



APPENDIX B: Jurisdictional Determination

Prepared for:



Prepared by:





DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A HAGOOD AVENUE
CHARLESTON, SC 29412

Regulatory Division

Mr. Will McGoldrick
SCDOT
955 Park Street
Columbia, SC 29201
mcgoldriwr@scdot.org

Dear Mr. McGoldrick:

This is in response to your request for a preliminary jurisdictional determination (PJD). 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-2022-01082
County:	Charleston County
Project/Site Size:	473.5 Acres
Latitude/Longitude:	32.843627° / -79.871134°
Project/Site Location:	Long Point Road / Wando Port Interchange
Waters (Total):	Tidal Wetlands: 19.54 Acres
	Non-Tidal Wetlands: 15.3 Acres
	Non-Wetlands (Stream): 51.4 LF (0.004-Acre)
	Non-Wetlands (Ponds): 10.71 Acres

A copy of the PJD form and associated aquatic resources figures 7 thru 13 dated September 26, 2022, and titled "Long Point Road Interchange", is enclosed. Please carefully read this form, then sign and return a copy to the project manager at the following Ivan.Fannin@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 and/or Office of Ocean and Coastal Resource Management, to determine the limits of their jurisdiction.

In all future correspondence, please refer to file number SAC-2022-01082. A copy of this letter is forwarded to State and/or Federal agencies for their information. If you have any questions, please contact Ivan W. Fannin at (843) 329-8134, or by email at Ivan.Fannin@usace.army.mil.

Sincerely,



Ivan W. Fannin III
Project Manager

Enclosures:

- Preliminary Jurisdictional Determination Form
- PJD Tables and Figures titled "Long Point Road Interchange"
- Notification of Appeal Options

Electronic Copies Furnished:

- Mr. Wade Biltoft
Three Oaks Engineering
Wade.biltoft@threeoaksengineering.com
- SC DHEC - Bureau of Water
WQCWetlands@dhec.sc.gov
- SCDHEC - OCRM
OCRMPermitting@dhec.sc.gov

BACKGROUND INFORMATION**A. REPORT COMPLETION DATE FOR PJD:** 12 OCT 2022**B. NAME AND ADDRESS OF PERSON REQUESTING PJD:**

Will McGoldrick
 SCDOT
 955 Park Street
 Columbia, SC 29201
 mcgoldriwr@scdot.org

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:

CESAC, Long Point Road / Wando Port Interchange, SAC-2022-01082

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

State: SC County/parish/borough: Charleston County City: Charleston
 Center coordinates of site:
 Lat.: 32.843627° Long.: -79.871134°
 Universal Transverse Mercator:
 Name of nearest waterbody: Wando River and Hobcaw Creek

E. REVIEW PERFORMED FOR SITE EVALUATION:

- ☐ Office (Desk) Determination. Date:
☒ Field Determination. Date(s): 17 August 2022

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

Site Number	Latitude (degrees)	Longitude (degrees)	Estimated amount of aquatic resource in review area	Type of aquatic resource	Geographic authority to which the aquatic resource "may be" subject
See Attached "Table 2: Aquatic Resources"					

- 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

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

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: Project Location, Project Vicinity, Aerial, Topographic, Soils, NWI, and Aquatic Features included with the original submittal entitled "Long Point Road Interchange" dated by the Corps 26 SEP 2022.
- ☒ Data sheets prepared/submitted by or on behalf of the PJD requestor. Wetland data forms and information included in the original submittal are considered to be a reasonable representation of site conditions at the time of collection.
- ☒ Office concurs with data sheets/delineation report re-submitted following the site visit on 17 August 2022.
- ☐ Office does not concur with data sheets/delineation report. Rationale:

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

- ___ Data sheets prepared by the Corps: N/A
___ Corps navigable waters' study: N/A
___ U.S. Geological Survey Hydrologic Atlas: N/A
X U.S. Geological Survey map(s). Cite scale & quad name: 7.5-minute topographic
quadangle: Charleston, SC & Ft. Moultrie, SC
X Natural Resources Conservation Service Soil Survey: Charleston, SC
X National wetlands inventory map(s). Cite name: USFWS NWI - Charleston, SC
___ State/local wetland inventory map(s): N/A
___ FEMA/FIRM maps: N/A
___ 100-year Floodplain Elevation is: N/A
X Photographs: _X_ Aerial (Source & Date): Aerials provided by consultant with the JD
package.
or _X_ Other (Name & Date): Photos provided by consultant with the JD
package.
X Previous determination(s): A portion of the review area for this PJD is associated with a
previous permit (SAC-26-1992-762) issued to the SC Ports Authority to fill 1.27 acres of
freshwater wetlands to include an executed Restrictive Covenant (dated 21 December
1992) protecting two wetland areas shown on the attached figures, but not included, for
this PJD (i.e., Wetland G and Wetland K).
___ 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.



