



DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, SC 29403

September 27, 2019

Regulatory Division

Mr. Sean Connolly
South Carolina Department of Transportation
955 Park Street, Rm 506
Columbia, South Carolina 29202

Dear Mr. Connolly:

This is in response to your request for a Preliminary Jurisdictional Determination (PJD) (SAC-2019-01374) (SCDOT PIN P037127) received in our office on August 21, 2019, for an 8.07-acre site located at and in the vicinity of US 15 over Indian Field Swamp, in St. George, Dorchester County, South Carolina (Latitude: 33.230003°N, Longitude: 80.539478°W). A PJD is used to indicate the approximate location(s) and boundaries of wetlands and/or other aquatic resources presumed to be waters of the United States on a site pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. § 1344) and/or navigable waters of the United States pursuant to Section 10 of the Rivers and Harbors Act of 1899 (RHA) (33 U.S.C. § 403).

The site in question is shown on the attached Figures 1 thru 4 of 4, entitled "SAC-2019-01374_US 15 (over Indian Field Swamp)" and dated September 26, 2019, prepared by Three Oaks Engineering. Based upon on-site inspection, a review of aerial photography, topographic maps, National Wetlands Inventory maps, soil survey information, and Wetland Determination Data Form(s), it is concluded the boundaries shown on the referenced figures are a reasonable approximation of the aquatic resources found within the site that are presumed to be subject to regulatory jurisdiction of the Corps of Engineers. The site in question contains 2.35 acres of federally defined wetlands that are presumed to be waters of the United States subject to regulatory jurisdiction under Section 404 of the CWA.

You are cautioned the boundaries of the delineated wetlands and/or other aquatic resources presumed to be subject to regulatory jurisdiction of the Corps of Engineers shown on the attached depiction are approximate and subject to change.

By providing this PJD, the Corps of Engineers is making no legally binding determination of any type regarding whether jurisdiction exists over the particular aquatic resource(s) in question. This PJD is not a definitive determination of the presence or absence of areas within the Corps of Engineers' jurisdiction, and, therefore, it does not have an expiration date. A PJD is "preliminary" in the sense that a recipient of a PJD can later request and obtain an Approved Jurisdictional Determination (AJD) for a definitive, official determination of the presence or absence of jurisdictional aquatic resources on a site, including the identification of the geographic limits of the jurisdictional aquatic resources. In order for a definitive determination of jurisdiction to be provided, you must submit a request for an AJD.

Be aware a permit from this office may be required for certain activities in the areas identified as wetlands and/or other aquatic resources that are presumed to be subject to regulatory

jurisdiction of the Corps of Engineers, and these areas may be subject to restrictions or requirements of other state or local government entities. A PJD may be used as the basis of a permit decision; however, 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 aquatic resources affected in any way by the permitted activity as jurisdictional. If you intend to request an AJD in the future, you are advised not to commence work in these wetlands and/or other aquatic resources presumed to be jurisdictional prior to receiving the AJD. Attached is a Preliminary Jurisdictional Determination Form describing the areas in question and clarifying the option to request an AJD.

Please note that this is a PJD, and 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 PJD, a copy of this letter, as well as the figures should be submitted as part of the application. Otherwise, a delay could occur in confirming that a PJD was performed for the proposed project area.

It should also be noted 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 to determine the limits of their jurisdiction.

This PJD was conducted to identify approximate location(s) of aquatic resources presumed to be subject to regulatory jurisdiction of the Corps of Engineers on the particular site identified in this request. This PJD 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.

Attached is a copy of the Preliminary Jurisdictional Determination Form signed by our office. Please sign, retain a copy for your records, and return a signed copy to this office within 30 days of receipt of this letter.

In all future correspondence concerning this matter, please refer to file number SAC-2019-01374. 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 Mr. Ivan W. Fannin III, Project Manager, at (843) 329-8134.

Sincerely,

Amanda Heath
Chief, Special Projects Branch

Attachments:

Preliminary Jurisdictional Determination Form
Figures entitled "SAC-2019-01374_US 15 (over Indian Field Swamp)"
Notification of Appeal Options

Copies Furnished:

Mr. Russell Chandler
Three Oaks Engineering, Inc.
1022 State Street
Cayce, SC 29033

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

**Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM
BACKGROUND INFORMATION**

A. REPORT COMPLETION DATE FOR PJD:

B. NAME AND ADDRESS OF PERSON REQUESTING PJD:

Applicant:

Mr. Will McGoldrick
SCDOT
955 Park Street, Rm 506
Columbia, South Carolina 29202

Consultant:

Mr. Russell Chandler
Three Oaks Engineering
1022 State Street
Cayce, SC 29033

C. DISTRICT OFFICE, FILE NUMBER, AND NAME:

Charleston District, SAC-2019-01374_US 15 Bridges (over Indian Field Swamp)
SCDOT #P037127

PROJECT LOCATION(S) AND BACKGROUND INFORMATION: The project is located at and in the vicinity of US 15 over Indian Field Swamp, in St. George, Dorchester County, South Carolina. Overall, the project site totals 8.07 acres.

(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: South Carolina County: Dorchester City: St. George
Center coordinates of site:
Lat.: 33.230003° N Long.: 80.539478° W
Name of nearest waterbody: Indian Field Swamp

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

- Office (Desk) Determination. Date:
 Field Determination. Date(s): September 13, 2019

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 (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
Wetland WWA	33.230294	-80.539542	2.24 Ac	Wetland	404
Wetland WWB	33.230906	-80.538997	0.11 Ac	Wetland	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 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: Map(s): Project Location, Topographic, NWI, Hydrography, Elevation Model, Soils, aerials, and wetland depictions submitted by the applicant.
- Data sheets prepared/submitted by or on behalf of the PJD requestor.
 - Office concurs with the conclusion reached by the data sheets/delineation report.
 - Office does not concur with data sheets/delineation report. Rationale:

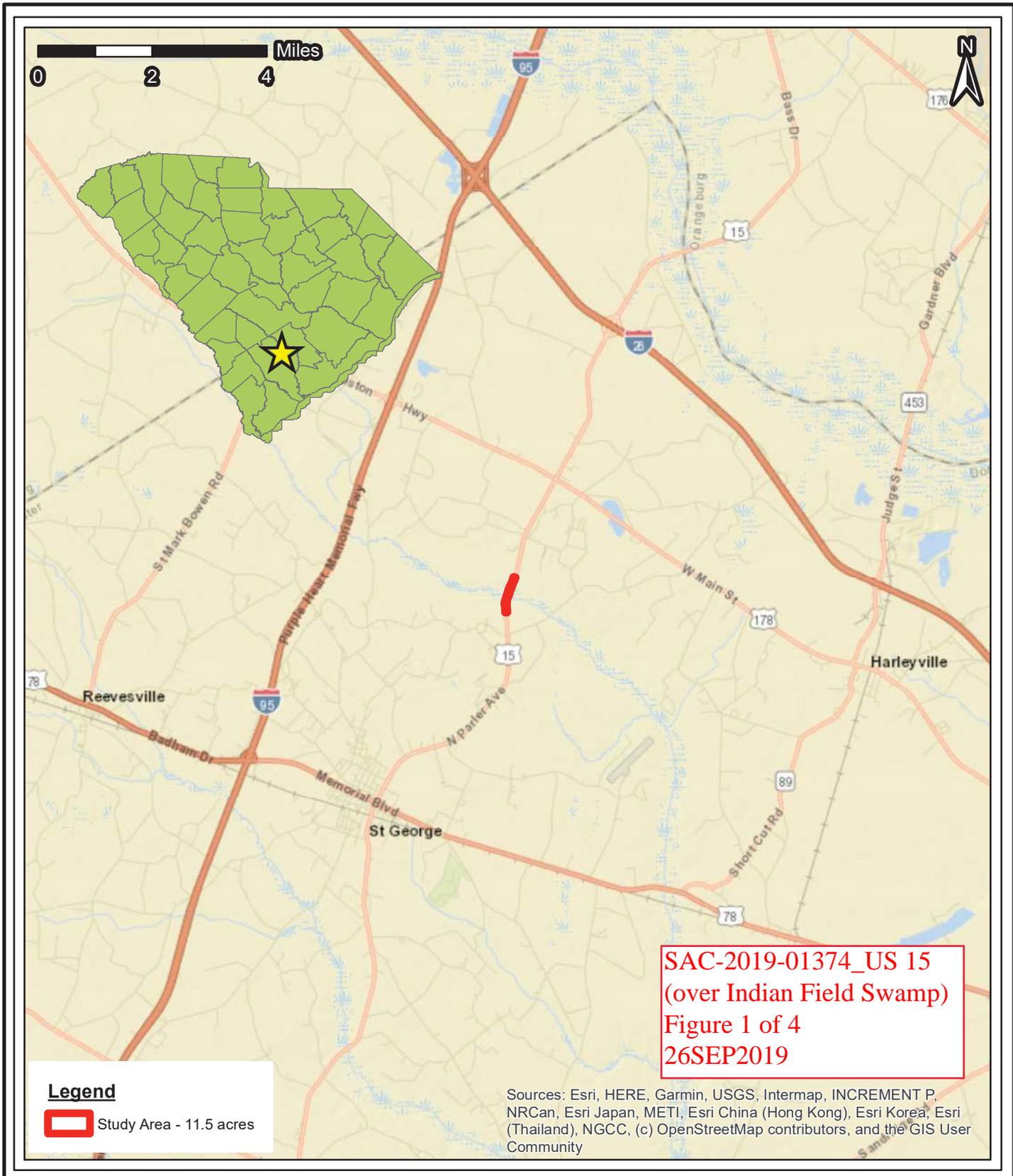
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
 - U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data. USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map: USGS 7.5' Quadrangle Series Dorchester County
- Natural Resources Conservation Service Soil Survey: Dorchester County
- National wetlands inventory map(s). Cite name: USFWS NWI, Dorchester County
- State/local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is:
- Photographs: Aerial (Name & Date): Google Earth
 - Other (Name & Date): Applicant provided site photos.
- Previous determination(s). File no. and date of response letter:
- Other information:

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 requestor to return signed PJD forms. If the requestor 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.

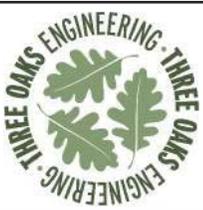


SAC-2019-01374_US 15
 (over Indian Field Swamp)
 Figure 1 of 4
 26SEP2019

Legend

 Study Area - 11.5 acres

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCAn, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

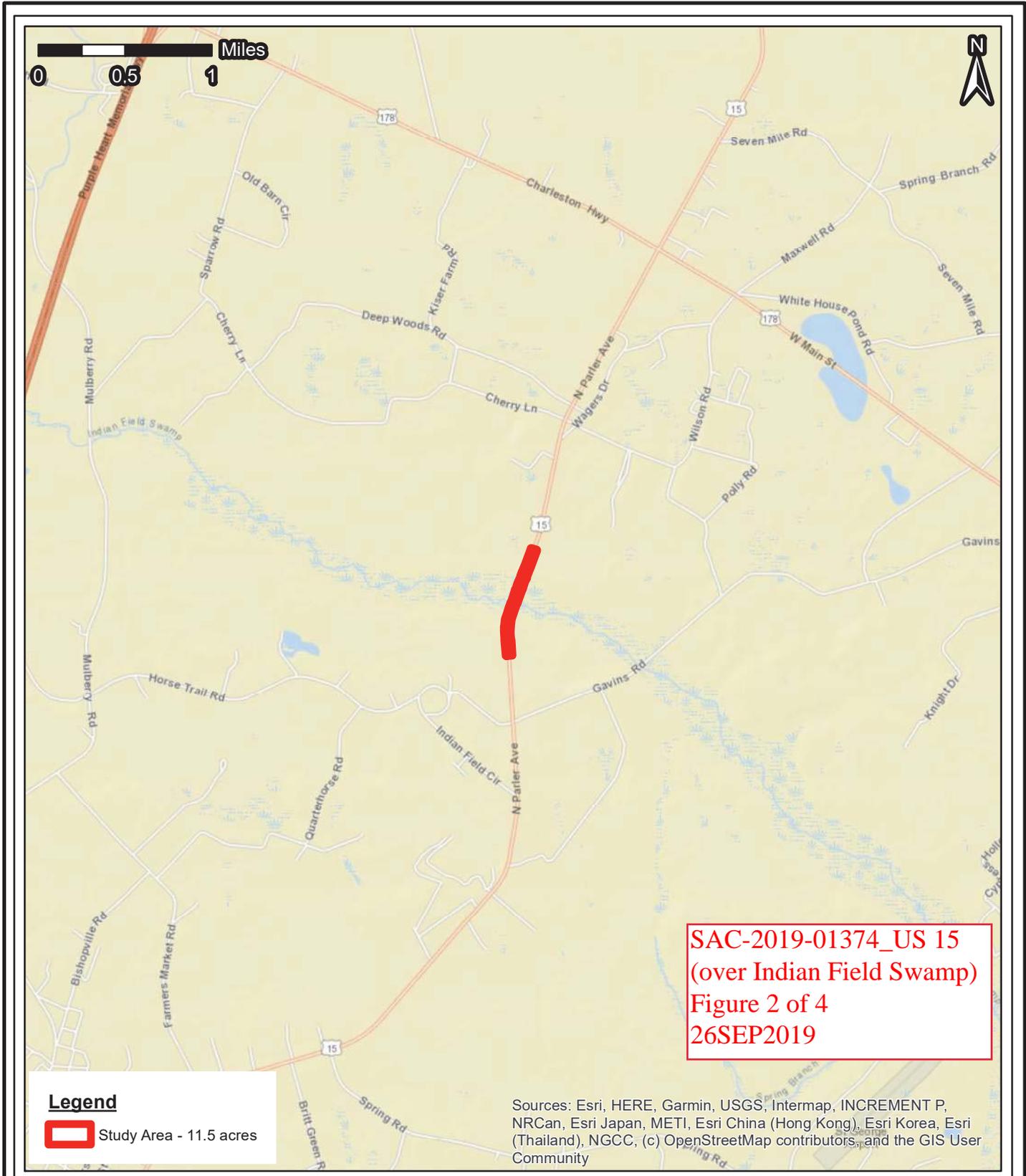


Prepared For:


**US 15 over
 Indian Field Swamp**
 Jurisdictional Determination
 Dorchester County, South Carolina

Date:	August, 2019
Scale:	1:150,000
Job No.:	19-110
Drawn By:	WCB
Checked By:	TRC

**Small
 Scale
 Location
 Map**



SAC-2019-01374_US 15
 (over Indian Field Swamp)
 Figure 2 of 4
 26SEP2019

Legend

 Study Area - 11.5 acres

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCAn, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



Prepared For:


**US 15 over
 Indian Field Swamp**
 Jurisdictional Determination
 Dorchester County, South Carolina

Date: August, 2019	
Scale: 1:50,000	
Job No.: 19-110	
Drawn By: WCB	Checked By: TRC

**Large
 Scale
 Location
 Map**

0 500 1,000 Feet



Name	Area	Lat	Long
WWA	2.24	33.230294	-80.539542
WWB	0.11	33.230906	-80.538997



Figure 2

SAC-2019-01374_US 15
(over Indian Field Swamp)
Figure 3 of 4
26SEP2019

Legend

-  Study Area - 11.5 acres
-  Wetlands - 2.35 acres
-  Non-Aquatic Linear Feature

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Prepared For:

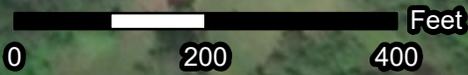


**US 15 over
Indian Field Swamp**

Jurisdictional Determination
Dorchester County, South Carolina

Date:	September, 2019
Scale:	1:6,000
Job No.:	19-110
Drawn By:	WCB
Checked By:	TRC

Figure
1



Name	Area	Lat	Long
WWA	2.24	33.230294	-80.539542
WWB	0.11	33.230906	-80.538997

Legend

- Study Area - 11.5 acres
- Wetlands - 2.35 acres
- Wetland Data Point
- Upland Data Point
- Photo Location & Direction

SAC-2019-01374_US 15
 (over Indian Field Swamp)
 Figure 4 of 4
 26SEP2019

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Prepared For:

**US 15 over
 Indian Field Swamp**
 Jurisdictional Determination
 Dorchester County, South Carolina

Date: September, 2019	
Scale: 1:2,400	
Job No.: 19-110	
Drawn By: WCB	Checked By: TRC

**Figure
 2**

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: Jason W. Steele
Administrative Appeals Review Officer
USACE South Atlantic Division
60 Forsyth St, SW
Atlanta, GA 30308-8801
(404) 562-5137

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: