



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

January 25, 2024

Regulatory Division



Dear [REDACTED]:

This is in response to your request for an Approved Jurisdictional Determination (AJD) (SAC-2020-01726) received in our office on June 9, 2022, for a 5.62-acre site located on Dunmeyer Hill Road, Licolnville Charleston County, South Carolina (Latitude: 33.0119°, Longitude: -80.1382°). 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 in question is shown on the attached survey plat entitled "Topographic/Tree/Wetlands Survey of TMS #385-15-00-031 & 017 Owned by BGE 2014 LLC and Joeprim G. Gustilo" and dated November 17, 2020 prepared by Michael S. Shulse. Based on an on-site inspection, a review of aerial photography, topographic maps, National Wetlands Inventory maps, soil survey information, and Wetland Determination Data Forms, we conclude the site, as shown on the referenced plat, does not contain any aquatic resources subject to Corps' jurisdiction under Section 404 of the CWA or Section 10 of the RHA.

The site contains 0.5-acres of freshwater wetlands as federally defined by the 1987 Corps of Engineers Wetland Delineation Manual and applicable regional supplement however, the 0.5-acres of freshwater wetlands are not considered subject to Corps' jurisdiction based upon U.S. Supreme Court decisions. The location and configuration of these non-jurisdictional areas are reflected on the above referenced plat. It should be clearly noted that decisions of the U.S. Supreme Court to exclude certain waters and wetlands from federal jurisdiction under the CWA have no effect on any state or local government restrictions or requirements concerning wetlands. You are strongly cautioned to ascertain whether such restrictions or requirements exist for the area in question before undertaking any activity which might impact these aquatic resources.

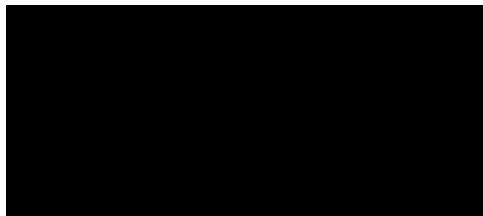
Attached is a Memorandum for Record describing the basis of jurisdiction for the delineated area(s). Note that some or all of these areas may be regulated by other state or local government entities and you should contact the South Carolina Department of Health and Environmental Control, Bureau of Water, 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-2020-01726. 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:

Memorandum for Record

Notification of Appeal Options

"Topographic/Tree/Wetlands Survey of TMS #385-15-00-031 & 017 Owned by BGE 2014 LLC and Joeprim G. Gustilo" Map

Copies Furnished:

[REDACTED]

[REDACTED]

[REDACTED]

