Application for Encroachment Permit

S.C. Department of Transportation Form 637 (Rev 09/2015)

Contact Information

Applicant:

Town of Andrws | Frank M

Street:

101 N. Morgan Ave PO Box 378

City:

Andrews

State:

SC

Zip Code: 29510

Phone:

(843)545-3325

Fax:

Email:

fmcclary@townofandrews.sc.gov

Contact:

Shaun Cavey, PE (Stantec)

Project Location

Primary County:

Georgetown

County	Road Name		
Georgetown	Myrtle Rd (S-131)		
Georgetown	W Hemlock St (S-201)		
Georgetown	Hazel Ave (S-345)		
Georgetown	W Cottonwood St (S-135)		
Georgetown	W Elmwood St (S-68)		

1. Type of

DRAINAGE

Encroachment:

The proposed is a stormwater infrastructure encroachment. The proposed project will improve storm drainage within the residential areas of the town of Andrews.

2. Description of Location:

The proposed project will encroach the SCDOT roads (listed above) at various locations (see attached drainage plans). The proposed storm drainage pipes will cross the listed roads to convey stormwater to the downstream outfall.

(Attach sketch indicating roadway features such as: pavement width, shoulder width, sidewalk and curb and gutter location, significant drainage structure, north arrow, right of way width, and location of the proposed encroachment with respect to the roadway centerline and the nearest intersecting road on the State system.)

Customer Agreement

3. The undersigned applicant hereby requests the SCDOT to permit encroachment on the SCDOT right of way as described herein. It is expressly understood that the encroachment, if and when constructed, shall be installed in accordance with the sketch attached hereto and made a part hereof. The applicant agrees to comply with and be bound by the SCDOT's "A Policy for Accommodating Utilities on Highways Rights of way", "Standard Specifications for Highway Construction", the "General Provisions" and "Special Provisions", attached hereto or made a part hereof by reference, during the installation, operation and maintenance of said encroachment within the SCDOT's Right of Way. DISCHARGES OF STORM WATER AND NON-STORM WATER: Work within State Highway right-of-way shall be conducted in compliance with all applicable requirements of the National Pollutant Discharge Elimination System (NPDES) permit(s) issued to the Department of Transportation (Department), to govern the discharge of storm water and non-storm water from its properties. Work shall also be in compliance with all other applicable Federal, State and Local laws and regulations, and with the Department's Encroachment Permits Manual and encroachment permit. The encroachment permit will not be issued until the applicant has received an NPDES construction permit from SC Department of Health and Environmental Control.

The applicant agrees to comply with all current SCDOT Standards Specifications for Highway Construction including all Supplemental Technical Specifications. The applicant hereby further agrees, and binds his/her/its heirs, personal representatives, successors, assigns, to assume any and all liability for accidents or injuries to persons, or damage to property, including the highway, that may be caused by the construction, maintenance, use, moving or removing of the physical appurtenances contemplated herein.

Plans print on to his	: 11-4-2220
Applicant's Sig. Title	Mayor

For Office Use Only

For Office Use Only

In accordance with your request and subject to all the provisions, terms, conditions, and restrictions stated in the application and the general and special provisions attached hereto, the SCDOT hereby approves your application for an encroachment permit. This permit shall become null and void unless the work contemplated herein shall have been completed prior to:

See Attached Special Provision and/or Permit Requirements

NPDES Permit Nbr:	
(Date received by res. Maint. Engr.) Timothy W. Britt (SEDOT Approval)	6-8-2022
(Date received by res. Maint. Engr.) (SCDOT Approval)	(Date)

General Provisions

Application for Encroachment Permit General Provisions

- 1. DEFINITIONS: The word "Permittee" used herein shall mean the name of the person, firm, or corporation to whom this permit is addressed, his, her, its, heirs, personal representatives, successors and assigns. The word "DEPARTMENT" shall mean the South Carolina Department of Transportation.
- 2. NOTICE PRIOR TO STARTING WORK: Before starting the work contemplated herein within the limits of the highway right of way, the Department's Resident Maintenance Engineer in the county in which the proposed work is located shall be notified 24 hours in advance so that he may be present while the work is under way.
- 3. PERMIT SUBJECT TO INSPECTION: This permit shall be kept at the site of the work at all times while said work is under way and must be shown to any representative of the Department or law enforcement officer on demand.
- 4. PROTECTION OF HIGHWAY TRAFFIC: The applicant shall be responsible for the protection of the highway traffic at all times during the construction, maintenance, removing or moving of the encroachment permitted herein. Detours, barricades, warning signs and flagmen, as necessary,
 - shall be provided by and at the expense of the Permittee and shall be in accordance with the "Manual on Uniform Traffic Control Devices" (MUTCD). The work shall be planned and carried out so that there will be the least possible inconvenience to the motoring public. The Permittee agrees to observe all rules and regulations of the Department while carrying on the work contemplated herein and take all other precautions that circumstances warrant.
- 5. STANDARDS OF CONSTRUCTION: All work shall conform to the Department's standards of construction and shall be performed in a workman-like manner. The applicant shall make adequate provisions for maintaining the proper drainage of the highway as it may be affected by the encroachment permitted herein. All work shall be subject to the supervision and satisfaction of the Department.
- 6. FUTURE MOVING OF PHYSICAL APPURTENANCES: If, in the opinion of the State Highway Engineer, it should ever become necessary to move or remove the physical appurtenances, or any part thereof contemplated herein, on account of change in location of the highway, widening of the highway, or for any other sufficient reason, such moving shall be done on demand of the Department at the expense of the Permittee.
- 7. RESTORATION OF HIGHWAY FACILITIES UPON MOVING OR REMOVING OF PHYSICAL APPURTENANCES: If, and when, the physical appurtenances contemplated herein shall be moved or removed, either on the demand of the Department or at the option of the Permittee, the highway and facilities shall immediately be restored to their original condition at the expense of the Permittee.
- 8. COSTS: All work in connection with the construction, maintenance, moving or removing of the physical appurtenances contemplated herein shall be done by and at the expense of the Permittee.
- 9. ADDITIONAL PERMISSIONS:
 - (a) It is distinctly understood that this permit does not in any way grant or release any rights lawfully possessed by the abutting property owners. The Permittee shall secure any such rights, as necessary, from said abutting property owners.
 - (b) The Permittee shall be responsible for obtaining all other approvals or permits necessary for installation of the encroachment from other government entities.