12 OCT 2022

Signature and date of Regulatory staff
member completing PJD

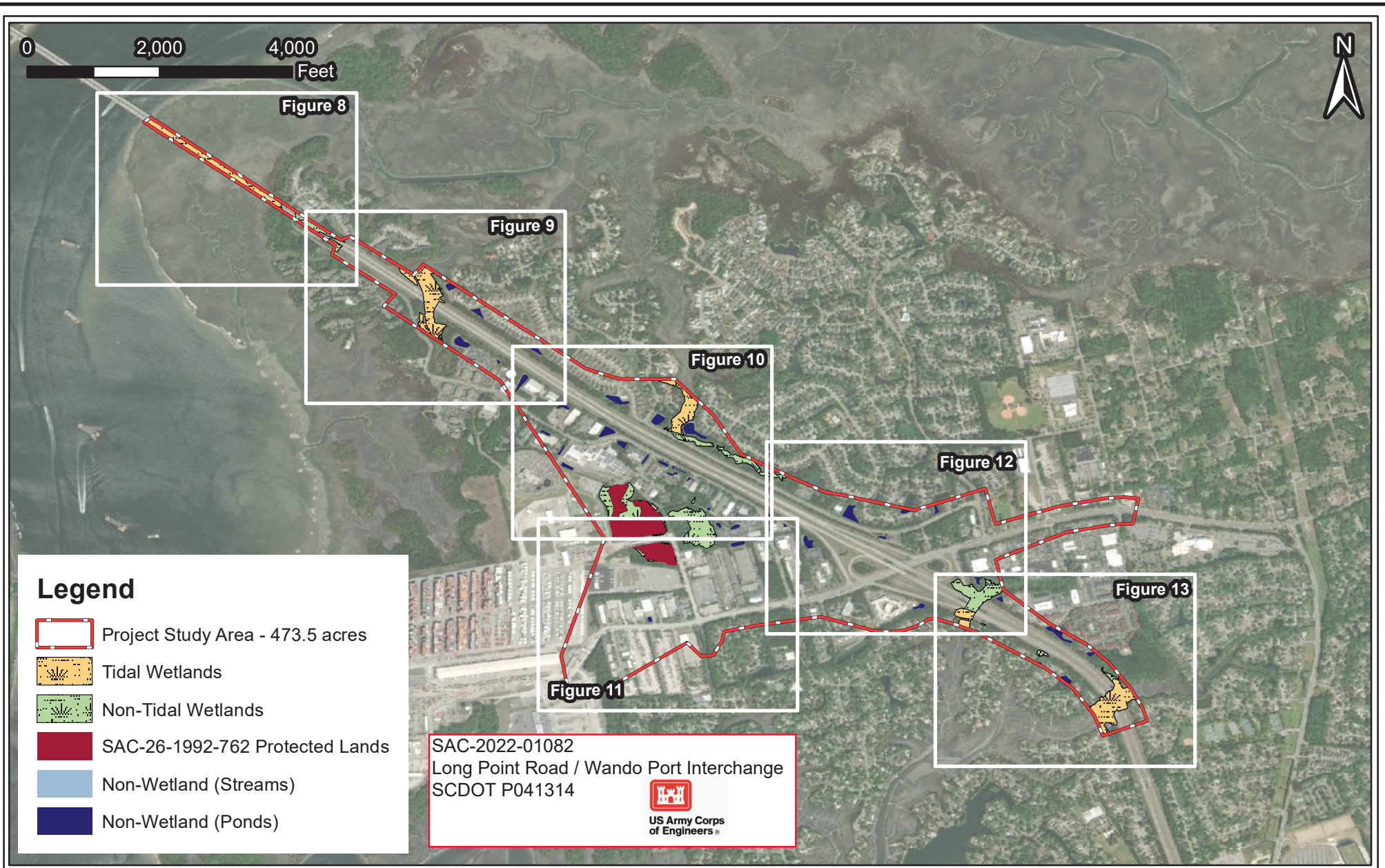
Signature and date of person requesting
PJD (REQUIRED, unless obtaining the
signature is impracticable)¹

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.

Table 2: Aquatic Resources

Name	Area (Acres)	Length (Linear Feet)	Latitude	Longitude	Authority
Tidal Wetlands					
CAA	5.08	N/A	32.856391	-79.890849	Section 10/404
CAB	5.47	N/A	32.850746	-79.881979	Section 10/404
CAC	3.00	N/A	32.846223	-79.871427	Section 10/404
CAD	1.12	N/A	32.837248	-79.859798	Section 10/404
CAE	4.87	N/A	32.833953	-79.853658	Section 10/404
Total	19.54	N/A	--	--	--
Non-Tidal Wetlands					
WA	0.28	N/A	32.854134	-79.887300	Section 404
WB	0.74	N/A	32.853642	-79.886498	Section 404
WC	0.35	N/A	32.853004	-79.885823	Section 404
WD	0.05	N/A	32.849079	-79.881422	Section 404
WE	0.89	N/A	32.844940	-79.871119	Section 404
WF	1.46	N/A	32.843919	-79.868660	Section 404
WG1	1.06	N/A	32.842398	-79.874569	Section 404
WG2	1.83	N/A	32.842163	-79.873627	Section 404
WG3	0.01	N/A	32.842382	-79.873215	Section 404
WG4	0.13	N/A	32.842170	-79.872667	Section 404
WG5	0.11	N/A	32.841542	-79.872242	Section 404
WG6	0.07	N/A	32.841015	-79.872430	Section 404
WG7	0.01	N/A	32.840866	-79.873383	Section 404
WI	0.04	N/A	32.842388	-79.871004	Section 404
WJ	4.36	N/A	32.841152	-79.870718	Section 404
WK1	0.12	N/A	32.840230	-79.873168	Section 404
WK2	0.03	N/A	32.840639	-79.872164	Section 404
WK3	0.01	N/A	32.839984	-79.871739	Section 404
WK4	0.04	N/A	32.839921	-79.872761	Section 404
WL	3.26	N/A	32.838381	-79.859348	Section 404
WM	0.02	N/A	32.837280	-79.859025	Section 404
WN	0.02	N/A	32.836875	-79.859016	Section 404
WO	0.20	N/A	32.836070	-79.856592	Section 404
WP	0.02	N/A	32.835641	-79.856680	Section 404
WQ	0.20	N/A	32.835153	-79.853779	Section 404
Total	15.30	--	--	--	--
Non-Wetland (Streams)					
SA	0.004	51.4	32.835423	-79.854197	Section 404
Total	0.004	51.4	--	--	--
Non-Wetland (Ponds)					
OWA	0.34	N/A	32.851258	-79.881026	Section 404
OWB	0.30	N/A	32.850192	-79.879899	Section 404
OWC	0.63	N/A	32.848939	-79.880583	Section 404
OWD	0.06	N/A	32.848139	-79.879056	Section 404
OWE	0.24	N/A	32.848627	-79.877512	Section 404
OWF	0.44	N/A	32.847316	-79.878073	Section 404
OWG	0.22	N/A	32.846292	-79.876381	Section 404
OWH	0.14	N/A	32.845195	-79.877115	Section 404
OWI	0.11	N/A	32.844469	-79.876455	Section 404
OWJ	0.22	N/A	32.843817	-79.876213	Section 404
OWK	0.61	N/A	32.846561	-79.874160	Section 404
OWL	0.58	N/A	32.845237	-79.874563	Section 404
OWM	0.57	N/A	32.845745	-79.872453	Section 404
OWN	0.28	N/A	32.844736	-79.873931	Section 404
OWP	0.13	N/A	32.844105	-79.872974	Section 404

OWQ	0.86	N/A	32.845304	-79.871035	Section 404
OWR	0.03	N/A	32.845042	-79.871621	Section 404
OWS	0.16	N/A	32.843933	-79.872227	Section 404
OWT	0.02	N/A	32.844030	-79.871742	Section 404
OWU	0.08	N/A	32.843685	-79.871629	Section 404
OWV	0.12	N/A	32.843502	-79.871855	Section 404
OWW	0.05	N/A	32.843280	-79.871175	Section 404
OWX	0.04	N/A	32.842049	-79.870346	Section 404
OWY	0.11	N/A	32.841376	-79.869929	Section 404
OWZ	0.18	N/A	32.841308	-79.869249	Section 404
OWAA	0.11	N/A	32.837482	-79.872783	Section 404
OWAB	0.29	N/A	32.840613	-79.869139	Section 404
OWAC	0.08	N/A	32.840778	-79.868337	Section 404
OWAD	0.06	N/A	32.841754	-79.867802	Section 404
OWAE	0.04	N/A	32.841374	-79.867190	Section 404
OWAF	0.47	N/A	32.840654	-79.866241	Section 404
OWAG	0.83	N/A	32.841856	-79.864491	Section 404
OWAH	0.27	N/A	32.841977	-79.862202	Section 404
OWAI	0.10	N/A	32.840861	-79.863147	Section 404
OWAJ	0.14	N/A	32.842031	-79.860941	Section 404
OWAK	0.22	N/A	32.838012	-79.861626	Section 404
OWAL	0.18	N/A	32.839123	-79.859205	Section 404
OWAM	0.04	N/A	32.839259	-79.858359	Section 404
OWAN	0.15	N/A	32.838318	-79.858275	Section 404
OWAO	0.69	N/A	32.836886	-79.855875	Section 404
OWAP	0.16	N/A	32.836056	-79.854531	Section 404
OWAQ	0.37	N/A	32.834974	-79.855562	Section 404
Total	10.71	N/A	--	--	--



Legend

- Project Study Area - 473.5 acres
- Tidal Wetlands
- Non-Tidal Wetlands
- SAC-26-1992-762 Protected Lands
- Non-Wetland (Streams)
- Non-Wetland (Ponds)

SAC-2022-01082
Long Point Road / Wando Port Interchange
SCDOT P041314



Prepared For:



Long Point Road Interchange

Aquatic Resources Map

Charleston County, South Carolina

Date:
September 26, 2022

Scale:
1 in = 2,000 ft

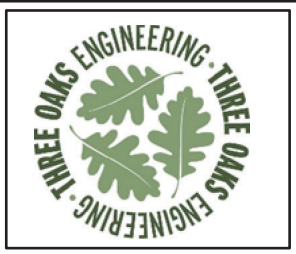
Job No.:
17-615

Drawn By:
ZCB

Checked By:
WCB

Figure

7



Prepared For:

SCDOT
South Carolina Department of Transportation

Long Point Road Interchange

Aquatic Resources Map

Charleston County, South Carolina

Date:
September 26, 2022

Scale:
1 in = 400 ft

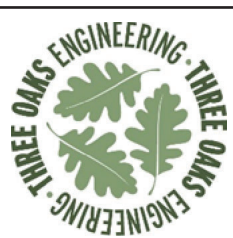
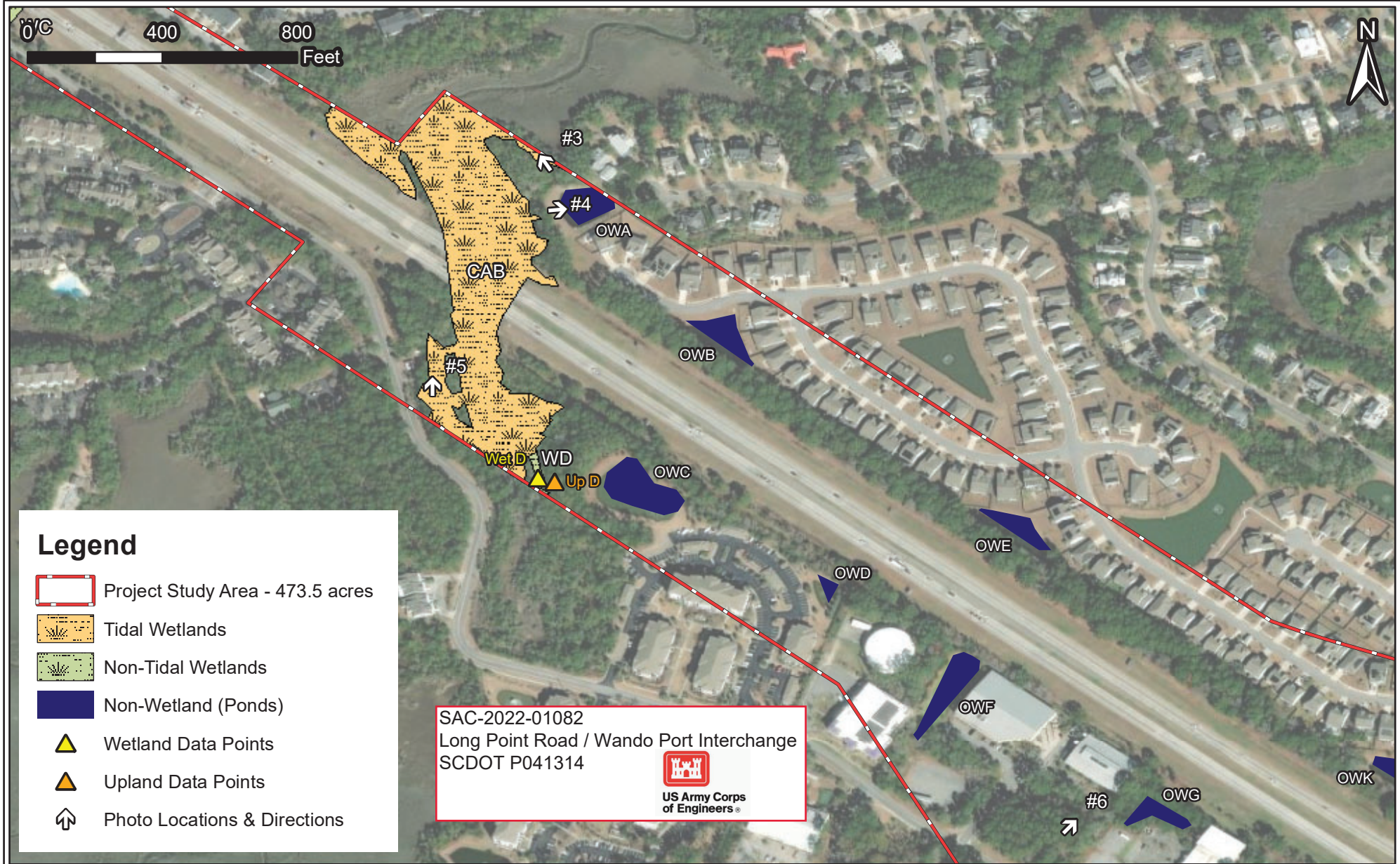
Job No.:
17-615

Drawn By:
ZCB

Checked By:
WCB

Figure

8



Prepared For:



Long Point Road Interchange

Aquatic Resources Map

Charleston County, South Carolina

Date:
September 26, 2022

Scale:
1 in = 400 ft

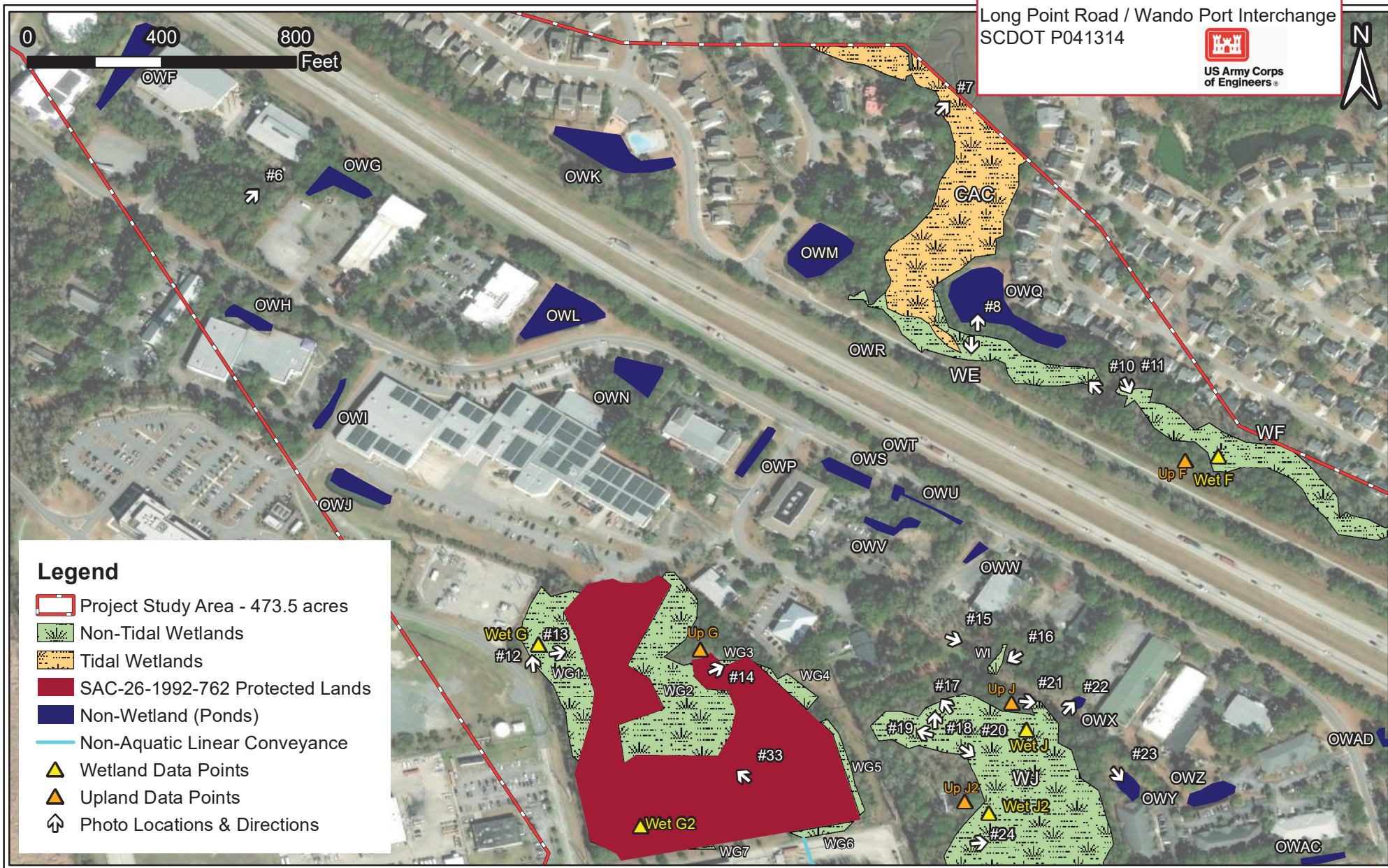
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17-615

Drawn By:
ZCB

Checked By:
WCB

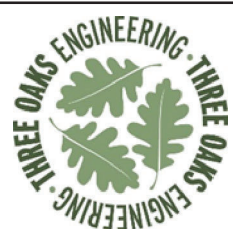
Figure

9



Legend

- Project Study Area - 473.5 acres
- Non-Tidal Wetlands
- Tidal Wetlands
- SAC-26-1992-762 Protected Lands
- Non-Wetland (Ponds)
- Non-Aquatic Linear Conveyance
- Wetland Data Points
- Upland Data Points
- Photo Locations & Directions



Prepared For:



Long Point Road Interchange

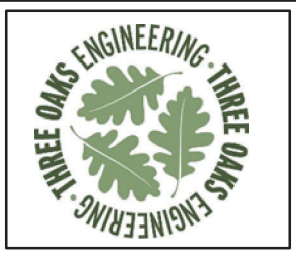
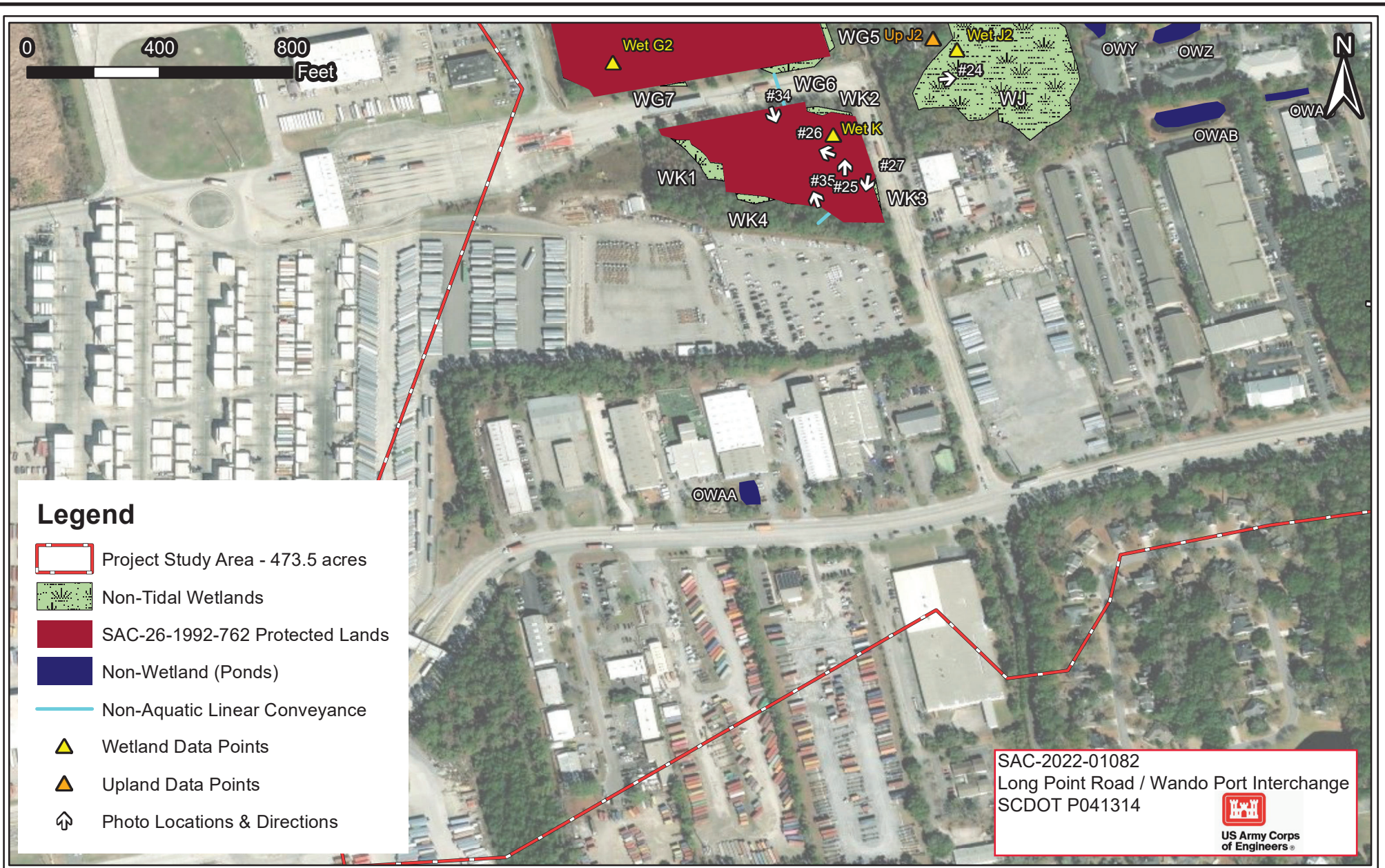
Aquatic Resources Map

Charleston County, South Carolina

Date: September 26, 2022	
Scale: 1 in = 400 ft	
Job No.: 17-615	
Drawn By: ZCB	Checked By: WCB

Figure

10



Prepared For:

SCDOT
 South Carolina Department of Transportation

Long Point Road Interchange

Aquatic Resources Map

Charleston County, South Carolina

Date:
September 26, 2022

Scale:
1 in = 400 ft

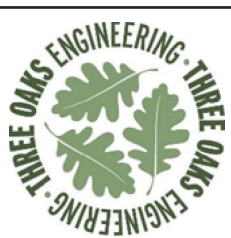
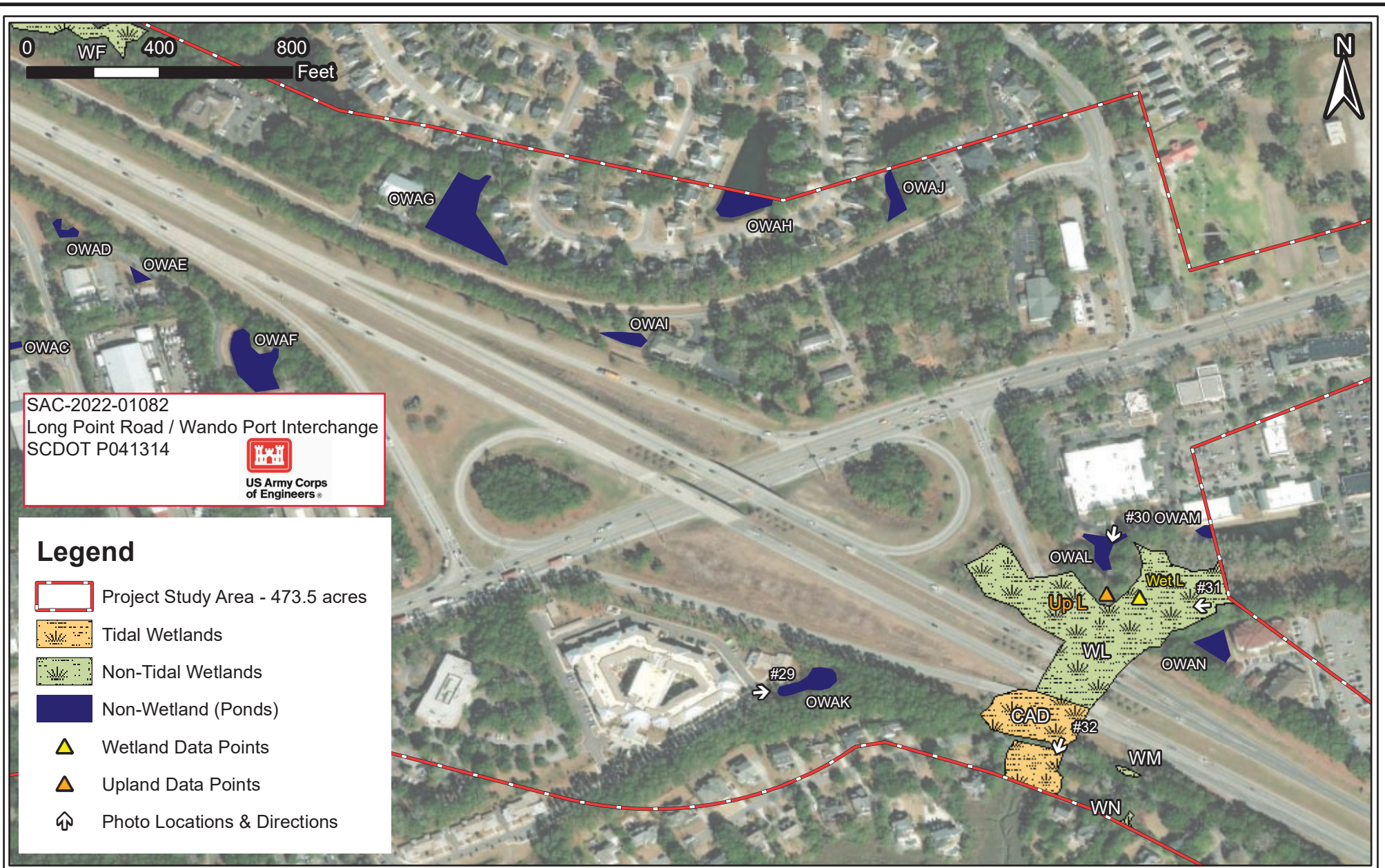
Job No.:
17-615

Drawn By:
ZCB

Checked By:
WCB

Figure

11



Prepared For:



Long Point Road Interchange

Aquatic Resources Map

Charleston County, South Carolina

Date:
September 26, 2022

Scale:
1 in = 400 ft

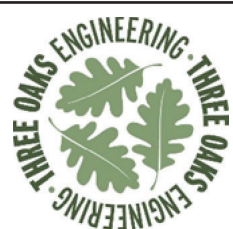
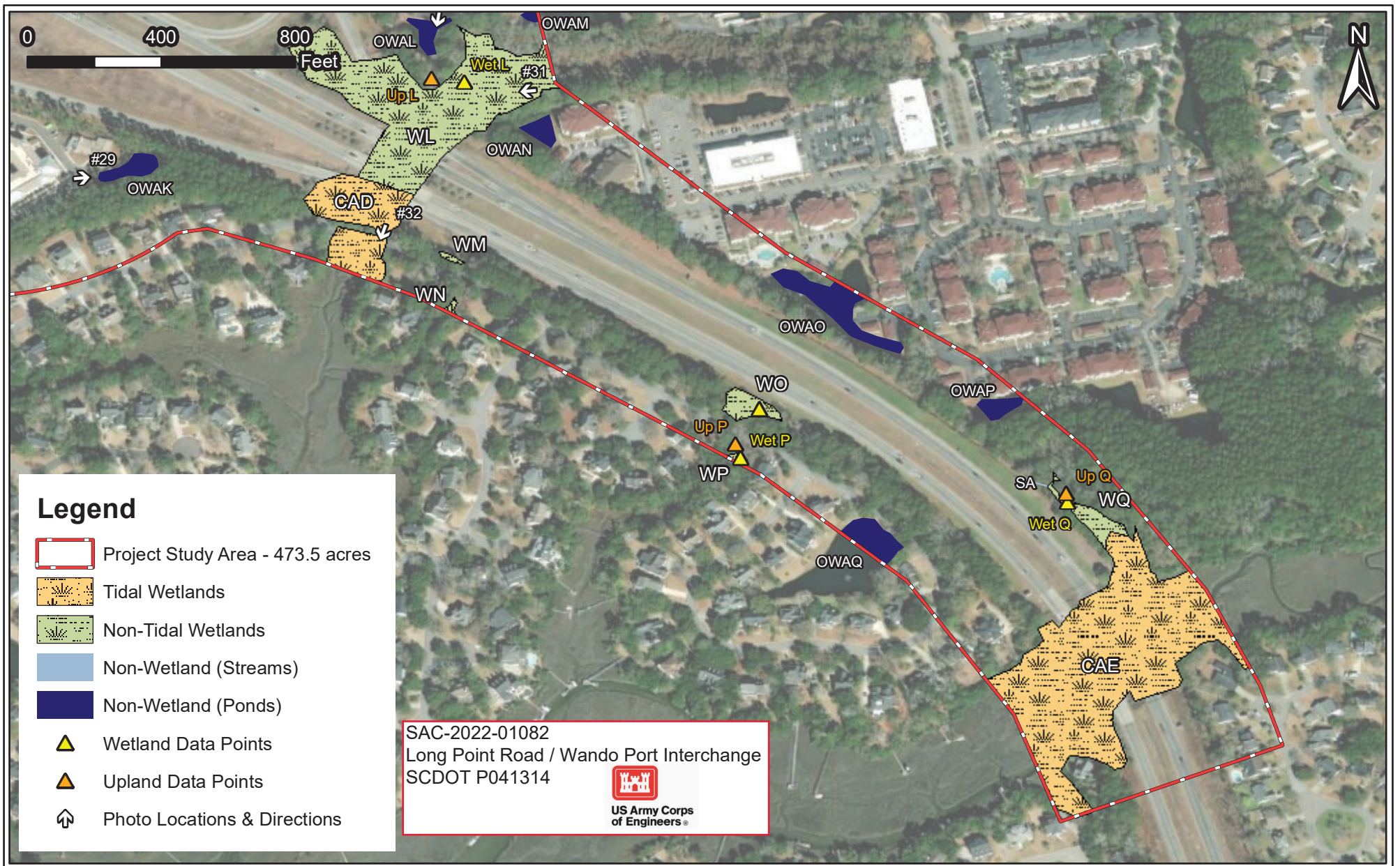
Job No.:
17-615

Drawn By:
ZCB

Checked By:
WCB

Figure

12



Prepared For:



Long Point Road Interchange

Aquatic Resources Map

Charleston County, South Carolina

Date:	September 26, 2022
Scale:	1 in = 400 ft
Job No.:	17-615
Drawn By:	ZCB
Checked By:	WCB

Figure

13

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: SCDOT/Will McGoldrick	File Number: SAC-2022-01082_Long Point Rd/Wando Port Interchange	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 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://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: