



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

August 8, 2019

Regulatory Division

Mr. Luke Bozich  
Newkirk Environmental, Inc.  
1887 Clements Ferry Road  
Charleston, South Carolina 29492  
luke@newkirkenv.com

Dear Mr. Bozich:

This is in response to your request for an Approved Jurisdictional Determination (AJD) (SAC-2019-00535) received in our office on April 2, 2019, for a 3.29-acre site located off Congressional Boulevard in Summerville, Dorchester County, South Carolina (Latitude: 33.0226°, Longitude: -80.2302°). An AJD is used to indicate that this office 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 "Wetland Exhibit TMS No. 136-01-04-033 / 3.29 Acres Located In The Town Of Summerville, Dorchester County, South Carolina" and dated June 14, 2019, prepared by Civil Site Environmental, Inc. Based on an on-site inspection, a review of aerial photography, topographic maps, National Wetlands Inventory maps, soil survey information, LIDAR, and Wetland Determination Data Form(s), this office has determined that the referenced site, as shown on the referenced plat, 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 area(s) in question. It should also be noted that some or all of these areas may be regulated by other state or local government entities and you are encouraged to contact the South Carolina Department of Health and Environmental Control, Bureau of Water or the 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-2019-00535. A copy of this letter is being forwarded to State and/or Federal agencies for their information. If you have any questions, please contact Leslie Estill, Project Manager, at (843) 329-8039, or by email at Leslie.A.Estill@usace.army.mil.

Sincerely,



SANDERS.TRACY.D.1  
241947870  
2019.08.08 10:49:08  
-04'00'

Tracy Sanders  
Biologist

Attachments:

Dry Land Approved Jurisdictional Determination Form

Notification of Appeal Options

Survey plat entitled "Wetland Exhibit TMS No. 136-01-04-033 / 3.29 Acres Located In The Town Of Summerville, Dorchester County, South Carolina"

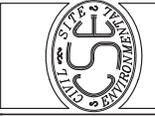
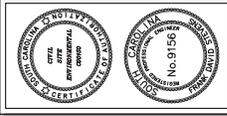
Copies Furnished:

Mr. David Stevens  
Civil Site Environmental, Inc.  
668 Marina Drive, Suite B-1  
Charleston , South Carolina 29492  
dstevens@civilsiteenv.com

SCDHEC – Bureau of Water  
2600 Bull Street  
Columbia, South Carolina 29201  
[WQCWetlands@dhec.sc.gov](mailto:WQCWetlands@dhec.sc.gov)

SCDHEC - OCRM  
1362 McMillan Avenue, Suite 400  
North Charleston, South Carolina 29405  
[williabn@dhec.sc.gov](mailto:williabn@dhec.sc.gov)

PROJECT: PINE FOREST TMS# 136-01-04-033  
 TITLE: WETLAND EXHIBIT  
 DRAWN BY: RMB  
 DATE: 06/14/2019  
 SCALE: 1" = 40'



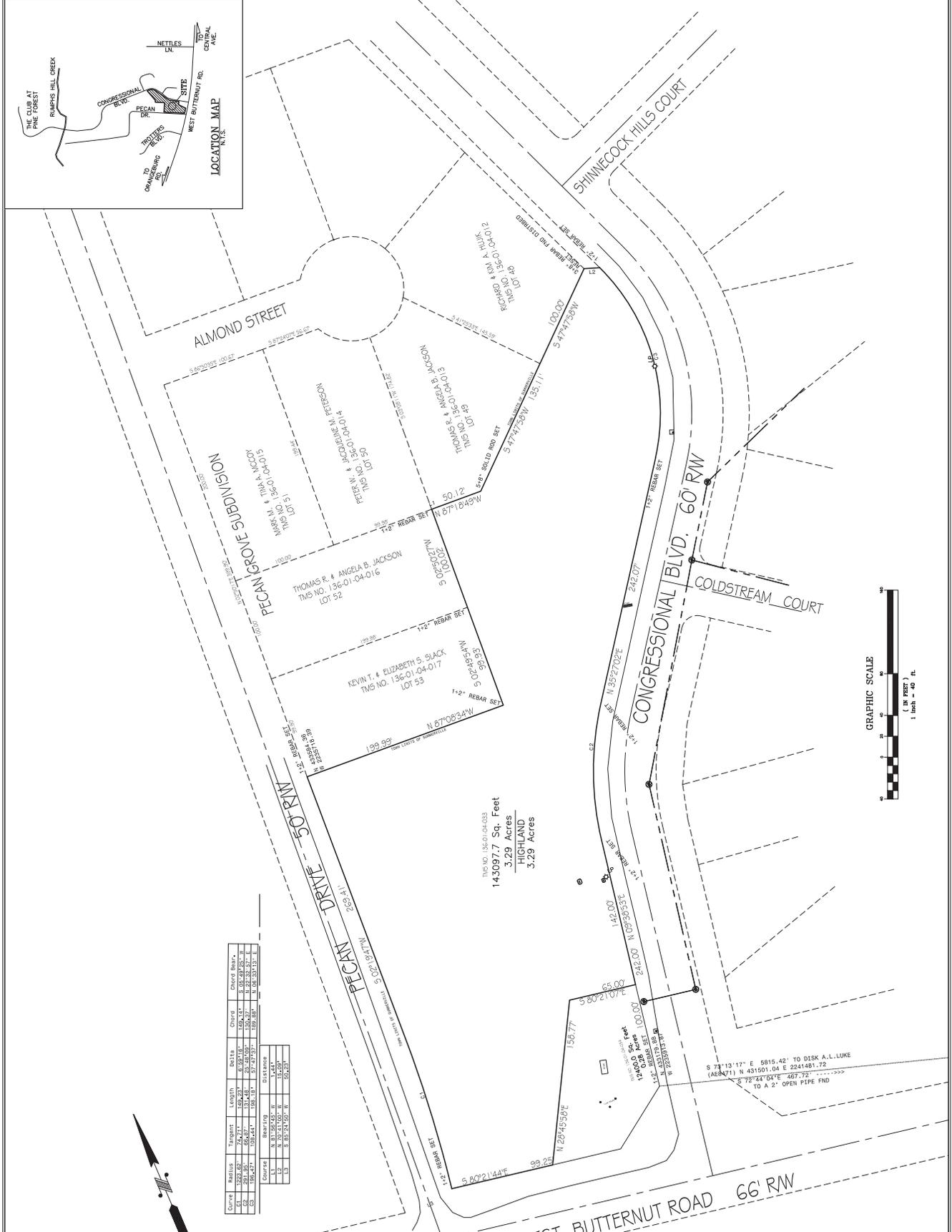
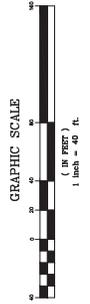
CSE JOB NUMBER  
 SHEET NUMBER  
**EX1**



Curve	Radius	Tangent	Length	Delta	Chord	Chord Bearing
C1	156.77	156.77	156.77	90.00	156.77	S 01.00.00 W
C2	242.00	242.00	242.00	90.00	242.00	S 01.00.00 W
C3	156.77	156.77	156.77	90.00	156.77	S 01.00.00 W

Curve	Bearing	Distance
C1	S 01.00.00 W	156.77
C2	S 01.00.00 W	242.00
C3	S 01.00.00 W	156.77

TMS NO. 136-01-04-033  
 143097.7 Sq. Feet  
 3.29 Acres  
 HIGHLAND  
 3.29 Acres



**DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM<sup>1</sup>**  
**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):** August 8, 2019

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** CESAC-RD-S; Congressional & Butternut; SAC-2019-00535

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:** A 3.29-acre site located off Congressional Boulevard.

State: **South Carolina** County/parish/borough: **Dorchester County** City: **Summerville**

Center coordinates of site (lat/long in degree decimal format): Lat. **33.0226350502406 °**, Long. **-80.2302475746877 °**

Universal Transverse Mercator: **NAD83**

Name of nearest waterbody: **Rumphs Hill Creek**

Name of watershed or Hydrologic Unit Code (HUC): **030502010506 Rumphs Hill Creek**

- 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.

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

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

**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: Survey plat entitled “Wetland Exhibit TMS No. 136-01-04-033 / 3.29 Acres Located In The Town Of Summerville, Dorchester County, South Carolina” and dated June 14, 2019, prepared by Civil Site Environmental, Inc.
- 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: Summerville
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date):
- Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

**B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: The 3.29-acre site consists entirely of dry land and contains no aquatic resources.**

<sup>1</sup> 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.

## 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: