



REPLY TO
ATTENTION OF

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

1/6

January 4, 2012

Regulatory Division

✓ Mr. Sean Connolly
South Carolina Department of Transportation
P.O. Box 191, 955 Park Street
Columbia, South Carolina 29202-0191

Dear Mr. Connolly:

PIN: 32098

This is in response to your letter of September 6, 2011, requesting a Preliminary Jurisdictional Determination (Preliminary), for an approximately 64.9 acre tract, located at the US 41 crossing of the Wando River and extending through the intersection of Clements Ferry Road and US 41 in Berkeley and Charleston Counties, South Carolina. The project area is depicted on the enclosed sketch entitled "SC-41 BRIDGE REPLACEMENT PROJECT JURISDICTIONAL AREAS", figures 4-1 through 4-3, and dated December 7, 2011. 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 with Christopher Mims and Richard Darden of my staff on June 9, 2011, a review of aerial photography, topographic maps, National Wetland Inventory maps and soil survey, it has been concluded that the boundaries shown on the referenced sketch or plat are a reasonable approximation of the location and boundaries of the waters found on this site. The property in question contains approximately 4.882 acres of federally defined freshwater wetlands, approximately 14.965 acres of tidal waters, and approximately 536 linear feet (0.053 acre) of federally defined linear waters. You are cautioned that this delineation is approximate, subject to change, and should be used for planning purposes only. 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. The site also contained other roadside conveyance features lacking characteristics needed to define waters.

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.

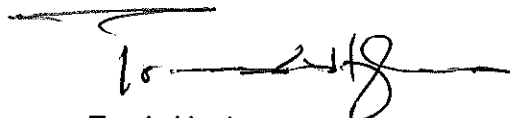
This preliminary jurisdictional determination is a non-binding action and as such has no expiration until it is superseded by an Approved Jurisdictional Determination. If you intend to request an Approved Jurisdictional Determination in the future, you are advised not to commence work in these wetlands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

In future correspondence concerning this matter, please refer to SAC 2011-364-DM. You may still need state or local assent. Prior to performing any work, you should contact the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management. A copy of this letter is being forwarded to them for their information.

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

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

Sincerely,

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

Travis Hughes
Chief, Special Projects Branch

Enclosures:
Preliminary Jurisdictional Determination Form

Copy Furnished:

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

Mr. Brian Taylor
Civil Engineering Consulting Services, Inc.
2000 Park Street, Suite 201
Columbia, South Carolina 29201

ATTACHMENT

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): December 7, 2011

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:

Mr. Sean Connolly
South Carolina Department of Transportation
P.O. Box 191, 955 Park Street
Columbia, South Carolina 29202-0191

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: Charleston, SC-41 Bridge Replacement, SAC 2011-364-DJM

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION: at the US 41 crossing of the Wando River and extending through the intersection of Clements Ferry Road and US 41

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

State: SC County/parish/borough: Berkeley County and Charleston County City:
Center coordinates of site (lat/long in degree decimal format): Lat. 32.92741° N, Long. -79.82295° W.

Universal Transverse Mercator: Zone 17

Name of nearest waterbody: Wando River

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

Non-wetland waters: 536 linear feet: width (ft) /or 0.053 acre.

Cowardin Class: Riverine

Stream Flow: Perennial

Wetlands: acres. 19.847 (4.882 freshwater, 14.965 section 10)

Cowardin Class: Scrub-shrub

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

Tidal: Wando River

Non-Tidal:

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

☐ Office (Desk) Determination. Date:

☒ Field Determination. Date(s): June 9, 2011 with Darden and Mims

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.

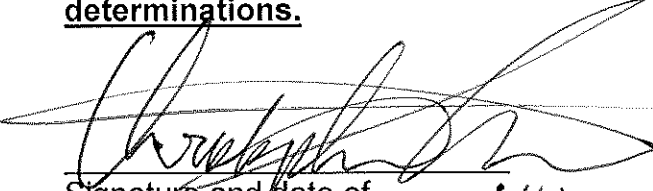
2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has 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.

