



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT
69A HAGOOD AVENUE
CHARLESTON, SC 29403-5107

April 12, 2022

Regulatory Division

Mr. Sean Connolly
South Carolina Department of Transportation
955 Park St., P.O. Box 191
Columbia, South Carolina 29202
ConnollyMS@scdot.org

Dear Mr. Connolly:

This is in response to your request for a preliminary jurisdictional determination (PJD) that is part of an overall project known as the SCDOT I-20 over the Wateree River, Overflow Bridge Rehabilitation project. Based on information submitted to the U.S. Army Corps of Engineers (Corps) we have determined there may be waters of the United States, including wetlands on your parcel located at the following:

Project Number:	SAC-2021-02102
County:	Kershaw County
Project/Site Size:	47.99 acres
Latitude:	34.218981°
Longitude:	-80.612065°
Project/Site Location:	Interstate 20 (I-20) Wateree River Overflow Bridges east of Wateree River
Waters (Acreage/Linear Feet):	3.73 acres wetlands

A copy of the PJD form and the depiction, Delineated Features entitled, "I-20 over Wateree River: Overflow Bridges Rehabilitation Preliminary Jurisdictional Determination Kershaw County South Carolina", dated December 10, 2021, is enclosed. Please carefully read this form, then sign and return a copy to the project manager at the following Stephen.A.Brumagin@usace.army.mil within 30 days from the date of this notification.

Please be advised a Department of the Army permit will be required for regulated work in all areas which may be waters of the United States, as indicated in this PJD. For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a PJD will treat all waters and wetlands, which would be affected in any way by the permitted activity on the site, as if they are jurisdictional waters of the United States. Should you desire an approved Corps determination, one will be issued upon request.

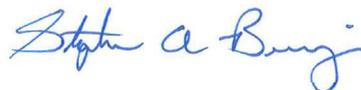
You are cautioned that work performed in areas which may be waters of the United States, as indicated in the PJD, without a Department of the Army permit could subject you to enforcement action.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

If you submit a permit application as a result of this PJD, include a copy of this letter and the depiction as part of the application. Not submitting the letter and depiction will cause a delay while we confirm a PJD was performed for the proposed permit project area. Note that some or all of these areas may be regulated by other state or local government entities, and you should contact the South Carolina Department of Health and Environmental Control, Bureau of Water, to determine the limits of their jurisdiction.

In all future correspondence, please refer to file number SAC-2021-02102. A copy of this letter is forwarded to State and/or Federal agencies for their information. If you have any questions, please contact me at (803) 253-3445, or by email at Stephen.A.Brumagin@usace.army.mil.

Sincerely,

A handwritten signature in blue ink that reads "Stephen A. Brumagin".

Stephen A. Brumagin
Project Manager

Enclosures:

Preliminary Jurisdictional Determination Form

Notification of Appeal Options

Delineated Features entitled, "I-20 over Wateree River: Overflow Bridges Rehabilitation Preliminary Jurisdictional Determination Kershaw County South Carolina", dated December 10, 2021

Copies Furnished:

Mr. Will McGoldrick
South Carolina Department of Transportation
955 Park St., P.O. Box 191
Columbia, South Carolina 29202
McgoldriWR@scdot.org

Mr. Wade Biltoft
Three Oaks Engineering
1022 State Street, Building 2
Cayce, South Carolina 29033
wade.biltoft@threeoaksengineering.com

SC DHEC - Bureau of Water
2600 Bull Street
Columbia, South Carolina 29201
WQCWetlands@dhec.sc.gov

BACKGROUND INFORMATION

A. **REPORT COMPLETION DATE FOR PJD:** April 12, 2022

B. **NAME AND ADDRESS OF PERSON REQUESTING PJD:**

Applicant: Mr. Will_McGoldrick
 South Carolina Department of Transportation
 955 Park St., P.O. Box 191
 Columbia, SC 29201
McGoldriWR@scdot.org

Agent: Mr. Wade Biltoft
 Three Oaks Engineering
 1022 State St.
 Cayce, South Carolina 29033
wade.biltoft@threeoaksengineering.com

C. **DISTRICT OFFICE, FILE NAME, AND NUMBER:** Charleston District, SCDOT I-20 over the Wateree River, Overflow Bridge Rehabilitation, SAC-2021-02102

