



REPLY TO  
ATTENTION OF

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

July 28, 2015

Regulatory Division

Mr. Sean Connolly  
South Carolina Department of Transportation  
P.O. Box 191  
Columbia, South Carolina 29202-0191

Dear Mr. Connolly:

This is in response to your letter of January 23, 2015, requesting a Preliminary Jurisdictional Determination (Preliminary) for a 566 acre project area, located on and along an approximately 12 mile long segment of Interstate 77 (I-77) from mile marker 15 (just south of Percival Road Interchange) to mile marker 27 (just south of the Blythewood Road Interchange) in Richland County, South Carolina (SCDOT P027002). The project area is depicted on the enclosed Figures (Figure 5, Sheets 1-18 of 18) entitled "I-77 Roadway Widening and Improvements, Delineated Streams and Wetlands, Figure 5". Sheets 1-13 of 13 are dated May 2015 and Sheets 14-18 are dated April 2015. A preliminary jurisdictional determination is used to indicate that this office has identified wetlands or other waters on the property and believes these waters may be jurisdictional waters of the United States. Since the Preliminary does not verify the actual jurisdictional status of wetlands and/or waters of the United States on the property, it relies on the presumption of jurisdiction for the purpose of expediting the request for a Preliminary.

Based on an on-site inspection, a review of aerial photography, topographic maps, National Wetland Inventory maps and soil survey information, it has been concluded that the boundaries shown on the referenced figures are a reasonable approximation of the location and boundaries of the waters found on this site. The area in question contains approximately 5,577 linear feet of tributaries, 4.506 acres of federally defined freshwater wetlands, and 2.077 acres of other waters. You are cautioned that this delineation is approximate, subject to change, and should be used for planning purposes. This office should be contacted prior to performing any work in or around these wetlands or other waters. In order for a definitive determination to be provided, these areas should be located and marked on-site, sketched or surveyed, platted on a map, and should be accompanied by a request for an Approved Jurisdictional Determination. Upon receipt of such a request, this office can then issue an approved determination as to jurisdiction (rather than the presumption of jurisdiction). You should also be aware that the areas identified as wetlands or other waters may be subject to restrictions or requirements of other state or local government entities.

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

RECEIVED

AUG - 5 2015

Environmental Management  
SCDOT

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

In future correspondence concerning this matter, please refer to SAC 2015-00155-DS. You may still need state or local assent. Prior to performing any work, you should contact the South Carolina Department of Health and Environmental Control.

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

If you have any questions concerning this matter, please contact Stephen Brumagin at 803-253-3445.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis G. Hughes", with a long horizontal line extending to the right.

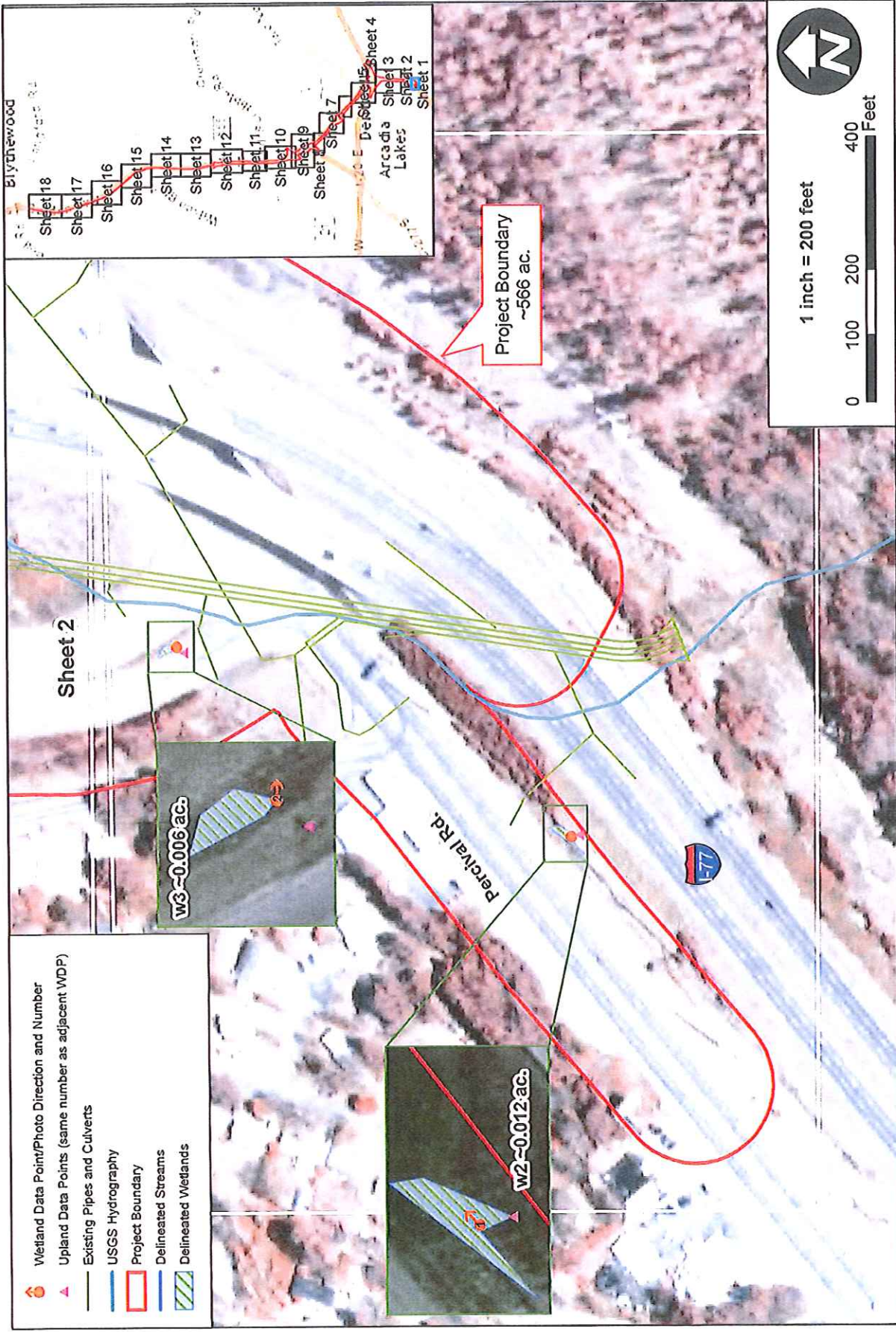
Travis G. Hughes  
Chief, Special Projects Branch

Enclosures:  
Figure 5, sheets 1-18 of 18  
Preliminary Jurisdictional Determination Form

Copy Furnished:

HDR  
Ms. Renee Mulholland  
3955 Faber Place Drive, Suite 300  
North Charleston, South Carolina 29405





# I-77 Roadway Widening and Improvements

Delineated Streams & Wetlands

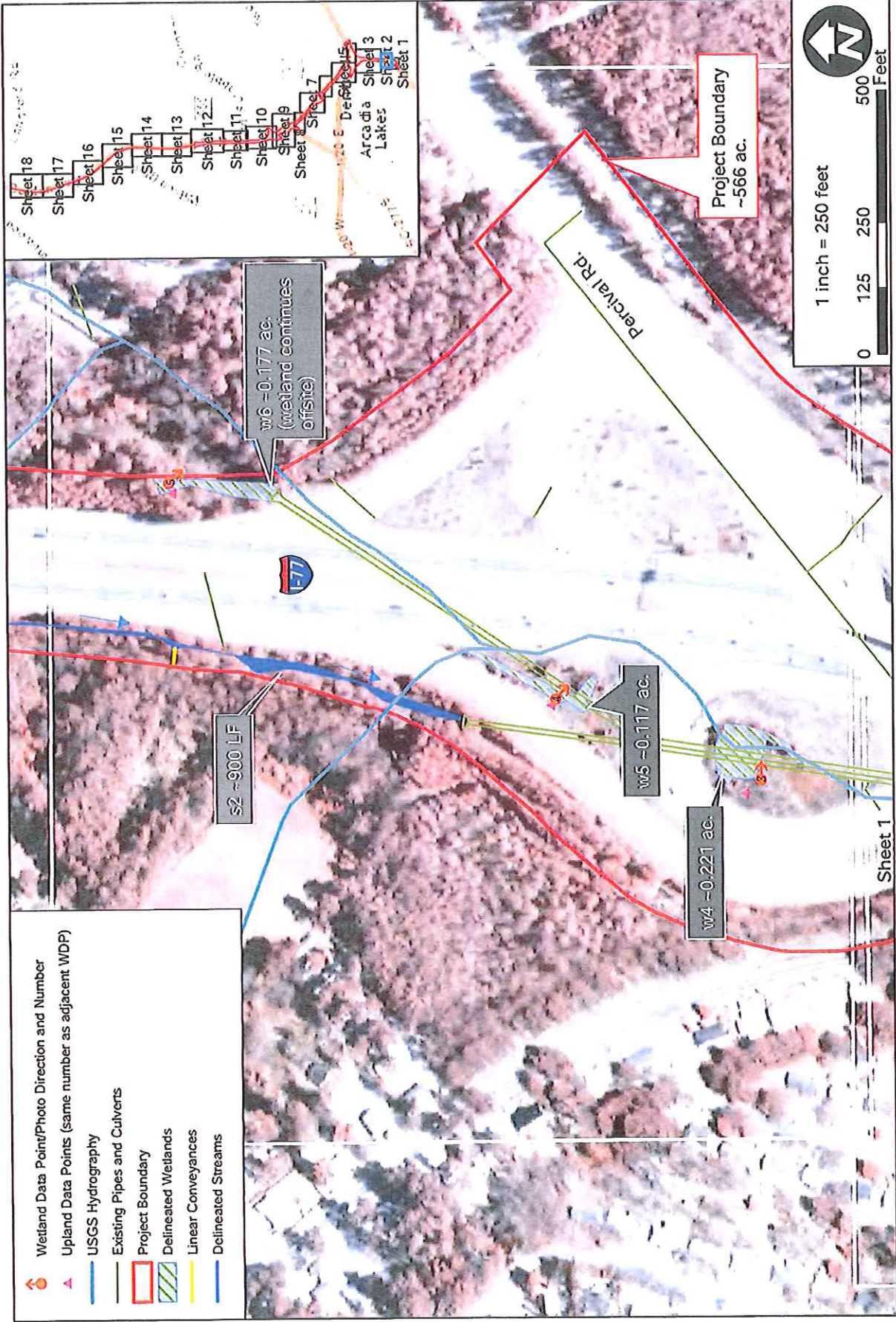
Figure 5 (Sheet 1 of 18)

May 2015



South Carolina Department of Transportation



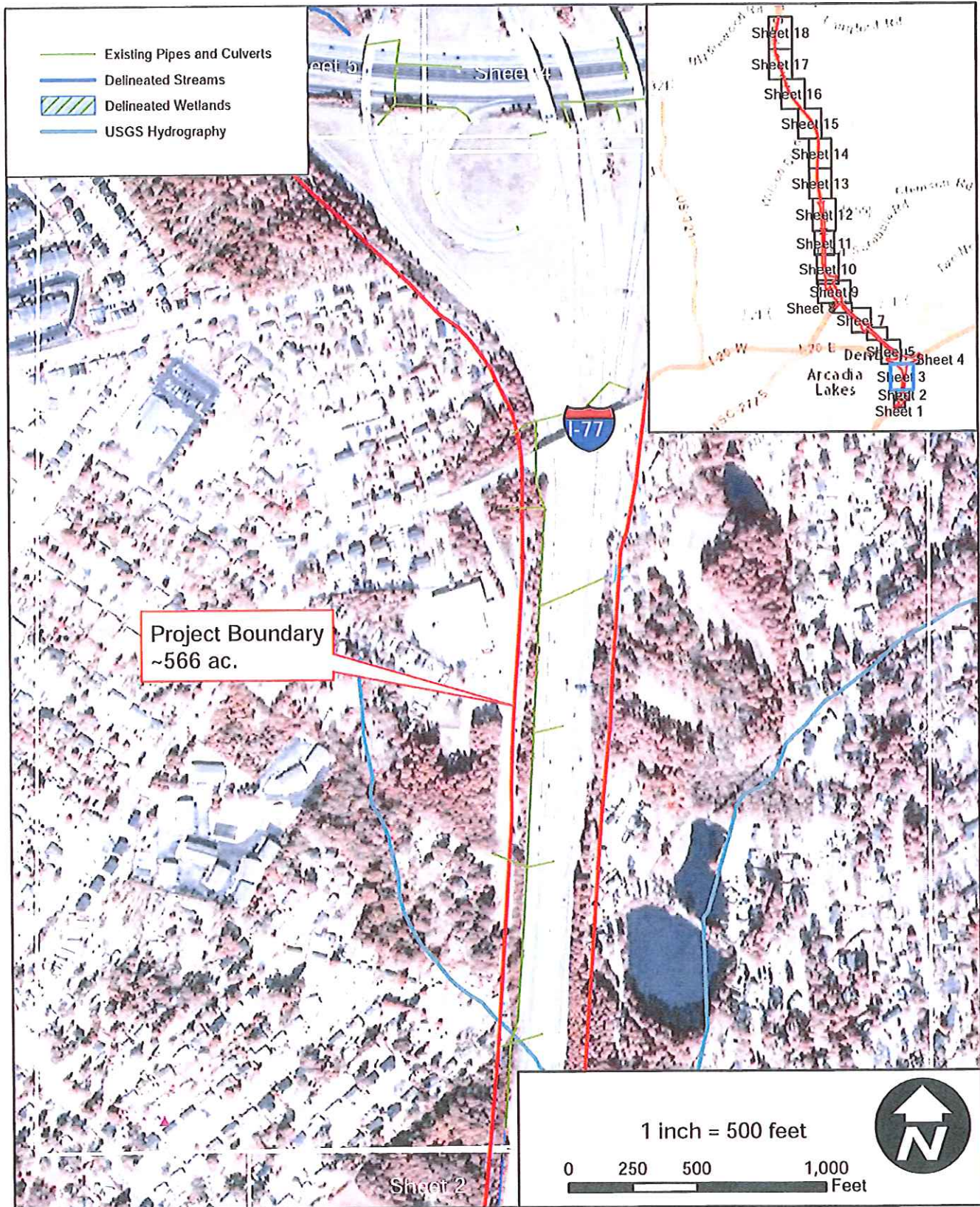


# I-77 Roadway Widening and Improvements

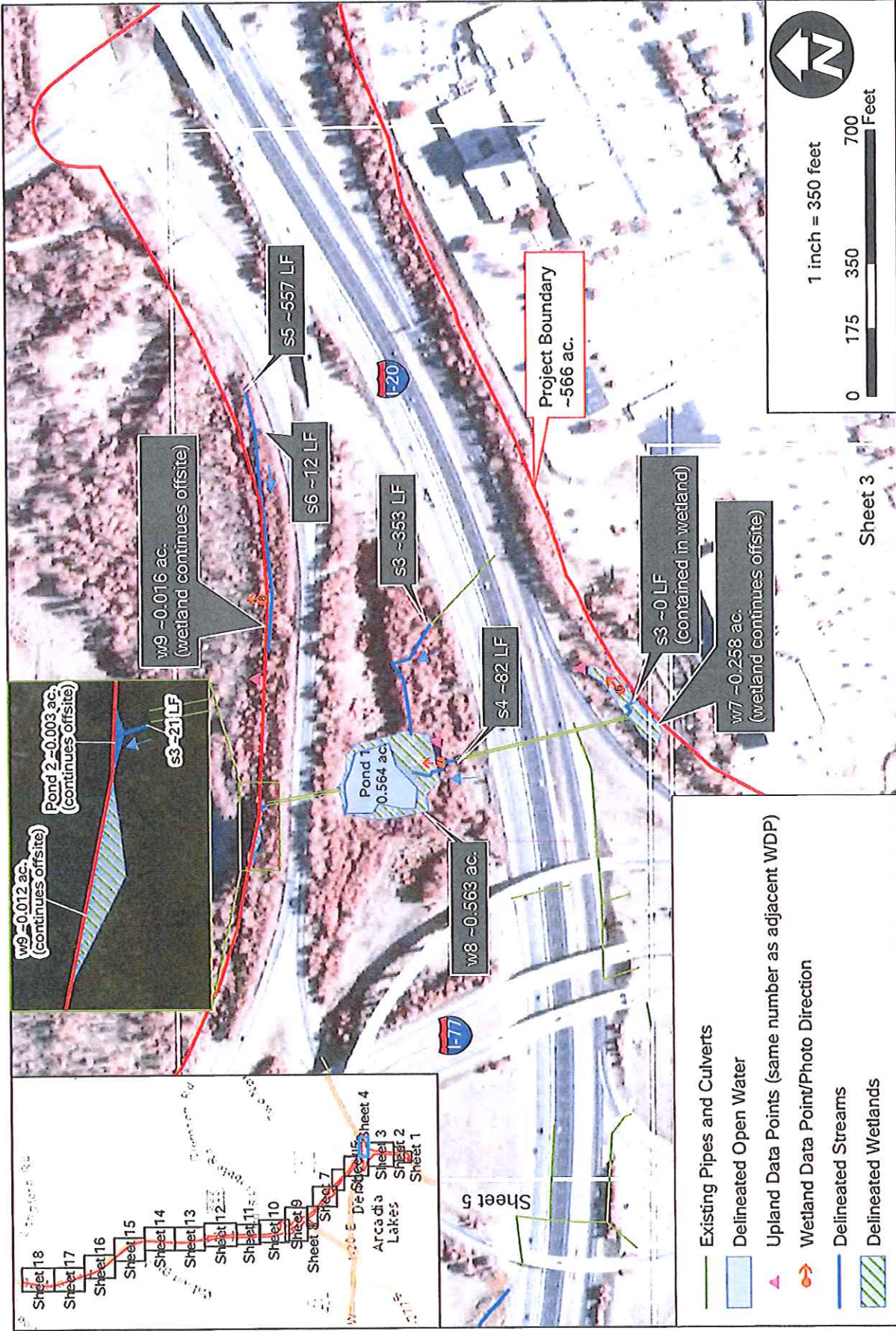
Delineated Wetlands  
Sheet 2 of 18  
May 2015