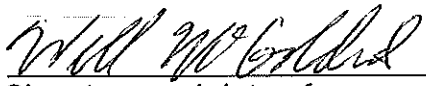
This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

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: CECS, Brian Taylor
- ☒ 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: 7.5 Min. Cainhoy Quad.
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Cainhoy Quad.
- ☐ 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): MapInfo aerial infrared 2006 (DNR).
or ☐ Other (Name & Date):
- ☐ 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 Project Manager
(REQUIRED) 1-4-12


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

SAMPLE

Site number	Latitude	Longitude	Cowardin Class	Estimated amount of aquatic resource in review area	Class of aquatic resource
1				4.882 acres	non-section 10 – wetland
2				536 linear feet	non-section 10- non-wetland
3				14.965 acres	section 10 – tidal
4					
5					
6					

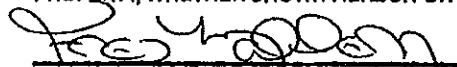
LEGEND

-  Project Study Area
-  Critical Area Boundary
-  Survey Point

Note: The areas depicted are for the purpose of establishing a Critical Area Line by the S.C. Department of Health and Environmental Control, Ocean and Coastal Resource Management (OCRM). Only areas under the jurisdiction of OCRM are depicted. Areas under the jurisdiction of the U.S. Army Corps of Engineers are not depicted.

FIGURE 5A

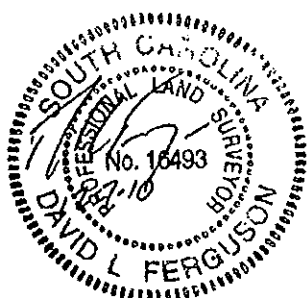
THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF THE DEPARTMENT, THE DEPARTMENT IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREON OR NOT.

 02-03-11
SIGNATURE DATE

The critical line shown on this plat is valid for five years from the date of this signature, subject to the cautionary language above.

M.T.D.
12/01/10
B.L.T.
12/06/10
DRAWN BY:
DATE:
REVIEWED BY:
DATE:

SC-41 BRIDGE REPLACEMENT PROJECT
CRITICAL AREA BOUNDARY
Charleston and Berkeley Counties, South Carolina






0 100 200 400 Feet

H109
H108
H107
H105
H106
H102
H103
H112 OUT



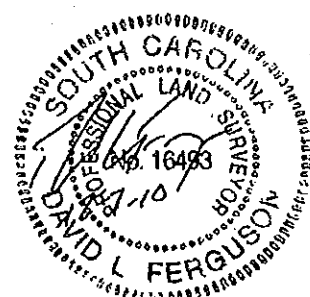
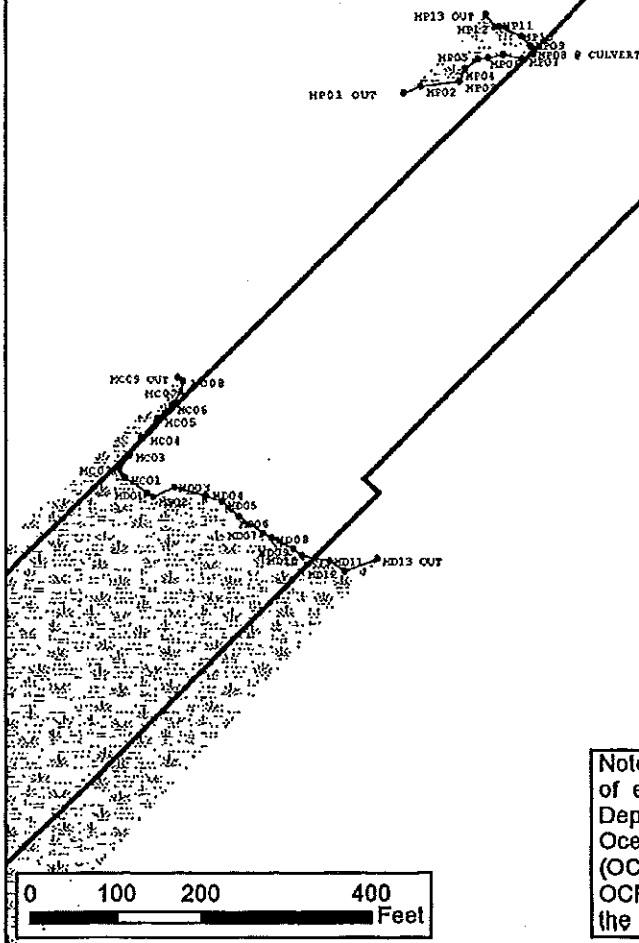
LEGEND

-  Project Study Area
-  Critical Area Boundary
-  Survey Point




THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF THE DEPARTMENT, THE DEPARTMENT IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREON OR NOT.

