" type in the COE district identifier, hyphen, year, hyphen, number. The COE is in the processing of converting its permit application database to PCTS-compatible "ORM." An example permit number is: SAJ-2005-000001234-IPS-1. For the Jacksonville District, which has already converted to ORM, permit application numbers should be entered as SAJ (hyphen), followed by 4-digit year (hyphen), followed by permit application numeric identifier with no preceding zeros. For example: SAJ-2005-123; SAJ-2005-1234; SAJ-2005-12345.

For inquiries regarding applications processed by COE districts that have not yet made the conversion to ORM (e.g., Mobile District), enter the 9-digit numeric identifier, or convert the existing COE-assigned application number to 9 numeric digits by deleting all letters, hyphens, and commas; converting the year to 4-digit format (e.g., -04 to 2004); and adding additional zeros in front of the numeric identifier to make a total of 9 numeric digits. For example: AL05-982-F converts to 200500982; MS05-04401-A converts to 200504401. PCTS questions should be directed to Eric Hawk at Eric.Hawk@noaa.gov. Requests for username and password should be directed to PCTS.Usersupport@noaa.gov.

EFH Recommendations: In addition to its protected species/critical habitat consultation requirements with NMFS' Protected Resources Division pursuant to section 7 of the ESA, prior to proceeding with the proposed action the action agency must also consult with NMFS' Habitat Conservation Division (HCD) pursuant to the MSA requirements for EFH consultation (16 U.S.C. 1855 (b)(2) and 50 CFR 600.905-.930, subpart K). The action agency should also ensure that the applicant understands the ESA and EFH processes; that ESA and EFH consultations are separate, distinct, and guided by different statutes, goals, and time lines for responding to the action agency; and that the action agency will (and the applicant may) receive separate consultation correspondence on NMFS letterhead from HCD regarding their concerns and/or finalizing EFH consultation.

Marine Mammal Protection Act (MMPA) Recommendations: The ESA section 7 process does not authorize incidental takes of listed or non-listed marine mammals. If such takes may occur an incidental take authorization under MMPA section 101 (a)(5) is necessary. Please contact NMFS' Permits, Conservation, and Education Division at (301) 713-2322 for more information regarding MMPA permitting procedures.



South Carolina
Department of Transportation

December 8, 2010

Mr. Robert Hoffman
NOAA Fisheries
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701

RE: Biological Assessment and Avoidance of Construction Impacts to the Endangered Shortnose Sturgeon – Road Widening and Bridge Widening on US 17 in Jasper County, South Carolina, File No. 27.480, PIN 25999

Dear Mr. Hoffman:

This letter is intended to request informal consultation regarding potential impacts to the shortnose sturgeon (*Acipenser brevirostrum*) for the above referenced project. The project would involve widening the bridge over the Back River. Improvements also include widening of the roadway from Hutchinson Island (Chatham County, Georgia) to SC 170 in Jasper County, South Carolina. This project is a joint endeavor of the SC Department of Transportation (SCDOT) and the Georgia Department of Transportation (GDOT). GDOT has already received concurrence from your office in January, 2009 for their section of the project which includes replacing the bridge (see attached correspondence). SCDOT will only be widening the roadway leading up to the bridge and adding two lanes to the bridge.

Both Departments have agreed to implement a seasonal moratorium for all in water work between December 1 and April 30 and work will not impede more than 50 percent of the channel during the months of January through April. No special measures will be employed by SCDOT outside of this moratorium except for normal Best Management Practices.

As a result of implementing these measures, the project may affect, but is not likely to adversely affect, the endangered shortnose sturgeon. Please review the enclosed Biological Assessment at your earliest convenience and provide the Department with your comments on this finding.

Thank you for your assistance in this matter. If you have any questions regarding these measures, you may contact me at (803) 737-1861.

Sincerely,

Edward W. Frierson
NEPA Coordinator/Biologist

EWF:ewf

Enclosures

cc: Mr. Chad Long, RPG-1 NEPA Coordinator (letter only)

File: Env/EWF





United States Department of the Interior

FISH AND WILDLIFE SERVICE

176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407



December 6, 2010

Mr. Edward Frierson
Environmental Project Manager
S.C. Department of Transportation
P.O. Box 191
Columbia, SC 29202-0191

Re: Biological Assessment, Proposed US 17 Widening
Chatham County, GA and Jasper County, SC
FWS Log No. 42410-2011-I-0073

Dear Mr. Frierson:

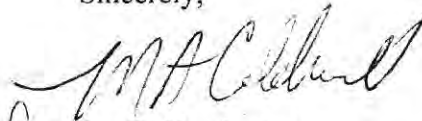
The U.S. Fish and Wildlife Service (Service) has received your October 19, 2010, Biological Assessment (BA) regarding the proposed widening of US 17. The project corridor is approximately 395 acres in size and consists of a 400' wide corridor centered on the existing US 17 roadway for a distance of 7.5 miles, extending to the south from SC 170 in Jasper County, SC, to Hutchinson Island in Chatham County, GA. The project corridor is primarily comprised of palustrine emergent, scrub-shrub, and forested wetlands, open water canals, and emergent estuarine wetlands, as well as planted pine stands, periodically maintained roadsides, mixed hardwood-pine forests, agricultural land, and commercial, institutional, and residential development. The southern-most portion of the project corridor is situated in Chatham County, GA, and includes the Back River and adjacent emergent estuarine wetlands.

The BA concludes that the proposed project may affect, but is not likely to adversely affect the red-cockaded woodpecker, wood stork, bald eagle, eastern indigo snake, and pondberry. The Service concurs with SCDOT's determination of not likely to adversely affect for the aforementioned species. Suitable habitat for the West Indian manatee is present in the project corridor and observations of the manatee have been documented near the southern-most portion of the project corridor. Due to the historical presence of the manatee in the area and the presence of suitable habitat, the SCDOT has determined the project may affect, but is not likely to adversely affect this species. Provided the SCDOT implements the Service's Manatee Construction Guidelines during bridge construction activities to reduce potential impacts, the Service concurs that the project is not likely to adversely affect the West Indian manatee.

Please note that obligations under section 7 of the Act must be reconsidered if (1) new information reveals impacts of this identified action may affect any listed species or critical habitat in a manner not previously considered, (2) this action is subsequently modified in a manner which was not considered in this assessment, or (3) a new species is listed or critical habitat is designated that may be affected by the identified action.

If you have questions regarding the Service's position on this matter or need further assistance please contact Mr. Mark Leao at (843) 727-4707 ext. 228.

Sincerely,


for Jay B. Herrington
Field Supervisor

JBH/MCL



South Carolina
Department of Transportation

October 20, 2010

JASP
#14475
10-PK 0118
NHPA

Ms. Elizabeth Johnson
Deputy State Historic Preservation Officer
South Carolina Department of Archives and History
8301 Parklane Road
Columbia, SC 29223-4905

RECEIVED

OCT 26 2010

SC Department of
Archives & History

RE: Section 106 Consultation
Proposed Widening of US 17, Jasper County, South Carolina
File No. 27.480 PIN: 25999

Dear Ms. Johnson:

The South Carolina Department of Transportation (SCDOT) plans to widen US 17 from two to four lanes from the existing four lane section of SR 404 SPUR/US 17 located on Hutchinson Island in Chatham County, Georgia to SC Route 170 in Jasper County, South Carolina (see attached maps). New South Associates conducted a terrestrial archaeological survey of the project corridor in October 2008. The survey resulted in the identification of three archaeological sites: 38JA1041, 38JA1042, and 38JA1043. All three sites were determined **not eligible** for listing in the National Register of Historic Places (March 30, 2009 letter to Elizabeth Johnson).

The scope of the widening project also includes the construction of a new two-lane bridge over the Back River. The existing bridge over the Back River is structurally deficient and will be replaced by the Georgia Department of Transportation (GDOT) in 2011. SCDOT's project would involve the construction of a new parallel structure within the alignment of the existing bridge over the Back River. The Back River was surveyed for submerged archaeological resources in 1992. Archaeological site 9CH800, the remains of a late 19th century sailing vessel, was identified at the southwestern end of the existing bridge. GDOT conducted data recovery investigations at 9CH800 in October 2008 (Watts 2008) to satisfy obligations under Section 106 of the National Historic Preservation Act. A copy of this report is available upon request.

Based on the results of the October 2008 field survey and the data recovery activities sponsored by GDOT, SCDOT has determined that no historic properties will be affected by the proposed undertaking.

In accordance with the Memorandum of Agreement approved by the Federal Highway Administration, March 16, 1993, the Department is providing this information as agency official designee, as defined under 36 CFR 800.2, to ensure compliance with Section 106 of the National Historic Preservation Act.



Ms. Elizabeth Johnson
October 20, 2010
US 17 Widening, Jasper County

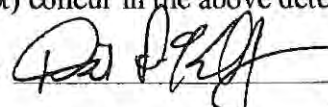
It is requested that you review the enclosed material and, if appropriate, indicate your concurrence in the Department's findings, thus completing the Section 106 consultation process. Please respond within 30 days if you have any objections or if you have need of additional information.

Sincerely,


Chad C. Long
Archaeologist

CCL:ccl

I (~~do not~~) concur in the above determination.

Signed:  SCDAH Date: 10/26/10
DOT Project Coordinator

cc: Shane Belcher, FHWA
Keith Derting, SCIAA
Jim Pomfret, GDOT
Dr. Wenonah Haire, CIN-THPO

File: Env/CCL

Entire SC portion



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A HAGOOD AVENUE
CHARLESTON, SOUTH CAROLINA 29403-5107

October 13, 2010

Regulatory Division

Mr. Randall D. Williamson, P.E.
Environmental Engineer
South Carolina Department of Transportation
Post Office Box 191
Columbia, South Carolina 29202-0191

Dear Mr. Williamson:

This is in response to your agent's letter dated October 09, 2009, requesting a wetland determination, on behalf of the South Carolina Department of Transportation (SCDOT, PIN 25999) for a 7.5 linear-mile long project area consisting of approximately 397 acres, located along U.S. Route 17 from Hutchinson Island, Georgia to SC Route 170 in Jasper County, South Carolina. The project area is depicted on the enclosed wetland delineation plat that was submitted by letter dated August 25, 2010, and prepared by Jordan, Jones and Goulding, Incorporated. The wetland delineation plat consists of 16 sheets, entitled "Proposed Improvements to US 17 from Hutchinson Island, Georgia to SC 170, Jasper County, South Carolina". The plat consists of a location map dated August 25, 2009, and Figures 4-18 dated August 25, 2010. The wetland delineation portion of the plat was revised and a copy provided to our office on August 30, 2010.

Based on several on-site inspections and a review of aerial photography, topographic maps, National Wetland Inventory maps, soil survey information, and information provided by your agent, it has been concluded that the boundaries shown on the referenced, revised sketch are a reasonable approximation of the location and boundaries of the wetlands found on this site. The property in question contains approximately 107.07 acres of tidal marsh and open water tidal "critical area", and 68.874 acres of federally defined jurisdictional freshwater wetlands and other waters of the United States, for a total of 175.944 acres of wetlands or other waters of the United States, which are subject to the jurisdiction of this office. The location and configuration of these areas, as well as their status relative to jurisdiction, are reflected on the plat referenced above.

It should be clearly noted that the decision of the U.S. Supreme Court to exclude certain waters and wetlands from federal jurisdiction under the Clean Water Act has no effect on any state or local government restrictions or requirements concerning aquatic resources, including wetlands. You are strongly cautioned to ascertain whether such restrictions or requirements exist for any area in question before undertaking any activity which might destroy or otherwise impact these wetland resources.

Please note that the actual boundary of wetlands is approximate and, therefore, is subject to change and not appealable; however, the determination of jurisdiction over these wetlands is final and this approved jurisdictional determination is an appealable action under the Corps of Engineers administrative appeal procedures defined at 33 CFR 331. The administrative appeal options, process and appeals request form is attached for your convenience and use. If a

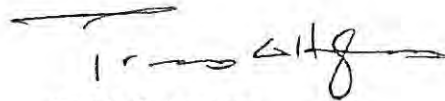
permit application is forthcoming as a result of this delineation, a copy of this letter, as well as the verified sketch should be submitted as part of the application. Otherwise, a delay could occur in confirming that a delineation was performed for the permit project area.

Please be advised that this determination is valid for five (5) years from the date of this letter unless new information warrants revision of the delineation before the expiration date. All actions concerning this determination must be complete within this time frame, or an additional delineation must be conducted.

In future correspondence concerning this matter, please refer to SAC 2009-00631-DJM. Prior to performing any work, you should contact the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management (OCRM). A copy of this letter is being forwarded to them for their information.

If you have any questions concerning this matter, please contact Michael R. Patrick at 843-329-8044, or toll free at 1-866-329-8187.

