

**PLANNED DEVELOPMENT
DISTRICT
AND
CONCEPT PLAN**

FOR

BAILEY PARK

Jasper County, South Carolina

FOR

K&R Development, LLC

BY

WITMER - JONES – KEEFER, LTD.

23 PROMENADE STREET, SUITE 201

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PLANNED DEVELOPMENT DISTRICT AND CONCEPT PLAN

BAILEY PARK

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BAILEY PARK PLANNED DEVELOPMENT DISTRICT CONCEPT PLAN

SECTION I – SITE DEVELOPMENT

A. THE PROPERTY

The Bailey Park Planned Development District (PDD) is located in Jasper County, South Carolina with frontage on Highway 170. The tract is located approximately 2 miles east of the Hwy 462 intersection and is approximately 26.63 acres. A site location map is provided in Appendix A.

The Bailey Park Tract is currently owned by K&R Development (“Owner”), its successors or assigns. The Owner proposes that this property be zoned and developed as a PDD in accordance with the Jasper County Zoning Ordinance (ZO) and Land Development Regulations (LDR) in effect at the time of submittal to Jasper County. The PDD designation will be utilized to encourage unified planning and development, promote economical and efficient land use, foster a harmonious variety of uses, encourage creative design, and produce a better environment.

The Bailey Park Tract (TM# 081-00 -04-007 & 081-00-04-080) is located in Jasper County, South Carolina and is adjacent to Center Point PDD to the North; undeveloped property to the east and west and residential property to the south. The property is currently vacant undeveloped land. The property has approximately 514 linear feet frontage on Highway 170 to the north and approximately 450 linear feet of frontage on Old Bailey’s road to the south. A site survey is included as Appendix B. See section I.C. and Appendix H for detail related to the Conceptual Master Plan.

The property encompasses approximately 26.63 acres which consist of 1.7 acres non-jurisdictional freshwater wetlands, and 24.93 acres of upland. The property does not contain any saltwater marsh critical areas and has no frontage on critical areas. The U.S. Army Corps of Engineers (USACE) wetland verification is approved and the Approval of Jurisdictional Determination letter has been issued contained in Appendix C. Preliminary soil data has been evaluated using available on-site soil data and USDA soils information. On-site soils are Coosaw loamy fine sand (Cs) and Wahee fine sandy loam (Wa). The soils are expected to be acceptable and suitable for the proposed site development. USDA soils data is included as Appendix D.

The 6.63 acres of Bailey Park fronting Highway 170 is currently zoned Community Commercial and the remaining 20 acres to the south is currently zoned Residential. The adjacent land uses to the north is undeveloped Center Point PDD; to the east and west are undeveloped properties and residential property to the south. Bailey Park will be

developed in 2-3 phases over an approximately 5-year period. An aerial overlay map of the PDD and surrounding area is included as Appendix E.

Based on a review of the USGS Jasper quadrangle map and preliminary site surveys, site elevations range from approximately 17-20 feet above mean sea level. A portion of the USGS map is included as Appendix F. The site is currently forested and drainage flows towards the existing wetland along highway 170; towards a drainage ditch at the center of the property and along Old Baileys road.

Based on a review of FEMA Maps, all of the PDD property occurs outside of a designated flood zone areas A portion of FEMA Map Panel Number 410, dated October 18, 2019, is included as Appendix G.

B. PLANNED DEVELOPMENT DISTRICT (PDD) PURPOSE

The PDD overlay zone was adopted by the Jasper County Council to permit and encourage the effective, efficient, and economical development of large tracts of land in Jasper County.

C. CONCEPTUAL MASTER PLAN

Bailey Park is an approximately 26.63 acre tract of land located adjacent to the Center Point PDD in Jasper County, South Carolina. It is anticipated that the property will be developed over a period of 5 years, in accordance with the Concept Plan set forth in this document or amended in the future. The Conceptual Master Plan sets forth the general scope of the development including number of units, phasing, development standards, open space and other issues. In addition to the Conceptual Master Plan, development of the property is controlled by other provisions of the PDD. The Concept Plan is included in Appendix H.

The goal of the development is to produce a high-quality residential development. The tract of land provides an opportunity for a mix of residential products that will be developed over a period of time. The PDD designation is necessary to accommodate the intended land use and provide for the responsible planning and development of the property over time.

The Bailey Park Conceptual Master Plan, prepared by Witmer-Jones-Keefer, shows a general access layout and a residential community showing areas designated for varying types of residential development. Proposed land uses are detailed under Section 2 - Land Use Designation and Definitions.

The Bailey Park PDD property is a 26.3-acre property with 6.63 acres community commercial Tract ‘A’ and a 20-acre Residential Tract ‘B’. 1.7 acres of non-jurisdictional wetlands are located within the tracts. However, the developer desires the Bailey Park PDD to allow for Residential use only. Under the terms of the approved PDD the only allowable uses will be Multi Family Residential, Single Family Attached and Single Family Detached Residential with a maximum of 7.5 DU per upland acre overall for Tracts A and B.

Development is planned to occur in accordance with the Development Schedule presented in Appendix I which is preliminary and subject to change based on market conditions.

The proposed Concept Plan will maintain open space requirements as per Section II, D.8 of this document. The open space and amenities will be owned and maintained in the manner approved with appropriate covenants and restrictions by the developer, homeowner’s association, or other legally designated entity. Property deemed to a governmental entity becomes the maintenance responsibility of that entity.

Activities along any external property lines of the PDD shall conform to the setback, buffer, screening as described in Section II.D.9(b) of the PDD.

The Concept Plan constitutes a request for a waiver from the current Jasper County ZO where differences occur. However, activities in the PDD shall conform to all other Jasper County Ordinances and Regulations where differences do not occur. The Concept Plan may introduce land uses that do not exist in the current Zoning Ordinance. Based on the PDD, Bailey Park requests deviations from the following Zoning Ordinance provisions:

General Requirement	Description of Proposal
No exceptions	

The provisions of the Concept Plan shall apply to development in the Bailey Park PDD. In the event of a conflict, the hierarchy of documents is the following: 1) PDD and Concept Plan; 2) Jasper County ZO in effect at the time of Final Adoption of the Bailey Park PDD.

D. ENVIRONMENTAL PROTECTION

Environmental protection is a priority for the Applicant. As part of the development process, Bailey Park developers will meet or exceed the stormwater management requirements of the Jasper County Stormwater Regulations and the South Carolina Department of Health's Office of Ocean and Coastal Resource Management (OCRM).

Bailey Park developers will prepare stormwater management plans for the tracts of land as they are developed. The plan will address the hydrological characteristics of the site as well as predevelopment conditions and post-development stormwater management facilities for flood control and sediment reduction.

Freshwater wetlands on the property are typical of the South Carolina Lowcountry. Approximately 15.6 percent of the site is non-jurisdictional freshwater wetlands. A plat indicating the freshwater wetlands on the property is included in Appendix C.

On-site wetland impacts resulting from the development of the Bailey Park PDD will be permitted jointly through the USACE and OCRM. All impact mitigation will be accomplished through a combination of buffers and preservation of jurisdictional wetlands located on the property and will meet or exceed state and/or federal standards.

E. CULTURAL AND HISTORICAL RESOURCES

As part of the comprehensive study of the property, a preliminary assessment of the cultural and historical resources on the site will be prepared prior to submittal of a development plan for each of the tracts. As part of Master Plan Approval and prior to final design, the South Carolina Department of Archives and History will be contacted by the Owner to request a review of the Department's cultural resource inventory database. The Owner will follow the direction and procedures of the Department of Archives and History as appropriate and if necessary, will address all cultural resource issues with the State Historic Preservation Office. A final determination will be provided as part of Master Plan Approval.

F. WATER AND SEWER SERVICE

Water and sewer service will be provided to Bailey Park by Beaufort Jasper Water & Sewer Authority (BJWSA). Currently, BJWSA has water 8” water main located within the Old Bailey’s Road and 30” water main located within the North Okatie Highway (170) right of way and 8” force main sewer lines located within the North Okatie Highway (170) right of way, and gravity sewer within the Okatie Park Circle West right of way. Detailed planning for the water and sewer systems will commence at the time of PDD approval by Jasper County. Preliminary discussions with BJWSA indicate a willingness to serve the property and to increase their capacity to serve developments in the vicinity. BJWSA has agreed to operate and maintain the water and sewer systems within their service area upon completion by the developer and acceptance by the Authority.

G. UTILITY SERVICE

Bailey Park is within the service territory of Dominion Energy for electrical power. The Owner will coordinate with Dominion Energy regarding planning for the PDD.

Hargray is able to provide telephone service to Bailey Park. The Owner will coordinate with Hargray regarding planning for the PDD.

Other utility services may be provided by legally established entities at the discretion of the Owner, provided such are in accordance with applicable franchising ordinances and licensing requirements of Jasper County.

H. ROADWAYS AND TRAFFIC

Bailey Park has frontage on SC Highway 170 to the north and Old Bailey’s Road to the south. Establishing safe and reasonable ingress and egress for the property is a priority for the Owner, South Carolina Department of Transportation (SCDOT), and Jasper County. Full access shall be defined as access which allows any and all possible vehicular traffic movements into and out of the development. Limited access shall be defined as access which limits the movement of traffic into and out of a development (i.e., right-in, right-out). Any proposed roadway improvements shall be subject to approval by Jasper County and, where appropriate, the SCDOT.

The Concept Plan provides locations for potential internal access points for future interconnectivity.

As part of the access management plan for the project, the Owner will work with SCDOT and Jasper County to obtain one access point from Highway 170 and one access off Old Bailey’s Road. All proposed access points shall be accompanied by a traffic analysis that demonstrates consistency with the Jasper County and SCDOT Highway Management

Access Plans and design criteria. These accesses may be relocated to accommodate traffic modeling information, site specific characteristics and adjacent land uses as part of the access management plan.

Primary access to the interior of the development will be via the access point off Highway 170 and access off Old Bailey's Road as shown on the Conceptual Master Plan. Connectivity between the various development parcels and these access locations will be planned and incorporated into the site plans for the individual developments as they are submitted to Jasper County for review. Traffic circulation and access systems will be developed to maximize the public utility of full access points to Highway 170 from Bailey Park and also from adjacent and opposite parcels to the extent practical. Interconnectivity between different proposed uses within the PDD will be promoted in order to encourage efficient traffic flow within the PDD.

Roads indicated on the Concept Plan are subject to modification at the time of Development Plan approval based upon specific soil conditions, environmental concerns, physical constraints and design parameters.

The access point locations described above and shown on the Concept Plan are preliminary and may be relocated during Master Plan approval and final development plans. Planning, design, and construction of these accesses as well as all roadways and transportation elements shall be in accordance with SCDOT standards, Jasper County Ordinances, traffic impact assessment, PDD standards, or other engineering standards reasonably acceptable to the County engineer. Typical roadway sections will be submitted for review at the Master Plan approval stage.

Potential access across the jurisdictional wetlands surrounding adjacent tracts may be allowed if approved by OCRM and the USACE. Road linkages to adjacent properties may include impacts to jurisdictional wetlands.

Notwithstanding other provisions of this document and subject to approval by Jasper County, roadway design standards may be modified to reduce environmental impacts and increase tree preservation provided safety concerns are not compromised. Protection and preservation of significant trees will be encouraged. Reductions of roadway and right-of-way widths may not occur unless specifically authorized by the County.

I. PARKING

The total number of required parking spaces for all land uses allowed herein shall conform to the Jasper County ZO in effect at the time of Final Adoption of the Bailey Park PDD. Modulation of those standards may be allowed provided the applicant furnishes actual documentation that the new proposed standard meets the parking needs of the proposed land use and the County agrees at Master Plan approval.

J. STORMWATER MANAGEMENT

Bailey Park PDD shall conform to the Jasper County ZO and Stormwater Management Ordinance in effect at the time of Master Plan approval for the Bailey Park PDD as well as all other applicable state and federal requirements. Sufficient stormwater best management practices will be employed in the development of the PDD to ensure runoff leaving the site does not degrade water quality within surrounding wetlands and the receiving waterways.

SECTION II – LAND USE

A. INTRODUCTION AND NARRATIVE

The Bailey Park PDD has a total area of 26.63 acres, including 1.7 acres of non-jurisdictional freshwater wetlands, as indicated on the Conceptual Master Plan.

The Concept Plan consists of the following land use areas:

List types of proposed uses:

Of the approximately 24.93 upland acres, approximately 24 acres are intended for residential uses and 10% (2.5%) upland acres are intended for community space use and stormwater management.

Of the residential units, initial plans call for multi-family, townhouse and single-family homes.

The land use areas indicated on the Concept Plan are not intended to be rigid exact boundary lines for future land use and improvements. The Concept Plan for the Bailey Park PDD shall maintain flexibility to accommodate specific soil conditions, environmental concerns, pedestrian friendly requirements, physical constraints, market conditions and design parameters and as such, the exact location of boundary lines between land uses and their subsequent location and size indicated within the planning area shall be subject to change at the time Development Permit Plan(s) are submitted for PDD between the Owner and Jasper County, South Carolina, will be strictly adhered to, unless adjustment is requested by the Owner and approved by the County. The boundaries of the PDD may be modified to include adjacent acreage subject to the approval of Jasper County by appropriate petition/application to the County to amend the PDD.

B. ALLOWED LAND USES

The following land uses shall be permitted in the Bailey Park PDD. The purpose of this portion of the PDD document is to state which land uses shall be allowed within the Bailey Park PDD; however, by allowing these uses this does not obligate the developer to provide the uses or facilities stated herein.

The following land uses and definitions shall be permitted in the Bailey Park PDD:

List types of proposed uses:

Tract A : Multi Family Residential; Single Family Attached and Single Family Detached Residential

Tract B: Multi Family Residential; Single Family Attached and Single Family Detached Residential

Any easement that occurs within the property shall have the same land uses as any of the adjacent land uses. Any restrictions shall be based on the legal definition of the easement.

Design Regulations and Performance Standards will be established for each area at the time of the Master Plan approval. Unless otherwise agreed at Master Plan approval or in this PDD, the standard for uses and design criteria from the Jasper County ZO will apply.

C. ALLOWED DENSITY

Of the approximately 24.93 upland acres, the Concept Plan for the Bailey Park PDD consists of approximately 24 acres of Residential uses. The Concept Plan may be modified at Master Plan approval, taking into consideration the potential need to change the exact locations of the proposed use(s) in order to address traffic considerations and in response to market conditions.

The Bailey Park PDD is planned to include a maximum residential density of 7.5 DU per acre. Overall residential density shall include both Attached and Detached Single-Family Residential and Multi-Family Residential.
Multi Family Residential, Single Family Attached and/or Single Family Detached will be allowed overall.

Commercial acreage - there will be no commercial development allowed under the terms of the Bailey Park PDD.

D. DEFINITIONS OF LAND USE TERMS AND DENSITY TERMS

In the absence of a term definition in this Concept Plan or in the Bailey Park Development Agreement with Jasper County, the definitions of the Jasper County Zoning Ordinance shall apply in the interpretation of this Concept Plan. The definitions below shall generally describe the allowed uses within the PDD.

