



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

REPLY TO  
ATTENTION OF:

OCT 03 2018

Regulatory Division

Mr. Robert Strange  
Sabine & Waters Inc  
P O Box 1072  
Summerville, South Carolina 29484

Dear Mr. Strange:

This letter is in response to your request for a Preliminary Jurisdictional Determination (PJD) (SAC-2018-00499) received in our office on March 28, 2018, for a 62.8-acre site located off Sandridge Road near the intersection with US 78 in Dorchester, Dorchester County, South Carolina (Latitude: 33.1348 °N, Longitude: -80.4048 °W). A PJD is used to indicate the approximate location(s) and boundaries of wetlands and/or other aquatic resources that are presumed to be waters of the United States on a site 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 enclosed depiction entitled "Wetlands Exhibit Sandridge Tract II Dorchester County, SC" and dated May 24, 2018, prepared by Sabine and Waters, Inc. Based on an on-site inspection, a review of aerial photography, topographic maps, National Wetlands Inventory maps, soil survey information, and Wetland Determination Data Form(s), it has been concluded that the boundaries shown on the referenced depiction 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 0.8 acre of federally defined wetlands 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.

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.

RECEIVED

SEP 19 2019

DIVISION OF MINING  
SOLID WASTE MANAGEMENT  
BLWM

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, and these areas may be subject to restrictions or requirements of other state or local government entities. 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, as well as the depiction 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.

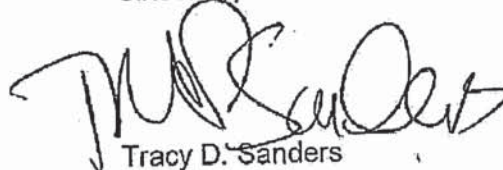
It should also be noted that some or all of these areas may be regulated by other state or local government entities. Specifically, you are encouraged to contact the South Carolina Department of Health and Environmental Control to determine the limits of their jurisdiction.

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 are two copies of the Preliminary Jurisdictional Determination Form signed by our office. Please sign both copies, retain one copy for your records and return one signed copy to this office in the enclosed self-addressed envelope within 30 days of receipt of this letter.

In all future correspondence concerning this matter, please refer to file number SAC-2018-00499. 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 Leslie Estill, Project Manager, at (843) 329-8039.

Sincerely,



Tracy D. Sanders  
Biologist

Enclosures:

Preliminary Jurisdictional Determination Form  
Notification of Appeal Options  
Self-addressed envelope  
Depiction entitled "Wetlands Exhibit Sandridge Tract II Dorchester County, SC"

Copies Furnished:

GB Way  
203 Railway Drive  
Dorchester, South Carolina 29437

South Carolina Department of  
Health and Environmental Control  
Bureau of Water  
2600 Bull Street  
Columbia, South Carolina 29201

South Carolina Department of Health  
and Environmental Control  
Office of Ocean and Coastal  
Resource Management  
1362 McMillan Avenue, Suite 400  
Charleston, South Carolina 29405

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: **OCT 03 2018**

B. NAME AND ADDRESS OF PERSON REQUESTING PJD:

**Applicant:**  
 GB Way  
 203 Railway Drive  
 Dorchester, South Carolina 29437

**Consultant:**  
 Mr. Robert Strange  
 Sabine & Waters Inc.  
 P O Box 1072  
 Summerville, South Carolina 29484

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: CESAC-RDS; Sandridge Tract 2; SAC-2018-00499

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION: The project is located off Sandridge Road near the intersection with US 78.

(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

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

Center coordinates of site (lat/long in degree decimal format):

Lat.: 33.134857942291 ° N Long.: -80.4048952040395 ° W

Universal Transverse Mercator: NAD83

Name of nearest waterbody: Lang Branch

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

Office (Desk) Determination. Date:

Field Determination. Date(s): May 23, 2018

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

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
Wetland 1	33.13492	-80.40767	0.1 acre	wetland	Section 404

SAC-2018-00499 Sandridge Tract 2

Wetland 2	33.13239	-80.40734	0.7 acre	Wetland	Section 404
-----------	----------	-----------	----------	---------	-------------

- 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 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:  
Map: Depiction entitled "Wetlands Exhibit Sandridge Tract II Dorchester County,

SC" and dated May 24, 2018, prepared by Sabine and Waters, Inc.

- Data sheets prepared/submitted by or on behalf of the PJD requestor.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report. Rationale:
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
  - 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: Harleyville, SC
- 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 Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): \_\_\_\_\_ or \_\_\_\_\_  
 Other (Name & Date): \_\_\_\_\_
- Previous determination(s). File no. and date of response letter:
- Other information (please specify): JD request package received March 28, 2018.

**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.**

*Leslie E. Hall Oct. 3 2018*

Signature and date of  
Regulatory staff member  
completing PJD

\_\_\_\_\_  
Signature and date of  
person requesting PJD  
(REQUIRED, unless obtaining the  
signature is impracticable)<sup>1</sup>

**Sign & I**

<sup>1</sup> Districts may establish timeframes for requestor to return signed PJD forms. If the requestor 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.

## 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.

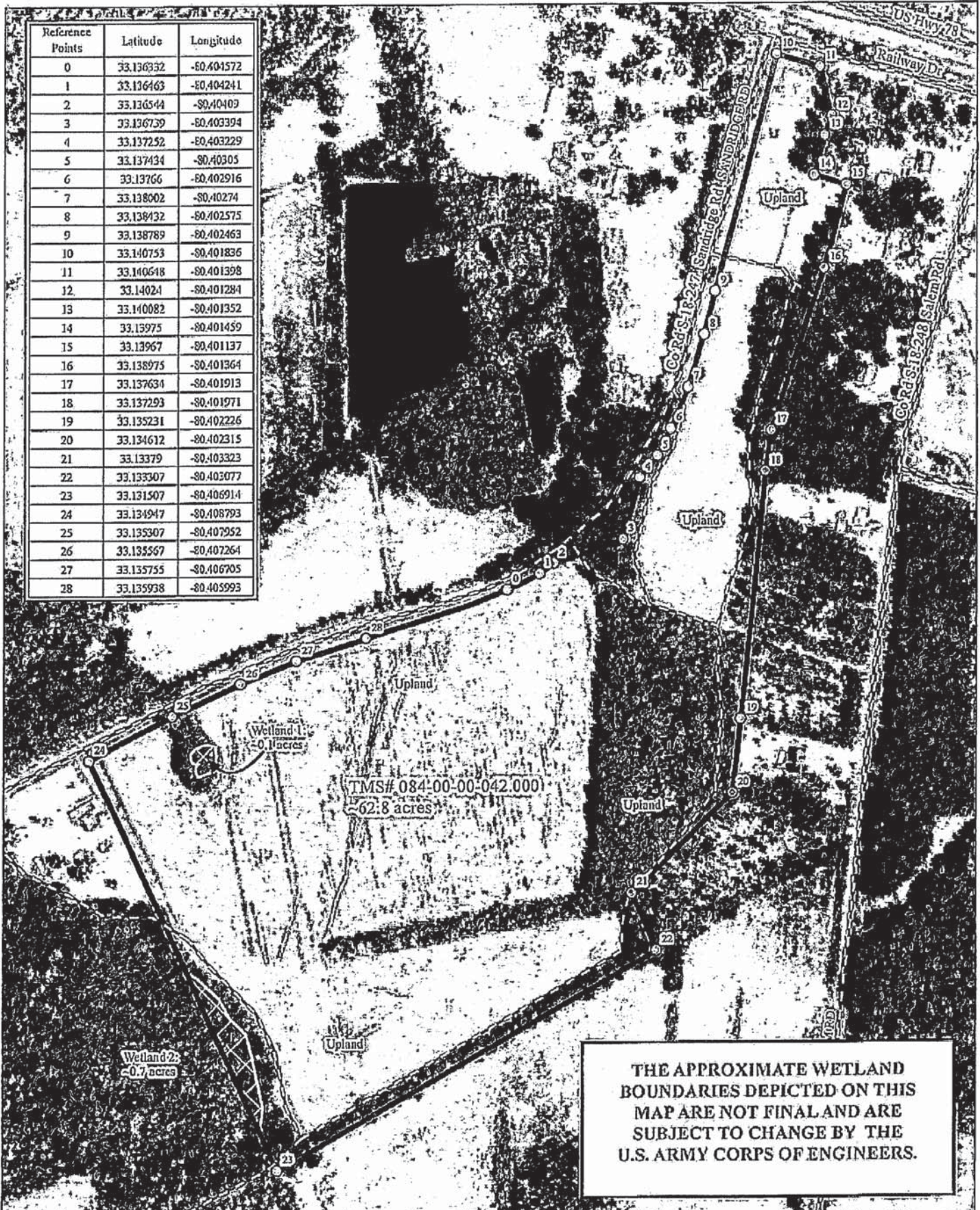
\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:



Reference Points	Latitude	Longitude
0	33.136332	-80.404572
1	33.136463	-80.404241
2	33.136544	-80.40409
3	33.136739	-80.403394
4	33.137252	-80.403229
5	33.137434	-80.40305
6	33.13766	-80.402916
7	33.138002	-80.40274
8	33.138432	-80.402575
9	33.138789	-80.402463
10	33.140753	-80.401836
11	33.140648	-80.401398
12	33.14024	-80.401284
13	33.140082	-80.401352
14	33.13975	-80.401459
15	33.13967	-80.401137
16	33.138975	-80.401364
17	33.137634	-80.401913
18	33.137293	-80.401971
19	33.135231	-80.402226
20	33.134612	-80.402315
21	33.13379	-80.403323
22	33.133307	-80.403077
23	33.131507	-80.406914
24	33.134947	-80.408793
25	33.135307	-80.407952
26	33.135567	-80.407264
27	33.135755	-80.406705
28	33.135938	-80.405993



EXTERNAL BOUNDARIES: MAP 2017 TRUE COLOR, DORCHESTER COUNTY GIS ROADS AND PARCELS

Created By: Stephen Hrusal  
 Date Created: May 24, 2018  
 Copyright © 2018 Sabie & Waters, Inc.  
 (USDA) 2018/05/24 11:11:11 AM

Sabie & Waters, Inc.  
 Environmental Land Use Services  
 P.O. Box 1071, Greenville, SC 29104  
 813.371.5181 (phone) 1-877-271-2650 (fax)  
<http://www.sabie.com>

Disclaimer: This map is a computer representation of data obtained from various sources. All users have the right to warranty the accuracy of this map. However, Sabie & Waters, Inc. disclaims all responsibility and liability for the use of this map.

**REVISED : 05/24/2018**

**WETLANDS EXHIBIT  
 SANDRIDGE TRACT II  
 DORCHESTER COUNTY, SC**

0 400 800  
 Feet

**LEGEND**

- PROPERTY BOUNDARY: +/- 62.8 AC
- PROPERTY BOUNDARY REFERENCE POINTS
- APPROXIMATE WETLANDS: +/- 0.8 AC
- ROADS

LONG: -80.405010 W  
 LAT: 33.134697 N



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

REPLY TO  
ATTENTION OF:

OCT 22 2018

Regulatory Division

Mr. Robert Strange  
Sabine & Waters, Inc.  
PO Box 1072  
Summerville, South Carolina 29484

Dear Mr. Strange:

This letter supersedes the previous Preliminary Jurisdictional Determination letter dated October 2, 2018, and is in response to your request for a Preliminary Jurisdictional Determination (PJD) (SAC-2018-00498) received in our office on March 28, 2018, for a 256-acre site located off Sandridge Road, Dorchester County, South Carolina (Latitude: 33.1270 °N, Longitude: -80.4117 °W). A PJD is used to indicate the approximate location(s) and boundaries of wetlands and/or other aquatic resources that are presumed to be waters of the United States on a site 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 enclosed depiction entitled "Wetlands Exhibit Sandridge Tract 1 Dorchester County, SC" and dated May 24, 2018, prepared by Sabine and Waters, Inc. Based on an on-site inspection, a review of aerial photography, topographic maps, National Wetlands Inventory maps, soil survey information, and Wetland Determination Data Form(s), it has been concluded that the boundaries shown on the referenced depiction 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 67.6 acres of federally defined wetlands 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.

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.

RECEIVED

SEP 19 2019

DIVISION OF MINING  
SOLID WASTE MANAGEMENT  
BLWM

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, and these areas may be subject to restrictions or requirements of other state or local government entities. 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, as well as the depiction 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 are two copies of the Preliminary Jurisdictional Determination Form signed by our office. Please sign both copies, retain one copy for your records and return one signed copy to this office in the enclosed self-addressed envelope within 30 days of receipt of this letter.

In all future correspondence concerning this matter, please refer to file number SAC-2018-00498. 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 Leslie Estill, Project Manager, at (843) 329-8039.

Sincerely,



Tracy D. Sanders  
Biologist

Enclosures:

Preliminary Jurisdictional Determination Form

Notification of Appeal Options

Self-addressed envelope

"Wetlands Exhibit Sandridge Tract 1 Dorchester County, SC"

Copies Furnished:

GB Way

203 Railway Drive

Dorchester, South Carolina 29437

South Carolina Department of

Health and Environmental Control

Bureau of Water

2600 Bull Street

Columbia, South Carolina 29201

South Carolina Department of Health

and Environmental Control

Office of Ocean and Coastal

Resource Management

1362 McMillan Avenue, Suite 400

Charleston, South Carolina 29405

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: **OCT 22 2018**

B. NAME AND ADDRESS OF PERSON REQUESTING PJD:

**Applicant:**  
 GB Way  
 203 Railway Drive  
 Dorchester, South Carolina 29437

**Consultant:**  
 Mr. Robert Strange  
 Sabine & Waters, Inc.  
 PO Box 1072  
 Summerville, South Carolina 29484

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: CESAC-RDS, Sandridge Tract 1, SAC-2018-00498

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION: The 256-acre site is located off Sandridge Road.

**(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)**

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

Center coordinates of site (lat/long in degree decimal format):

Lat.: 33.1270622706864 ° N Long.: -80.4117274905483 ° W

Universal Transverse Mercator: NAD 83

Name of nearest waterbody: Halfway Gut Creek

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

Office (Desk) Determination. Date:

Field Determination. Date(s): May 23, 2018

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

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
Wetland 1	33.12702	-80.41579	10.9 acres	Wetland	Section 404

SAC-2018-00498 Sandridge Tract 1

Wetland 2	33.12415	-80.41377	1 acre	Wetland	Section 404
Wetland 3	33.13316	-80.41009	7.6 acres	Wetland	Section 404
Wetland 4	33.12316	-80.40844	20.4 acres	Wetland	Section 404
Wetland 5	33.12900	-80.41004	22 acres	Wetland	Section 404
Wetland 6	33.12607	-80.41109	5.2 acres	Wetland	Section 404
Wetland 7	33.12314	-80.41610	0.5 acres	Wetland	Section 404

- 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 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

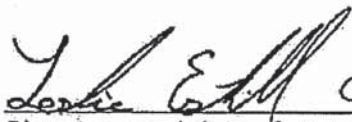
jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "may, be" waters of the U.S. and/or 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:

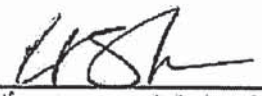
**SUPPORTING DATA. Data reviewed for PJD (check all that apply)**

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:  
Map: Entitled "Wetlands Exhibit Sandridge Tract 1 Dorchester County, SC" and dated May 24, 2018, prepared by Sabine and Waters, Inc.
- Data sheets prepared/submitted by or on behalf of the PJD requestor.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report. Rationale:
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
  - 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: Maple Cane Swamp, SC
- 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 Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): or  Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Other information (please specify): JD request package received March 28, 2018.

**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.**

  
Signature and date of  
Regulatory staff member  
completing PJD

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

<sup>1</sup> Districts may establish timeframes for requestor to return signed PJD forms. If the requestor 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.

**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.

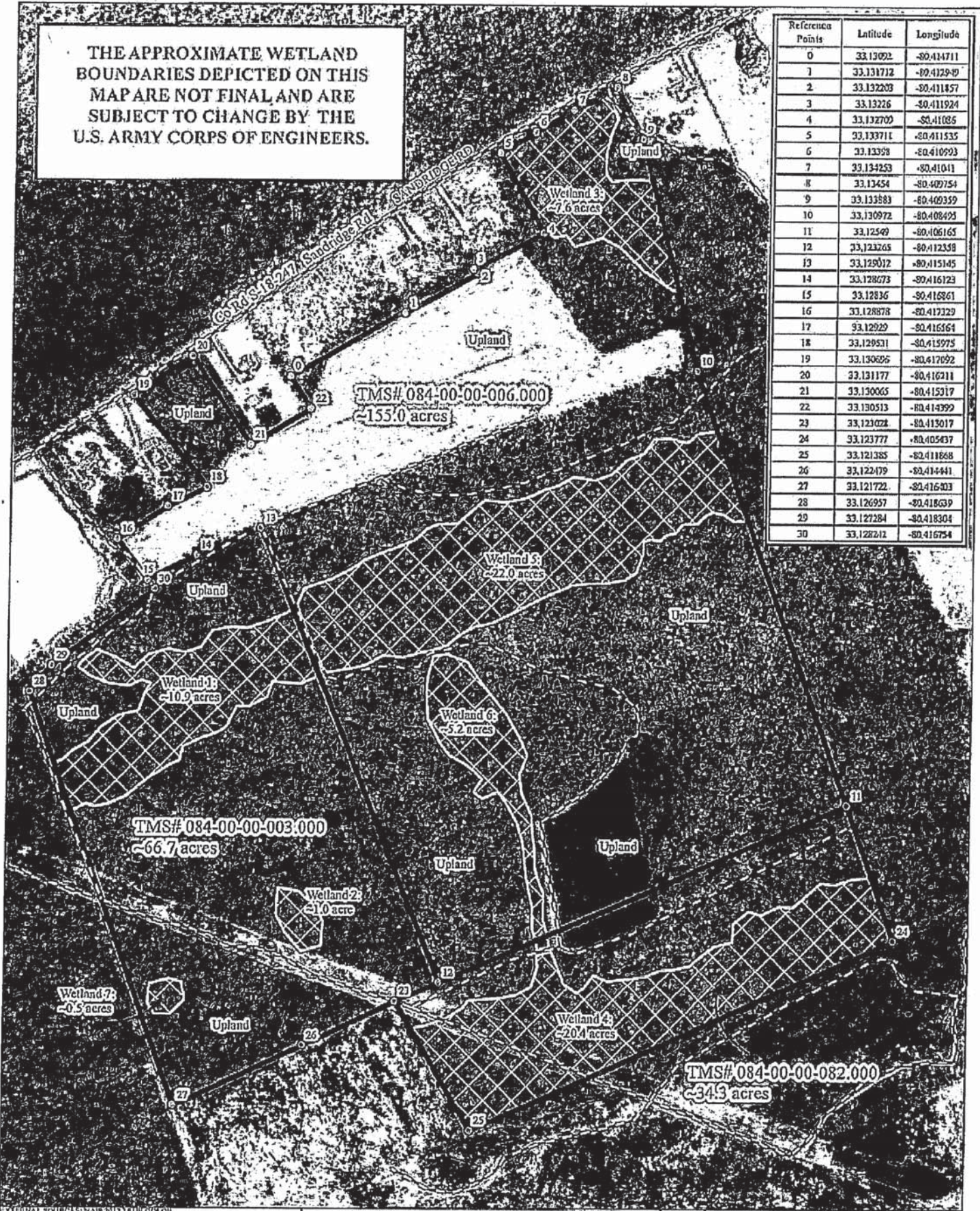
Date:

Telephone number:

\_\_\_\_\_  
Signature of appellant or agent.

THE APPROXIMATE WETLAND BOUNDARIES DEPICTED ON THIS MAP ARE NOT FINAL AND ARE SUBJECT TO CHANGE BY THE U.S. ARMY CORPS OF ENGINEERS.

Reference Points	Latitude	Longitude
0	33.13092	-80.414711
1	33.131712	-80.412949
2	33.132203	-80.411857
3	33.13226	-80.411924
4	33.132705	-80.41085
5	33.133711	-80.411535
6	33.13398	-80.410993
7	33.134253	-80.41041
8	33.13454	-80.407754
9	33.133883	-80.409359
10	33.130972	-80.408495
11	33.12549	-80.406165
12	33.123265	-80.412358
13	33.129012	-80.415145
14	33.128673	-80.416123
15	33.12836	-80.416861
16	33.128878	-80.417329
17	33.12929	-80.416564
18	33.129531	-80.415975
19	33.130695	-80.417692
20	33.131177	-80.416211
21	33.130065	-80.415317
22	33.130513	-80.414399
23	33.123022	-80.413017
24	33.123777	-80.405437
25	33.121385	-80.411868
26	33.122479	-80.414441
27	33.121722	-80.416403
28	33.126957	-80.418639
29	33.127284	-80.418304
30	33.128212	-80.416754



EXISTENTIAL SOURCE MAP SHIP WETLANDS, DORCHESTER COUNTY GIS ROADS AND PARCELS

Created By: Stephen Deener  
 Date Created: May 24, 2018  
 Copyright: 2018 SMI & Waters, Inc.  
 All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of SMI & Waters, Inc.

Disclaimer: This map is a graphic representation of data obtained from various sources. All efforts have been made to ensure the accuracy of this map. However, SMI & Waters, Inc. disclaims all responsibility and liability for the use of this map.

REVISÉD : 05/24/2018

WETLANDS EXHIBIT  
 SANDRIDGE TRACT I  
 DORCHESTER COUNTY, SC

Scale: 0 600 1,200 Feet

**LEGEND**

- PROPERTY BOUNDARY: +- 256.0 AC
- PROPERTY BOUNDARY REFERENCE POINTS
- APPROXIMATE WETLANDS: +- 67.6 AC
- ROADS

LONG: -80.414497 W  
 LAT: 33.126072 N