Sincerely,



Travis G. Hughes
Chief, Special Projects Branch

Enclosures:

Basis for Jurisdiction
Notification of Appeal Options

Copy Furnished:

Mr. H. Stephen Snyder
S.C. Department of Health
and Environmental Control
Office of Ocean and Coastal
Resource Management
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

Jacobs
Jordon, Jones and Goulding, Inc.
Attn: Mr. Adam H. Karagosian
309 East Morehead Street, Suite 110
Charlotte, North Carolina 28202

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): Sept 17, 2010

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Charleston (SAC), US 17 Roadway Improvements from Hutchinson Island, Georgia to SC 170, SAC 2009-00631-DJM

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Form 1 of 1

State: South Carolina County/parish/borough: Jasper County City: NA

Center coordinates of site (lat/long in degree decimal format): Lat. 32.17806° N, Long. -81.07725° W.

Universal Transverse Mercator:

Name of nearest waterbody: Savannah River/Back River Complex

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Savannah River/Back River Complex

Name of watershed or Hydrologic Unit Code (HUC): 03060109

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: March 04, 2010

Field Determination. Date(s): March 16 2010 and May 19 2010

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are** "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: Savannah River, Back River, and Little Back River provide access to international ports, as well as their historic significance in rice and international and national commerce.

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: Open Water Canal 1, 2, 4, 5, 7, 8, 9, 10, 10A, 10B, 11, 12, 13, 17, 18, and 19, and Streams 1, 2, and 3
linear feet: 10,661 with varying widths (ft) and/or 28.714 acres.

Wetlands: Wetlands 1-11, 13-32, 34-45, 45A, 48-50, 52, and 53 and POWs 6 and 15 for a total of 147.23 acres, which includes TNW wetlands as well as those areas above the plane of OHWL and MHWL. This calculation is based on the consultant's acreage computations.

Note: an aggregate of wetlands and canals were delineated by the SCDOT consultant, due to the linear nature of the roadway project and are located within the Savannah River/Back River Complex that was created for the purpose of historic rice cultivation. A number of the canals were constructed within the TNW portion of the Complex (specifically Canals 17-19) Streams 3-4 and Wetlands 32, 36, 38, 39, 43, 45, 45A, 50, 52, and 53 are situated in the TNW portion of the Complex. The remaining canal/stream/wetland designations are located within the adjacent wetland the TNW portion of the Complex, to

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)

include Open Water Canals 1, 2, 4, 5, 7-10, 10A, 10B, and 11-13, Stream 1, and Wetlands 1-11, 13-22, 24-27, 29-31, 34, 35, 37, 40-42, 44, 48, and 49 and POWs 6 and 15

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual and the establishment of MHW and OHWM.
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. Stormwater features, which are not considered waters of the United States.

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: Savannah River/Back River Complex

Summarize rationale supporting determination: Navigable in fact and observed tidal influence of within wetlands and manmade channels that were placed within said TNW wetlands that were converted to historic rice field, which are no longer active. The majority of the wetland area subject to this delineation are contained within the Savannah National Wildlife Refuge.

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": Review of USGS quads, local soil survey, infrared aerial photography support the adjacency call. These areas directly abut and are located outside the plane of influence of MHW and OHWL of the Savannah River/Back River/Little Back River, which are navigable in fact.

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

³ Supporting documentation is presented in Section III.F.

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

(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
Tributary gradient (approximate average slope): %

(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):

- | | |
|---|---|
| <input type="checkbox"/> Bed and banks | |
| <input type="checkbox"/> OHWM ⁶ (check all indicators that apply): | |
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> the presence of litter and debris |
| <input type="checkbox"/> changes in the character of soil | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> shelving | <input type="checkbox"/> the presence of wrack line |
| <input type="checkbox"/> vegetation matted down, bent, or absent | <input type="checkbox"/> sediment sorting |
| <input type="checkbox"/> leaf litter disturbed or washed away | <input type="checkbox"/> scour |
| <input type="checkbox"/> sediment deposition | <input type="checkbox"/> multiple observed or predicted flow events |
| <input type="checkbox"/> water staining | <input type="checkbox"/> abrupt change in plant community |
| <input type="checkbox"/> other (list): | |
| <input type="checkbox"/> Discontinuous OHWM. ⁷ Explain: | |

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

⁷ Ibid

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> High Tide Line indicated by: | <input type="checkbox"/> Mean High Water Mark indicated by: |
| <input type="checkbox"/> oil or scum line along shore objects | <input type="checkbox"/> survey to available datum. |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings; |
| <input type="checkbox"/> physical markings/characteristics | <input type="checkbox"/> vegetation lines/changes in vegetation types |
| <input type="checkbox"/> tidal gauges | |
| <input type="checkbox"/> 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:

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:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

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:

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: approximately 7,158 linear feet with varying width (ft) / 27.84 acres of TNW open water area and approximately 79.23 acres of vegetated wetlands below the plane of MHWL and OHWL.
- Wetlands adjacent to TNWs: 68.0 acres above the plane of MHWL and OHWL.

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 tributaries/canals were excavated from the Savannah River/Back River Complex for the purpose of maintaining extensive historic rice cultivation. The open water canals were observed and verified during several site visits and are commonly seen during commutes through the general area. Flow is observed year around.

- 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: 3503 linear feet varies width (ft) / 0.874 acre
 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.**

- 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).

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: _____

⁸See Footnote # 3.

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

¹⁰Prior 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.

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): **Stormwater features in uplands.**

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft)
- Lakes/ponds: acres.
- Other non-wetland waters: acres List type of aquatic resource:
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- 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: 1:24,000, Limehouse and Savannah Quads
- USDA Natural Resources Conservation Service Soil Survey. Citation: Jasper County Soil Survey.
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is. (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): aerial photograph submitted by agent and MapInfo 2006 aerials.
or Other (Name & Date): Site photographs presented by SCDOT consultant.
- 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: The waters of the United States presented in this report are part and parcel to the Savannah River/Back River Complex which is contiguous to the Atlantic Ocean, much of which is navigable in fact. Historically, the overall area, including wetlands of the TNWs, as well as those adjacent wetlands were utilized rice cultivation and highly manipulated. Much of the broad area falls into the Savannah National Wildlife Refuge or its adjacent wetlands.

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

| | | |
|--|--|-------------------|
| Applicant: South Carolina Department of Transportation (PIN 25999) | File Number: SAC 20099-00631-DJM | Date: |
| Attached is: | | See Section below |
| <input type="checkbox"/> | INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) | A |
| <input type="checkbox"/> | PROFFERED PERMIT (Standard Permit or Letter of permission) | B |
| <input type="checkbox"/> | PERMIT DENIAL | C |
| <input checked="" type="checkbox"/> | APPROVED JURISDICTIONAL DETERMINATION | D |
| <input type="checkbox"/> | PRELIMINARY JURISDICTIONAL DETERMINATION | E |

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwn/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer, South Atlantic Division, 60 Forsyth St, SW, Atlanta, GA 30308-8801. This form must be received by the Division Engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is **not appealable**. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact the Corps biologist who signed the letter to which this notification is attached. The name and telephone number of this person is given at the end of the letter.

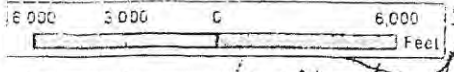
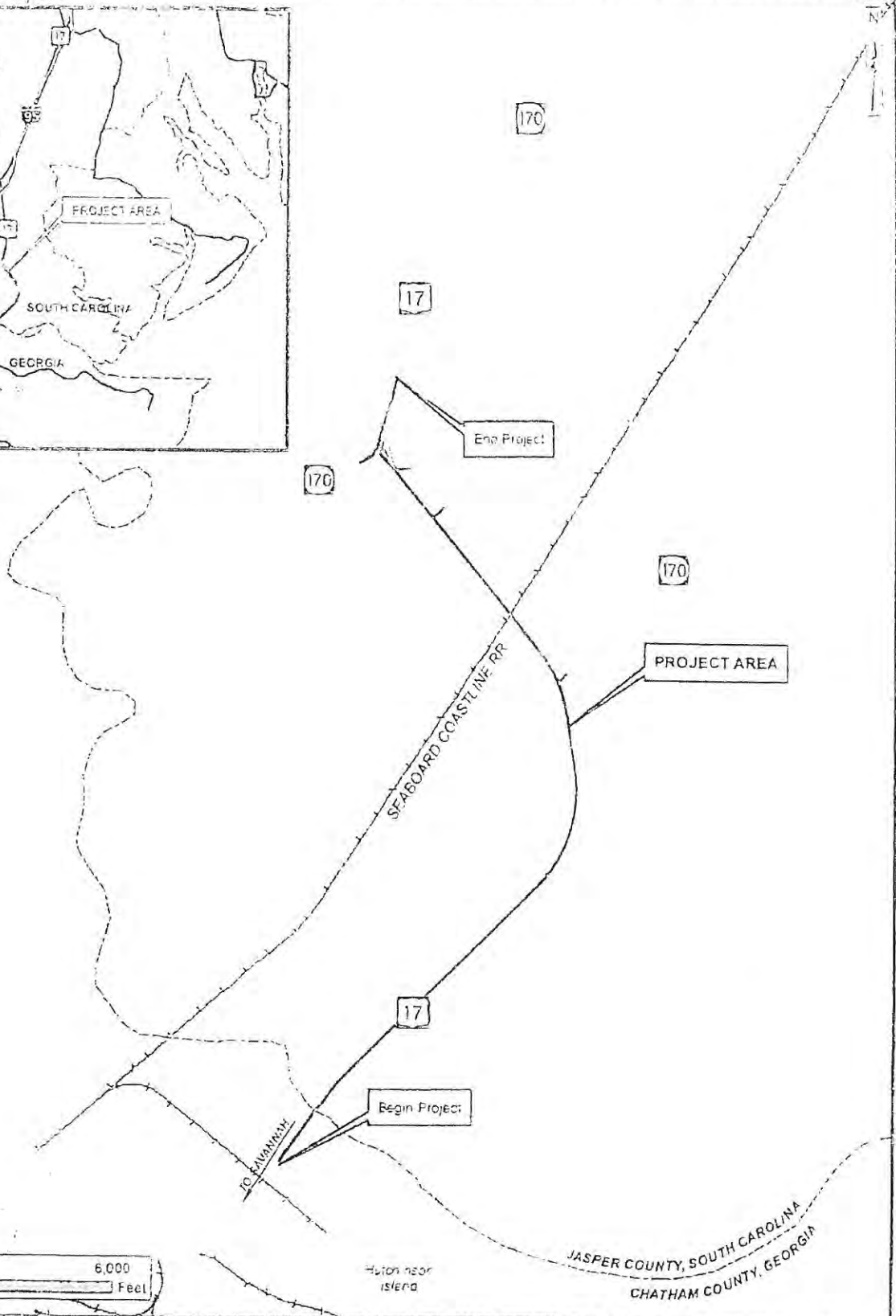
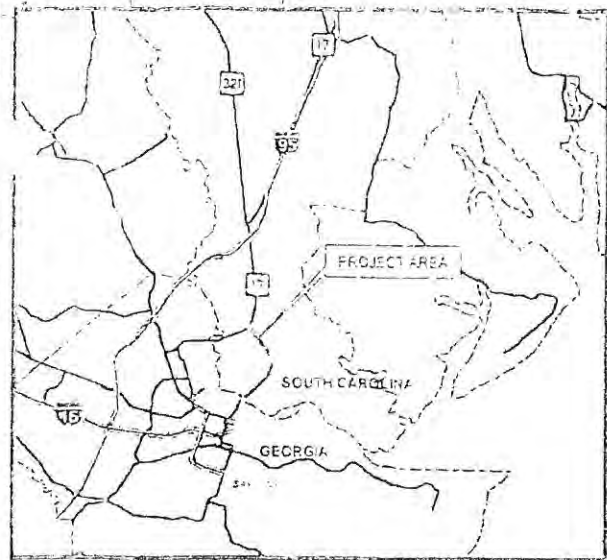
If you only have questions regarding the appeal process you may also contact the Coordinator for Appeals in our South Atlantic Division Office in Atlanta, Georgia at (404) 562-5136.
Mike Bell
60 Forsyth St, SW Atlanta, GA 30308-8801

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date: _____

Telephone number: _____



SAC 2009-00631-DJM
 US 17 Improvement
 Jasper County
 SCDOT PIN 25999_PE01
 SHEET 01 OF 16
 October 01, 2010

Date August 25 2009
 Scale 1" = 6 000'
 JJG No 03058003

Figure 1



Letter of Transmittal

Jordan, Jones & Goulding
 9101 Southern Pine Boulevard • Suite 160
 Charlotte, NC 28273
 T: 704.527.4106 • F: 704.527.4108 • www.jjg.com

| | |
|--------------------------|----------|
| DATE: | 10/09/09 |
| PROJECT NO: | 03058003 |
| ATTENTION: Travis Hughes | |

TO: U.S. Army Corps of Engineers
Regulatory Division
69-A Hagood Avenue
Charleston, SC 29403

RE: JD Request
 US 17 Widening
 Jasper County, SC
 PIN 25999

PHONE:: 843-329-8044

WE ARE SENDING YOU VIA: UPS

- Attached: Under Separate Cover the Following Items:
- Drawings Prints Plans Other
- Copy of Letter Submittals Reports

| COPIES | DATE | NO. | DESCRIPTION |
|--------|----------|-----|---|
| 1 | 10/08/09 | 1 | Request for Approved Jurisdictional Determination |
| | | | |
| | | | |

THESE ARE TRANSMITTED AS CHECKED BELOW:

- For Approval No Exception Taken Submit ___ Copies for Distribution
- For Your Use/Files Make Corrections Noted Return ___ Corrected Copies
- As Requested Amend and Resubmit Resubmit ___ Copies for Approval
- For Review and Comment Rejected-(See Remarks) Return ___ Approved Copies
- For Execution Other

REMARKS:

Please contact me at 704-527-4106 with questions or concerns. Thank you.

Copy: Chad Long, SCDOT
 Tim Hunter, SCDOT (transmittal only)
 Randy Williamson, SCDOT (transmittal only)

Filename:

Signed: 
 Adam Karagosian



Jordan, Jones & Goulding
 9101 Southern Pine Boulevard, Suite 160
 Charlotte, North Carolina 28273
 T: 704.527.4106 • F: 704.527.4108 • www.jig.com

October 8, 2009

Mr. Travis Hughes
 Regulatory Division
 United States Army Corps of Engineers – Charleston District
 69-A Hagood Avenue
 Charleston, SC 29403

RE: **Request for Jurisdictional Determination**
US 17 Widening from Hutchinson Island, GA to SC 170
Jasper County, South Carolina
SCDOT PIN: 25999; File No. 27.480

Dear Mr. Hughes:

On behalf of the South Carolina Department of Transportation (SCDOT), Jordan, Jones & Goulding (JIG) was contracted to perform ecological field studies for the proposed US 17 Widening Project in Jasper County, South Carolina. The project consists of widening US 17 from two to four lanes with either a variable 36- to 48-foot depressed median or a 15-foot center turn lane for a distance of approximately 7.5 miles. The corridor reviewed was 400 feet wide (200 feet from the centerline of US 17 on both sides of the road), extending for Hutchinson Island in Chatham County, GA to SC 170 in Jasper County, SC. The total area reviewed was 397 acres. Field studies included identifying, locating, and flagging jurisdictional waters of the U.S. (following the accepted methodology of the United States Army Corps of Engineers). JIG is requesting, on behalf of SCDOT, an Approved Jurisdictional Determination from the USACE.

Field studies were conducted during the weeks of May 4 – May 8, 2009, May 18 – May 22, 2009, and July 6 – July 10, 2009. A total of 49 wetlands (Wetlands 1 – 53), two palustrine open waters (POW 6 and 15), 16 open water canals (Open Water Canals 1 – 19), three streams (Streams 1 – 3), and one non-jurisdictional, non-relatively permanent water (Non-RPW) were delineated within the project corridor during field studies. Of the 49 wetlands, seven are considered non-regulated, isolated wetlands (Wetlands 6, 12, 17, 28, 29, 44, and 51). Reference Table 1 below for a summary of the total acreage and length of jurisdictional and non-jurisdictional wetlands, streams, and canals delineated in the project corridor.

Table 1
US 17 Widening Project
Delineation Summary

| Type | # of Features | Acres | Linear Feet |
|----------------------------------|---------------|---------------|---------------|
| Palustrine Wetlands | 33 | 64.06 | NA |
| Estuarine Wetlands | 9 | 78.76 | NA |
| Palustrine Open Waters | 2 | 1.21 | NA |
| Open Water Canals | 16 | 5.06 | 9,833 |
| Streams | 3 | 20.74 | 782 |
| Jurisdictional Totals | | 169.83 | 10,615 |
| Non-Regulated, Isolated Wetlands | 7 | 2.38 | NA |
| Non-Jurisdictional, Non-RPW | 1 | NA | NA |
| Non-Jurisdictional Totals | | 2.38 | NA |





The features identified during field studies are located on the Limehouse, South Carolina and Savannah, Georgia USGS 7.5-minute topographic maps (Figure 1). Surrounding land use is mainly planted pines, the Savannah National Wildlife Refuge, undeveloped land, an educational facility, small commercial facilities, and private residences (Figure 2).

The jurisdictional features in the northern half of the site generally drain to the west and north through a vast wetland system, and through numerous unnamed canals and tributaries, all contained on the Savannah National Wildlife Refuge, to the Little Back River. The jurisdictional features in the central portion of the site generally drain to the west and south toward Lucknow Canal, Murray Hill Canal, and several unnamed canals, eventually into the Back River. The wetlands in the southern portion of the site generally drain to the Back River via Shubra Canal and other unnamed canals. The southern-most wetlands are estuarine tidal salt marshes that abut the Back River. In addition, three tidal salt marsh wetlands (Wetlands 32, 36 and 39) are situated on the west side of US 17, amongst a palustrine wetland system. This is the result of ditching that has alter the hydrologic regime, which appears to have caused mixing of freshwater and salt water beneath US 17 via culverts.

There are twelve soil mapping units located within the project corridor (Figure 3): Argent fine sandy loam (Ae), borrow pits (Bp), Cape Fear loam (Ca), Chisolm loamy fine sand (Cmb), Coosaw loamy fine sand (Cs), Fluvaquents and Udipsamments (FA), Hobonny soils (HB), Levy soils (LE), Okeetee fine sandy loam (Oe), Santee fine sandy loam (Sa), Tidal marsh, fresh (Tmh), and Williman loamy fine sand (Wn). The following soil mapping units within the project corridor are noted as hydric: Ae, Ca, FA, HB, LE, Oe, Sa, Tmh, and Wn.

A brief description of each feature within the proposed project corridor is located on the following pages in Table 2. For more detailed information on the jurisdictional features, please refer to the attached Jurisdictional Determination Forms, Wetland and Upland Data Sheets, Photographs of Jurisdictional Features, and Figures 4 through 18 (Jurisdictional Determination Maps showing location of the delineation features).