- (c) There shall be no excavation of soil nearer than two feet to any public utility line or appurtenant facility except with the consent of the owner thereof, or except upon special permission of this Department after
- an opportunity to be heard is given the owner of such line or appurtenant facility.
- 10. ADDITIONAL WORK PERFORMANCE:
 - (a) All crossings over the highway shall be constructed in accordance with "Specifications for Overhead Crossings of Light and Power Transmission Lines and Telegraph Lines over each other and over Highway Rights of Way in South Carolina," as approved by the Public Service Commission of South Carolina and effective as of date of this permit.
 - (b) All tunneling, boring, or jacking shall be done in such a way as not to disturb the highway surfacing.
 - (c) No pavement shall be cut unless specifically authorized herein.
 - (d) No excavation shall be nearer than three feet to the edge of pavement unless specifically authorized herein.
 - (e) Underground facilities will be located at minimum depths as defined in the "Utility Accommodations Manual" for the transmittant, generally as follows: 4 feet minimum for hazardous or dangerous transmittant, 3 feet minimum for other lines. The Department may approve shallower depths if adequate protection is provided. Such approval must be obtained in writing.
 - (f) Service and other small diameter pipes shall be jacked, driven, or otherwise forced underneath the pavements on any surfaced road without disturbing the pavement. The section under the highway
 - pavement and within a distance of three (3) feet on either side shall be continuous without joints.

11. ACCESS:

- (a) Permittee is responsible for maintaining reasonable access to private driveways during construction.
- (b) It is expressly provided that, with respect to any limited access highway, the Permittee shall not have or gain access from the main traveled way of the highway, or the on or off ramps to such facility, except upon approval by the Department.

12. DRIVEWAYS:

- (a) The existing crown of the highway shall be continued to the outside shoulder line of the highway.
- (b) If the driveway or approach is concrete pavement, the pavement shall be constructed at least 6 inches thick and with a minimum of class 2500 concrete. There shall be a bituminous expansion joint, not less than 3/4 inches in thickness, placed between the highway paving and the paving of the approach for the full width of the approach.

13. BEAUTIFICATION:

- (a) All trees, plants, flowers, etc. shall be placed in accordance with the provisions specifically stipulated herein.
- (b) All trees, plants, flowers, etc. shall be maintained by, and at the expense of, the Permittee and the provisions of this permit shall become null and void, if and when said Permittee ceases to maintain aid trees, plants, flowers, etc.

14. AS-BUILT PLANS:

(a) The applicant shall provide the Department with survey-quality as-built plans in accordance with the requirements set forth in the Department's "A Policy for Accommodating Utilities on Highway Rights of Way".



September 23, 2021

Frank McClary Town of Andrews 101 N Morgan Ave PO Box 278 Andrews, SC 29510

RE: Town of Andrews Drainage Improvements Phase 2, Georgetown County

NPDES Coverage Number: SCR10Z900

Dear Frank McClary:

The Department of Health and Environmental Control (Department or DHEC) has approved the Stormwater Pollution Prevention Plan (SWPPP) for the referenced project on September 23, 2021 WITHOUT REVIEW. Based on your submission of the Notice of Intent (NOI) and in accordance with the NPDES General Permit for Stormwater Discharges from Construction Activities (CGP), this project has been granted coverage under the CGP. This project's general permit coverage number is **SCR10Z900**. The total disturbed area for this site is 13.2 acres.

See attached DHEC Office of Ocean and Coastal Resource Management (DHEC-OCRM) certification dated September 23, 2021 for additional conditions related to the Coastal Zone Consistency determination.

Because this project is part of a larger common plan for development or sale (LCP), all applications for future land-disturbing activities that are part of this LCP (phases, outparcels, etc.) should include the abovereferenced NPDES coverage number SCR10Z900 and project name Town of Andrews Drainage Improvements Phase 2.

The CGP can be downloaded at the following website: http://www.scdhec.gov/Environment/docs/CGP- permit.pdf or you may request a copy from us via email (stormwatercgp@dhec.sc.gov). You are responsible for ensuring your contractor(s) complies with the approved SWPPP and the minimum requirements of the CGP. Also, you are responsible for overall compliance with the Storm Water Management and Sediment Reduction Act of 1991 (1991 Act), SC Pollution Control Act, and the Federal Clean Water Act (CWA). Failure to comply with the approved SWPPP or applicable statutes and regulations may result in enforcement actions.

You must notify the local DHEC EA office prior to starting any land-disturbing activity. The address and telephone number are as follows:

> Pee Dee EA Myrtle Beach 927 Shine Avenue Myrtle Beach, SC 29577 843-238-4378

Inspections of this site must be performed by qualified personnel as described in Section 4.2.E of the CGP.

You should be aware that this approval is only applicable for the SWPPP that was submitted for this project. Any additional construction or land disturbing activity beyond the scope of the approved plans is not authorized. Any future work for this project not shown on the stamped, approved plans will require that you submit another site plan for review and approval. All major modifications require review and approval by the Department. Minor modifications to the approved SWPPP may be made by the SWPPP preparer and do not require review and approval by the Department; these changes should be signed and dated by the SWPPP preparer. If you have a question about whether a modification is major or minor, contact the Coastal Stormwater Permitting Section at (843) 953-0200.

A copy of the stamped, approved SWPPP (including a copy of the CGP, contractor certifications, inspection records, rainfall data, etc.), NOI, and CGP coverage letter from DHEC must be retained and available <u>at the construction site</u> (or accessible within 30 minutes during normal business hours) from the date of commencement of construction activities to the date of final stabilization. If an on-site location is unavailable to store the SWPPP <u>when no personnel are present</u>, notice of the plan's location must be posted near the main entrance at the construction site.

All contractors who will conduct land-disturbing activities at the site must complete a Contractor Certification Form. You are also responsible for listing all contractors in the SWPPP and for holding a pre-construction conference with each contractor before they can conduct land-disturbing activity at the site.

The Department may conduct periodic inspections of your site. Any violations found during these inspections may result in enforcement action.

This NPDES coverage should be terminated by the permittee when the conditions listed in Section 5.1 of the CGP have been met. You <u>must</u> submit a Notice of Termination (NOT) to cancel your NPDES coverage under the CGP. Please see section 5.1 of the CGP for additional information required to be submitted with the NOT.

You are responsible for obtaining any other federal, state, or local permit that may be required for this project. In particular, any permits through the U.S. Army Corps of Engineers for the placement of fill material in Waters of the United States. Please note we have not sent a copy of this letter to any county or city building official. You must send a copy of this letter to these agencies, if necessary.

If material excavated during construction activities leaves the site, a mine operating permit may be needed. You are responsible for contacting the Mining and Reclamation Section to determine if a mining permit is required for the site. The Mining and Reclamation Section can be reached at (803)898-1362 or via e-mail at AskMines@dhec.sc.gov.

