



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

04 February 2019

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Environmental Management
SCDOT

Regulatory Division

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

Dear Mr. Connolly:

This letter is in response to your request for a Preliminary Jurisdictional Determination (PJD) (SAC-2015-01080) received in our office on January 7, 2019, for a 1,482-acre site located in Richland and Lexington Counties. The site in question is shown in Figures 6-1 to 6-35 on the enclosed CD, entitled "Figures 6-1 to 6-35, "Delineated Waters of the U.S., Sheets 1-35 of 35, Carolina Crossroads" and dated November 15, 2018 prepared by Mead & Hunt for South Carolina Department of Transportation. A PJD is used to indicate that this office has identified the approximate location(s) and boundaries of wetlands and/or other aquatic resources that are presumed to be waters of the United States on the site pursuant to Section 404 of the Clean Water Act (CWA) (33 USC § 1344).

Based on a review of aerial photography, topographic maps, National Wetlands Inventory maps, soil survey information, and Wetland Determination Data Forms, it has been concluded that 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 approximately 12.219 acres of federally defined wetlands and approximately 0.739 acre and 27,922 linear feet of other aquatic resources that are presumed to be waters of the United States that are subject to regulatory jurisdiction under Section 404 of the CWA.

You are cautioned that the boundaries of the delineated wetlands and/or other aquatic resources that are presumed to be subject to regulatory jurisdiction of the Corps of Engineers shown on the enclosed depiction are approximate and subject to change. **Also, please be aware, that due to revisions to the project area, this PJD supersedes the former PJDs the Corps provided for the Carolina Crossroads project dated June 27, 2018 and March 9, 2016.**

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. In this regard, 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 that there are, or that there are not, 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.

2015-01080

You should be aware that 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. 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 that would be affected in any way by the permitted activity on the site 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 that are presumed to be jurisdictional prior to receiving the AJD. Enclosed 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 as such 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 and attached 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. Specifically, you are encouraged to contact the South Carolina Department of Health and Environmental Control to determine the limits of their jurisdiction.

This PJD has been conducted for the purpose of identifying the approximate location(s) of aquatic resources that are 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.

Enclosed 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-2015-01080. 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 Stephen A. Brumagin, Project Manager, at (803) 253-3445.

Sincerely,



Amanda L. Heath
Chief, Special Projects

Enclosures:

Preliminary Jurisdictional Determination Form

Notification of Appeal Options

Self-addressed envelope

CD containing: Figures 6-1 to 6-35, entitled "Delineated Waters of the U.S., Sheets 1-35 of 35, Carolina Crossroads", dated 11/15/2018

Copies Furnished:

Ms. Siobhan Gordon (Electronic copy, w/o enclosures)

SC Department of Transportation

GordonSO@scdot.org

Mr. Matt DeWitt, PWS (Electronic copy, w/o enclosures)

Mead & Hunt

Matt.DeWitt@MeadHunt.com

South Carolina Department of

Health and Environmental Control (Electronic copy, w/o enclosures)

Bureau of Water

WQCWetlands@dhec.sc.gov

