



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): 28-SEPT-2020

ORM Number: SAC-2020-01023

Associated JDs: N/A

Review Area Location¹:

State: SC City: Pawleys Island County: Georgetown County

Center Coordinates of Review Area: Latitude 33.471696 Longitude -79.108517

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
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
N/A	N/A	N/A	N/A

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
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 and 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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1	0.25 acres	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories	Wetland 1 does not abut and is not inundated by an (a)(1)-(3) water. Additionally, excluded wetland 1 is physically separated from an (a)(1)-(3) water by multiple physical, man-made barriers (residential lots, roads, etc.) and uplands. The wetland is a geographically depressed, concave feature that receives stormwater runoff from the surrounding area. Wetland 1 lacks a direct or indirect surface connection to (a)(1)-(3) waters.
Non-Jurisdictional Ditch	100ft	(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)	The ditch located within the review area is excavated from uplands and does not meet the criteria of a jurisdictional water. The feature is neither naturally occurring, a diversion of a tributary, nor constructed within the boundaries of an adjacent wetland.
Pond	0.14 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of jurisdictional water that meets (c)(6)	The pond is constructed wholly in uplands and does not contribute flow to an (a)(1)-(3) 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 S&ME, on behalf of Founders National Golf, LLC, on July 24, 2020. Plat submitted by the agent titled “WETLAND SURVEY OF THE/ LITCHFIELD RACQUET CLUB/ AND TENNIS COMPLEX” dated January 8, 2019, revised September 3, 2020.

This information (*is*) sufficient for purposes of this AJD.

Rationale: Wetland data forms and supplemental information included in the original submittal are a reasonable representation of site conditions at the time of collection

 Data sheets prepared by the Corps: *Title(s) and/or date(s)*.

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- Photographs: *(aerial and other)* USGS National Map 3D Elevation Program (3DEP), 2019 Google Earth Imagery, site photos submitted by the agent dated December 18, 2018.
- Corps Site visit(s) conducted on: *Date(s)*.
- Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s)*.
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: Soil Survey Geographic Database (SSURGO) Map service dated April 4, 2019 revised August 26, 2020; The project area is comprised of Echaw sand (2% hydric for the mapped component)
- USFWS NWI maps: Wetlands Raster REST Map Service dated May 29, 2012 and revised July 17, 2020; NWIs depicted the project area as combination of uplands and forested wetlands (PFO4B).
- USGS topographic maps: 7.5 Minute Index/ Magnolia Beach Quad / 1:24000: USGS topographic survey information depicts a mostly cleared forested area void of blue lines and wetland symbols.

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 Reg Viewer accessed on 9/3/2020
State/Local/Tribal Sources	N/A.
Other Sources	N/A

Typical year assessment(s): Antecedent Precipitation Tool (APT) data for typical year determination was calculated based on field collection data denoted on the originally included wetland delineation data forms (December 18, 2018). Output from the APT indicated "Wetter than Normal Conditions" at the time of data collection by the agent (S&ME) with a value of 17. ATP outputs with a condition value greater than 14 indicate "wetter than normal" conditions, "normal" conditions range from 10-14, and values less than 10 are considered "drier than normal". For this assessment, the APT tool pulled data from 10 weather stations within an approximate radius of 14 miles. Results of the APT indicate the site visit was conducted outside of conditions considered by the Corps to be within a "typical year". However, even under the elevated hydrologic conditions indicated by the APT output, the waters onsite remain non-jurisdictional.

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- B. Additional comments to support AJD:** The area in review contains approximately 8.9 acres and includes 3 excluded waters. Wetland 1 is a geographically depressed, concave feature that receives stormwater runoff from the surrounding area. It lacks a direct or indirect surface connection to (a)(1)-(3) waters. The pond was constructed wholly in uplands and meets the criteria set forth in (b)(8) for excluded waters. The non-jurisdictional ditch is excavated from uplands and does not meet the criteria of a jurisdictional water.

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