Res. Y. Gaden 02-03-11
SIGNATURE DATE

The critical line shown on this plat is valid for five years from the date of this signature, subject to the cautionary language above.



Note: The areas depicted are for the purpose of establishing a Critical Area Line by the S.C. Department of Health and Environmental Control, Ocean and Coastal Resource Management (OCRM). Only areas under the jurisdiction of OCRM are depicted. Areas under the jurisdiction of the U.S. Army Corps of Engineers are not depicted.

		FIGURE 5B	
		M.T.D. 12/01/10	B.L.T. 12/06/10
DRAWN BY: DATE:		REVIEWED BY: DATE:	
SC-41 BRIDGE REPLACEMENT PROJECT CRITICAL AREA BOUNDARY Charleston and Berkeley Counties, South Carolina			
 South Carolina Department of Transportation		 Civil Engineering Consulting Services, Inc.	

LEGEND



Project Study Area



Critical Area
Boundary

• Survey Point

THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF THE DEPARTMENT, THE DEPARTMENT IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREON OR NOT.

[Signature] 02-03-11
SIGNATURE DATE

The critical line shown on this plat is valid for five years from the date of the signature subject to the cautionary language above.

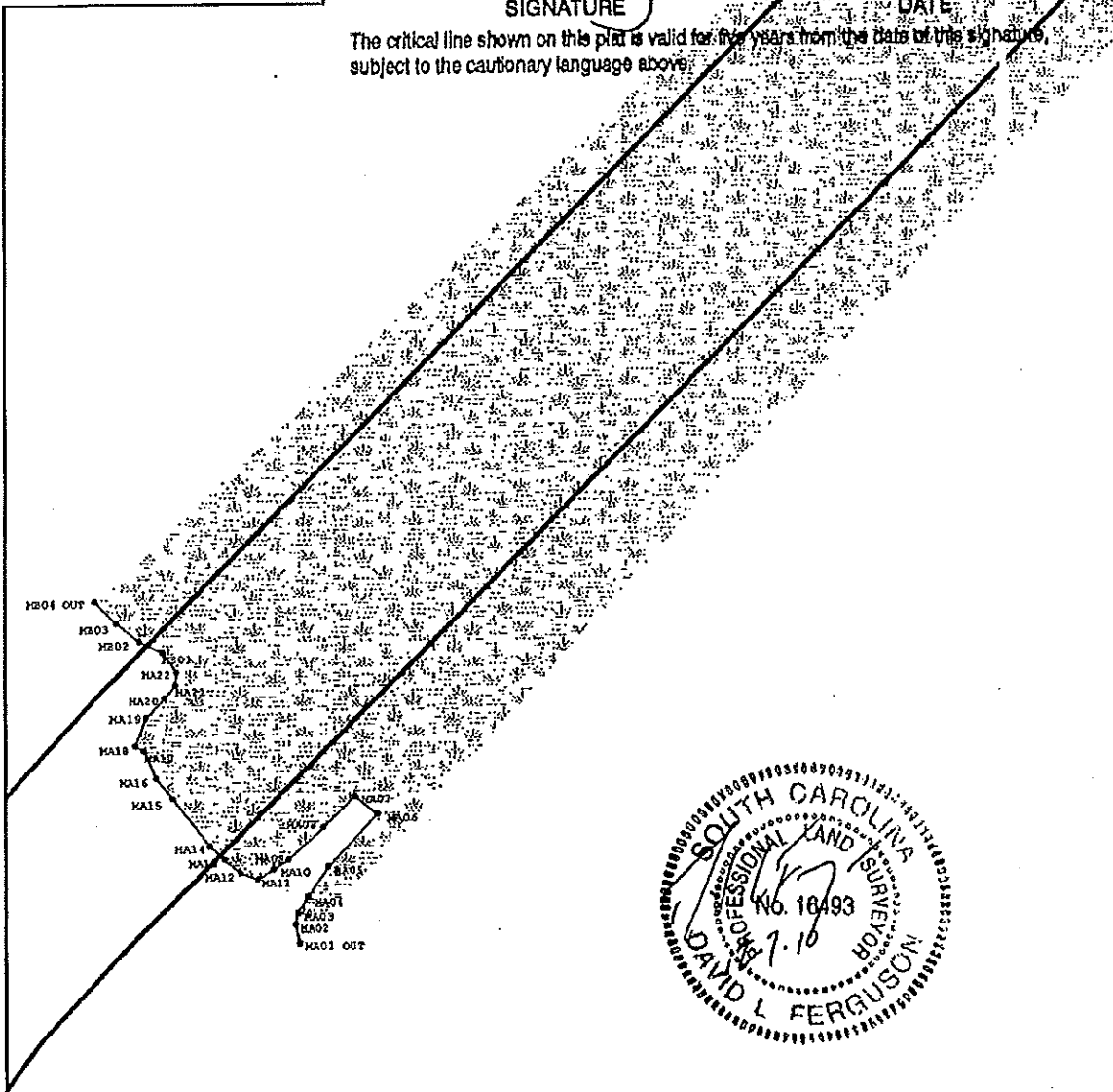


FIGURE 5C

M.T.D.
12/01/10

B.L.T.
12/06/10

DRAWN BY:
DATE:

REVIEWED BY:
DATE:

SC-41 BRIDGE REPLACEMENT PROJECT

CRITICAL AREA BOUNDARY

Charleston and Berkeley Counties, South Carolina



SCDOT
SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION

Note: The areas depicted are for the purpose of establishing a Critical Area Line by the S.C. Department of Health and Environmental Control, Ocean and Coastal Resource Management (OCRM). Only areas under the jurisdiction of OCRM are depicted. Areas under the jurisdiction of the U.S. Army Corps of Engineers are not depicted.

LEGEND



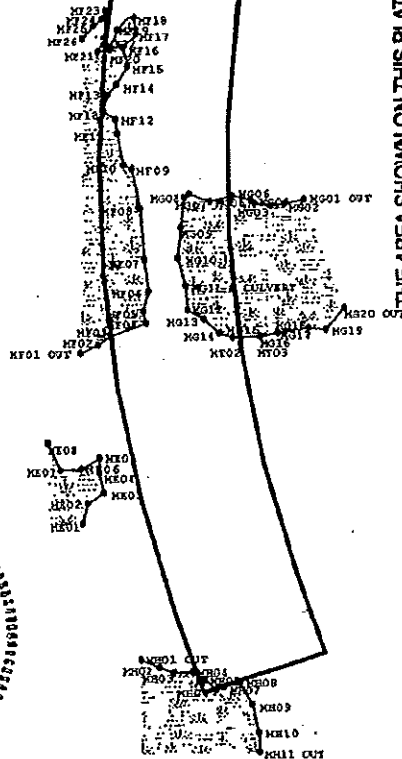
Project Study Area



Critical Area Boundary



Survey Point

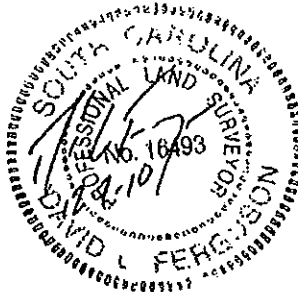


THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF THE DEPARTMENT, THE DEPARTMENT IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREON OR NOT.

[Signature] DATE 03-11

SIGNATURE

The critical line shown on this plat is valid for five years from the date of this signature, subject to the cautionary language above.



0 100 200 400 Feet

Note: The areas depicted are for the purpose of establishing a Critical Area Line by the S.C. Department of Health and Environmental Control, Ocean and Coastal Resource Management (OCRM). Only areas under the jurisdiction of OCRM are depicted. Areas under the jurisdiction of the U.S. Army Corps of Engineers are not depicted.



FIGURE 5D

M.T.D.
12/01/10

DRAWN BY:
DATE:

B.L.T.
12/06/10

REVIEWED BY:
DATE:

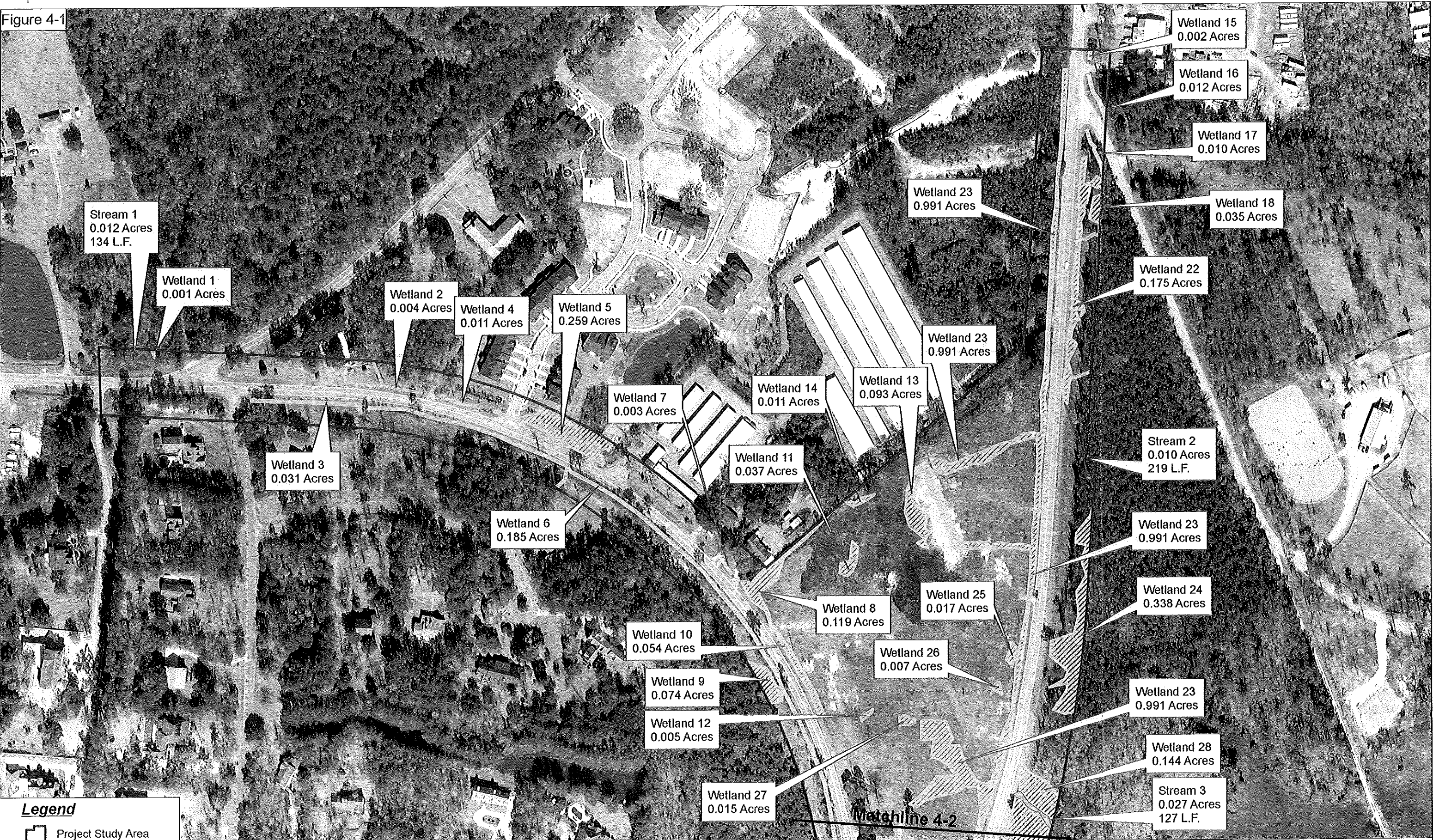
SC-41 BRIDGE REPLACEMENT PROJECT
CRITICAL AREA BOUNDARY