D. **PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
 (USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)**

State: South Carolina County: Kershaw County City: Camden
 Center coordinates of site (lat/long in degree decimal format):
 Lat.: 34.218982° Long.: -80.612065°
 Universal Transverse Mercator: 17
 Name of nearest waterbody: Big Pine Tree Creek

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

- Office (Desk) Determination. Date: April 12, 2022
- Field Determination. Date(s):

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site Number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject
Wetland WA	34.217586	-80.603226	0.78 acre	Wetland	Section 404
Wetland WB	34.218726	-80.612236	0.21 acre	Wetland	Section 404
Wetland WC	34.219408	-80.619215	2.74 acre	Wetland	Section 404

1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain

¹ Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.

- 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 AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) 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) 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) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (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 PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives 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 AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, 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. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "may be" waters of the U.S. and/or that there "may be" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

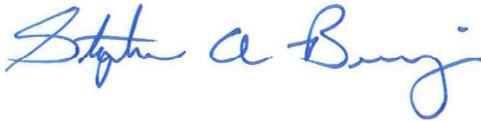
- Maps, plans, plots or plat submitted by or on behalf of the PJD requestor: SCDOT
Map: Delineated Features entitled, "I-20 over Wateree River: Overflow Bridges Rehabilitation Preliminary Jurisdictional Determination Kershaw County South Carolina", dated December 10, 2021
- Data sheets prepared/submitted by or on behalf of the PJD requestor.
 - Office concurs with data sheets/delineation report. The Corps agrees with the boundaries of aquatic resources represented in the drawings and based on the information provided.
 - Office does not concur with data sheets/delineation report. Rationale: _____
- Data sheets prepared by the Corps: _____
- Corps navigable waters' study: District Navigability Study 1977.
- U.S. Geological Survey Hydrologic Atlas: HA 730-G, 1990.

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Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

- USGS NHD data.
- USGS 8 and 12 digit HUC maps. 030501040302 Lower Big Pine Tree Creek, 03050104 Wateree River
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000, Camden South, SC quadrangle.
- Natural Resources Conservation Service Soil Survey. Citation: As provided by the Consultant in Figure NRCS Soils Data entitled, "I-20 over Wateree River: Overflow Bridges Rehabilitation Preliminary Jurisdictional Determination Kershaw County South Carolina" and Corps Reg Viewer: Chewacla, Congaree, Toccoa-Cartecay, Goldsboro, Grady, Pelion, Persanti & Quartzipsamments series.
- National wetlands inventory map(s). Cite name: As provided by the Consultant in Figure NWI & NHD entitled, "I-20 over Wateree River: Overflow Bridges Rehabilitation Preliminary Jurisdictional Determination Kershaw County South Carolina" and Corps Reg Viewer: R5UBH, PFO1A, PFO1B & PFO1C.
- State/local wetland inventory map(s): _____.
- FEMA/FIRM maps: _____.
- 100-year Floodplain Elevation is: _____. (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): As provided by the Consultant in the JD request.
 or Other (Name & Date): As provided by the Consultant in the JD request.
- Previous determination(s). File no. and date of response letter: _____.
- Other information (please specify): _____.

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 staff member completing PJD



Signature and date of person requesting PJD (REQUIRED, unless obtaining the signature is impracticable)¹

¹ Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.



Prepared For:



**I-20 over
Wateree River:
Overflow
Bridges
Rehabilitation**

Preliminary
Jurisdictional
Determination

Kershaw County,
South Carolina

Date:

December 10, 2021

Scale:

1 inch = 500 feet

Job No.:

21-003

Drawn By:

ZCB

Checked By:

WCB

**Delimited
Features**



Legend

- Project Study Area - 47.99 acres
- Wetlands - 3.73 acres
- Wetland Data Point
- Upland Data Point
- Photo Locations & Direction

Wetland	Area (acres)	Length (Linear Feet)	Latitude	Longitude
WA	0.78	N/A	34.217586	-80.603226
WB	0.21	N/A	34.218659	-80.61204
WC	2.74	N/A	31.219408	-80.619215

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
	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: Mr. Philip A. Shannin
Administrative Appeals Review Officer
CESAD-PDS-O
60 Forsyth St, SW, Floor M9
Atlanta, GA 30308-8803
(404) 562-5136

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: