



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

April 26, 2023

Regulatory Division



Dear [REDACTED]:

This is in response to your request for an Approved Jurisdictional Determination (AJD) (SAC-2022-01636) received in our office on November 9, 2022, for a 3.2-acre site located on Old Beech Hill Road, Dorchester County, South Carolina (Latitude: 33.0128°, Longitude: -80.3886°). An AJD is used to indicate the Corps has identified the presence or absence of wetlands and/or other aquatic resources on a site, including their accurate location(s) and boundaries, as well as their jurisdictional status 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 is shown on the attached map entitled "Davu Tract" and dated November 9, 2022 prepared by Newkirk Environmental. Based on a review of aerial photography, topographic maps, National Wetlands Inventory maps, and soil survey information, and Wetland Determination Data Form, we conclude the site, as shown on the referenced map, does not contain any aquatic resources, including aquatic resources that would be subject to regulatory jurisdiction under Section 404 of the CWA or Section 10 of the RHA.

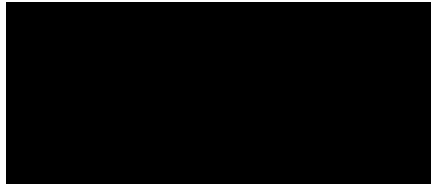
Attached is a form describing the basis of jurisdiction for the delineated area(s). Note that some or all of these areas may be regulated by other state or local government agencies and you should contact the South Carolina Department of Health and Environmental Control, Bureau of Water, or Department of Ocean and Coastal Resource Management, to determine the limits of their jurisdiction.

This AJD is valid for five (5) years from the date of this letter unless new information warrants revision before the expiration date. This AJD is an appealable action under the Corps of Engineers administrative appeal procedures defined at 33 CFR Part 331. The administrative appeal options, process and appeals request form is attached for your convenience and use.

This AJD was conducted pursuant to Corps of Engineers' regulatory authority to identify the limits of Corps of Engineers' jurisdiction for the particular site identified in this request. This AJD 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.

In all future correspondence, please refer to file number SAC-2022-01636. A copy of this letter is forwarded to State and/or Federal agencies for their information. If you have any questions, please contact Brittany Fournet, Project Manager, at 843-329-8046, or by email at brittany.a.fournet@usace.army.mil.

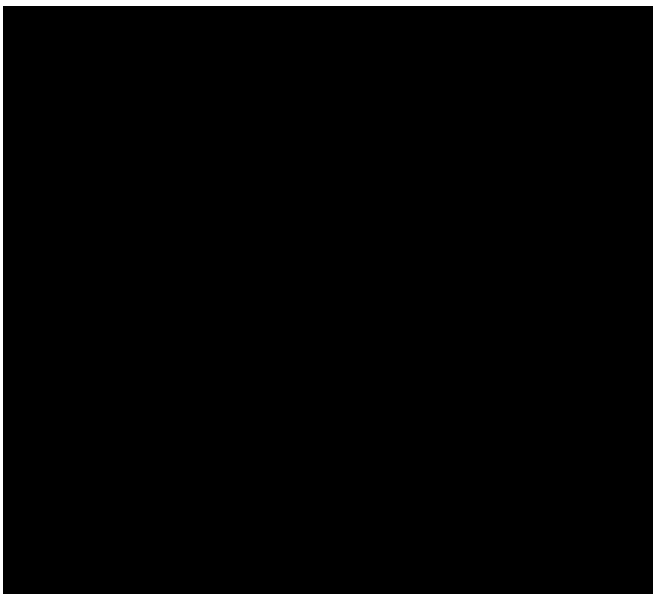
Sincerely,



Attachments:

Dry Land Approved Jurisdictional Determination Form
Notification of Appeal Options
"Davu Tract" Map

Copies Furnished:



DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

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

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: SAC-2022-01636 Davu Tract

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: South Carolina County/parish/borough: Dorchester County City: Ridgeville

Center coordinates of site (lat/long in degree decimal format): Lat. 33.0128938954423 °, Long. -80.3886938239668 °

Universal Transverse Mercator:

Name of nearest waterbody: Edisto River

Name of watershed or Hydrologic Unit Code (HUC): HUC 12-030502060302

- ☐ Check if map/diagram of review area is available upon request.
- ☒ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form. (Previous JD: SAC-2008-01259)

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

- ☒ Office (Desk) Determination. Date: **3/14/2023**
- ☐ Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **are no** “*navigable waters of the U.S.*” within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **are no** “*waters of the U.S.*” within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall 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: Data Point Map submitted as part of JD request dated November 9, 2022.
- ☒ 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:
- ☐ 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: USGS Quad map submitted as part of JD request dated November 9, 2022.
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Soils Map submitted as part of JD request dated November 9, 2022.
- ☒ National wetlands inventory map(s). Cite name: submitted as part of the JD request dated November 9, 2022
- ☐ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☒ 100-year Floodplain Elevation is: X (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Data Point Map with aerial imagery submitted as part of JD request dated November 9, 2022.
- ☐ ☒ Other (Name & Date): Site photos submitted as part of JD request dated November 2022.
- ☒ Previous determination(s). File no. and date of response letter: SAC-2008-01259 dated January 7, 2009, available in archives
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☒ Other information (please specify): The applicant did not submit the entire parcel property for review. It appears the Applicant submitted the upland portion of the property for review only.

¹ This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: There are no aquatic resources or potential aquatic resources in the 3.2-acre review area that would warrant the application of a wetland delineation, significant nexus analysis, navigability determination, and/or delineation of the ebb and flow of the tides. There are no features that have lateral limits of jurisdiction (e.g., OHWM).

Please note, although Newkirk Environmental, Inc. is confident in its assessments, the USACE is the only agency that can make final decisions regarding wetland delineations; therefore, all preliminary determinations are subject to change. Until verification is received from the USACE, no reliance may be made in this preliminary determination. Newkirk Environmental, Inc. strongly recommends that written verification be obtained prior to closing on the property, beginning any site work or making any legal reliance on this determination.



Data Point Map

Project #: 01-5271a Date: November 9 2022

Created by: LAB



Davu Tract
Dorchester County, South Carolina