



**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): 8/11/2020  
 ORM Number: SAJ-2020-00459  
 Associated JDs: SAJ-2020-00459 (PJD-VEK) dated 31 March 2020.  
 Review Area Location<sup>1</sup>: State/Territory: FL City: Jupiter County/Parish/Borough: Palm Beach  
 Center Coordinates of Review Area: Latitude 26.900381 Longitude -80.237608

**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
Wetland 1	0.23 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 does not meet the definition of an (a)(4) adjacent wetland. An (a)(4) adjacent wetland is a wetland that abuts an (a)(1)-(a)(3) water, is inundated by flooding from an (a)(1)-(a)(3) water in a typical year, is physically separated from an (a)(1)-(a)(3) water only by a natural feature or is physically separated from an (a)(1)-(a)(3) water by an artificial structure that allows for a direct hydrologic surface connection between the wetlands and the (a)(1)-(a)(3) water in a typical year. As Wetland 1 is surrounded by uplands, roads, and an excluded ditch, is not adjacent to an (a)(1)-(a)(3) water, and does not meet any components of the definition of an (a)(4) adjacent wetland, it is not jurisdictional.
Wetland 2	0.53 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2 does not meet the definition of an (a)(4) adjacent wetland. An (a)(4) adjacent wetland is a wetland that abuts an (a)(1)-(a)(3) water, is inundated by flooding from an (a)(1)-(a)(3) water in a typical year, is physically separated from an (a)(1)-(a)(3) water only by a natural feature or is physically separated from an (a)(1)-(a)(3) water by an artificial structure that allows for a direct hydrologic surface connection between the wetlands and the (a)(1)-(a)(3) water in a typical year. As Wetland 2 is surrounded by uplands, roads, and an excluded ditch, is not adjacent to an (a)(1)-(a)(3) water, and does not meet any components of the definition of an (a)(4) adjacent wetland, it is not jurisdictional.
Roadside Ditch	0.10 acre(s)	(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 non-natural ditch does not meet the definition of an (a)(1)-(a)(4) water, as it is not a territorial sea, traditionally navigable water, or tributary and was not constructed in an adjacent wetland or tributary. As indicated by historic aerials, the roadside ditch was excavated from uplands and non-adjacent wetlands to convey stormwater runoff and does not directly discharge to an (a)(1)-(a)(3) water. Therefore, the ditch is excluded and is not jurisdictional.

**III. SUPPORTING INFORMATION**

<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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**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: [PJD Request \(01/30/20\)](#), [AJD Request \(06/25/20\)](#)

This information is *not* sufficient for purposes of this AJD.

Rationale: [While the submittals provided basic information on the site, the Corps conducted the wetland delineation and AJD per the applicant’s request since the AJD review area encompasses a single family property less than 5 acres.](#)

- Data sheets prepared by the Corps: [Completed 02/27/20](#)
- Photographs: [Aerial: Google Earth Aerials \(Feb 1995-Jan 2019\)](#), [University of Florida Digital Collections Historic Aerial Photography Database \(1970\)](#)
- Corps site visit(s) conducted on: [02/27/20](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [SAJ-2020-00459 \(PJD-VEK\) completed 03/31/20](#)
- Antecedent Precipitation Tool: [\*provide detailed discussion in Section III.B.\*](#)
- USDA NRCS Soil Survey: [USDA Soil Map \(generated 02/27/20 using Web Soil Survey\)](#)
- USFWS NWI maps: [NWI Map \(generated 02/27/20 using Google Earth\)](#)
- USGS topographic maps: [USA Topographic Map \(generated 02/27/20 using Sim Suite\)](#)

**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>	<a href="#">NHD-Linear Surface Water Drainage Network Map (generated 02/27/20 using Google Earth)</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

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

**C. Additional comments to support AJD:** [Wetlands 1 and 2 abut an artificial ditch that discharges into an artificial drainage canal, and neither the ditch nor the canal are \(a\)\(1\)-\(a\)\(4\) waters. The ditch is not jurisdictional because it is not a territorial sea, traditionally navigable water or tributary and is not constructed in an adjacent wetland. Wetlands 1 and 2 do not meet the definition of an \(a\)\(4\) adjacent wetland because these wetlands do not abut an \(a\)\(1\) - \(a\)\(3\) water; are not inundated by flooding from an \(a\)\(1\) - \(a\)\(3\) water in a typical year; are not physically separated from an \(a\)\(1\) - \(a\)\(3\) water only by a natural feature; nor are they are physically separated from an \(a\)\(1\) - \(a\)\(3\) water only by an artificial barrier/structure that allows for a direct hydrologic surface connection between the wetlands and the water in a typical year. Furthermore, since the roadside ditch abutting the wetlands is not jurisdictional as described above, it cannot render otherwise isolated wetlands as adjacent wetlands. Therefore all waters assessed in the AJD review area are not jurisdictional.](#)