



**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-1999-03086 (JD-JKA)  
 Associated JDs: SAJ-1999-03086(NPR-MJW), dated May 21, 2010;  
 Review Area Location<sup>1</sup>: State/Territory: Florida City: Davie County/Parish/Borough: Broward  
 Center Coordinates of Review Area: Latitude 26.087404° Longitude -80.224547°

**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)<sup>2</sup>**

§ 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): <sup>3</sup>			
(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.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Dimar Rock Pit-West	76.6	acre(s)	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel.	The Dimar Rock pit was dug initially for mining limestone. It has an existing depth of minus 55 feet. A historical aerial image shows that the review area was subject to agriculture in 1947 and the Corps does not have enough evidence to claim the area as historical jurisdictional wetlands, therefore it is presumed that the area was considered non-jurisdictional wetlands or uplands and qualifies for the (b)(9) exclusion for the NWPR since the waters were created as a result of limestone mining activities. The waters within the review area would not have been an (a)(1)-(a)(4) water without the (b)(9) exclusion and therefore also qualify for the (b)(1) exclusion. The Tindall Hammock Irrigation and Soil Conservation District Pump Station structure creates a barrier, severing flow from the Rock Pit to the North New River Canal, a TNW, (a)(1) water. The structure only discharges water during when prior permission is requested from the Florida Department of Environmental Protection (FDEP) during high flow events, and no water is discharged during a typical year, per the FDEP wastewater treatment permit FLA013583-013, Administrative Order No.: AO-19-003-DW-06-SED by letter dated 02 August 2019.
Dimar Rock Pit-East	11.6	acre(s)	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel.	The Dimar Rock pit was dug initially for mining limestone. It has an existing depth of minus 55 feet. A historical aerial image shows that the review area was subject to agriculture in 1947 and the Corps does not have enough evidence to claim the area as historical jurisdictional wetlands, therefore it is presumed that the area was considered non-jurisdictional wetlands or uplands and qualifies for the (b)(9) exclusion for the NWPR since the waters were created as a result of limestone mining activities. The waters within the review area would not have been an (a)(1)-(a)(4) water without the (b)(9) exclusion and therefore also qualify for the (b)(1) exclusion. The Tindall Hammock Irrigation and

<sup>4</sup> 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.

<sup>5</sup> 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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			Soil Conservation District Pump Station structure creates a barrier, severing flow from the Rock Pit to the North New River Canal, a TNW, (a)(1) water. The structure only discharges water during when prior permission is requested from the Florida Department of Environmental Protection (FDEP) during high flow events, and no water is discharged during a typical year, per the FDEP wastewater treatment permit FLA013583-013, Administrative Order No.: AO-19-003-DW-06-SED by letter dated 02 August 2019.

**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: [1947 Aerial Imagery](#)  
This information **is** sufficient for purposes of this AJD.  
Rationale: [Applicant submitted a 1947 aerial image showing review area was subject to agricultural activities and not historic wetlands.](#)
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial: Google Earth Aerial Imagery dated: 12/13/2017; 12/15/2014; 3/26/2011; 3/31/2010; 1/23/2004; 2/20/1999; 1/14/1994 and University of Florida Historical Aerial Images dated: 4/22/1940](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [SAJ-1999-03086\(NPR-MJW\), dated May 21, 2010; SAJ-1999-03086 \(NPR-MJW\) dated 27 September 2011](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [NRCS Web Soil Survey, https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm; obtained 29 July 2020](#)
- USFWS NWI maps: [Obtained on 29 July 2020 through the Corps Resource at Risk Layers](#)
- USGS topographic maps: [Obtained on 4 August 2020 at https://viewer.nationalmap.gov/basic/?basemap=b1&category=histtopo,ustopo&title=Map%20View](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	N/A.
<a href="#">USDA Sources</a>	N/A.
<a href="#">NOAA Sources</a>	N/A.
<a href="#">USACE Sources</a>	N/A.
<a href="#">State/Local/Tribal Sources</a>	N/A.
Other information (specify)	<a href="#">Florida Department of Environmental Protection (FDEP) issued Permit Number FLA013583-013, Administrative Order No.: AO-19-003-DW-06-SED by letter dated 02 August 2019</a>



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**B. Typical year assessment(s):** N/A

**C. Additional comments to support AJD:** The Florida Department of Environmental Protection (FDEP) issued Permit Number FLA013583-013, Administrative Order No.: AO-19-003-DW-06-SED by letter dated 02 August 2019 for the operation of the Ferncrest Waste Water Treatment Facility, located south of the Dimar Rock Pit. The Ferncrest Water Treatment Facility is authorized to discharge into the Dimar Rock Pit. The permit provides the pathway for effluent discharges, which states “The effluent discharges into two large man-made lime-rock pits, East and West. The effluent from the facility is discharged to the West Pit Part III reclaimed water storage lime-rock pit. When the facility is unable to comply with the minimum Part III reuse standards, the discharge goes to the alternative disposal site R-002 (east pit), which is part II slow rate lime-rock disposal pit. The two lime rock pits are interconnected with flow only allowed from the West Pit to the East Pit. The Water in the west Lime-rock pit is used for Part III water Reuse Irrigation and/or infiltrates to the groundwater. The East Pit is only used for infiltration to the groundwater”. The project description provided shows that the Ferncrest has authorized discharge to the Dimar Rock Pit and water is only discharged into the ground water and not through the existing pump station.

Furthermore, General Condition 22 of the Administrative Order provides Bypass provisions. Under most circumstances Bypass is prohibited. However, if there is a storm event (100 yr) or likewise event and Bypass is needed the applicant must get prior FDEP approval before discharging from the Dimar Rock Pit to the North New River Canal through the Tindall Hammock Irrigation and Soil Conservation District Pump Station structure.

Therefore the FDEP waterwater permit and administrative order provide enough justification that water is not discharged through the existing pump station during a typical year and would qualify for the (b)(1) exclusion in the absence of the (b)(9) exclusion.