Please see the enclosed "Guide to Board Review" document for information about the procedures for appealing this NPDES coverage.

If you have any questions or cannot access the referenced websites, please call me at 843-953-0238.

Sincerely,

George M. Cox Coastal Stormwater Permitting Section

EC: Marshall Wynne, Stantec Consulting Services Inc.

Shauna Stevens, Pee Dee EA Myrtle Beach

D H E C

South Carolina Department of Health and Environmental Control

NOTICE OF INTENT (NOI)

For Coverage(s) of Primary Permittees
Under South Carolina NPDES General Permit
For Stormwater Discharges From Construction Activities SCR100000

(Maintain As Part of On-Site SWPPP)

For Official Use Only

File Number:

Permit Number: SCR10

Submittal Package Complete:

Submission of this Notice of Intent constitutes notice that the Applicant identified in Section II intends to be authorized as a Primary Permittee in the state of South Carolina under NPDES General Permit SCR1000000. Fees required for review and NPDES coverage of each application type are as listed on page 2 of the Instructions.



DAM SAFETY AND STORMWATER PERMITTING DIVISION

construction stormwater permitting APPROVED - FOR CONSTRUCTION ONLY

DHEC Permit # SCR10Z900

September 23, 2021

Reviewer Without Review

Pr	ojec	10/22/2020 ct/Site Name: Town of Andrews Drainage Improvements - Phase 2 County: Georgetown ication or Change of Information Only) Prior Approved NPDES Permit or File Number:
De	yo.	u want this project to be considered for the Expedited Review Program (ERP)?
I.	Α.	Project (Application/Review) Type(s) (Select ALL that apply): New Project (Initial Notification) Ongoing Project: Permitted or Un-Permitted Late Notification Low Impact Development (LID) or Project Design Above Regulatory Requirements New Owner/Operator or Company Name Change (see instructions, attach Form A (Transfer of Ownership)) Major Modification: (see instructions, attach Form B (Major Modifications)) MS4 Project Review Ocean and Coastal Resource Management (OCRM) Review Change of Information/Other (Specify): If Applicable, identify the entity designated as MS4 Reviewer and MS4 Operator (i.e., Lexington County, City of Green etc.): MS4 Paylower.
		MS4 Operator
,,	Pri	imary Permittee Information
		Person or Company If a Company, are you a Lending Institution or Government Entity? Company EIN (If applicable): EIN:
	В.	Primary Permittee Name: Town of Andrews Mailing Address: 101 N. Morgan Ave PO Box 378 City: Andrews State: SC Zip: 29510 Phone: 843-545-3325 Fax:
		Mailing Address: City: State: Zip: Phone: Fax: Email Address:
		Phone:Email Address:
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M	C.	Registered Professional Engineer Landscape Architect Tier B Land Surveyor S. C. Registration #: 31699 35909 Company/Firm Name: Stantec Consulting Services Inc. Mailing Address: 4969 Centre Pointe Drive, Suite 200 City: North Charleston State: SC. Zip: 29418 Phone: 843-740-7700 Fax: 843-740-7707 Email Address: Shaun cavery@elentes.com
٧.	Proj	What hall water to the state to
	A.	Type of Construction Activity(les) (Select ALL Ingl apply): Commercial
	D.	Site Address/Location (street address, nearest intersection, etc.) Intersection of Mytrle Road and S. Hazel Ave.
		City/Town (If in limits): Town of Andrews Latitude: 33 ° 26 ' 35 " N Longitude: - 79 ° 34 ' 18 " W (Source): GPS Web Site: Google Maps
		Tax Map Number (s) (List all): See attached property list
	DHE	C 2617 (10/2012)

E. Disturbed Area (necrest tenth of an acre): 13.2 F. Modification Only: (necrest tenth of an acre): Disturbed Area (Current (Approved) Area: Disturbed Area (Anter Change): Is this project part of a Larger Common Plan for Development or Sate (LCP)? Yes \(\text{No} \) No LCP/ Overall Development Name: \(\text{Lown of Andrews Drainage Imp} \) Check here if this is the First Phase. \(\text{Lown of Andrews Drainage Imp} \) Check here if this is the First Phase. \(\text{Lown of Andrews Drainage Imp} \) Check here if this is the First Phase. \(\text{Lown of Andrews Drainage Imp} \) Check here if this is the First Phase. \(\text{Lown of Andrews Drainage Imp} \) Check here if this is the First Phase. \(\text{Lown of Andrews Drainage Imp} \) Check here if this is the First Phase. \(\text{Lown of Andrews Drainage Imp} \) Check here if this is the First Phase. \(\text{Lown of Andrews Drainage Imp} \) Check here if this is the First Phase. \(\text{Lown of Andrews Drainage Imp} \) Check here if this is the First Phase. \(\text{Lown of Andrews Drainage Imp} \) Check here if this is the First Phase. \(\text{Lown of Andrews Drainage Imp} \) Check here if this is the First Phase. \(\text{Lown of Andrews Drainage Imp} \) Check here if this is the First Phase. \(\text{Lown of Andrews Drainage Imp} \) Check here if this is the First Phase. \(\text{Lown of Andrews Drainage Imp} \) Check here if this is the First Phase. \(\text{Lown of Andrews Drainage Imp} \) Check here if this is the First Phase. \(\text{Lown of Andrews Drainage Imp} \) Check here if this is the First Phase. \(\text{Lown of Andrews Drainage Imp} \) Check here if this is the First Phase. \(\text{Lown of Andrews Drainage Imp} \) Check here if this is the First Phase. \(\text{Lown of Andrews Drainage Imp} \) Check here if this is the First Phase. \(\text{Lown of Andrews Drainage Imp} \) Check here if this is the First Phase. \(\text{Lown of Andrews Drainage Imp} \) Check here if this is the First Phase. \(\text{Lown of Andrews Drainage Imp} \)	 C. Is this site located on Indian Land? D. Proposed Start Date: 06/01/2021 		-# D-1		
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Usitarbad Area (After Change): 1 is this project part of a Larger Common Plan for Development or Sale (LCP)? □ Yes □ No LCP/ Overall Development Name:	F. Modification Only: (nearest tenth of c	on acre): Disturbed Area:	Current (Apr	proved) Area:	
Previous State Permit/File Number: Previous Press Coverage Number: SCR10 H. Any Flooding Problems exist downstream of or adjacent to this site? [2] Yes No H. Any Flooding Problems exist downstream of or adjacent to this site? [2] Yes No H. Any Flooding Problems exist downstream of or adjacent to this site? [2] Yes No H. Any Flooding Problems exist downstream of or adjacent to this site? [2] Yes No H. Any Flooding Problems exist downstream of or adjacent to this site? [2] Yes No H. Any Flooding Robics, Notice of Volation for this site or LCP? Yes No H. Any Mover(s) Variances/Exceptions Requested for this Project? (If yes, Identify below and include Waver Request and Jack Color Densiting Mover(s) From NPDES permitting (Section 1.4 & Appendix 8)? Yes No If yes, Identify requested waiver Requested for this Project? (If yes, Identify requested waiver Republications Intel Construction Activity Walver(s) From NPDES permitting (Section 1.4 & Appendix 8)? Yes No If yes, Identify requested waiver Republications Intel Construction Activity Walver(s) This project? (If yes, Identify requested waiver Republications Intel Construction Activity Walver(s) This project? (If yes, Identify requested waiver Republication Republications Intel Construction Activity Walver(s) This project This project This project Yes No If yes, Identify requested waiver Republication This project	Disturbed Area Change (increase	Onlyl	Total Distri	who and August Att Ot	ange):
Previous State Permit/File Number:	LCP/ Overall Development Name	mon Plan for Developme	ent or Sale (L	CP)? ✓ Yes ✓ No	45 B
H. Any Flooding Problems oxid downstream of or adjacent to this site's @2/vesi_No (if yes. provide detailed description or became problems and applicable locatively flood 2 and information in the C-SWPP). I. Active S.C. DHEC Warning Molice, Molice to Comply or Notice of Violation for this site or LCP? ☐ Yes ☑No List Relevant State and Federal Environmental Permits or Approvals applied for or obtained for this site (e.g., RCRA, USACOE, Nationwide, etc.). If None, Bit None. DBACOE-UP Pardina Any Walver(3)/Variances/Exceptions Requested for this Project? (if yes. identify below and include Walver Request and Justifications in the C-SWPP1 to each proposed request). I. Small Construction Activity Walver [3] From NPDES permitting (Section 1.4 & Appendix 9)? ☐ Yes ☑No [1/ves. identify requested walver.] I. Small Construction Activity Walver [3] From NPDES permitting (Section 1.4 & Appendix 9)? ☐ Yes ☑No [1/ves. identify requested walver.] Z. Detention Walver (72-302(8)? ☐ Yes ☑No 3. Other (Specify): Valerbody Information Information (List the nearest and next nearest receiving waterbodies to which the sites stamwarder discharges will crim. If stamwarder discharges and match respectively waterbodies is which the sites stamwarder discharges will crim. If stamwarder discharges are not not waterbodies.] I. Name of Receiving Waterbodies (RWB) G. Neerest: Unamend Trib to Johnson Swamp					
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DHEC 2617 (10/2012)