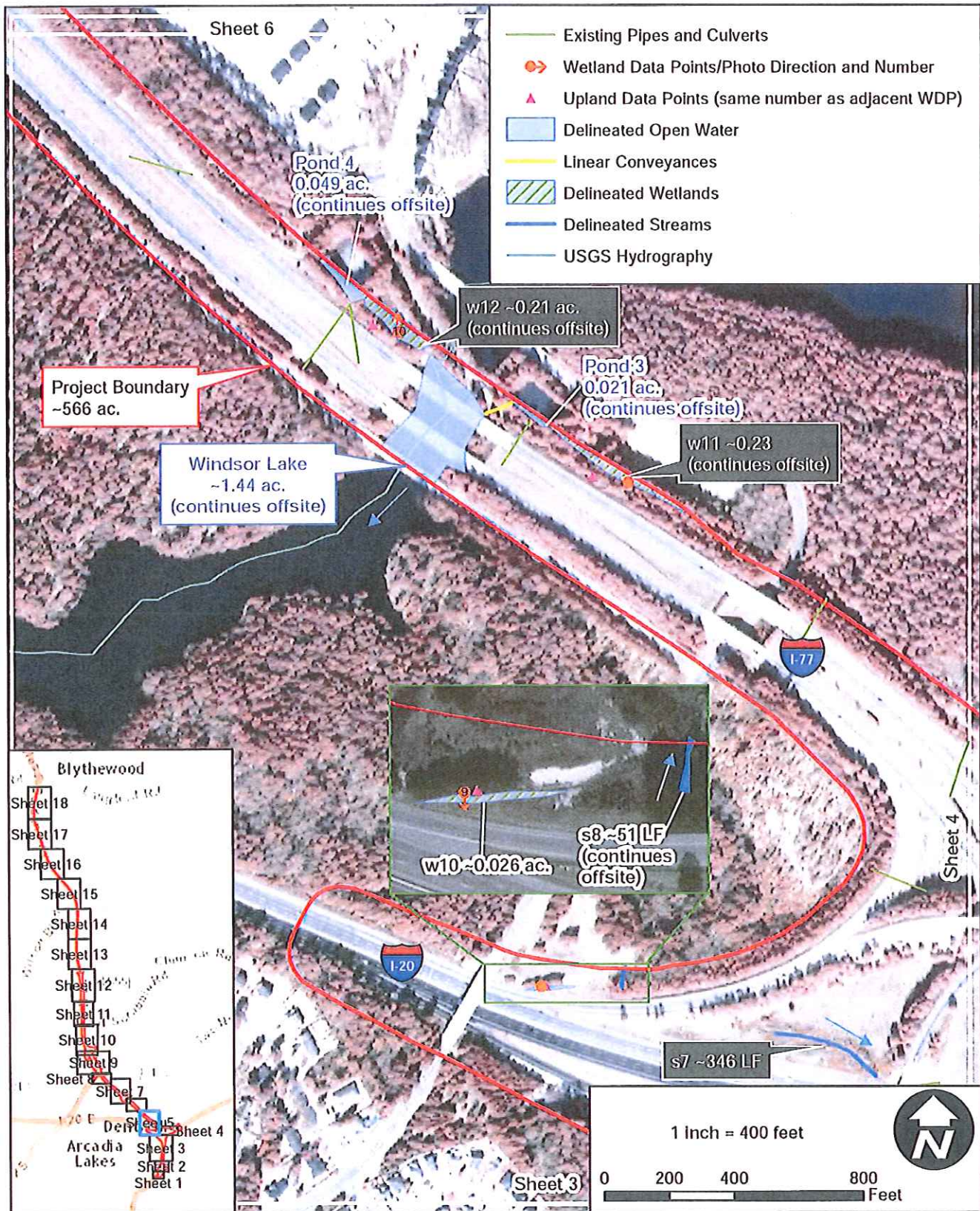




**I-77 Roadway Widening and Improvements**  
 Delineated Streams & Wetlands  
 Figure 5 (Sheet 4 of 18)  
 May 2015











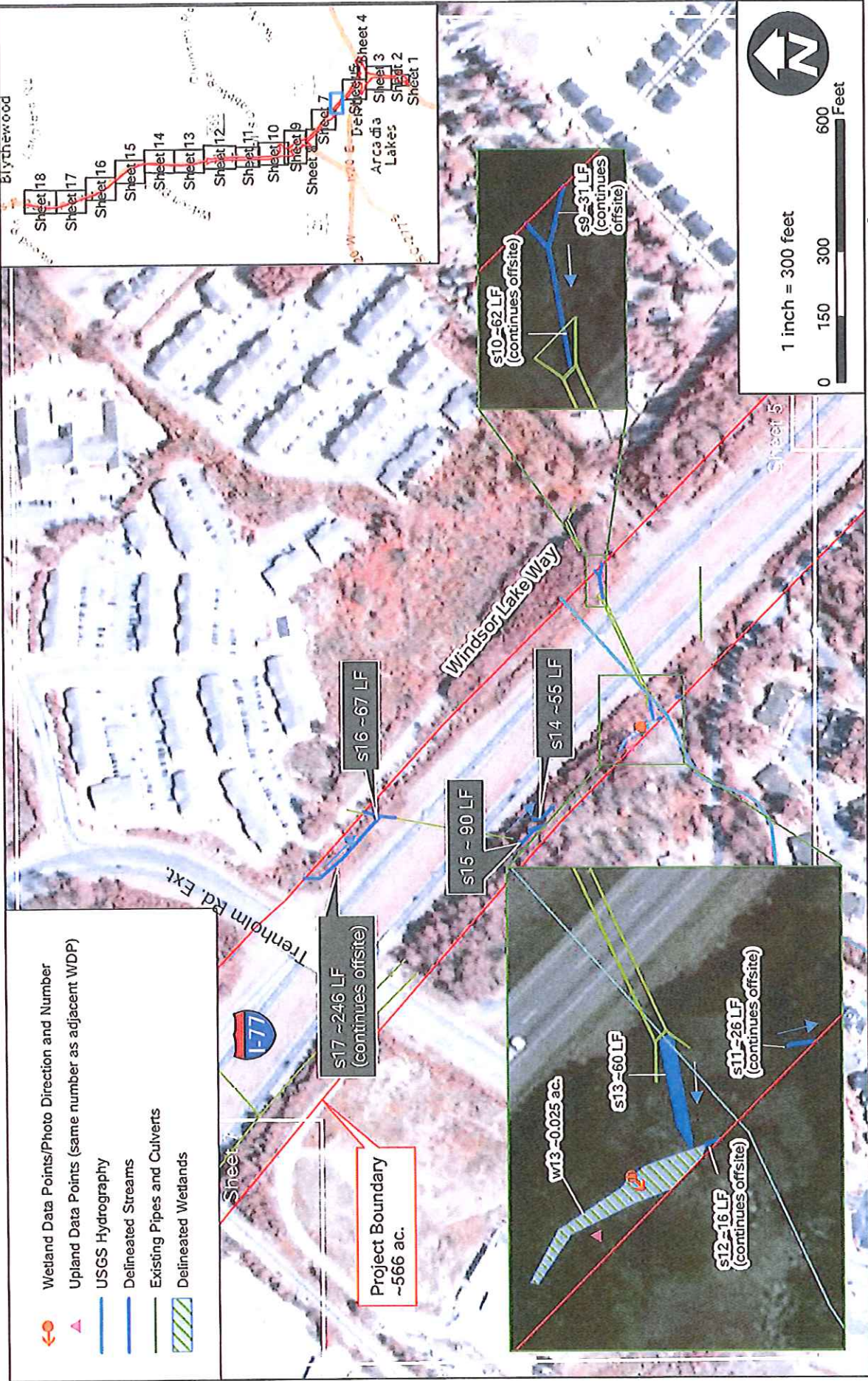
South Carolina  
Department of Transportation

# I-77 Roadway Widening and Improvements

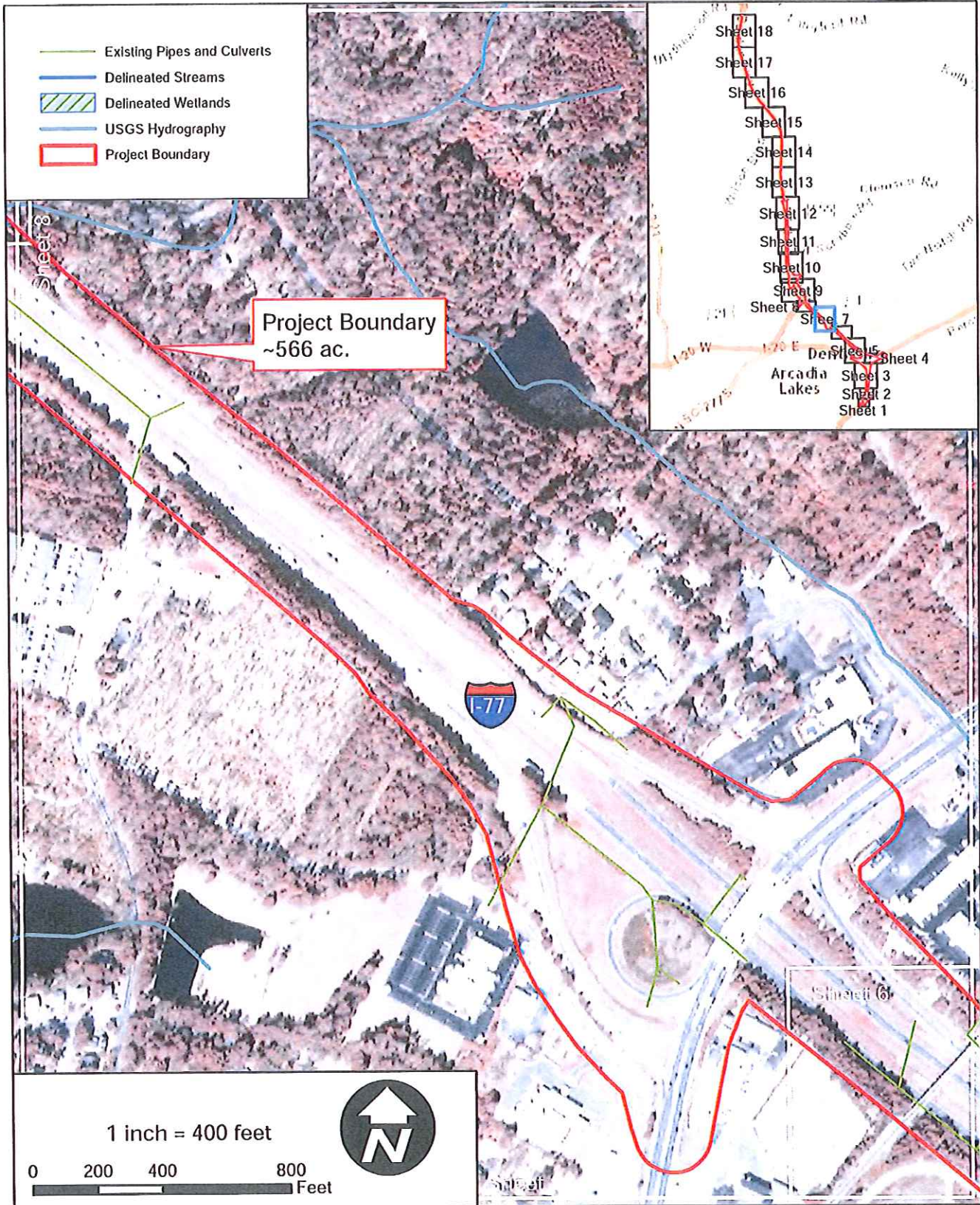
## Delineated Streams & Wetlands

Figure 5 (Sheet 6 of 18)  
May 2015

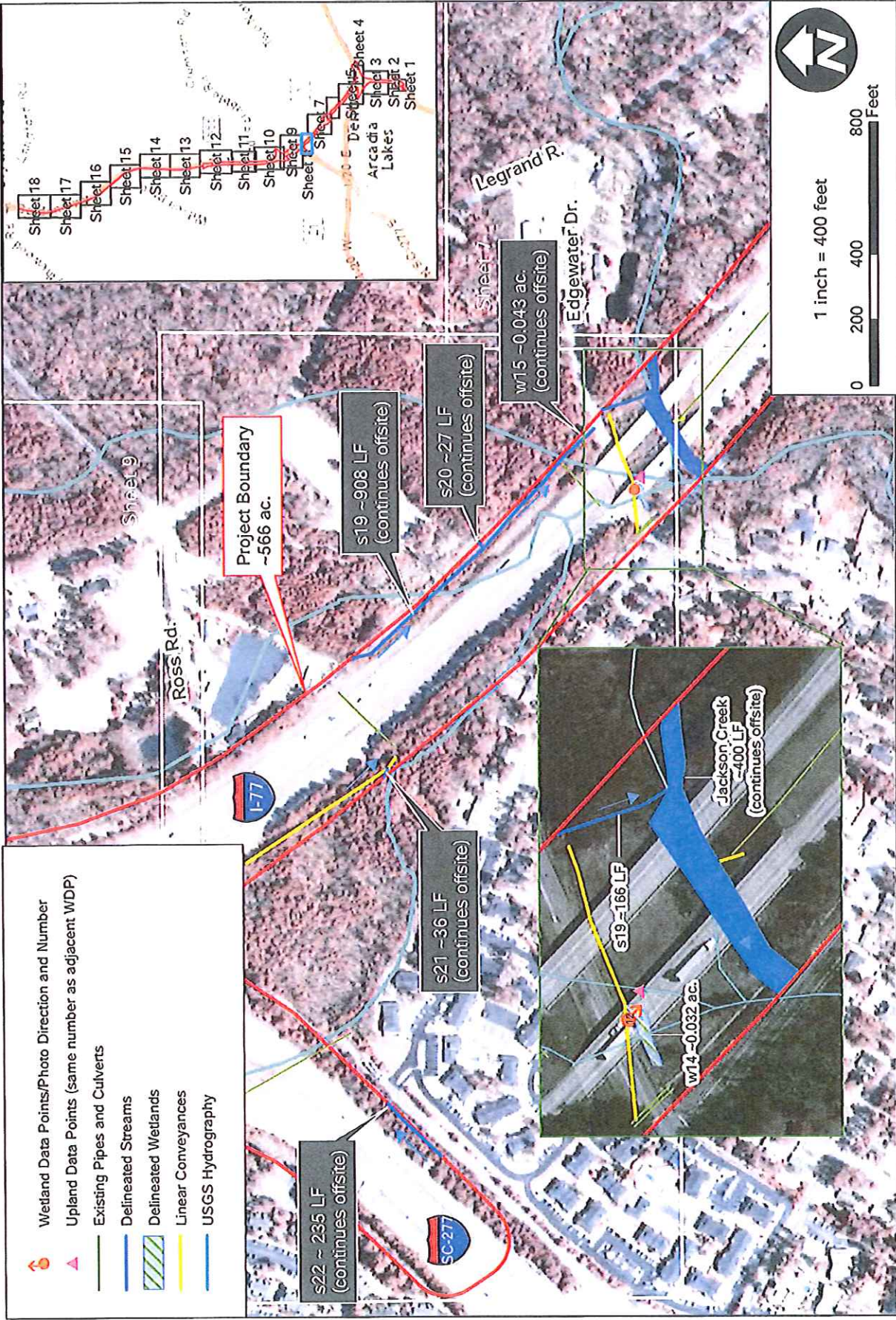
South Carolina Department of Transportation | Richland County, SC | Jurisdictional Determination





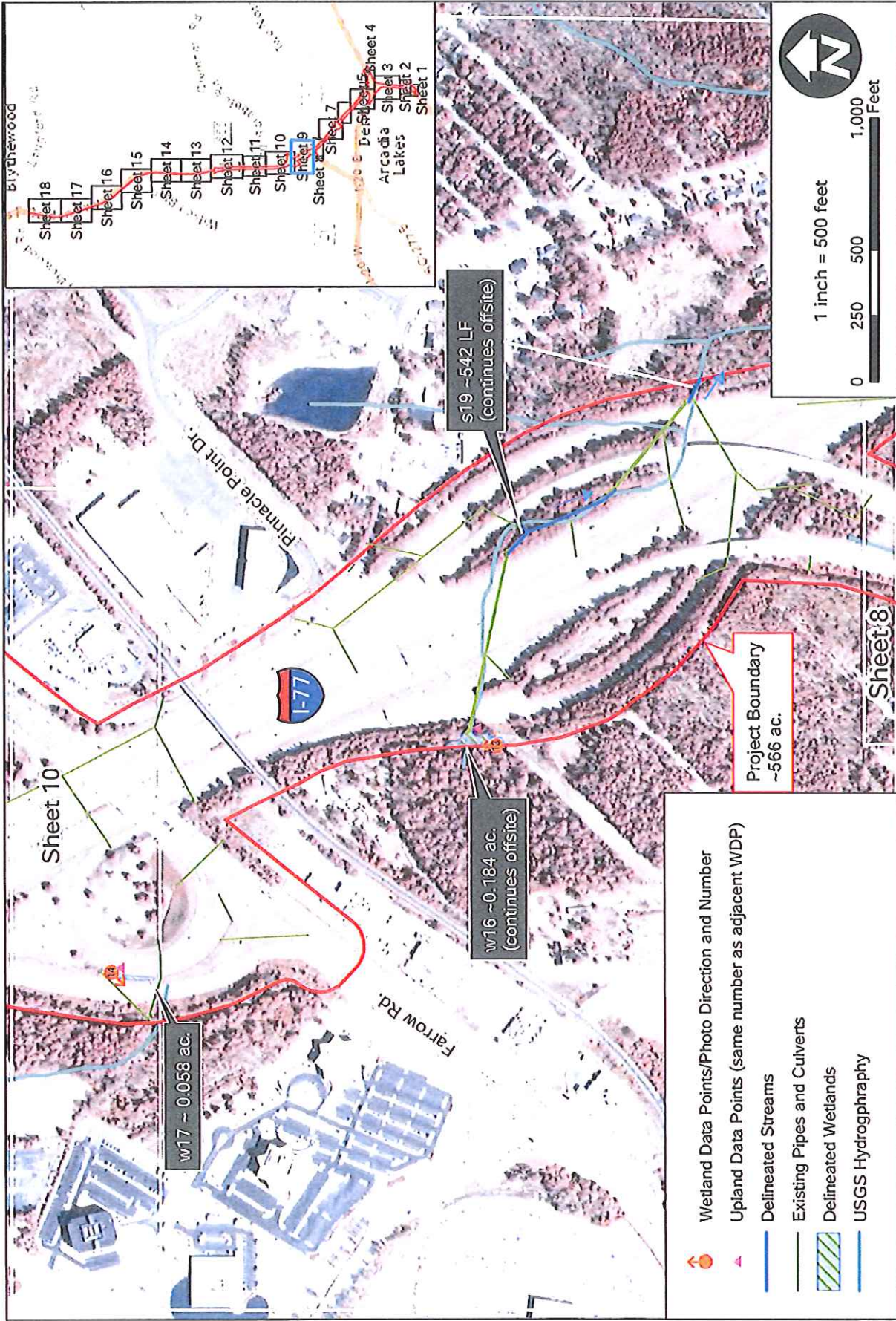






**I-77 Roadway Widening and Improvements**  
 Delineated Streams & Wetlands  
 Figure 5 (Sheet 8 of 18)  
 May 2015

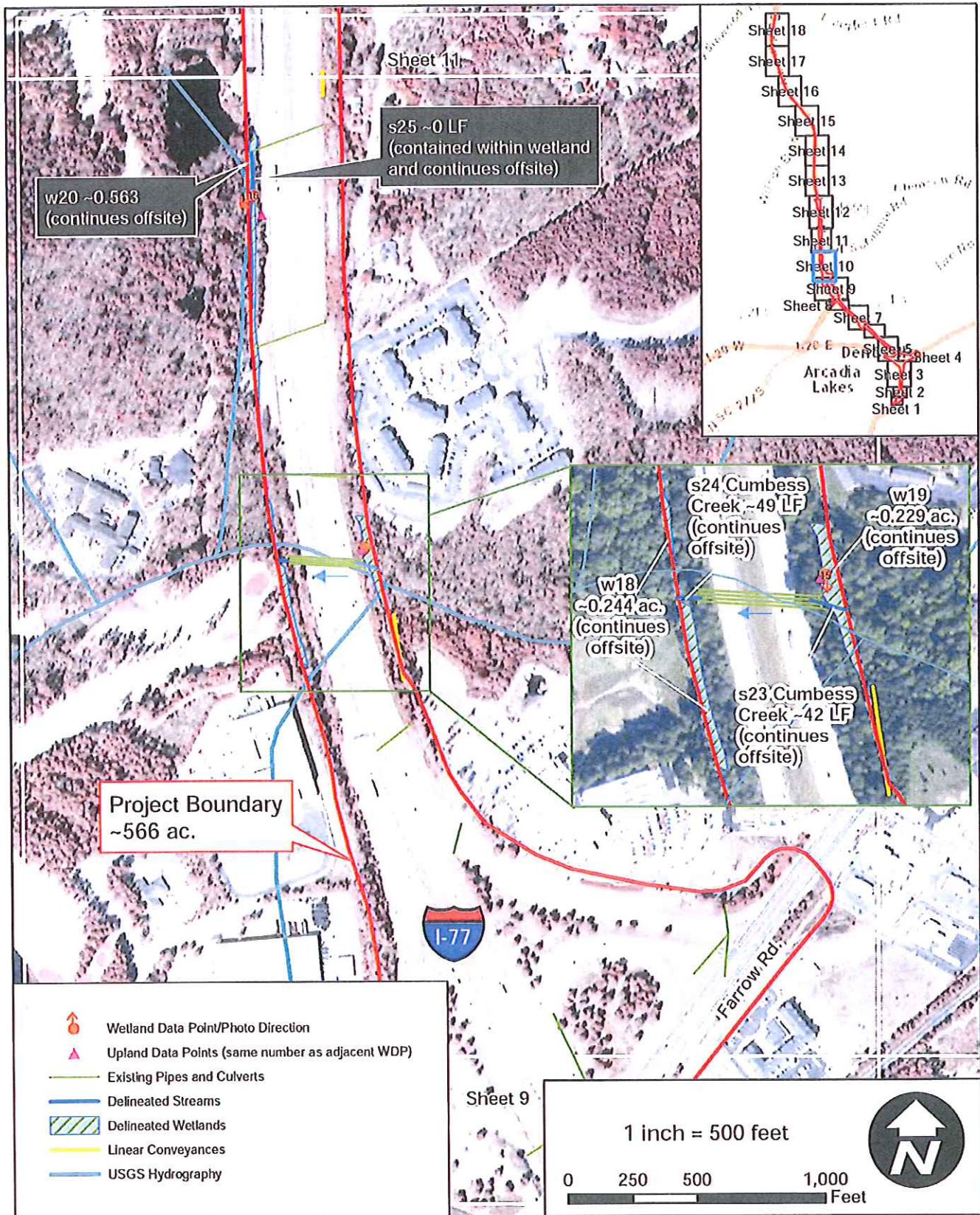




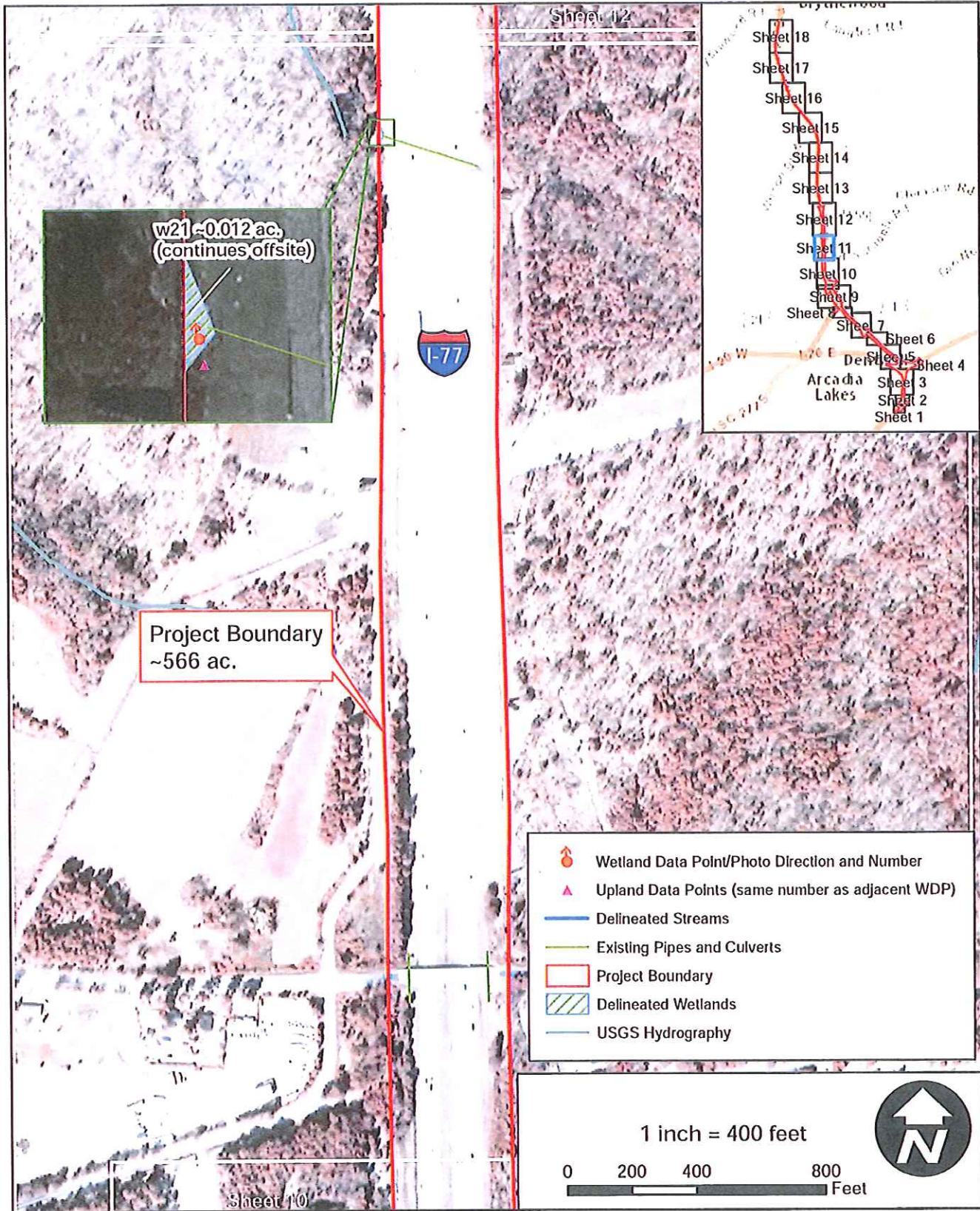
**I-77 Roadway Widening and Improvements**  
 Delineated Streams & Wetlands  
 Figure 5 (Sheet 9 of 18)  
 May 2015



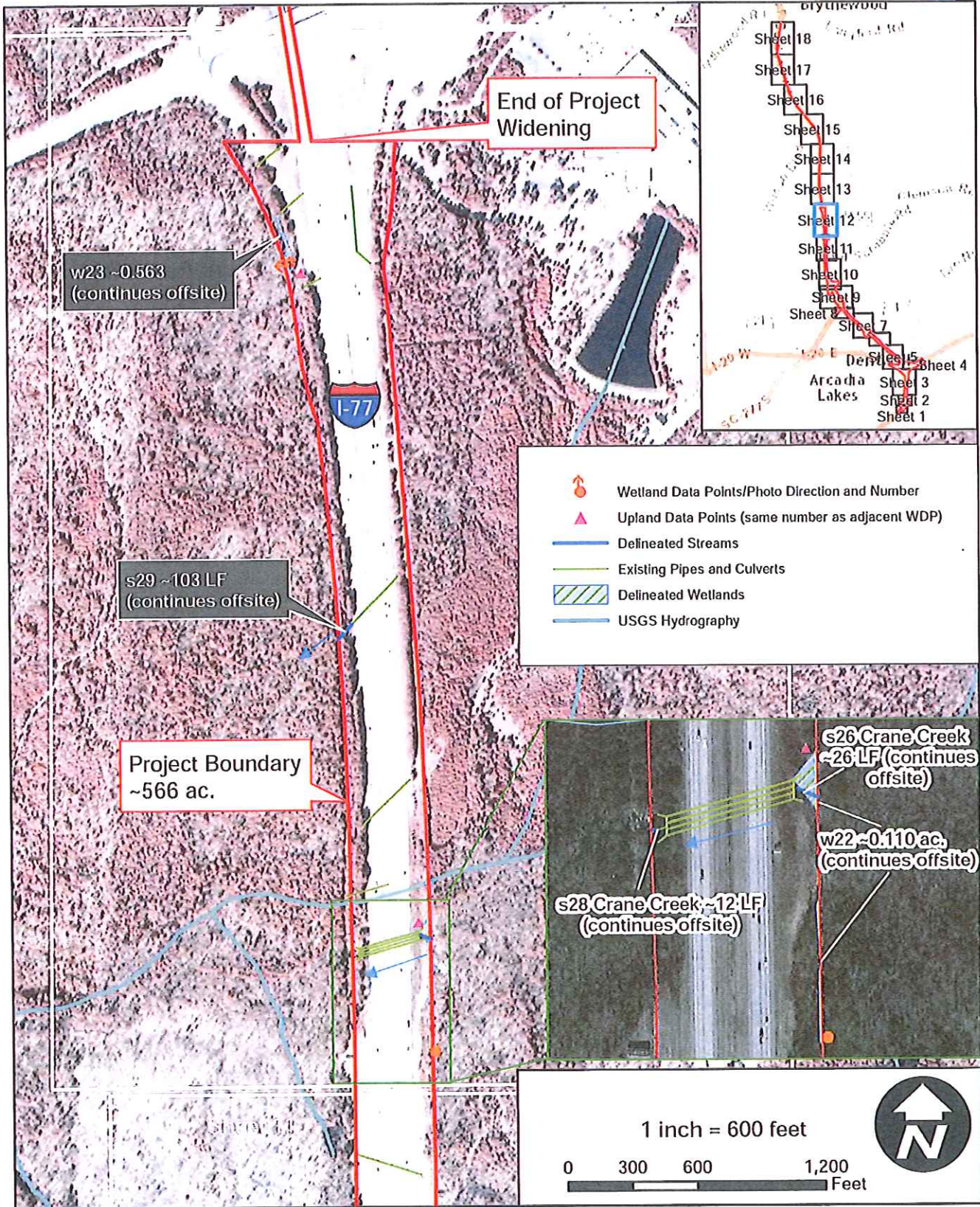




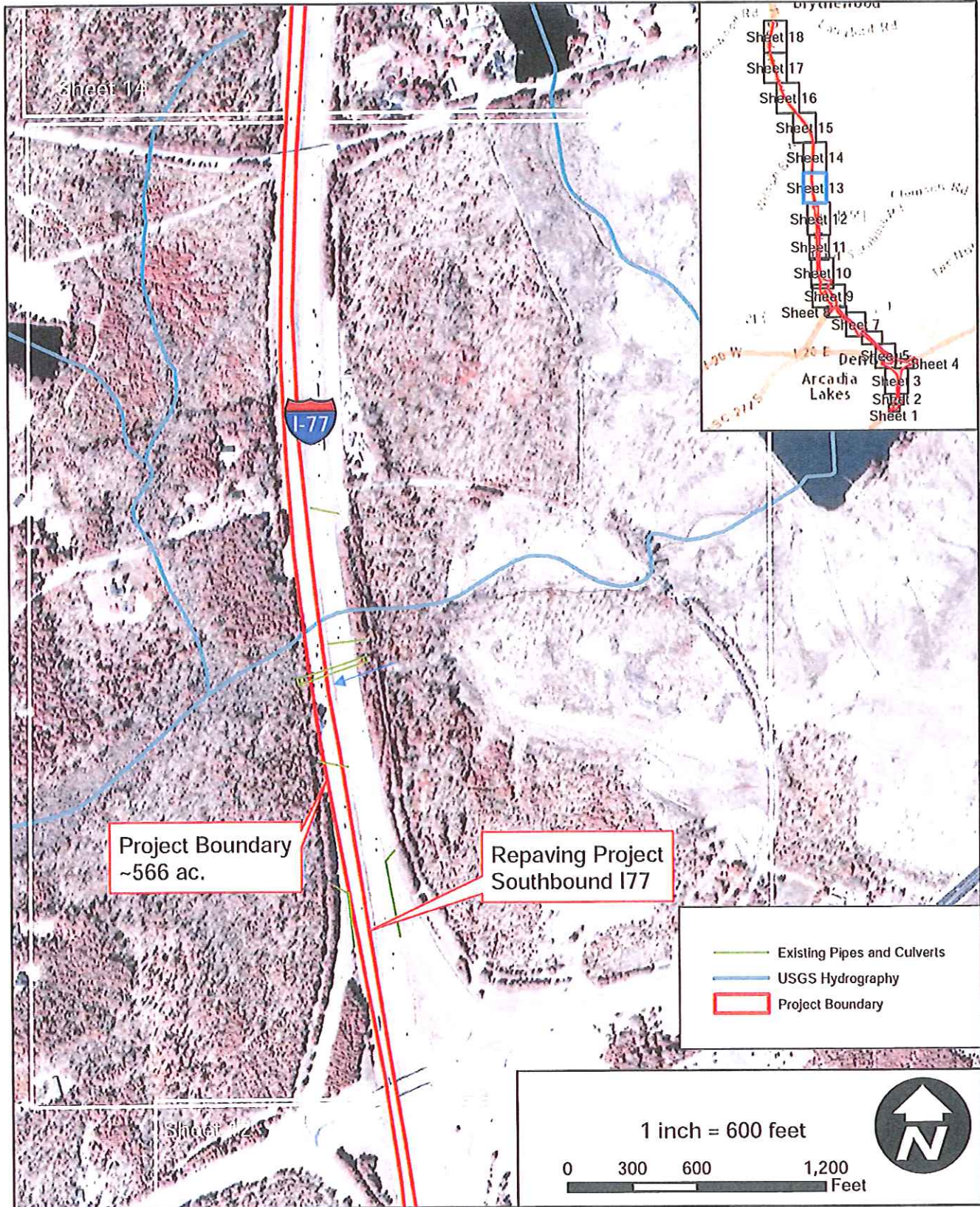




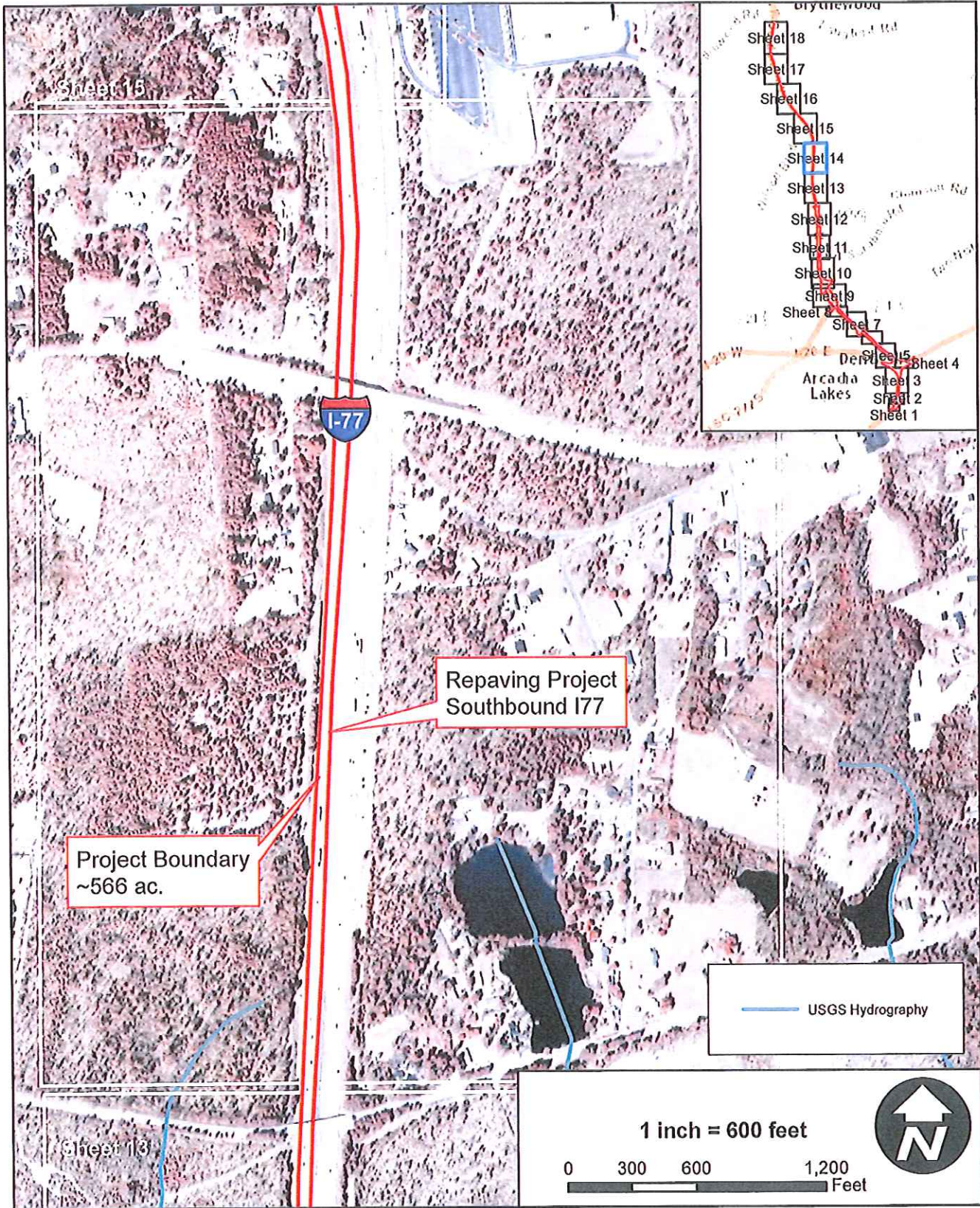




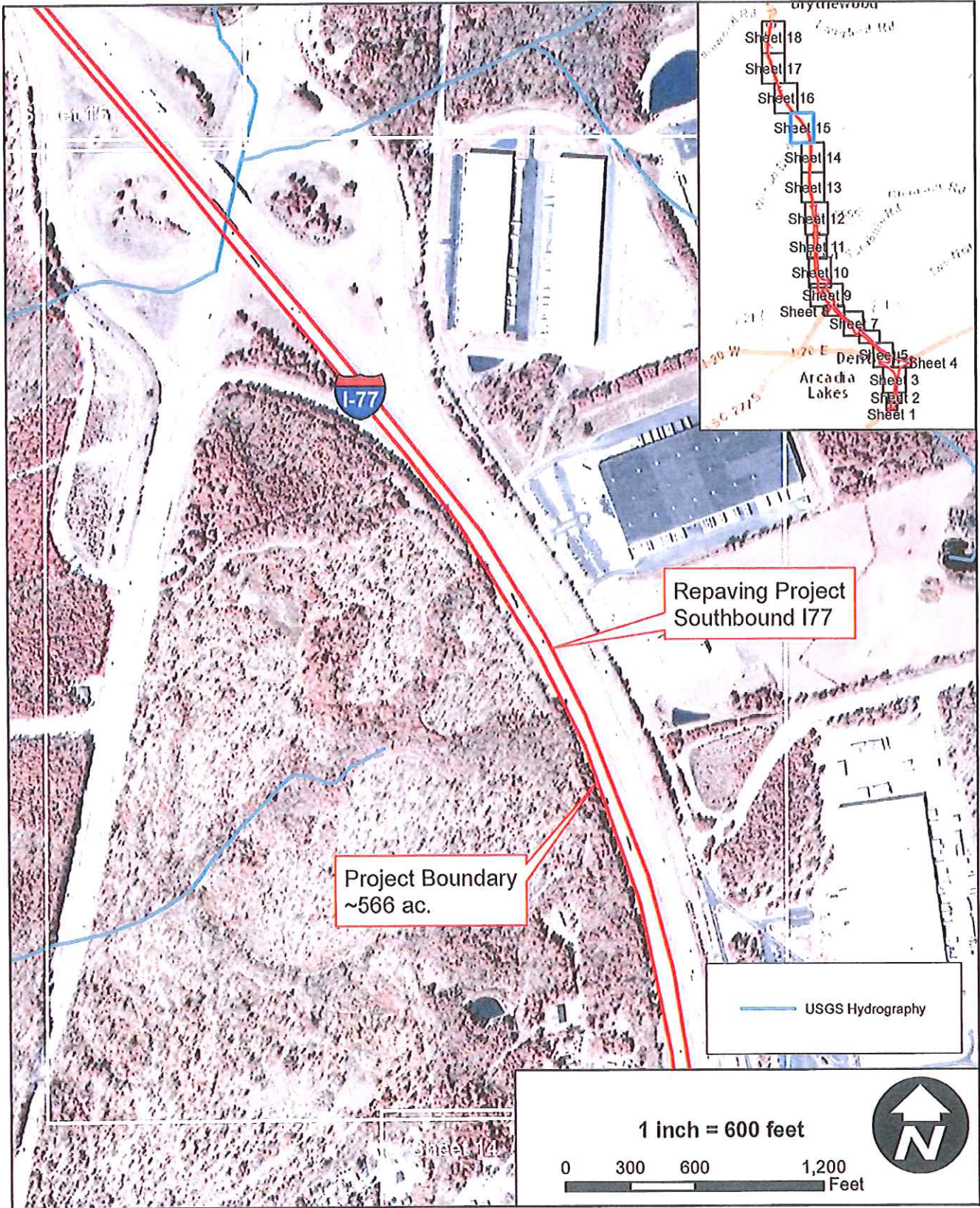




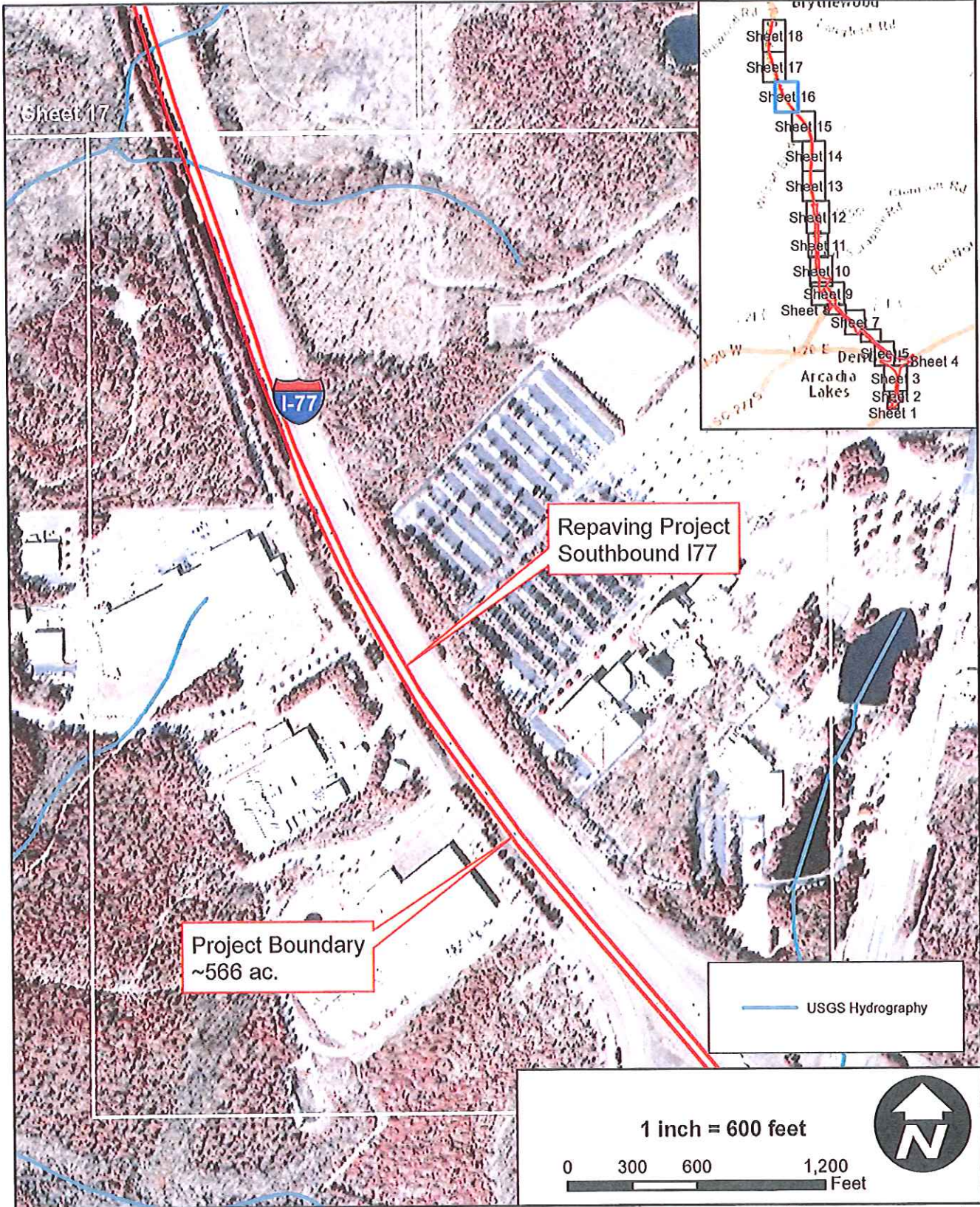




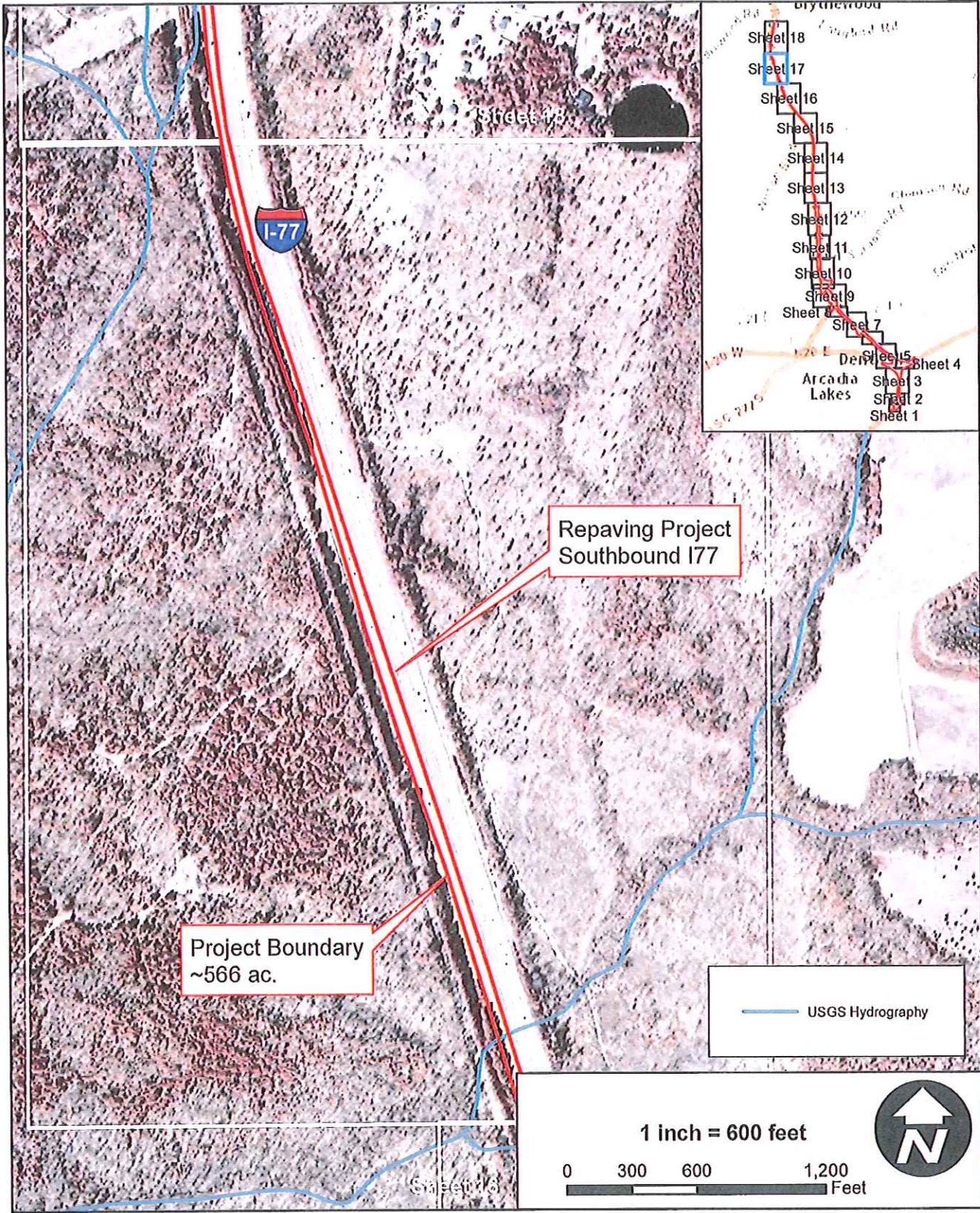




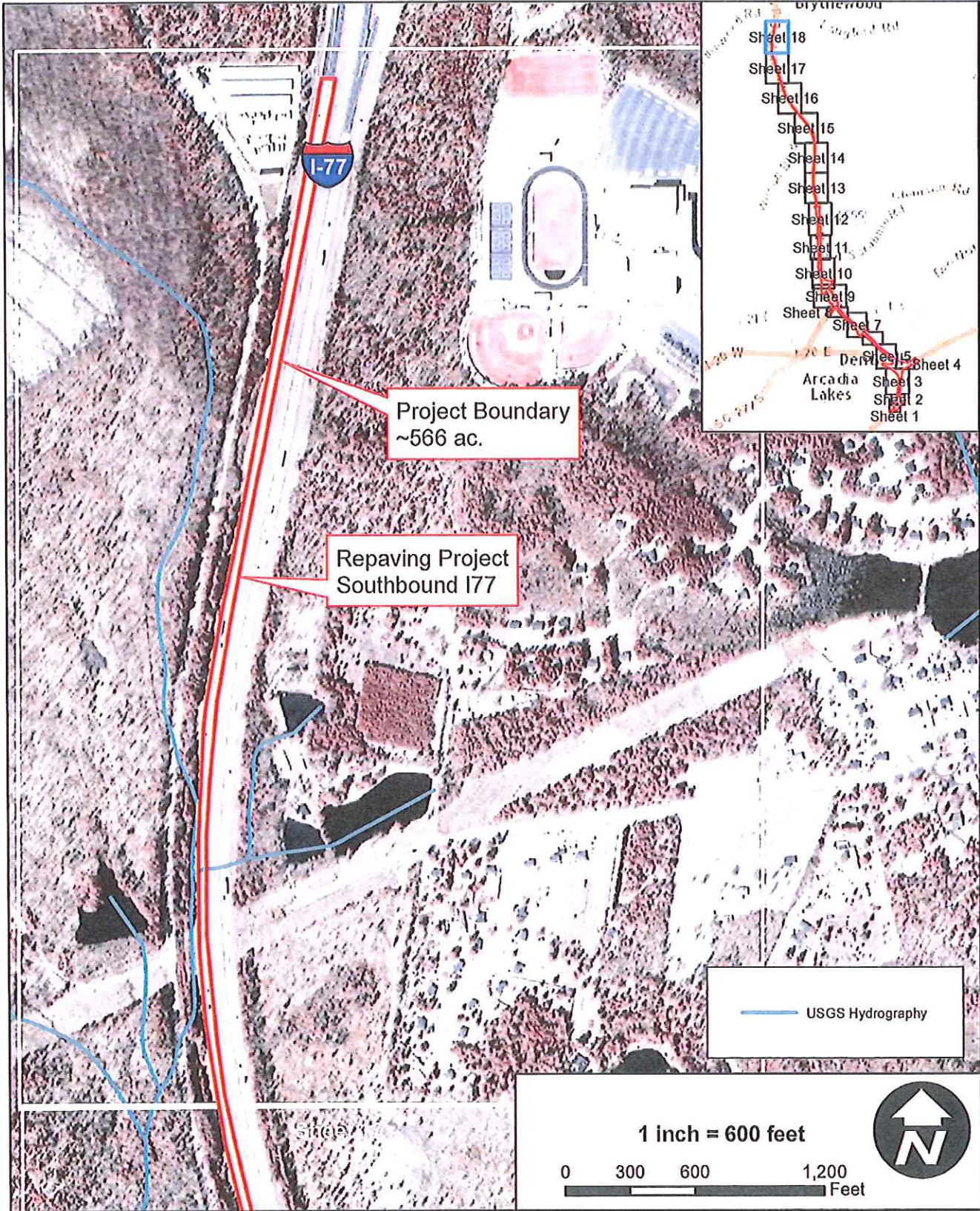














**ATTACHMENT**

**PRELIMINARY JURISDICTIONAL DETERMINATION FORM**

**BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD):**

July 8, 2015

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

Mr. Sean Connolly  
South Carolina Department of Transportation  
P.O. Box 191  
Columbia, South Carolina 29202-0191