1. Tract A - Community Commercial

There will be no commercial development allowed within the Bailey Park PDD.

a. Permitted Uses:

NA

INTENTIONALLY LEFT BLANK

2. Intentionally Blank

3. Tract A & B - Residential

1. Multi-family and Single family

- a. The maximum number of residential dwelling units on the property (Tract A & B) will be 7.5 DU per upland acre as determined by specific soil conditions, environmental concerns, pedestrian friendly requirements, physical constraints, market conditions and design parameters.
- b. For detached single family residential and duplexes, (i) the average lot size may vary as to specific, individual master plans, but the overall average lot size on the Property shall not be less than 4,500 square feet and (ii) the minimum side setbacks shall be 6 feet on each side. Side setbacks can be reduced at the discretion of the County's Planning staff. The primary standard, to be utilized in allowing the variance shall be the maintenance of the County's Insurance Services Organization fire safety rating. As for dwelling units, a minimum front-yard setback of 25 feet shall be imposed on lots with front-loaded garages; a minimum setback of 15 feet for lots with side-loaded garages; a minimum setback of 15 feet from the back lot line; and a minimum setback of 5 feet from a pool or deck. For corner lots, the second street setback shall be 15 feet.
- c. For attached single family residential, townhomes, or condominiums (i) there shall be no minimum lot size or setbacks, and (ii) 6-foot side setbacks shall be required for all non-common lot line sides.

- d. Multi-family residential units (which are not separated by a ground-to-roof wall) are allowable up to a maximum of 7.5 units per acre. Multifamily residential consists of attached or detached residential including both short term and long-term rentals. Multi-family units do not have a lot size designation. Multi-family units shall be limited to a maximum of 35 feet in height above finished grade, as applicable, not including minor uninhabitable architectural elements above basic roof lines, subject to provisions of the Jasper County Ordinances.
- e. The allocation of density as specified allows for the clustering of development to optimize the protection of natural features and maximize open space. This does not guarantee that the Property can be developed at the identified maximum. Lot sizes range from the square footage of the foundation of cottage-type product to larger single-family lots.
- f. Single-family residential consists of attached (2 or more units separated by a ground-to-roof wall) and detached residential, including both short and long-term rentals. Product mix may include full size lots, attached zero lot line product subject to Master Plan Review, townhouses, patio home sites and cottages. Residential improvements, including parking designed underneath dwelling units, shall be limited to a maximum of three (3) stories, in height above parking or base flood elevation not to exceed 35 ft measured from the average finished grade elevation at the building line to the mean roof height, as applicable, not including minor uninhabitable architecture elements above basic roof lines, subject to provisions of the Jasper County Ordinances.
- g. Additional lot size designations and bulk requirements shall be provided for each type of proposed residential use at the Master Plan phase.

4. Community Recreation, Amenities and Parks:

This designation allows for the recreational complexes and amenities to serve the Bailey Park PDD. Land uses may consist of private and semi-private recreation, indoor and outdoor lighted and unlighted recreation facilities, establishments, and services that include active and passive sports and entertainment, ancillary facilities such as restaurants serving such public recreational facilities. Community Recreation enhances the quality of life and provides recreational needs for the Bailey Park community and shall not be counted against the overall allowed acreage for commercial uses within the Bailey Park PDD. Permitted uses include

- a. Outdoor Recreational Facilities including but not limited to:
 1. Public or Private Clubhouse and pavilions (maximum 3 stories and 35' height above finished grade, subject to provisions of the Jasper County Ordinances)
 2. Swimming pool and support facilities

3. Event space and green for outdoor recreation and restrooms
4. Recreation fields, sports courts and other recreation related amenities.
5. Sidewalks and pedestrian trails
6. Recreational Building including but not limited to uses such as indoor recreation, meetings, assembly, banquet, fitness, and hobby space.
7. Accessory Buildings
8. Maintenance and Storage Facilities
9. Pro shops, snack bars, grills, restaurants and lounges associated with clubhouses
10. Ancillary uses associated with community recreation facilities such as craft centers, fitness centers, etc.

5. Institutional/Civic
Not Allowed.

6. Maintenance Areas

The maintenance areas will contain the facilities, tools and equipment necessary to maintain the common properties within the Bailey Park PDD. These facilities may be congregated on a central site or located in separate convenient sites for different services such as general community maintenance, recreation area maintenance or individual property regime maintenance. Permitted uses include:

- a. Vehicle maintenance
- b. Storage of vehicles and parts, boats, recreational vehicles and resident storage
- c. Fuel storage
- d. Shops for woodwork, metalwork, and painting.

APPENDIX A

SITE LOCATION MAP

**APPENDIX A
SITE LOCATION MAP**

PROJECT SITE



APPENDIX B

SITE SURVEY

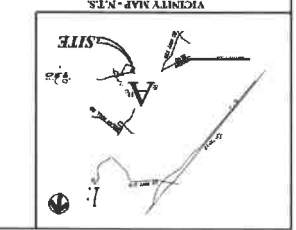
1) A SUBDIVISION MAP OF LOT 2, J.G. BAILEY SUBDIVISION, JASPER COUNTY SOUTH CAROLINA, DRAWN DECEMBER 1, 1924, RECORDED IN BOOK 13, PAGE 271 BY: HETS CHRISTENSEN S.C.S.A. # 2008
 PROPERTY AREA = 28.83 AC. 1,189,422 S.F.
 ADDRESS: OLD BAILEY ROAD
 DISTRICT: 01, MAP: 4, PARCELS: 7, 8 & 9
 THIS PROPERTY LIES IN F.E.M.A. ZONE C
 BASE FLOOD ELEVATION = 100 MINIMUM ELEVATION
 COMMUNITY NO. 480112, PANEL 0108B, DATED: 10/18/82

REFERENCE MAP:

- SYMBOLS
- SW - 1/4 Section boundary
 - SW - 2 - 1/4 sec. line
 - SW - 1/2 sec. line
 - SW - 1/4 sec. line
 - SW - 1/8 sec. line
 - SW - 1/16 sec. line
 - SW - 1/32 sec. line
 - SW - 1/64 sec. line
 - SW - 1/128 sec. line
 - SW - 1/256 sec. line
 - SW - 1/512 sec. line
 - SW - 1/1024 sec. line
 - SW - 1/2048 sec. line
 - SW - 1/4096 sec. line
 - SW - 1/8192 sec. line
 - SW - 1/16384 sec. line
 - SW - 1/32768 sec. line
 - SW - 1/65536 sec. line
 - SW - 1/131072 sec. line
 - SW - 1/262144 sec. line
 - SW - 1/524288 sec. line
 - SW - 1/1048576 sec. line
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APPENDIX C

FRESHWATER WETLANDS DELINEATION

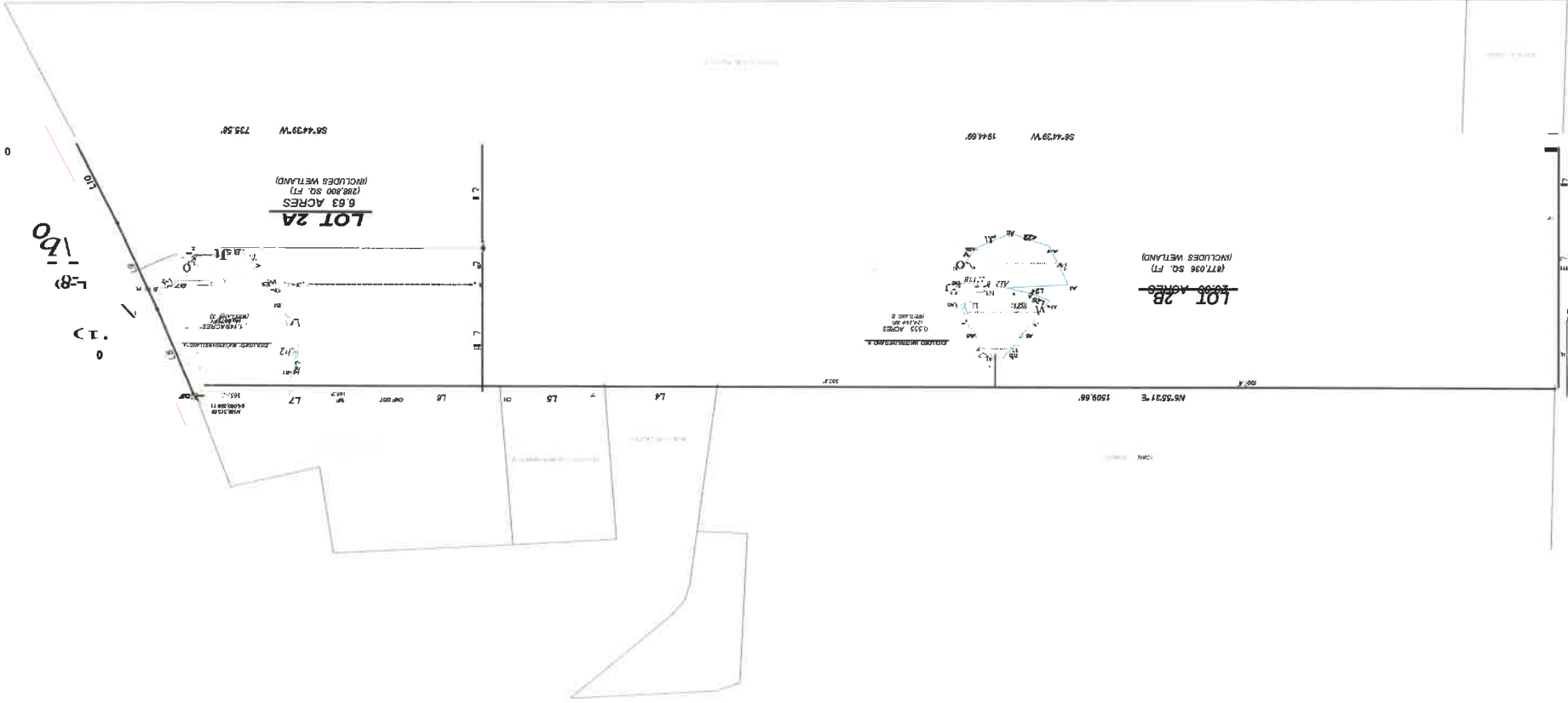


0 to 80
Feet
Scale

LINE	LENGTH	DIRECTION
L1	150.84	N81°17'W
L2	150.80	N81°17'W
L3	150.80	N81°17'W
L4	150.80	N81°17'W
L5	150.80	N81°17'W
L6	150.80	N81°17'W
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L97	150.80	N81°17'W
L98	150.80	N81°17'W
L99	150.80	N81°17'W
L100	150.80	N81°17'W

1. THIS PLAN IS TO BE USED IN CONNECTION WITH THE SURVEY OF THE LANDS OF THE STATE OF ALABAMA, AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
 2. THE SURVEYOR HAS NOT CONDUCTED A VISUAL INSPECTION OF THE LANDS SHOWN ON THIS PLAN, AND THEREFORE DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.
 3. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE LANDS SHOWN ON THIS PLAN, AND THEREFORE GUARANTEES THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.
 4. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE LANDS SHOWN ON THIS PLAN, AND THEREFORE GUARANTEES THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

WETLAND "A"
 1.145 AC.
WETLAND "E"
 0.555 AC.
SUB-TOTAL
 1.700 AC.
UPLANDS
 24.926 AC.
TOTAL AREA
 26.626 AC.



DATE: 05/24/22
 JOB NO.: 70.373
 CHECKED BY: JTG
 DRAWN BY: JTG
 SURVEYED BY: RDMW
 SCALE: 1" = 100'
 CHELSEA, JASPER COUNTY, SOUTH CAROLINA
 OLD BAILEY ROAD
 LOCATED ON
 081-00-04-007
 OF
 A WETLAND LAND SURVEY





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

June 15, 2022

Regulatory Division

Mr. Asher Howell
Newkirk Environmental, Inc.
73 Sea Island Parkway, Suite 20
Beaufort, South Carolina 29907
asher@newkirkenv.com

Dear Mr. Howell:

This is in response to your request for an Approved Jurisdictional Determination (AJD) (SAC-2021-01243) received in our office on received July 22, 2021, for a 26.626-acre site located on Old Bailey Road in Chelsea, Jasper County, South Carolina (Latitude: 32.3508° , Longitude: -80.8884°). An AJD is used to indicate the Corps has identified the presence or absence of wetlands and/or other aquatic resources on a site, including their accurate location(s) and boundaries, as well as their jurisdictional status pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. § 1344) and/or navigable waters of the United States pursuant to Section 10 of the Rivers and Harbors Act of 1899 (RHA) (33 U.S.C. § 403).

The site in question is shown on the attached survey plat entitled and dated May 24, 2021, prepared by Coastal Surveying Co. Inc., and revised by this office to include wetland labels. Based on a review of aerial photography, topographic maps, National Wetlands Inventory maps, soil survey information, Wetland Determination Data Form(s), and LiDAR, we conclude the site, as shown on the referenced depiction, does not contain any aquatic resources subject to Corps' jurisdiction under Section 404 of the CWA or Section 10 of the RHA.

The site contains 1.7 acres of freshwater wetlands as federally defined by the 1987 Corps of Engineers Wetland Delineation Manual and applicable regional supplement however, the 1.7 acres of freshwater wetlands are not considered subject to Corps' jurisdiction based upon U.S. Supreme Court decisions. The location and configuration of these non-jurisdictional areas are reflected on the above referenced depiction. It should be clearly noted that decisions of the U.S. Supreme Court to exclude certain waters and wetlands from federal jurisdiction under the CWA have no effect on any state or local government restrictions or requirements concerning wetlands. You are strongly cautioned to ascertain whether such restrictions or requirements exist for the area in question before undertaking any activity which might impact these aquatic resources.

Attached is a form describing the basis of jurisdiction for the delineated area(s). Note that some or all of these areas may be regulated by other state or local government

entities and you should contact the South Carolina Department of Health and Environmental Control, Bureau of Water, or Department of Ocean and Coastal Resource Management, to determine the limits of their jurisdiction.

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

This AJD was conducted pursuant to Corps of Engineers' regulatory authority to identify the limits of Corps of Engineers' jurisdiction for the particular site identified in this request. This AJD may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

In all future correspondence, please refer to file number SAC-2021-01243. A copy of this letter is forwarded to State and/or Federal agencies for their information. If you have any questions, please contact Tracy D. Sanders, Project Manager, at (843) 329-8190, or by email at Tracy.D.Sanders@usace.army.mil.

Sincerely,



Courtney M. Stevens
Chief, South Branch

Attachments:
Approved Jurisdictional Determination Form
Notification of Appeal Options
"A Wetland Land Survey of 0181-00-04-007 Located on Old Bailey Road"

Copies Furnished:

Mr. Ken Tosky
K&R Development, LLC
254 Red Cedar St.
Bluffton, South Carolina 29910
ken@kennethscottbuilders.com

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

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

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

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): June 15, 2022

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: JD Form 1 of 1; SAC-2021-01243 Old Bailey

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: South Carolina County/parish/borough: Jasper County City: Okatie
Center coordinates of site (lat/long in degree decimal format): Lat. 32.350931 °, Long. -80.888383 °
Universal Transverse Mercator:

Name of nearest waterbody: Okatee River

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A

Name of watershed or Hydrologic Unit Code (HUC): 3050208

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

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

Office (Desk) Determination. Date: May 4, 2022

Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: Pick List

Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):³

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain: The project review area includes two wetlands and a linear feature. The linear feature crosses the property from east to west. A linear feature bisects the project review area from the eastern boundary towards the western boundary.

Photographs provided of the onsite portion of the linear feature show that it does not have a defined bed and bank or ordinary high water mark. The linear feature also does not display any evidence that it holds water or has relatively permanent flow.

