



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): January 19, 2021

ORM Number: SAC-2019-01938

Associated JDs: N/A

Review Area Location¹: A 12-acre site located at 0 Briar Creek Lane within The Golf Club at Briar Creek.

State/Territory: SC City: Johns Island County/Parish/Borough: Charleston County

Center Coordinates of Review Area: Latitude 32.64167 Longitude -80.072713

II. FINDINGS

A. 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
Marsh	5 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	The marsh is subject to the ebb and flow of the tide.

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
Marsh	5 acres	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	The marsh is subject to the ebb and flow of the tide.

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A	N/A	N/A	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.

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.



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

(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
Wetland 1	0.28 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 1 directly abuts and shares a boundary with the Marsh which is an (a)(1) water as indicated above. This direct connection can be seen on the "Data Point Map" created by agent dated October 2019.
Wetland 2	0.23 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	Wetland 2 is separated from Wetland 1 by a golf cart road. The road is low profile and doesn't obstruct the surface hydrological connect from Wetland 2 to Wetland 1 in a typical year. LIDAR shows Wetland 2, the road, and Wetland 1 are all at the same elevation. Furthermore, aerial imagery taken on August 8, 2019 shows inundation at the road between Wetland 2 and Wetland 1.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
N/A	N/A	N/A	N/A

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.

Information submitted by, or on behalf of, the applicant/consultant: The Jurisdictional Determination Request package submitted by Newkirk Environmental Inc on behalf of The Golf Club at Briars Creek dated November 18, 2019 and received by this office November 25, 2019.

Rationale: N/A

___ Data sheets prepared by the Corps:

Photographs: "Data Point Map" created by agent dated October 2019, a "1999" infrared aerial created by this office, and a Google Earth map from 8/8/2019 created by this office.

___ Corps Site visit(s) conducted on:

___ Previous Jurisdictional Determinations (AJDs or PJDs):

Antecedent Precipitation Tool: Detailed discussion in Section III.B.

USDA NRCS Soil Survey: "NRCS Soil Survey" crated by this office.

___ USFWS NWI maps:

USGS topographic maps: "LIDAR/Topo" created by this office.

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Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	LIDAR map created by this office dated 1/15/2021.

- B. Typical year assessment(s):** The antecedent rainfall calculator was utilized to show that on August 8, 2019 the area was under normal conditions. August 8, 2019 is when there was inundation at the road between Wetland 2 and Wetland 1 shown on aerial imagery.
- C. Additional comments to support AJD:** N/A

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