Charleston and Berkeley Counties, South Carolina



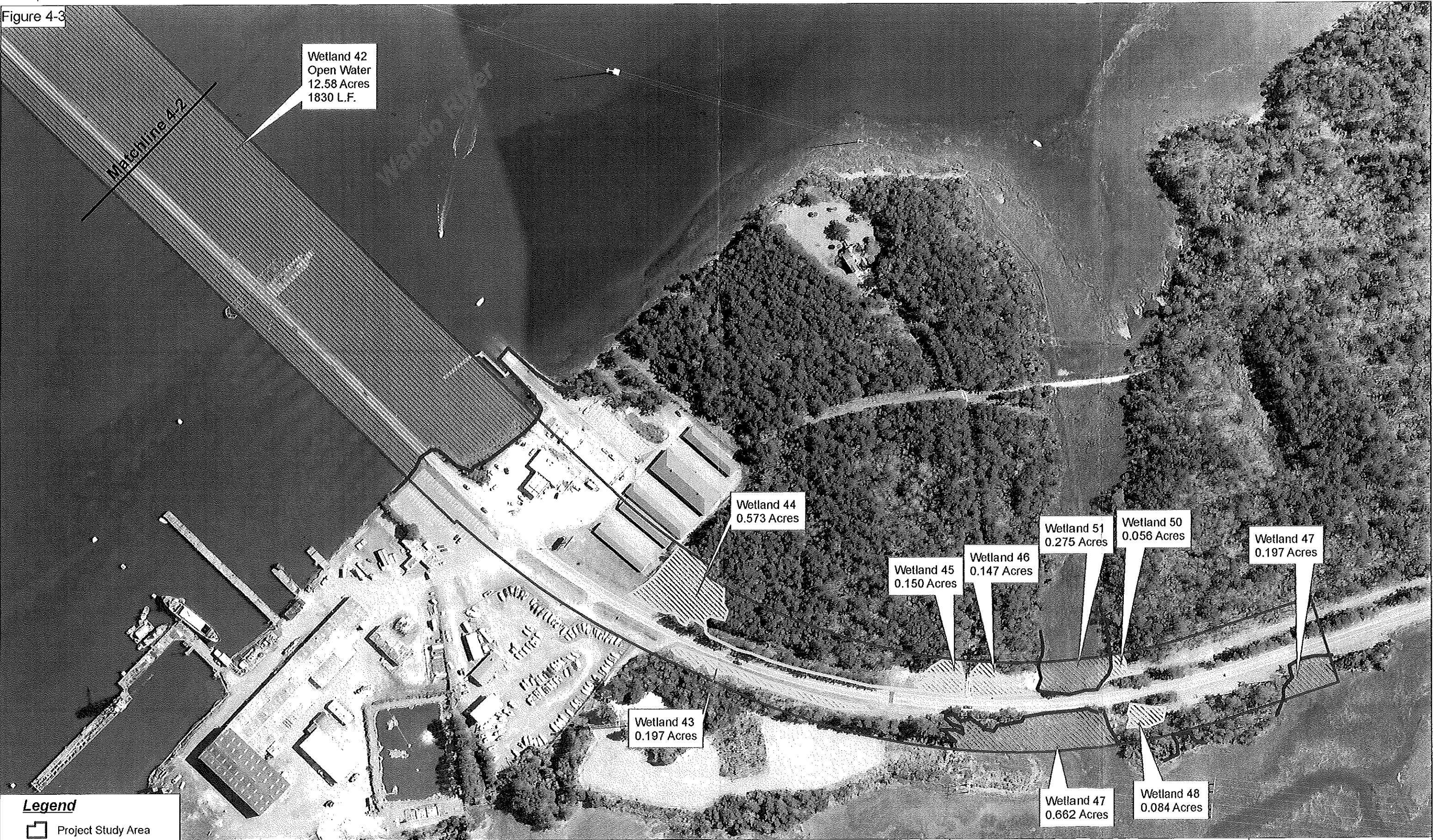
SCDOT
SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION

Figure 4-1




Civil Engineering Consulting Services, Inc.

Figure 4-3




Legend

- Project Study Area
- Critical Boundary
- Saltwater
- Freshwater
- Stream



DRAWN BY: J.L.S.
DATE: 12/07/11

0 200 400 Feet

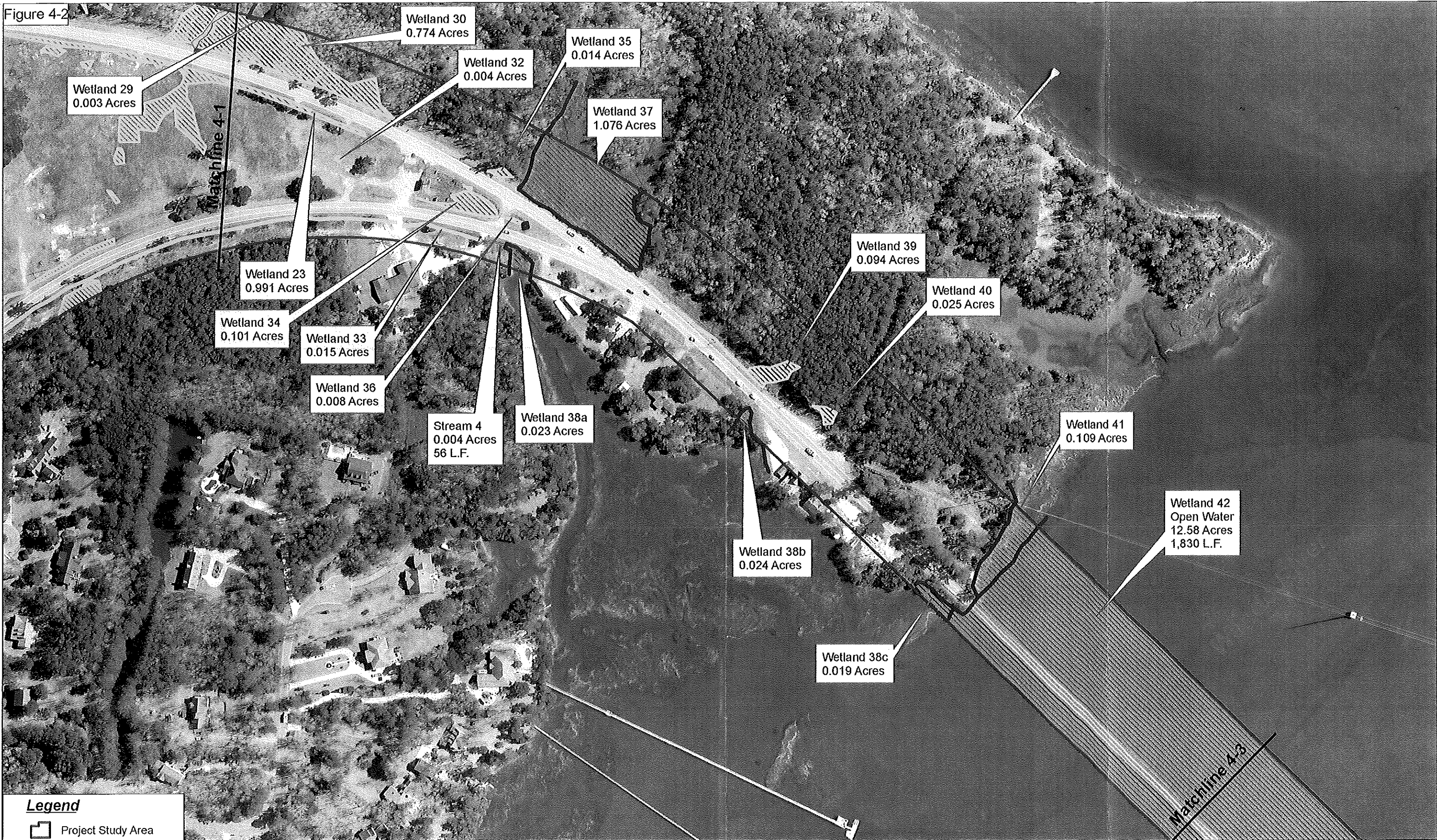


SC-41 BRIDGE
REPLACEMENT PROJECT
JURISDICTIONAL AREAS
Charleston and Berkeley Counties

Jurisdictional Areas Within Project Corridor	
Project Corridor	64.91 Acres
Jurisdictional Waters	19.9 Acres

SCDOT
SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION

 Civil Engineering Consulting Services, Inc.



Legend

- Project Study Area
- Critical Boundary
- Saltwater
- Freshwater
- Stream

DRAWN BY: J.L.S.

DATE: 12/07/11

0 200 400 Feet

SC-41 BRIDGE
REPLACEMENT PROJECT

JURISDICTIONAL AREAS

Charleston and Berkeley Counties

Jurisdictional Areas Within Project Corridor	
Project Corridor	64.91 Acres
Jurisdictional Waters	19.9 Acres

SCDOT
SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION

Civil Engineering
Consulting Services, Inc.