Table 2
US 17 Widening Project
Summary of Jurisdictional Features

| I.D | Cowardin Classification | Approximate Linear (ft) delineated | Acres (ac) delineated | Width at OHW (ft) | Width at TOC** (ft) | Lat/Long Coordinates |
|--------------------|-------------------------|------------------------------------|-----------------------|-------------------|---------------------|-------------------------|
| Open Water Canal 1 | R1SB56 | 109 | 0.03 | 6-8 | 10-15 | 32.185110 -81.078363 |
| Open Water Canal 2 | R1SB56 | 157 | 0.03 | 2-4 | 6-8 | 32.178797 -81.078594 |
| Open Water Canal 4 | R1SB6 | 182 | 0.02 | 2-4 | 6-10 | 32.166689 -81.066423 |
| Open Water Canal 5 | R1SB6 | 195 | 0.02 | 2-4 | 6-10 | 32.166656 -81.066429 |





Table 2
US 17 Widening Project
Summary of Jurisdictional Features

| I.D | Cowardin Classification | Approximate Linear (ft) delineated | Acres (ac) delineated | Width at OHW (ft) | Width at TOC** (ft) | Lat/Long Coordinates |
|----------------------|-------------------------|------------------------------------|-----------------------|-------------------|---------------------|-------------------------|
| POW** 6 | POW | N/A | 0.96 | N/A | N/A | 32.162750 -81.062511 |
| Open Water Canal 7 | R1SB45 | 123 | 0.03 | 6-26 | 8-30 | 32.161581 -81.061531 |
| Open Water Canal 8 | R1SB45 | 118 | 0.19 | 70-75 | 74-79 | 32.161425 -81.061365 |
| Open Water Canal 9 | R1SB45 | 126 | 0.07 | 20-28 | 22-30 | 32.161191 -81.061852 |
| Open Water Canal 10 | R1SB45 | 98 | 0.11 | 65-72 | 68-76 | 32.160900 -81.061672 |
| Open Water Canal 10A | R1SB5 | 41 | 0.004 | 3-4 | 3-4 | 32.160646 -81.061759 |
| Open Water Canal 10B | R1SB45 | 370 | 0.05 | 2-3 | 2-3 | 32.160362 -81.061368 |
| Open Water Canal 11 | R1SB456 | 1,617 | 0.26 | 5-11 | 7-14 | 32.157524 -81.057820 |
| Open Water Canal 12 | R1SB6 | 142 | 0.03 | 6-8 | 10-12 | 32.158380 -81.059085 |
| Open Water Canal 13 | R1SB56 | 44 | 0.01 | 4-6 | 6-8 | 32.151151 -81.053342 |
| POW** 15 | POW | N/A | 0.25 | N/A | N/A | 32.143871 -81.052019 |
| Open Water Canal 17 | R1SB456 | 150 | 0.41 | 110-147 | 120-165 | 32.136477 -81.052893 |
| Open Water Canal 18 | R1SB456 | 6,184 | 3.29 | 15-28 | 25-36 | 32.105969 -81.084327 |
| Open Water Canal 19 | R1SB456 | 177 | 0.51 | 105-194 | 117-210 | 32.104783 -81.086624 |
| Stream 1 | R4SB56 | 181 | 0.02 | 1-2 | 3-6 | 32.178842 -81.081386 |





Table 2
 US 17 Widening Project
 Summary of Jurisdictional Features

| I.D | Cowardin Classification | Approximate Linear (ft) delineated | Acres (ac) delineated | Width at OHW (ft) | Width at TOC** (ft) | Lat/Long Coordinates |
|-------------|-------------------------|------------------------------------|-----------------------|-------------------|---------------------|-------------------------|
| Stream 2 | R1SB45 | 247 | 0.09 | 13-23 | 25-30 | 32.136350 -81.052524 |
| Stream 3 | R1SB45 | 354 | 20.63 | 2,920-2,950 | 3,220-3,300 | 32.101332 -81.089064 |
| Non-RPW 1 | N/A | 346 | 0.04 | N/A | 2-5 | 32.184306 -81.078416 |
| Wetland 1 | PFO/PEM1E | N/A | 2.74 | N/A | N/A | 32.185359 -81.077322 |
| Wetland 2 | PFO1B | N/A | 0.92 | N/A | N/A | 32.185694 -81.078322 |
| Wetland 3 | PFO1B | N/A | 0.48 | N/A | N/A | 32.178476 -81.077926 |
| Wetland 4 | PFO1A | N/A | 0.07 | N/A | N/A | 32.17867 -81.08087 |
| Wetland 5 | PFO1E | N/A | 2.16 | N/A | N/A | 32.178754 -81.082291 |
| Wetland 6* | PEM/PSS1B | N/A | 0.05 | N/A | N/A | 32.178957 -81.081086 |
| Wetland 7 | PEM1E | N/A | 0.07 | N/A | N/A | 32.180287 -81.079505 |
| Wetland 8 | PEM1E | N/A | 0.02 | N/A | N/A | 32.180355 -81.07991 |
| Wetland 9 | PFO/PEM1E | N/A | 0.07 | N/A | N/A | 32.17956 -81.078857 |
| Wetland 10 | PFO1E | N/A | 1.94 | N/A | N/A | 32.175888 -81.075992 |
| Wetland 11 | PFO1E | N/A | 1.47 | N/A | N/A | 32.17483 -81.073998 |
| Wetland 12* | PEM1B | N/A | 0.03 | N/A | N/A | 32.1704 -81.069667 |
| Wetland 13 | PEM1E | N/A | 0.10 | N/A | N/A | 32.169749 -81.069048 |
| Wetland 14 | PFO1B/PSS1E | N/A | 0.36 | N/A | N/A | 32.16947 -81.068777 |
| Wetland 15 | PFO1B | N/A | 0.44 | N/A | N/A | 32.170821 -81.071615 |
| Wetland 16 | PFO1B | N/A | 0.44 | N/A | N/A | 32.169434 -81.069974 |





Table 2
 US 17 Widening Project
 Summary of Jurisdictional Features

| I.D | Cowardin Classification | Approximate Linear (ft) delineated | Acres (ac) delineated | Width at OHW (ft) | Width at TOC** (ft) | Lat/Long Coordinates |
|-------------|-------------------------|------------------------------------|-----------------------|-------------------|---------------------|-------------------------|
| Wetland 17* | PEM1B | N/A | 0.16 | N/A | N/A | 32.168707 -81.068459 |
| Wetland 18 | PFO1E | N/A | 1.08 | N/A | N/A | 32.167849 -81.067093 |
| Wetland 19 | PFO1E | N/A | 5.29 | N/A | N/A | 32.165077 -81.06605 |
| Wetland 20 | PEM1B | N/A | 0.06 | N/A | N/A | 32.166762 -81.066587 |
| Wetland 21 | PFO1B | N/A | 0.37 | N/A | N/A | 32.165254 -81.064776 |
| Wetland 22 | PFO1E | N/A | 0.43 | N/A | N/A | 32.15967 -81.05949 |
| Wetland 24 | PFO1E | N/A | 3.09 | N/A | N/A | 32.155176 -81.055352 |
| Wetland 25 | PFO/PSS/PEM1B | N/A | 1.69 | N/A | N/A | 32.159546 -81.060795 |
| Wetland 26 | PFO1B | N/A | 1.55 | N/A | N/A | 32.157404 -81.058578 |
| Wetland 27 | PFO1A | N/A | 8.57 | N/A | N/A | 32.150937 -81.05494 |
| Wetland 28* | PEM1E | N/A | 0.14 | N/A | N/A | 32.153228 -81.054512 |
| Wetland 29* | PEM1B | N/A | 0.04 | N/A | N/A | 32.153033 -81.054297 |
| Wetland 30 | PFO/PEM1E | N/A | 4.61 | N/A | N/A | 32.148756 -81.052849 |
| Wetland 31 | PEM1B | N/A | 1.35 | N/A | N/A | 32.143833 -81.052026 |
| Wetland 32 | E2EM1N | N/A | 0.14 | N/A | N/A | 32.14356 -81.053014 |
| Wetland 34 | PEM1B | N/A | 3.71 | N/A | N/A | 32.144775 -81.052744 |
| Wetland 35 | PEM1B/H | N/A | 1.89 | N/A | N/A | 32.142209 -81.051548 |
| Wetland 36 | E2EM1V | N/A | 3.90 | N/A | N/A | 32.138845 -81.052749 |
| Wetland 37 | PFO/PSS1B/H | N/A | 2.73 | N/A | N/A | 32.139622 -81.051716 |





Table 2
 US 17 Widening Project
 Summary of Jurisdictional Features

| I.D | Cowardin Classification | Approximate Linear (ft) delineated | Acres (ac) delineated | Width at OHW (ft) | Width at TOC** (ft) | Lat/Long Coordinates |
|---------------|-------------------------|------------------------------------|-----------------------|-------------------|---------------------|-------------------------|
| Wetland 38/43 | E2EM1N | N/A | 28.28 | N/A | N/A | 32.119289 -81.068835 |
| Wetland 39 | E2EM1N | N/A | 3.00 | N/A | N/A | 32.134807 -81.053928 |
| Wetland 40 | PEM1H | N/A | 1.80 | N/A | N/A | 32.132751 -81.055027 |
| Wetland 41 | PFO1B | N/A | 8.21 | N/A | N/A | 32.127244 -81.06083 |
| Wetland 42 | PFO1B | N/A | 0.38 | N/A | N/A | 32.1232 -81.065865 |
| Wetland 44* | PEM1B | N/A | 0.18 | N/A | N/A | 32.118048 -81.070361 |
| Wetland 45 | E2EM1N | N/A | 17.90 | N/A | N/A | 32.111659 -81.077907 |
| Wetland 45A | E2EM1N | N/A | 1.19 | N/A | N/A | 32.105002 -81.085567 |
| Wetland 48 | PEM/PFO1B | N/A | 4.14 | N/A | N/A | 32.120416 -81.069184 |
| Wetland 49 | PEM1B | N/A | 1.83 | N/A | N/A | 32.117066 -81.072797 |
| Wetland 50 | E2EM1N | N/A | 20.85 | N/A | N/A | 32.11085 -81.080146 |
| Wetland 51* | PEM1B/H | N/A | 0.09 | N/A | N/A | 32.108475 -81.082675 |
| Wetland 52 | E2EM1N | N/A | 2.37 | N/A | N/A | 32.105002 -81.085567 |
| Wetland 53 | E2EM1N | N/A | 1.13 | N/A | N/A | 32.097739 -81.091444 |

* = Isolated Wetland ** = Top of Channel ** = Palustrine Open Water

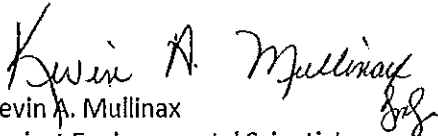


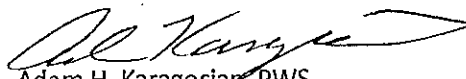


Please contact Adam Karagosian at 704-527-4106 if you have questions regarding this information.

Sincerely,

JORDAN, JONES & GOULDING, INC.


Kevin A. Mullinax
Project Environmental Scientist


Adam H. Karagosian, PWS
Project Manager

Enclosures: Jurisdictional Determination Request Form
Approved Jurisdictional Determination Forms
Wetland Determination Data Forms
Figure 1 – Project Location Map
Figure 2 – USGS Map
Figure 3 – NRCS Soils Map
Figures 4 through 18 – Jurisdictional Determination Maps
Aerial Photo Sheet (36" x 42")
Representative Photographs of Jurisdictional Features

cc: Chad Long, SCDOT



JURISDICTIONAL DETERMINATION REQUEST

For Identifying Waters of the U.S., Including Wetlands and Tributaries

Project Name: US 17 Widening from Hutchinson Island, GA to SC 170 Date: 10-08-09

County: Jasper

Total Acreage of Tract: 397 acres

Property Owner : SCDOT

Address: 955 Park Street, Room 507

Address: Columbia, SC 29201

Phone: Attn: Chad Long 803-737-1396

Email: longcc@dot.state.sc.us

Agent: Jordan, Jones & Goulding, Inc.

Address: 9101 Southern Pine Blvd., Suite 160

Address: Charlotte, NC 28273

Phone: Attn: Adam Karagosian 704-527-4106

Email: adam.karagosian@jg.com

Information Required to Accompany Request - Check the items submitted - forward as much information as is available. At a minimum, the first two items must be forwarded:


- Accurate Location Maps (from County Map, USGS Quad Sheet, etc.)
- Survey Plat or Tax Map of the Property in Question
- Soil Survey Sheet (from USDA-NRCS) or Aerial Photo (from County Assessor's Office or other source).
Property boundaries should be shown on the soil survey / photo.
- Topographic Survey
- Conceptual Site Plan for the Overall Development
- Description of the proposed use of the property (residential, commercial, industrial, silvicultural, agricultural, etc.)
- Status of the project (on-going site work for development, development in planning stages, no plans at this time, etc.)

Type of Determination Requested - Choose one:

- Preliminary – Preliminary determinations will identify whether wetlands or other waters are present on the site and will presume that they are jurisdictional. This type of determination is likely to be made more quickly and require less information be submitted.
- Approved – Approved determinations will identify whether wetlands or other waters are present on the site and will include a determination of their jurisdictional status. This type of determination is likely to take longer and require more detailed information be submitted.

IMPORTANT NOTE: Legible printed name and signature required. The person signing this form must be the present property owner or have the specific authority of the property owner to authorize Corps of Engineers employees or their agents to enter onto the property for on-site investigations if such is deemed necessary. Do not sign this form unless you are the owner, or have the specific authority of the property owner.

PRINTED NAME of person signing this form, below: Adam Karagosian

Signature of Property Owner or Authorized Agent: 

HQ and South Branch
69-A Hagood Avenue
Charleston, SC 29403
843-329-8044

Northeast Branch
1949 Industrial Park Rd, Room 140
Conway, SC 29526
843-365-4239

Northwest Branch
1853 Assembly St., Room 865-B
Columbia, SC 29201
803-253-3444



United States Department of the Interior



FISH AND WILDLIFE SERVICE

176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407

December 1, 2009

Mr. Edward Frierson
Environmental Project Manager
S.C. Department of Transportation
P.O. Box 191
Columbia, SC 29202-0191

Re: Biological Assessment, US-17 Widening, Chatham County, GA and Jasper County, SC,
FWS Log No. 42410-2010-I-0075

Dear Mr. Frierson:

The U.S. Fish and Wildlife Service (Service) has received the Biological Assessment (BA) regarding the proposed improvement US Hwy 17 in Jasper County and the Back River bridge in Chatham County, GA. The described project entails widening Hwy 17 from two lanes to four lanes separated by a median. The project is 7.5 miles in length beginning at the US Hwy 17/SC 170 interface south to the South Carolina state line shared with Georgia. The project corridor is 400 feet in width covering approximately 395 acres of fresh and salt water wetlands.

This BA includes a review of each of the threatened and endangered (T&E) species that are known to occur, or may occur, within the project area. This review was performed in order to facilitate consultation with the Service as required by the Endangered Species Act of 1973 (Act), as amended. The BA concluded that no potential habitat was found in the project corridor for several species; piping plover, [frosted] flatwoods salamander, American chaffseed, Canby's dropwort and seaturtles. Therefore, SCDOT concuded the project would have no effect on these species. At this time, no further consultation is required. Potential habitat does exist for the West Indian manatee, red-cockaded woodpecker, shortnose sturgeon, wood stork, eastern indigo snake and the pondberry.

The Service recommends SCDOT contact the National Oceanographic and Atmospheric Administration regarding consultation requirements and determinations regarding the shortnose sturgeon. As the proposed bridge is located primarily in Georgia waters and pursuant to the Service's August 21, 2007, correspondence (copy enclosed) the Service's Ecological Services Coastal Sub Office located in Brunswick, GA serves as the lead office for species consultations.




We recommend SCDOT contact the Brunswick Sub Office to address potential impacts and section 7 requirements regarding the West Indian manatee. SCDOT determined that although potential habitat was found in the project area for the remaining species, no individuals were observed during survey efforts.

Upon review of the information provided, the Service concurs with the SCDOT determination that the US Hwy 17 widening project may affect, but is not likely to adversely affect the pondberry, red-cockaded woodpecker, American chaffseed or the woodstork. Please note that obligations under section 7 of the Act must be reconsidered if (1) new information reveals impacts of this identified action may affect any listed species or critical habitat in a manner not previously considered, (2) this action is subsequently modified in a manner which was not considered in this assessment; or (3) a new species is listed or critical habitat is designated that may be affected by the identified action.

If you have any questions regarding the Service's determination, please do not hesitate to contact Mark Caldwell at (843) 727-4707 ext. 215.

Sincerely,


for Timothy N. Hall
Field Supervisor

TNH/MAC/km

Enclosure

cc: Mr. Ben Dickerson, USFWS, Brunswick, GA

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Seventh Coast Guard District

909 S. E. First Avenue
Miami, FL 33131
Staff Symbol: (dpb)
Phone: (305) 415-6989
Fax: (305) 415-6763
Email: evelyn.smart@uscg.mil

16211/GA-SC NAV
Serial: 1786
July 20, 2009

Mr. Randall D. Williamson, P.E.
Environmental Engineer
South Carolina Department of Transportation
P. O. Box 191
Columbia, South Carolina 29202-0191

Dear Mr. Williamson:

This refers to your letter dated May 14, 2009 requesting a written response for the proposed US 17 Bridge (locally known as the Eugene Talmadge Memorial Bridge) widening across the Back River located on Hutchinson Island in Chatham County, Georgia to SC 170 in Jasper County, South Carolina.

Our examination and jurisdictional findings indicates that there is sufficient factual support for concluding that the Back River is a navigable waterway of the United States. Although navigable waters of the United States and subject to Coast Guard jurisdiction, the waterway at this location is in the Advance Approval category. The Commandant has given his advance approval to the location and plans of bridges constructed across reaches of waterways navigable in law, but not actually navigated other than by rowboats, canoes, and small motorboats. In such cases, the clearances provided for high water stages are considered adequate to meet the reasonable needs of navigation (33 CFR 115.70).

Based on our determination the proposed bridge project across the Back River will not require a Coast Guard bridge permit. Although this project will not require a bridge permit other areas of Coast Guard jurisdiction apply. The following stipulations must be met:

a. The lowest portion of the superstructure of the bridge across the waterway should clear the 100-year flood height elevation. Coordinate with the Federal Emergency Management Administration.

b. Upon completion of design and finalization of the location, this office shall be contacted regarding approval of lights and other signals that may be required under 33 CFR 118. Approval of said lighting or waiver shall be obtained prior to construction.

c. Upon completion of construction, the bridge owner shall submit "as built" drawings (8 1/2 X 11") showing clearances through the bridge and sufficient data to permit this office to prepare a completion report. This report is used for Coast Guard and other mariner publications. Also submit an 8 1/2 X 11" photo of the completed bridge for our bridge file and database.

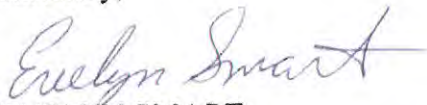
d. For the safety of navigation (rowboats, canoes and small motorboats) that may use the waterway, at no time shall the waterway be closed to navigation without 60 days notification and approval of the Seventh Coast Guard District Bridge Branch, Operations Section. The 60 day notification shall be given to Mr. Michael Lieberum at (305) 415-6744.

Coast Guard approval does not relieve the applicant of the responsibility to ensure compliance with any applicable **federal, state, and local laws and regulations** for the proposed project. When the bridge is no longer used for transportation purposes, it must be removed in its entirety and you **must** notify this office that the waterway has been cleared.

This exemption will not necessarily apply to future modifications of this bridge or the construction of other bridges along this waterway since waterway usage may change over time, increased activity along this waterway could remove it from the Advance Approval category. If construction of this bridge is not commenced within 2 years from the date of this letter, please submit an updated "Bridge Project Questionnaire" for reconsideration.

If you have any questions about this matter, please call Miss Evelyn Smart at (305) 415-6989.

Sincerely,



EVELYN SMART
Environmental Protection Specialist
U. S. Coast Guard
By direction