Based on a review of LIDAR, soil survey information, NWI maps, and aerial photographs, it appears that the linear feature

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

was excavated from uplands within project review area. The aforementioned resource information also indicates that the linear conveyance originates offsite in uplands on an adjacent property to the east (upstream), drains only uplands, and flows through uplands on the subject project review area where it continues offsite to the west (downstream). For these reasons, the linear feature was determined to be non-jurisdictional and not subject to regulation under Section 404 of the CWA. LIDAR indicates that the linear feature continues through to an adjacent property to the west, where it turns and flows adjacent to and parallel with State Rd. S-7-16. However, a review of Google Earth street view imagery indicates that the linear feature does not continue through to flow adjacent to and parallel with State Rd. S-7-16. Therefore, it does not appear that the linear feature flows to a water of the U.S.

Wetland A, which is 1.145 acres in size, is located adjacent to Okatie Highway. Based on a review of aerial photos, LIDAR, and Google Earth street view photos, the wetland appears to continue offsite but is a circular depressional wetland that is located lower in the landscape than the surrounding area. Wetland A is surrounded by uplands. There is no roadside linear ditch or swale that would provide a surface hydrologic connection from the wetland to a water of the U.S. Wetland B, which is 0.555 acre in size, is located in the middle of the project review area. The wetland is visible in LIDAR as a circular depressional wetland that sits lower in the landscape than the surrounding area. Wetland B is surrounded by uplands. No ditches or swales appear to flow out of the wetland that would provide a surface hydrological connection from the wetland to a water of the U.S. For both Wetlands A and B, there are no apparent ecological interconnection from the wetlands to a water of the US. There also appears to be no subsurface hydrologic connection, and no physical, chemical, or biological connection, to waters of the US. Therefore, Wetlands A and B were determined to be isolated, non-jurisdictional and not subject to regulation under Section 404 of the CWA.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

- 1. TNW**
Identify TNW:

Summarize rationale supporting determination:

- 2. Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is “adjacent”:

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapahos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: Pick List
Drainage area: Pick List inches
Average annual rainfall: _____ inches
Average annual snowfall: _____ inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

- Tributary flows directly into TNW.
- Tributary flows through Pick List tributaries before entering TNW.

Project waters are Pick List river miles from TNW.
Project waters are Pick List river miles from RPW.
Project waters are Pick List aerial (straight) miles from TNW.
Project waters are Pick List aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW⁵:
Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):

Tributary is: Natural
 Artificial (man-made). Explain:
 Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: _____ feet
Average depth: _____ feet
Average side slopes: Pick List.

Primary tributary substrate composition (check all that apply):

- Silts
 - Sands
 - Cobbles
 - Gravel
 - Bedrock
 - Vegetation. Type/% cover:
 - Other. Explain:
- Concrete
 Muck

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:
Presence of run/riffle/pool complexes. Explain:

Tributary geometry: Pick List

Tributary gradient (approximate average slope): _____ %

(c) Flow:

Tributary provides for: Pick List

Estimate average number of flow events in review area/year: Pick List

Describe flow regime:

Other information on duration and volume:

Surface flow is: Pick List. Characteristics:

Subsurface flow: Pick List. Explain findings:

- Dye (or other) test performed:

Tributary has (check all that apply):

- Bed and banks
- OHWM⁶ (check all indicators that apply):
 - clear, natural line impressed on the bank
 - changes in the character of soil
 - shelving
 - vegetation matted down, bent, or absent
 - leaf litter disturbed or washed away
- the presence of litter and debris
- destruction of terrestrial vegetation
- the presence of wrack line
- sediment sorting
- scour

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

⁶ A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

- sediment deposition
- water staining
- other (list):
- Discontinuous OHWM.⁷ Explain:
- multiple observed or predicted flow events
- abrupt change in plant community

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- High Tide Line indicated by: Mean High Water Mark indicated by:
 - oil or scum line along shore objects
 - fine shell or debris deposits (foreshore)
 - physical markings/characteristics
 - tidal gauges
 - other (list):
- survey to available datum;
- physical markings;
- vegetation lines/changes in vegetation types.

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain:

Identify specific pollutants, if known:

(iv) Biological Characteristics. Channel supports (check all that apply):

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: Pick List. Explain:

Surface flow is: Pick List

Characteristics:

Subsurface flow: Pick List. Explain findings:

- Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- Directly abutting
- Not directly abutting

- Discrete wetland hydrologic connection. Explain:
- Ecological connection. Explain:
- Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are Pick List river miles from TNW.

Project waters are Pick List aerial (straight) miles from TNW.

Flow is from: Pick List.

Estimate approximate location of wetland as within the Pick List floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

⁷Ibid.

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain:
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N) Size (in acres) Directly abuts? (Y/N) Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. **SIGNIFICANT NEXUS DETERMINATION**

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW.

Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapazos* Guidance and discussed in the *Instructional Guidebook*. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. **DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):**

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
 TNWs: linear feet width (ft), Or, acres.
 Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial.
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

- Provide estimates for jurisdictional waters in the review area (check all that apply):
 Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
 Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**
 Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

- Provide estimates for jurisdictional waters within the review area (check all that apply):
 Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
 Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**
 Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
 Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
 Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**
 Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.
 Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**
 Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.
 Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.⁹**
 As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
 Demonstrate that impoundment was created from "waters of the U.S.," or
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
 Demonstrate that water is isolated with a nexus to commerce (see E below).

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY).¹⁰**

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
 from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 which are or could be used for industrial purposes by industries in interstate commerce.
 Interstate isolated waters. Explain:
 Other factors. Explain:

Identify water body and summarize rationale supporting determination:

- Provide estimates for jurisdictional waters in the review area (check all that apply):
 Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
 Identify type(s) of waters:
 Wetlands: acres.

F. **NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
 Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
 Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:
 Other: (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
 Lakes/ponds: acres.
 Other non-wetland waters: acres. List type of aquatic resource:
 Wetlands: 1.7 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
 Lakes/ponds: acres.
 Other non-wetland waters: acres. List type of aquatic resource:
 Wetlands: acres.

SECTION IV: DATA SOURCES.

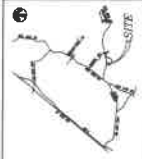
A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant. Newkirk Environmental.
 Data sheets prepared/submitted by or on behalf of the applicant/consultant. Concurs with conclusions
 Office concurs with data sheets/delineation report.
 Office does not concur with data sheets/delineation report.
 Data sheets prepared by the Corps.
 Corps navigable waters' study:
 U.S. Geological Survey Hydrologic Atlas:
 USGS NIID data.
 USGS 8 and 12 digit HUC maps.
 U.S. Geological Survey map(s). Cite scale & quad name:
 USDA Natural Resources Conservation Service Soil Survey. Citation: Wahec fine sandy loam.
 National wetlands inventory map(s). Cite name:Upland.

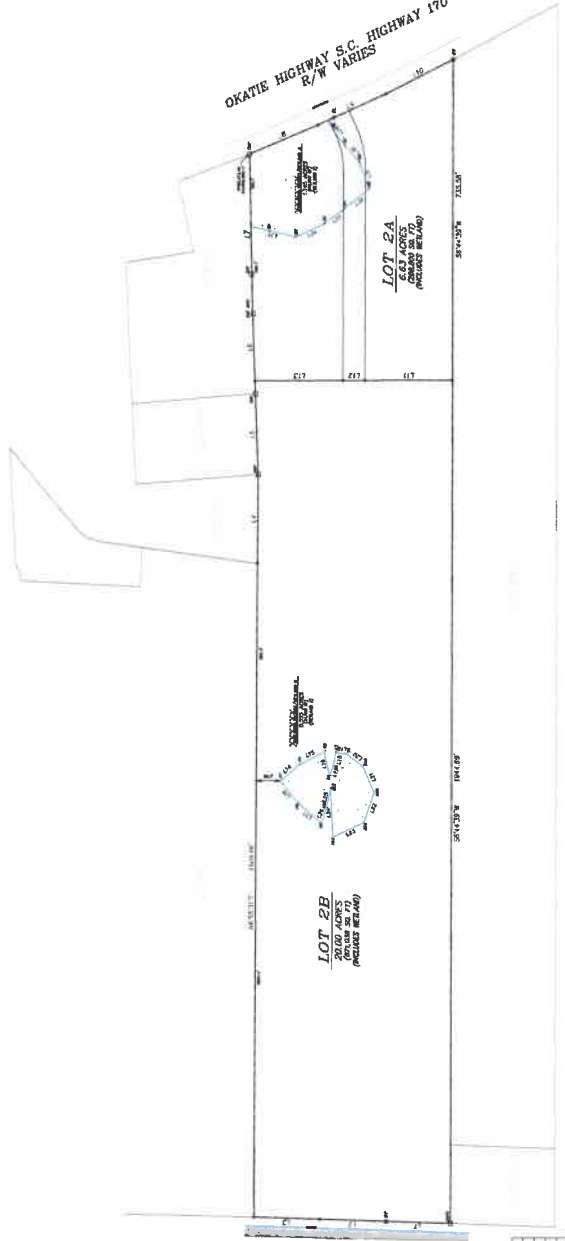
¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Google Earth 12/20/2019.
or Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):LiDAR.

B. ADDITIONAL COMMENTS TO SUPPORT JD: The project review area includes a linear feature that was determined to be non-jurisdictional and not subject to regulation under Section 404 of the CWA. Wetlands A and B were determined to be isolated, non-jurisdictional wetlands that are not subject to regulation under Section 404 of the CWA.



VICINITY MAP-N.T.S.



LINE	DATE	DESCRIPTION
12	12/15/17	12/15/17
13	12/15/17	12/15/17
14	12/15/17	12/15/17
15	12/15/17	12/15/17
16	12/15/17	12/15/17
17	12/15/17	12/15/17
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19	12/15/17	12/15/17
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44	12/15/17	12/15/17
45	12/15/17	12/15/17
46	12/15/17	12/15/17
47	12/15/17	12/15/17
48	12/15/17	12/15/17
49	12/15/17	12/15/17
50	12/15/17	12/15/17

New Jurisdictional **WETLAND "A"** 1.145 Ac.
 New Jurisdictional **WETLAND "B"** 0.555 Ac.
SUB-TOTAL 1.700 Ac.

UPLANDS 24.926 Ac.
TOTAL AREA 26.626 Ac.

1. THE SCALE OF THIS PLAN IS AS SHOWN ON THE TITLE SHEET.
 2. THE PLAN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT.
 3. THE PLAN IS SUBJECT TO THE TERMS AND CONDITIONS OF THE CONTRACT.
 4. THE PLAN IS SUBJECT TO THE TERMS AND CONDITIONS OF THE CONTRACT.
 5. THE PLAN IS SUBJECT TO THE TERMS AND CONDITIONS OF THE CONTRACT.

1. I HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF SOUTH CAROLINA.
 2. I HAVE EXAMINED THE PLANS AND SPECIFICATIONS AND AM Satisfied THAT THEY COMPLY WITH THE REQUIREMENTS OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION.
 3. I HAVE EXAMINED THE PLANS AND SPECIFICATIONS AND AM Satisfied THAT THEY COMPLY WITH THE REQUIREMENTS OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION.

DATE: 12/15/17
 BY: [Signature]
 TITLE: [Title]

DATE: 12/15/17
 BY: [Signature]
 TITLE: [Title]

DATE: 12/15/17
 BY: [Signature]
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 BY: [Signature]
 TITLE: [Title]

**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.

APPENDIX D

USDA SOILS DATA

Soil Map—Beaufort County, South Carolina, and Jasper County, South Carolina
(Bailey Park)



Map Scale: 1:2,770 (printed on B-format (11" x 17") sheet).



Map projection: Web Mercator Corner coordinates: WGS84 Edgetics: UTM Zone 17N WGS84



Soil Map—Beaufort County, South Carolina, and Jasper County, South Carolina
(Bailey Park)

MAP LEGEND

Area of Interest (AOI)	Soil Area
Area of Interest (AOI)	Stony Spot
Soil Map Unit Polygons	Very Stony Spot
Soil Map Unit Lines	Wet Spot
Soil Map Unit Points	Other
Soil Map Unit Features	Special Line Features
Special Point Features	Water Features
Blowout	Streams and Canals
Borrow Pit	Transportation
Clay Spot	RAILS
Closed Depression	Interstate Highways
Gravel Pit	US Routes
Gravelly Spot	Major Roads
Landfill	Local Roads
Lava Flow	Background
Marsh or swamp	Aerial Photography
Mine or Quarry	
Miscellaneous Water	
Perennial Water	
Rock Outcrop	
Saline Spot	
Sandy Spot	
Severely Eroded Spot	
Sinkhole	
Slide or Slip	
Sodic Spot	

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale. Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: [Web Soil Survey](#)
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Beaufort County, South Carolina
Survey Area Data: Version 17, Aug 27, 2021

Soil Survey Area: Jasper County, South Carolina
Survey Area Data: Version 16, Aug 30, 2021

Your area of interest (AOI) includes more than one soil survey area. These survey areas may have been mapped at different scales, with a different land use in mind, at different times, or at different levels of detail. This may result in map unit symbols, soil properties, and interpretations that do not completely agree across soil survey area boundaries.

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Feb 21, 2021—Feb 23, 2021

Soil Map—Beaufort County, South Carolina, and Jasper County, South Carolina
(Bailey Park)

MAP LEGEND

MAP INFORMATION

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

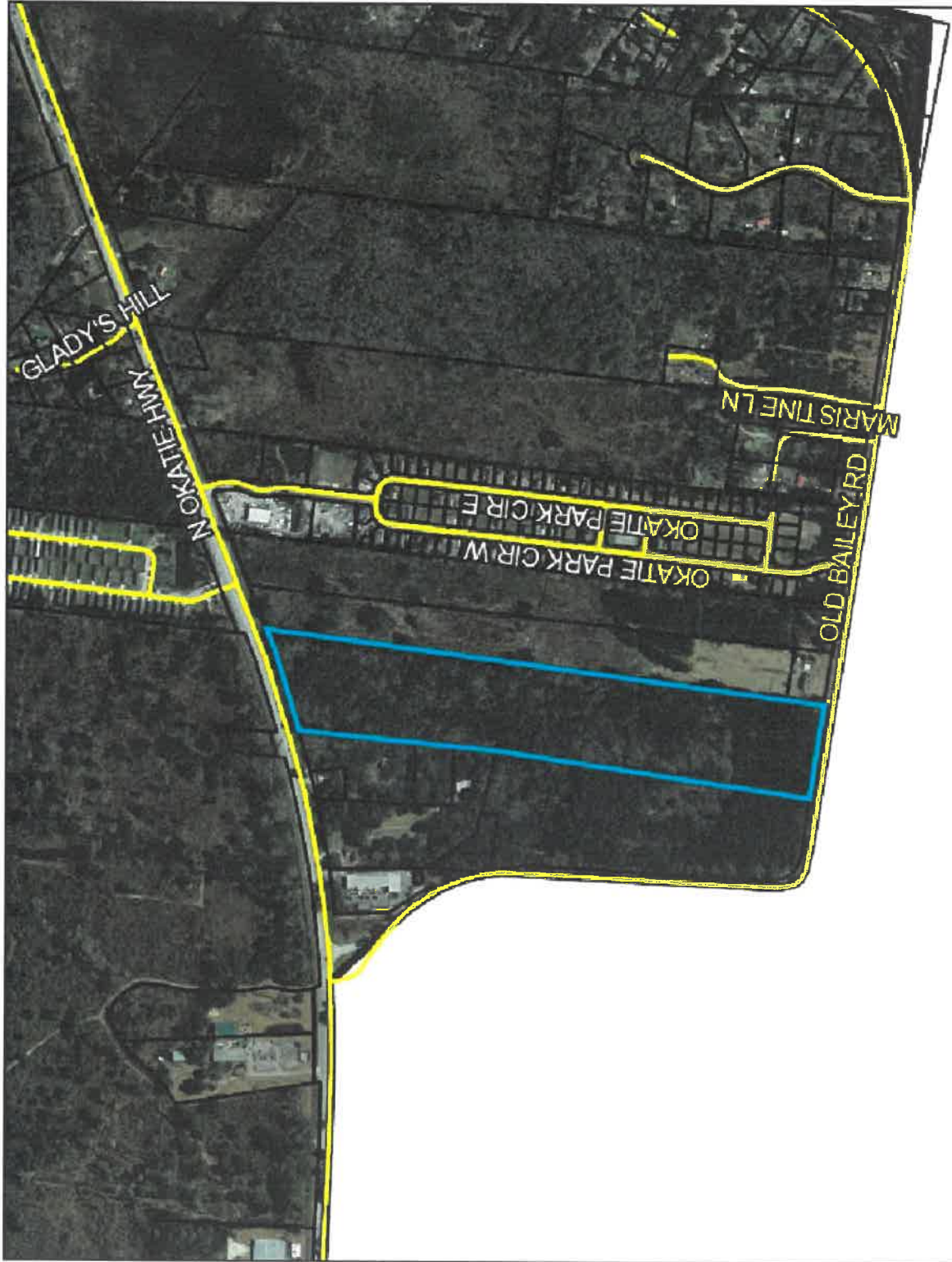
3/12/2022
Page 3 of 4

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Cs	Coosaw loamy fine sand	0.1	0.5%
Subtotals for Soil Survey Area		0.1	0.5%
Totals for Area of Interest		29.1	100.0%
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Cs	Coosaw loamy fine sand	8.6	29.5%
Wa	Wahee fine sandy loam	20.4	70.1%
Subtotals for Soil Survey Area		28.9	99.5%
Totals for Area of Interest		29.1	100.0%

APPENDIX E

AERIAL SITE MAP



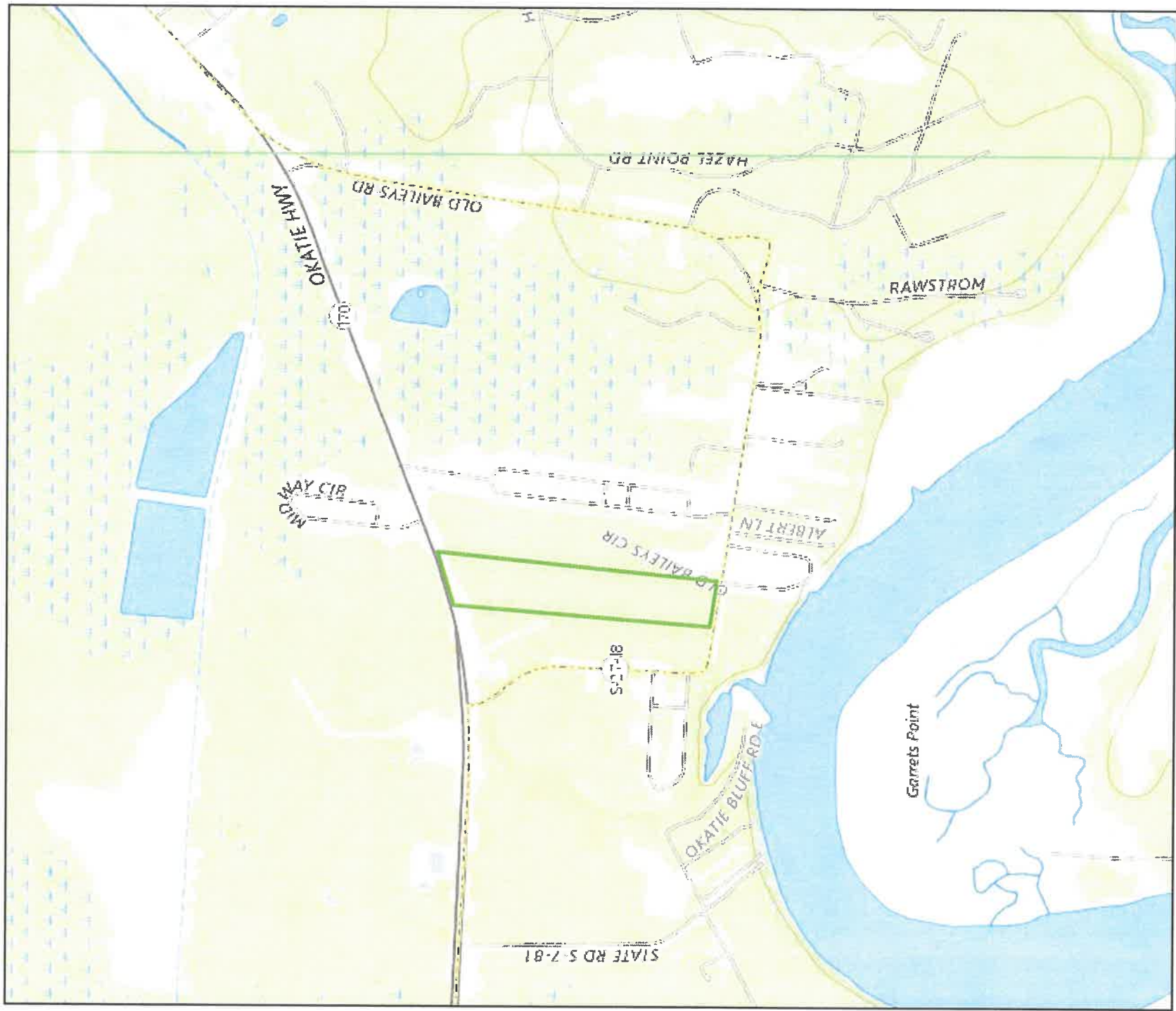
**APPENDIX E
AERIAL SITE MAP**



APPENDIX F

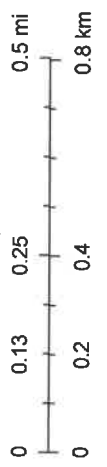
USGS QUADRANGLE MAP

The National Map Advanced Viewer



3/12/2022, 12:57:55 PM

1:18,056



- Override 1
- 3.75 Minute Index
- 7.5 Minute (1:24K) Index
- 15 Minute (1:63K) Index
- 30x60 Minute (1:100K) Index
- 1x1 Degree Index

USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census

USGS
2021 USGS

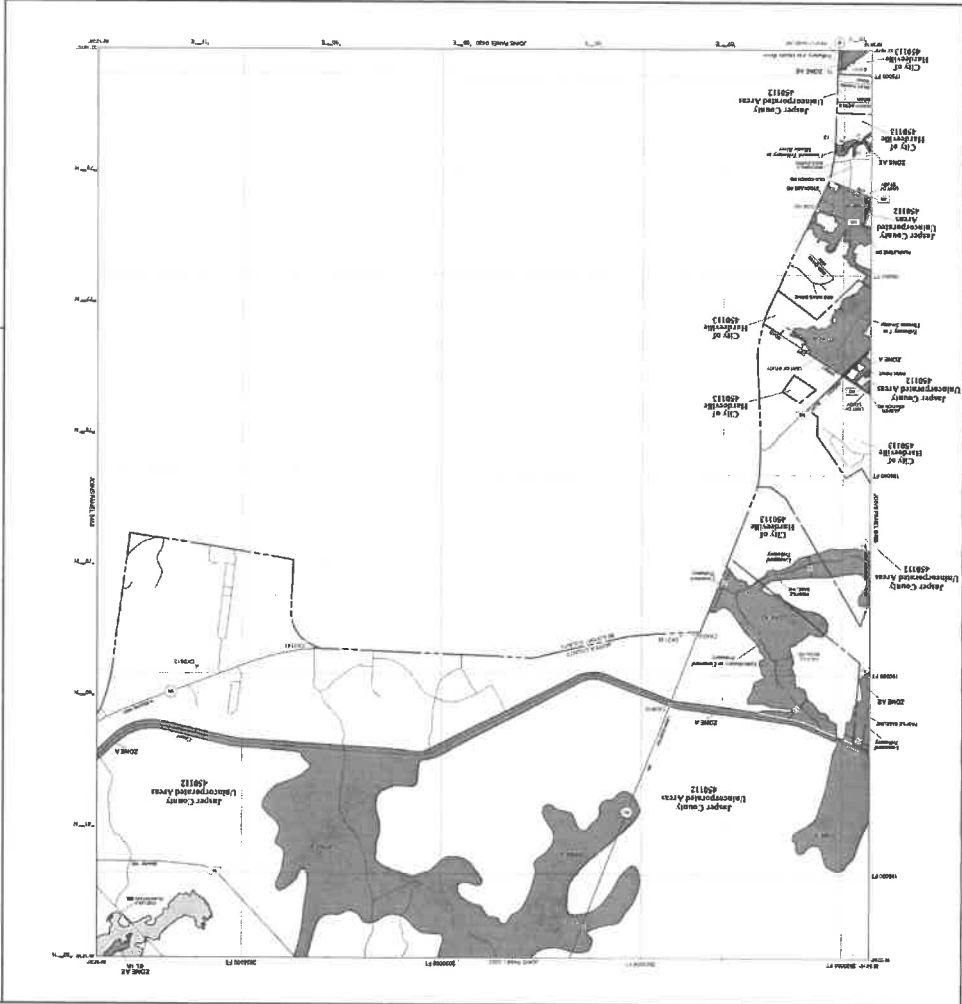
APPENDIX G

FEMA MAP

NATIONAL FLOOD INSURANCE PROGRAM
 FIRM
 FLOOD INSURANCE RATE MAP
 PANEL 40087B
 SOUTH CAROLINA
 ASPEN COUNTY
 PANEL 40087B
 EFFECTIVE DATE
 OCTOBER 14, 2019
 MAP NUMBER
 40087B
 This map is prepared and published by the Federal Emergency Management Agency (FEMA) on behalf of the National Flood Insurance Program (NFIP). It is based on the best available information and is not intended to be used as a basis for legal action.

LEGEND

	Zone B
	Zone D
	Zone F
	Zone H
	Zone J
	Zone L
	Zone N
	Zone P
	Zone R
	Zone T
	Zone V
	Zone X
	Zone Z



NOTES TO USERS

This map is prepared and published by the Federal Emergency Management Agency (FEMA) on behalf of the National Flood Insurance Program (NFIP). It is based on the best available information and is not intended to be used as a basis for legal action.

The map is prepared and published by the Federal Emergency Management Agency (FEMA) on behalf of the National Flood Insurance Program (NFIP). It is based on the best available information and is not intended to be used as a basis for legal action.

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National Flood Hazard Layer FIRMette



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, V, A99
	With BFE or Depth Zone AE, AO, AH, VE, AR
	Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee. See Notes. Zone X
	Area with Flood Risk due to Levee Zone D
OTHER AREAS	NO SCREEN Area of Minimal Flood Hazard Zone X
	Effective LOMRs
	Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall
OTHER FEATURES	Cross Sections with 1% Annual Chance Water Surface Elevation
	Coastal Transect
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
MAP PANELS	Digital Data Available
	No Digital Data Available
	Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

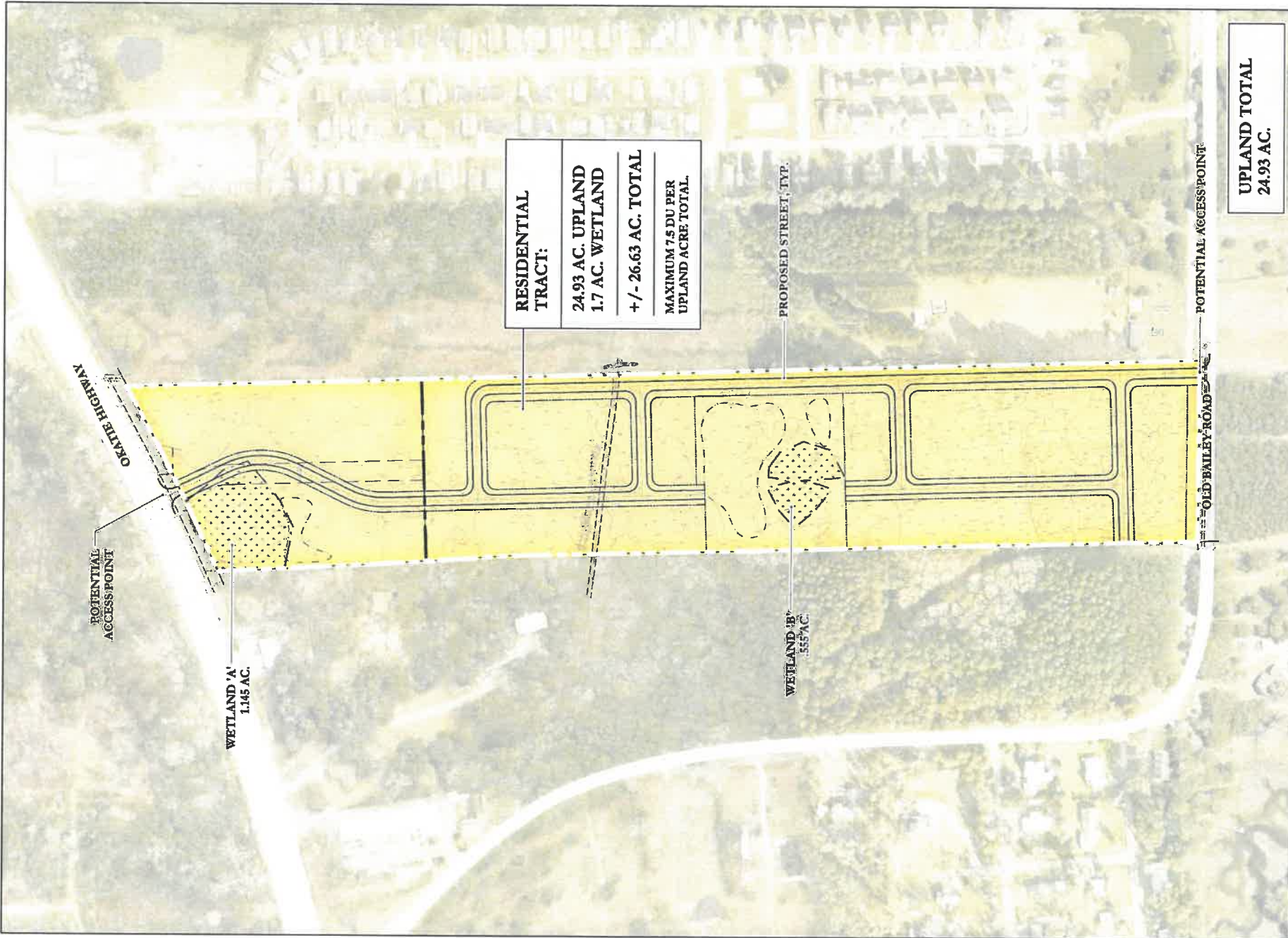
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 3/12/2022 at 1:01 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

APPENDIX H

CONCEPT PLAN



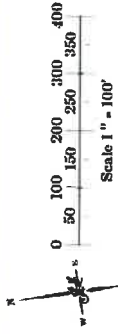
RESIDENTIAL TRACT:
24.93 AC. UPLAND
1.7 AC. WETLAND
+/- 26.63 AC. TOTAL
MAXIMUM 7.5 DU PER UPLAND ACRE TOTAL.

**UPLAND TOTAL
24.93 AC.**



JANUARY 31, 2023

BAILEY PARK
 PLANNED DEVELOPMENT DISTRICT
 CONCEPT PLAN
 JASPER COUNTY, SOUTH CAROLINA



Note: Plan is conceptual in nature and subject to change