**C. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Charleston District, SCDOT Interstate 77 widening project in Richland County, (SCDOT P027002), SAC 2015-00155-DS

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:** Project is located along an approximate twelve mile segment of Interstate 77 from a location at mile marker 15 (just south of the Percival Road Interchange) to a location at mile marker 27 (just south of the Blythewood Road Interchange) in Richland County.

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

State: SC County/parish/borough: Richland Co. City:  
Center coordinates of site (lat/long in degree decimal format):  
Lat. 34.15376° N, Long. -80.964858° W. Universal Transverse Mercator: NAD 83  
Name of nearest waterbody: Windsor Lake, Crane Creek

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

Non-wetland waters: 5577 linear feet: Variable width (ft) and/or (Impoundments) 2.077 acres.

Cowardin Class: Riverine Stream Flow: Perennial

Wetlands: 4.506 acres. Cowardin Class: Emergent

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

Tidal: N/A

Non-Tidal: N/A

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

Office (Desk) Determination. Date: July 8, 2015  Field Determination. Date(s): May 12, 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:

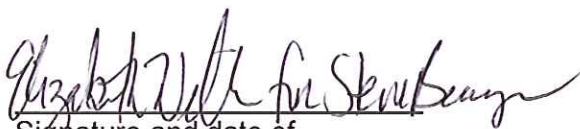
**SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):**

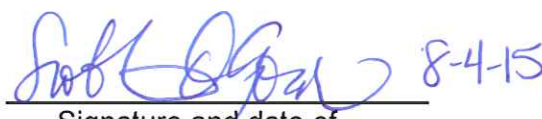
- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: HDR.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report

Although the Corps may not agree with all the information provided by the agent, the Corps agrees with the conclusions and boundaries established from site information documented.

- 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. 030501016 Broad River & 03050110 Congaree River
- U.S. Geological Survey map(s). Cite scale & quad name: Fort Jackson, Blythewood, SC.
- USDA Natural Resources Conservation Service Soil Survey. Citation: Pages 9, 15, 22, & 27; Fuquay, Pelion, Pelion-Urban Lakeland-Urban, Lakeland, Water, Herndon, Dothan, Blanton, Troup, Coxville series.
- National wetlands inventory map(s). Cite name: PFO1A, U12, PFO1Ah, PEM1Ch, U43, PUBHh, U42P, U14, U11, U21, & PEM1A.
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): (1999) 11203:191 & 11206:64.  
or  Other (Name & Date): Photographs provided by consultant.
- Previous determination(s). File no. and date of response letter: .
- Other information (please specify): Site visit May 12, 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)

 8-4-15  
Signature and date of  
person requesting preliminary JD  
(REQUIRED, unless obtaining the signature is  
impracticable)



I-77 widening, Richland Co

Site number	Latitude	Longitude	Cowardin Class	Estimated amount of aquatic resource in review area	Class of aquatic resource
Stream S 2	34.0555	- 80.923167	Riverine	900 linear feet	non-section 10 – non-wetland
Stream S 3	34.068833	- 80.919833	Riverine	374 linear feet	non-section 10 – non-wetland
Stream S 4	34.068667	- 80.920333	Riverine	82 linear feet	non-section 10 – non-wetland
Stream S 5	34.069833	-80.9185	Riverine	557 linear feet	non-section 10 – non-wetland
Stream S 6	34.069833	- 80.917333	Riverine	12 linear feet	non-section 10 – non-wetland
Stream S 7	34.068333	- 80.925333	Riverine	346 linear feet	non-section 10 – non-wetland
Stream S 8	34.069	-80.9275	Riverine	51 linear feet	non-section 10 – non-wetland
Stream S 9	34.078167	-80.9345	Riverine	31 linear feet	non-section 10 – non-wetland
Stream S 10	34.078167	- 80.934667	Riverine	62 linear feet	non-section 10 – non-wetland
Stream S 11	34.077667	-80.9355	Riverine	26 linear feet	non-section 10 – non-wetland
Stream S 12	34.077833	- 80.935667	Riverine	16 linear feet	non-section 10 – non-wetland
Stream S 13	34.077833	-80.9355	Riverine	60 linear feet	non-section 10 – non-wetland
Stream S 14	34.0785	- 80.936333	Riverine	55 linear feet	non-section 10 – non-wetland
Stream S 15	34.078667	-80.9365	Riverine	90 linear feet	non-section 10 – non-wetland
Stream S 16	34.079667	- 80.936333	Riverine	67 linear feet	non-section 10 – non-wetland



Site number	Latitude	Longitude	Cowardin Class	Estimated amount of aquatic resource in review area	Class of aquatic resource
Stream S 17	34.079833	- 80.936667	Riverine	246 linear feet	non-section 10 – non-wetland
Stream S 18	34.088167	- 80.949167	Riverine	400 linear feet	non-section 10 – non-wetland
Stream S 19	34.094167	-80.9535	Riverine	1672 linear feet	non-section 10 – non-wetland
Stream S 20	34.089667	- 80.950333	Riverine	27 linear feet	non-section 10 – non-wetland
Stream S 21	34.0905	- 80.952667	Riverine	36 linear feet	non-section 10 – non-wetland
Stream S 22	34.090167	- 80.956333	Riverine	235 linear feet	non-section 10 – non-wetland
Stream S 23	34.1065	- 80.961167	Riverine	42 linear feet	non-section 10 – non-wetland
Stream S 24	34.106667	- 80.962333	Riverine	49 linear feet	non-section 10 – non-wetland
Stream S 26	34.1235	- 80.962667	Riverine	26 linear feet	non-section 10 – non-wetland
Stream S 28	34.123667	- 80.961833	Riverine	12 linear feet	non-section 10 – non-wetland
Stream S 29	34.1275	-80.963	Riverine	103 linear feet	non-section 10 – non-wetland
WINDSOR LAKE	34.0735	- 80.929333	Lacustrine	1.44 acre	non-section 10 – non-wetland
POND 1	34.069	- 80.920333	Lacustrine	0.564 acre	non-section 10 – non-wetland
POND 2	34.069833	- 80.920833	Lacustrine	0.003 acres	non-section 10 – non-wetland
POND 3	34.074667	- 80.928333	Lacustrine	0.021 acres	non-section 10 – non-wetland
POND 4	34.074666	- 80.930333	Lacustrine	0.049 acres	non-section 10 – non-wetland



Site number	Latitude	Longitude	Cowardin Class	Estimated amount of aquatic resource in review area	Class of aquatic resource
Wetland W 2	34.050167	- 80.925333	Palustrine	0.012 acres	non-section 10 – wetland
Wetland W 3	34.051833	- 80.924333	Palustrine	0.006 acres	non-section 10 – wetland
Wetland W 4	34.052833	- 80.924333	Palustrine	0.221 acres	non-section 10 – wetland
Wetland W 5	34.053833	- 80.923333	Palustrine	0.117 acres	non-section 10 – wetland
Wetland W 6	34.0555	- 80.922167	Palustrine	0.077 acres	non-section 10 – wetland
Wetland W 7	34.067167	- 80.919833	Palustrine	0.259 acres	non-section 10 – wetland
Wetland W 8	34.069	- 80.920333	Palustrine	0.563 acres	non-section 10 – wetland
Wetland W 9	34.069833	-80.9195	Palustrine	0.494 acres	non-section 10 – wetland
Wetland W 10	34.068833	- 80.928167	Palustrine	0.026 acres	non-section 10 – wetland
Wetland W 11	34.073	- 80.927167	Palustrine	0.269 acres	non-section 10 – wetland
Wetland W 12	34.0745	- 80.929667	Palustrine	0.221 acres	non-section 10 – wetland
Wetland W 12	34.0745	- 80.929667	Palustrine	0.221 acres	non-section 10 – wetland
Wetland W 13	34.077833	- 80.935767	Palustrine	0.025 acres	non-section 10 – wetland
Wetland W 14	34.088333	- 80.949833	Palustrine	0.032 acres	non-section 10 – wetland



Site number	Latitude	Longitude	Cowardin Class	Estimated amount of aquatic resource in review area	Class of aquatic resource
Wetland W 15	34.088833	- 80.949167	Palustrine	0.032 acres	non-section 10 – wetland
Wetland W 16	34.0965	- 80.957833	Palustrine	0.177 acres	non-section 10 – wetland
Wetland W 17	34.100167	- 80.960833	Palustrine	0.053 acres	non-section 10 – wetland
Wetland W 18	34.1065	- 80.962333	Palustrine	0.53 acres	non-section 10 – wetland
Wetland W 19	34.106667	- 80.961167	Palustrine	0.336 acres	non-section 10 – wetland
Wetland W 20	34.109667	- 80.962667	Palustrine	0.692 acres	non-section 10 – wetland
Wetland W 21	34.121	- 80.962833	Palustrine	0.013 acres	non-section 10 – wetland
Wetland W 22	34.123	-80.9615	Palustrine	0.111 acres	non-section 10 – wetland
Wetland W23	34.1325	- 80.963833	Palustrine	0.135 acres	non-section 10 – wetland