<u>Coastal Zone Consistency Determination</u>

To: George M. Cox, BOW Coastal Stormwater Permitting Section

From: Benjamin Thépaut, OCRM Coastal Zone Consistency Section

Applicant: Frank McClary, Town of Andrews

Town of Andrews Drainage Improvements Phase 2 Project Name:

Conditionally Consistent with the SC Coastal Zone Management Program Finding:

Site Location: Intersection of Myrtle Road and S Hazel Ave., Town of Andrews, Georgetown

County, South Carolina

(TMS#: SCDOT-ROW; TMS-ID: 01-44 Affected Property Owners Summary)

Reference #: HP4-DEFX-PPN90

Date: September 22, 2021

The staff of the Office of Ocean and Coastal Resource Management (OCRM) reviewed the above referenced Coastal Zone Consistency project request for land disturbance associated with construction of new public drainage project. Construction activities include stormwater and flooding mitigation activities. Stormwater Management includes open channel ditch widening and road access, as well as underground stormwater pipe. This project will permanently impact 0.49 acres of jurisdictional wetlands and 0.28 acres of non-jurisdictional (excluded) isolated wetlands. Previous wetland impacts were reviewed under Town of Andrews Drainage Improvements Phase 2 (HPB-F3B|-DBT68). The total area of disturbance will be 13.2 acres of a 13.2 acre project site.

We hereby certify that the above referenced project is **Conditionally Consistent** with the Guidelines for Evaluation of All Projects as well as the Transportation Facilities (Roads), Activities in Areas of Special Resource Significance (Wetlands), and Stormwater Management (Runoff) policies contained in the S.C. Coastal Zone Management Program provided the following conditions are included in the permits and adhered to by the applicant.

1. In the event that any historic or cultural resources and/or archaeological materials are found during the course of work, the applicant must notify the State Historic Preservation Office and the South Carolina Institute of Archaeology and Anthropology. Historic or cultural resources consist of those sites listed in the National Register of Historic Places and those sites that are eligible for the National Register. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include, but are not limited to, stone

- projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal and glass objects, and human skeletal materials.
- 2. The project must be consistent with State Stormwater Permitting requirements during and post construction for protection of water quality.
- 3. All construction BMPs must be installed, inspected and maintained to hold sediment onsite and to protect any adjacent or downstream critical area, wetlands and waters through the life of the project. Upon completion of construction activities, all disturbed (includes undeveloped) areas, including those impacted for access, must be immediately stabilized.
- 4. The project must be fully consistent with local zoning and comprehensive plans prior to work being conducted.
- 5. Prior to land disturbance and impacts to jurisdictional wetlands of 0.49 acres, applicant must fully comply with all general, special and regional terms and conditions of the US Army Corps of Engineers Permit (SAC-2020-01235) as well as SCDHEC requirements for Water Quality and Coastal Zone Certifications.
- 6. Mitigation for the 0.28 acres of isolated non-jurisdictional freshwater wetland impacts will be provided through the purchase of 6.2 credits from an approved mitigation bank. Proof of purchase of the required mitigation credits must be submitted to this office prior to beginning work on the project.

This determination shall serve as the SCDHEC OCRM Coastal Zone Consistency Determination for the work described above. However, this determination does not serve as a Department permitting decision and does not alleviate the applicant's responsibility to obtain any applicable State or Federal permit(s) for the work. Local government authorizations may also be required.

South Carolina Board of Health and Environmental Control Guide to Board Review Pursuant to S.C. Code Ann. § 44-1-60

The decision of the South Carolina Department of Health and Environmental Control (Department) becomes the final agency decision fifteen (15) calendar days after notice of the decision has been mailed to the applicant, permittee, licensee and affected persons who have requested in writing to be notified, unless a written request for final review accompanied by a filing fee in the amount of \$100 is filed with Department by the applicant, permittee, licensee or affected person.

Applicants, permittees, licensees, and affected parties are encouraged to engage in mediation or settlement discussions during the final review process.

If the Board declines in writing to schedule a final review conference, the Department's decision becomes the final agency decision and an applicant, permittee, licensee, or affected person may request a contested case hearing before the Administrative Law Court within thirty (30) calendar days after notice is mailed that the Board declined to hold a final review conference. In matters pertaining to decisions under the South Carolina Mining Act, appeals should be made to the South Carolina Mining Council.

I. Filing of Request for Final Review

- 1. A written Request for Final Review (RFR) and the required filing fee of one hundred dollars (\$100) must be received by Clerk of the Board within fifteen (15) calendar days after notice of the staff decision has been mailed to the applicant, permittee, licensee, or affected persons. If the 15th day occurs on a weekend or State holiday, the RFR must be received by the Clerk on the next working day. RFRs will not be accepted after 5:00 p.m.
- 2. RFRs shall be in writing and should include, at a minimum, the following information:
 - The grounds for amending, modifying, or rescinding the staff decision;
 - a statement of any significant issues or factors the Board should consider in deciding how to handle the matter;
 - the relief requested;
 - a copy of the decision for which review is requested; and
 - mailing address, email address, if applicable, and phone number(s) at which the requestor can be contacted.
- 3. RFRs should be filed in person or by mail at the following address:

South Carolina Board of Health and Environmental Control

Attention: Clerk of the Board

2600 Bull Street

Columbia, South Carolina 29201

Alternatively, RFR's may be filed with the Clerk by facsimile (803-898-3393) or by electronic mail (boardclerk@dhec.sc.gov).

- 4. The filing fee may be paid by cash, check or credit card and must be received by the 15th day.
- 5. If there is any perceived discrepancy in compliance with this RFR filing procedure, the Clerk should consult with the Chairman or, if the Chairman is unavailable, the Vice-Chairman. The Chairman or the Vice-Chairman will determine whether the RFR is timely and properly filed and direct the Clerk to (1) process the RFR for consideration by the Board or (2) return the RFR and filing fee to the requestor with a cover letter explaining why the RFR was not timely or properly filed. Processing an RFR for consideration by the Board shall not be interpreted as a waiver of any claim or defense by the agency in subsequent proceedings concerning the RFR.
- 6. If the RFR will be processed for Board consideration, the Clerk will send an Acknowledgement of RFR to the Requestor and the applicant, permittee, or licensee, if other than the Requestor. All personal and financial identifying information will be redacted from the RFR and accompanying documentation before the RFR is released to the Board, Department staff or the public.
- 7. If an RFR pertains to an emergency order, the Clerk will, upon receipt, immediately provide a copy of the RFR to all Board members. The Chairman, or in his or her absence, the Vice-Chairman shall based on the circumstances, decide whether to refer the RFR to the RFR Committee for expedited review or to decline in writing to schedule a Final Review Conference. If the Chairman or Vice-Chairman determines review by the RFR Committee is appropriate, the Clerk will forward a copy of the RFR to Department staff and Office of General Counsel. A Department response and RFR Committee review will be provided on an expedited schedule defined by the Chairman or Vice-Chairman.
- 8. The Clerk will email the RFR to staff and Office of General Counsel and request a Department Response within eight (8) working days. Upon receipt of the Department Response, the Clerk will forward the RFR and Department Response to all Board members for review, and all Board members will confirm receipt of the RFR to the Clerk by email. If a Board member does not confirm receipt of the RFR within a twenty-four (24) hour period, the Clerk will contact the Board member and confirm receipt. If a Board member believes the RFR should be considered by the RFR Committee, he or she will respond to the Clerk's email within forty-eight (48) hours and will request further review. If no Board member requests further review of the RFR within the forty-eight (48) hour period, the Clerk will send a letter by certified mail to the Requestor, with copy by

regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Final Review Conference. Contested case guidance will be included within the letter.

NOTE: If the time periods described above end on a weekend or State holiday, the time is automatically extended to 5:00 p.m. on the next business day.

- 9. If the RFR is to be considered by the RFR Committee, the Clerk will notify the Presiding Member of the RFR Committee and the Chairman that further review is requested by the Board. RFR Committee meetings are open to the public and will be public noticed at least 24 hours in advance.
- 10. Following RFR Committee or Board consideration of the RFR, if it is determined no Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Conference. Contested case guidance will be included within the letter.

II. Final Review Conference Scheduling

- 1. If a Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, informing the Requestor of the determination.
- 2. The Clerk will request Department staff provide the Administrative Record.
- 3. The Clerk will send Notice of Final Review Conference to the parties at least ten (10) days before the Conference. The Conference will be publicly noticed and should:
 - include the place, date and time of the Conference;
 - state the presentation times allowed in the Conference;
 - state evidence may be presented at the Conference;
 - if the conference will be held by committee, include a copy of the Chairman's order appointing the committee; and
 - inform the Requestor of his or her right to request a transcript of the proceedings of the Conference prepared at Requestor's expense.
- 4. If a party requests a transcript of the proceedings of the Conference and agrees to pay all related costs in writing, including costs for the transcript, the Clerk will schedule a court reporter for the Conference.

III. Final Review Conference and Decision

- 1. The order of presentation in the Conference will, subject to the presiding officer's discretion, be as follows:
 - Department staff will provide an overview of the staff decision and the applicable law to include [10 minutes]:
 - Type of decision (permit, enforcement, etc.) and description of the program.
 - Parties
 - Description of facility/site
 - Applicable statutes and regulations
 - Decision and materials relied upon in the administrative record to support the staff decision.
 - Requestor(s) will state the reasons for protesting the staff decision and may provide evidence to support amending, modifying, or rescinding the staff decision. [15 minutes] NOTE: The burden of proof is on the Requestor(s)
 - Rebuttal by Department staff [15 minutes]
 - Rebuttal by Requestor(s) [10 minutes]
 - Note: Times noted in brackets are for information only and are superseded by times stated in the Notice of Final Review Conference or by the presiding officer.
- 2. Parties may present evidence during the conference; however, the rules of evidence do not apply.
- 3. At any time during the conference, the officers conducting the Conference may request additional information and may question the Requestor, the staff, and anyone else providing information at the Conference.
- 4. The presiding officer, in his or her sole discretion, may allow additional time for presentations and may impose time limits on the Conference.
- 5. All Conferences are open to the public.
- 6. The officers may deliberate in closed session.
- 7. The officers may announce the decision at the conclusion of the Conference or it may be reserved for consideration.
- 8. The Clerk will mail the written final agency decision (FAD) to parties within 30 days after the Conference. The written decision must explain the basis for the decision and inform the parties of their right to request a contested case hearing before the Administrative Law Court or in matters pertaining to decisions under the South Carolina Mining Act, to request a hearing before the South Carolina Mining Council. The FAD will be sent by certified mail, return receipt requested.
- 9. Communications may also be sent by electronic mail, in addition to the forms stated herein, when electronic mail addresses are provided to the Clerk.

The above information is provided as a courtesy; parties are responsible for complying with all applicable legal requirements.



August 27, 2021

Mr. Ray Funnye Georgetown County PO Box 421270 Georgetown, SC 29442 Rcfunnye@gtcounty.org

Re: 401 Certification for Authorization To Impact Not More Than 0.49 acre of Waters of The US, Including Wetlands Pursuant to Nationwide Permit 14 (Linear Transportation Projects)

Applicant Permit ID No.: SAC 2020-01235

Applicant: Georgetown County

County: Georgetown

Project: Town of Andrews Drainage Improvement

Dear Mr. Funnye:

The US Army Corps of Engineers (Corps) issued a final notice in the Federal Register on January 6, 2017 reissuing the Corps' Nationwide Permits (NWP). NWP authorize activities that have minimal individual and cumulative adverse effects on the aquatic environment. On March 7, 2017, the South Carolina Department of Health and Environmental Control (Department) certified the NWP in accordance with Section 401 of the Clean Water Act and the S.C. Coastal Zone Management Act (48-39-10 et seq.).

The Department has reviewed the above-reference project in accordance with the March 7, 2017 certification and, provided the applicant adheres to the certification conditions outlined in the attached document, the Department has determined that there is a reasonable assurance that the work authorized will be conducted in a manner consistent with the certification requirements of Section 401 of the Clean Water Act. Please be advised that, since this project is located in the coastal zone, you should check with the Department's Office of Ocean and Coastal Resource Management (OCRM) to ensure that the project is consistent with the SC Coastal Zone management Act. If you have any questions, please call or email me at (803) 898-4179 or amedeemd@dhec.sc.gov.

Sincerely,

Morgan D. Amedee

Morgan Amedee

Water Quality Certification and Wetlands Section

USACOE Conway Field Office cc:

Paul Stephens OCRM

Nationwide Permit Number 14: Linear Transportation Projects Proposed Conditions of the 401 Water Quality Certification:

- 1. A compensatory mitigation plan must be submitted and approved by the SCDHEC for projects with permanent impacts exceeding 0.10 acres or 300 linear feet.
- 2. Linear transportation projects must cross perpendicular (to the extent practicable) to the aquatic site area. Impacts certified under this NWP must be limited to three crossings per single and complete project and must be in non-tidal wetlands only.
- 3. This NWP is not certified for activities located in or adjacent to (as determined by SCDHEC) waters defined (as per Regulation 61-68) as Outstanding National Resource Waters (ONRW), Outstanding Resource Waters (ORW), or Trout Waters
- 4. This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.



Coastal Zone Consistency Determination

To: George M. Cox, BOW Coastal Stormwater Permitting Section

From: Benjamin Thépaut, OCRM Coastal Zone Consistency Section

Applicant: Frank McClary, Town of Andrews

Town of Andrews Drainage Improvements Phase 2 Project Name:

Finding: Conditionally Consistent with the SC Coastal Zone Management Program

Site Location: Intersection of Myrtle Road and S Hazel Ave., Town of Andrews, Georgetown

County, South Carolina

(TMS#: SCDOT-ROW; TMS-ID: 01-44 Affected Property Owners Summary)

Reference #: HP4-DEFX-PPN90

Date: September 22, 2021

The staff of the Office of Ocean and Coastal Resource Management (OCRM) reviewed the above referenced Coastal Zone Consistency project request for land disturbance associated with construction of new public drainage project. Construction activities include stormwater and flooding mitigation activities. Stormwater Management includes open channel ditch widening and road access, as well as underground stormwater pipe. This project will permanently impact 0.49 acres of jurisdictional wetlands and 0.28 acres of non-jurisdictional (excluded) isolated wetlands. Previous wetland impacts were reviewed under Town of Andrews Drainage Improvements Phase 2 (HPB-F3B|-DBT68). The total area of disturbance will be 13.2 acres of a 13.2 acre project site.

We hereby certify that the above referenced project is **Conditionally Consistent** with the Guidelines for Evaluation of All Projects as well as the Transportation Facilities (Roads), Activities in Areas of Special Resource Significance (Wetlands), and Stormwater Management (Runoff) policies contained in the S.C. Coastal Zone Management Program provided the following conditions are included in the permits and adhered to by the applicant.

1. In the event that any historic or cultural resources and/or archaeological materials are found during the course of work, the applicant must notify the State Historic Preservation Office and the South Carolina Institute of Archaeology and Anthropology. Historic or cultural resources consist of those sites listed in the National Register of Historic Places and those sites that are eligible for the National Register. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include, but are not limited to, stone

- projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal and glass objects, and human skeletal materials.
- 2. The project must be consistent with State Stormwater Permitting requirements during and post construction for protection of water quality.
- 3. All construction BMPs must be installed, inspected and maintained to hold sediment onsite and to protect any adjacent or downstream critical area, wetlands and waters through the life of the project. Upon completion of construction activities, all disturbed (includes undeveloped) areas, including those impacted for access, must be immediately stabilized.
- 4. The project must be fully consistent with local zoning and comprehensive plans prior to work being conducted.
- 5. Prior to land disturbance and impacts to jurisdictional wetlands of 0.49 acres, applicant must fully comply with all general, special and regional terms and conditions of the US Army Corps of Engineers Permit (SAC-2020-01235) as well as SCDHEC requirements for Water Quality and Coastal Zone Certifications.
- 6. Mitigation for the 0.28 acres of isolated non-jurisdictional freshwater wetland impacts will be provided through the purchase of 6.2 credits from an approved mitigation bank. Proof of purchase of the required mitigation credits must be submitted to this office prior to beginning work on the project.

This determination shall serve as the SCDHEC OCRM Coastal Zone Consistency Determination for the work described above. However, this determination does not serve as a Department permitting decision and does not alleviate the applicant's responsibility to obtain any applicable State or Federal permit(s) for the work. Local government authorizations may also be required.



DEPARTMENT OF THE ARMY

CHARLESTON DISTRICT, CORPS OF ENGINEERS 1949 INDUSTRIAL PARK ROAD, ROOM 140 CONWAY, SOUTH CAROLINA 29526

December 9, 2020

Regulatory Division

Mr. Paul Stephens ECS Southeast, LLP 3820 Faber Place Drive North Charleston, South Carolina 29405 pstephens@ecslimited.com

Dear Mr. Stephens:

This is in response to your request for an Approved Jurisdictional Determination (AJD) (SAC-2020-01235) received in our office on September 9, 2020, for a 10-acre site located northeast of SC Highway 521 Bypass, in the Town of Andrews, Georgetown County, South Carolina (Latitude: 33.4402°, Longitude: -79.5726°). An AJD is used to indicate that the U.S. Army Corps of Engineers (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 as waters of the United States 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 Sections 9 and 10 of the Rivers and Harbors Act of 1899 (RHA) (33 U.S.C. § 401 et. seq.). This AJD is issued in accordance with the definition of Waters of the United States in Corps regulations at 33 C.F.R. §328.3, as revised by the Navigable Waters Protection Rule: "Definition of Waters of the United States," 85 Fed. Reg. 22250 (April 21, 2020), which became effective on June 22, 2020.

The site is shown on the attached sketches labeled Figures 7 and 8, which are titled "STREAM/WETLAND / LOCATION MAP", dated November 5, 2020, and prepared by ECS Southeast, LLP. Based on a review of aerial photography, topographic maps, National Wetlands Inventory maps, soil survey information, and Wetland Determination Data Forms, we conclude the referenced sketches accurately reflect the location and boundaries of aquatic resources within the site. The site contains 1.31 acres of jurisdictional wetlands, and 200 linear feet of other waters of the United States that are subject to Corps' jurisdiction under Section 404 of the CWA.

The site also contains aquatic resources that are not subject to Corps' jurisdiction under Section 404 of the CWA or Sections 9 and 10 of the RHA.

Attached is a form describing the basis of jurisdiction for the delineated areas. Be aware that a Department of the Army (DA) permit may be required for certain activities in the areas subject to Corps' regulatory jurisdiction, and these areas may be subject to restrictions or requirements of other state or local government agencies.

If you submit a permit application as a result of this AJD, include a copy of this letter and the sketches as part of the application. Not submitting the letter and depiction will cause a delay while we confirm an AJD was performed for the proposed permit project area. 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 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.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

In all future correspondence, please refer to file number SAC-2020-01235. A copy of this letter is forwarded to State and/or Federal agencies for their information. If you have any questions, please contact me at (843) 365-1709, or by email at Ann.W.Eaddy@usace.army.mil.

Sincerely,

Digitally signed by EADDY.ANN.W.136 2927133 Date: 2020.12.09

Ann Eaddy Project Manager

Attachments: Approved Jurisdictional Determination Form Sketches Notification of Appeal Options

Copies Furnished:

Mr. Ray Funnye
Georgetown County
PO Box 421270
Georgetown, South Carolina 29442
Rcfunnye@gtcounty.org

SCDHEC – Bureau of Water 2600 Bull Street Columbia, South Carolina 29201 WQCWetlands@dhec.sc.gov SCDHEC - OCRM 1362 McMillan Avenue, Suite 400 North Charleston, South Carolina 29405 OCRMPermitting@dhec.sc.gov



I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 09-DEC-2020

ORM Number: SAC-2020-01235

Associated JDs: N/A Review Area Location¹:

State: SC City: Andrews County: Georgetown County

Center Coordinates of Review Area: Latitude 33.440252 Longitude -79.572676

II. FINDINGS

Α.	Summary: Check all that apply. At least one box from the following list MUST be selected. Complete
	the corresponding sections/tables and summarize data sources.
	☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features,
	including wetlands, of any kind in the entire review area). Rationale: N/A
	☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction
	within the review area (complete table in section II.B).
	☐ There are "waters of the United States" within Clean Water Act jurisdiction within the review
	area (complete appropriate tables in section II.C).
	There are waters or water features excluded from Clean Water Act jurisdiction within the review
	area (complete table in section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

	§ 10 Name	§	10 Size	§ 10 Criteria	Rationale for § 10 Determination
F	N/A	N/A		N/A	N/A

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)³

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
Jurisdictional	200 feet	(a)(2) Perennial tributary contributes	Although this Jurisdictional Tributary T1 is not depicted
Tributary T1		surface water flow directly or	as a blue line on the topographic map, it is depicted on
-		indirectly to an (a)(1) water in a	the aerials and the SC StreamStats 2018 as a
		typical year	perennial tributary that flows directly into Johnson's
			Swamp. Johnson's Swamp flows into Horse Pen
			Swamp, which flows directly into the Black River, a
			Section 10 Waterbody. The NWIs map this tributary
			and the abutting wetlands as palustrine wetlands, and
			the soil survey maps this area as Bladen, a hydric soil.
			Based on this information, Jurisdictional Tributary T1
			was determined to be an (a)(2) water.

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

-	anoc ana pon	ao, ana impoc	inamonio oi janoaiolionai wa	(d)(d) Watere):
	(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
	N/A	N/A	N/A	N/A

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Jurisdictional Wetland W2	0.9 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland W2 was determined to directly abut the OHWM of the on-site tributary named T1. Based on the aerials, NWIs, and soil survey, this onsite wetland is a portion of a larger wetland system that continues southwest of the project site. This wetland system intersects with the tributary immediately west of the site. Therefore, W2 was determined to be an (a)(4) water.
Jurisdictional Wetland W3	0.09 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland W3 was determined to be a portion of a larger wetland system that continues southeast off site and directly abuts the OWHM of Jurisdictional Tributary T1. W3 is mapped as a palustrine wetland (PFO1/3Bd) on the NWIs and as Bladen, a hydric soil, on the soil survey. This wetland system intersects with the jurisdictional tributary off-site based on a review of the aerials, topographic map, soil survey, and NWIs. Therefore, W3 was determined to be an (a)(4) water.
Jurisdictional Wetland W5	0.32 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Jurisdictional Wetland W5 is located south of T1 and directly abuts the OWHM of jurisdictional tributary on site. The NWIs map this wetland and the tributary on site as PFO1Cd, and the soil survey maps this wetland system as Bladen, a hydric soil. Therefore, W5 was determined to intersect with the boundary of the on-site jurisdictional tributary and to be an (a)(4) water.

D. Excluded Waters or Features

Excluded waters $((b)(1) - (b)(12))^4$:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Excluded Water	2030 feet	(b)(5) Ditch that is not an (a)(1) or	Ditch D1 was determined to be an excluded water
D1		(a)(2) water, and those portions of a	based on a review of the aerials, topographic map, soil
		ditch constructed in an (a)(4) water	survey, NWIs, and information submitted by the agent.
		that do not satisfy the conditions of	The aerials depict this feature as a straight ditch that
		(c)(1)	connects south with the onsite jurisdictional tributary
			T1. This feature is not depicted on the topographic
			map, and the majority of this feature is mapped uplands
			on the NWIs and as Yauhannah and Yemassee, which
			are not hydric soils, on the soil survey. Photographs
			submitted by the agent show standing water with
			vegetation present in portions of the feature. This man-
			made feature is not naturally occurring, a relocation of a
			tributary, does not originate in adjacent wetlands, and
			does not meet the criteria of an (a)(1) or (a)(2) water;

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

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⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



		1	therefore, it was determined to be an excluded water.
Excluded Water D2	95 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	Ditch D2 was determined to be an excavated out of uplands based on a review of the aerials, topographic map, soil survey, and NWIs. This feature is depicted as a straight feature that connects west with D1, and it is not depicted on the topographic map. This feature is mapped Yemassee, a non-hydric soil, on the soil survey and is mapped uplands on the NWIs. Therefore, Ditch D2 was determined to be an excluded water.
Excluded Water D4	95 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	Although Ditch D4 is depicted as being located within wetlands on the NWIs and is mapped Bladen on the soil survey, it was determined to be a man-made ditch with ephemeral flow. This feature is not depicted on the topographic map and is a straightened feature on the aerials that connects west with Ditch D1. Therefore, Ditch D4 was determined to be an excluded water.
Excluded Water D5	95 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	Although Ditch D5 is depicted as being located within wetlands on the NWIs and is mapped Bladen on the soil survey, it was determined to be a man-made ditch with ephemeral flow. This feature is not depicted on the topographic map and is a straightened feature on the aerials that connects west with Ditch D1. Therefore, Ditch D5 was determined to be an excluded water.
Excluded Water W1	0.31 acres	(b)(1) Non-adjacent wetland	Excluded Water W1 is a closed boundary polygon determined to be non-jurisdictional because it does not abut nor is it inundated by an (a)(1)-(a)(3) water. The aerials depict this site as forested with no linear features present, and the NWIs map this wetland as an isolated, depressional wetland with no other waters nearby. The site is mapped Yauhannah on the soil survey, which is non-hydric. No blue lines or other potential aquatic resources are depicted on the topographic map. Based on this information, W1 was determined to be an excluded water.

III. SUPPORTING INFORMATION

- A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.
 - _x_ Information submitted by, or on behalf of, the applicant/consultant: AJD Request submitted by ECS Southeast, LLP, on behalf of Georgetown County, on 9 Sep 2020.

This information is sufficient for purposes of this AJD.

Rationale: The wetland data forms and information submitted by the agent are considered to be a reasonable representation of site conditions at the time of collection and are sufficient for purposes of this AJD.

Data sheets prepared by the Corps: N/A.

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

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⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



- _x_ Photographs: Photographs submitted by the agent dated 12 Aug 2020. Google Earth aerial dated 10 Mar 2017.
 ___ Corps Site visit(s) conducted on: N/A.
 _ Previous Jurisdictional Determinations (AJDs or PJDs): N/A.
 x Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
 x USDA NRCS Soil Survey: NRCS Soil Survey Geographic Database (SSURGO) Map Service created 4 Apr 2019 and updated 26 Aug 2020. The site consists of Yemassee and
- Yauhannah soils, which are non-hydric, and Bladen, which is a hydric soil.

 x USFWS NWI maps: USFWS NWI Wetlands Raster REST Map service dated May 29, 2012 and updated on July 17, 2020. According to the NWIs, W1 and the southern portion of the site are mapped palustrine wetlands. The remainder of the site is mapped uplands.
- _x_ USGS topographic maps: USGS Topographic Map / 7.5 Minute Index / Andrews Quad. The topographic map depicts this site as uplands with a wetland feature present along the southern portion of the site.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information			
USGS Sources	USGS Topographic Map.			
USDA Sources	N/A.			
NOAA Sources	N/A.			
USACE Sources	SAC Regulatory Viewer accessed on 5 Nov 2020.			
State/Local/Tribal Sources	South Carolina StreamStats 2018			
Other Sources	N/A.			

- **B.** Typical year assessment(s): Antecedent Rainfall Calculator data for typical year determination was calculated based on the field collection date provided by the agent (12 Aug 2020). The Antecedent Rainfall Calculator data showed "wetter than normal" conditions at the time of data collection by the agent with a condition value of 16, which indicates that typical year hydrologic conditions may not be present. For this assessment, ten weather stations, located within a 27-mile radius, were used. Even though site conditions for the date of the data forms do not represent typical year hydrologic conditions and flow regimes, the status for the onsite waters remains unchanged.
- **C.** Additional comments to support AJD: The 10-acre project site contains four jurisdictional waters, including one jurisdictional (a)(2) tributary located at the southern end of the site and three jurisdictional (a)(4) wetlands that directly abut the jurisdictional tributary. This site also contains five excluded waters, including four non-jurisdictional ditches that were determined to be (a)(5) excluded waters that were man-made and are not (a)(1) or (a)(2) waters. Based on a review of the aerials, topographic map, soil survey, NWIs, and information submitted by the agent, the excluded wetland was determined to be an isolated, depressional wetland with no connections to (a)(1) (a)(3) waters.

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

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NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL					
Applicant: Ray Funnye	File Number:	Date:			
Georgetown County	SAC-2020-01235	December 9, 2020			
Attached is:	See Section below				
INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A			
PROFFERED PERMIT (Standard	В				
PERMIT DENIAL	С				
X APPROVED JURISDICTIONAL DETERMINATION		D			

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.

PRELIMINARY JURISDICTIONAL DETERMINATION

- 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 OBJECTION	ONS TO AN INITIAL PRO	FFERED PERMIT			
REASONS FOR APPEAL OR OBJECTIONS: (Describ					
initial proffered permit in clear concise statements. You may attac	h additional information to this for	rm to clarify where your reasons			
or objections are addressed in the administrative record.)					
ADDITIONAL INFORMATION TI	. 6 d 1	Commence of the forest			
ADDITIONAL INFORMATION: The appeal is limited to a review record of the appeal conference or meeting, and any supplemental					
clarify the administrative record. Neither the appellant nor the Con					
you may provide additional information to clarify the location of information that is already in the administrative record.					
POINT OF CONTACT FOR QUESTIONS OR INFOR	MATION:				
If you have questions regarding this decision and/or the appeal	If you only have questions regard				
process you may contact the Corps biologist who signed the	ho signed the also contact the Coordinator for Appeals in our South Atlantic				
letter to which this notification is attached. The name and	Division Office in Atlanta, Georgia at (404) 562-5136.				
telephone number of this person is given at the end of the letter.	Jason W. Steele 60 Forsyth St, SW				
	Atlanta, GA 30308-8801				
RIGHT OF ENTRY: Your signature below grants the right of entry					
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 pa	•	Talanhan1			
	Date:	Telephone number:			
Cianatana afamaila t					
Signature of appellant or agent.					



