



**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): 8/10/2020
 ORM Number: SAJ-2020-01032 (NPR-JKA)
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Florida City: Fort Pierce County/Parish/Borough: St. Lucie
 Center Coordinates of Review Area: Latitude 27.398701° Longitude -80.538465°

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 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 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.



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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
Linear ditches, including perimeter; north/south; and east/west	9.3	acre(s)	(b)(6) Prior converted cropland.	The waters within the review area qualify for the NWPR definition for Prior Converted Cropland, which states “that prior converted cropland is any area that, prior to December 23, 1985, was drained or otherwise manipulated for the purpose, or having the effect, of making production of an agricultural product possible.” Additionally the NWPR states that “Abandonment occurs when prior converted cropland is not used for, or in support of, agricultural purposes at least once in the immediately preceding five years.” The applicant has provided aerial imagery from 1980 which shows that the review area was an active citrus grove. The waters within the review area were manipulated for the production initially of citrus. This includes use of irrigation and draining the areas. The property was sold in 2006 and converted to fields for cattle grazing, hay production and tree farms. Hay production was discontinued in 2019, but cattle grazing and tree farm production continues. The waters within the review area continue to be manipulated within the project boundaries for agricultural purposes. Even though hay production has been discontinued for only one year, the abandonment clause does not apply and the west side is being used for active cattle grazing and a tree farm. Therefore per the NWPR, the area still qualifies for the (b)(6) exclusion for PCC.

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: [Application, 12 March 2020](#)
This information **is** sufficient for purposes of this AJD.
Rationale: [Applicant submitted multiple data sheets for the delineation of waters on site within the Application.](#)
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

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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- Photographs: Aerial: Provided by the consultant and obtained through FDOT dated 2018, 2009, and 1980; Historic aerial imagery provided by the applicant from St Lucie County Property Appraiser dated 2003; , existing condition, and photographs submitted by the applicant’s consultant; Onsite photographs provided by the applicant.; Corps reviewed Google Earth Aerial Images dated: 1/14/2019; 1/3/2019; 1/5/2017; 12/31/2009; 2/28/2006; 12/31/2003; 2/21/1999; 3/17/1994
- 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: NRCS Web Soil Survey- Hydric Rating by Unit, <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>, obtained 27 July 2020
- USFWS NWI maps: Provided by the Applicant in the application-no date provided; Corps obtained a separate NWI map in Administrative record obtained 27 July 2020 from the Corps Resource At Risk Layers.
- USGS topographic maps: Provided by the applicant in the application- USGS St. Johns Marsh South Florida Quadrangle. 27080-D5-TF-024 REV 1970 7.5 Minute Series

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Provided by the applicant in the application- USGS St. Johns Marsh South Florida Quadrangle. 27080-D5-TF-024 REV 1970 7.5 Minute Series
USDA Sources	NRCS Web Soil Survey- Hydric Rating by Unit, https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm , obtained 27 July 2020
NOAA Sources	N/A.
USACE Sources	Corps obtained a figure showing the flow lines of water through the Corps Resource At Risk layers dated 27 July 2020
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): The Corps ran the APT for the date that the consultant completed the wetland delineation, 2019 August 13, and found that the recorded data points were taken during the dry season where rainfall has been wetter than normal, based on the 30-day normal range.

C. Additional comments to support AJD: N/A