



**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): 8/13/2020
 ORM Number: SAJ-2018-02197 (SP-RHF)
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Florida City: Stuart County/Parish/Borough: Martin County
 Center Coordinates of Review Area: Latitude 27.165839 Longitude -80.248295

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 or describe rationale.
- 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
Wetland 1	1.04	acre(s)	(b)(1) Non-adjacent wetland.	This wetland is surrounded by uplands and therefore does not connect to the adjacent (a)(1) water (South Fork of the St. Lucie River). The wetlands onsite are surrounded by uplands and non-jurisdictional non-wetland waters. Furthermore, there is no connection between the adjacent (a)(1) water. The St. Lucie River has stabilized shorelines and is separated from the project site by multiple buildings, uplands, and a large highway. Therefore, no flooding of the (a)(1) water that could inundate the onsite wetlands is likely to occur in a normal year. The closest (a)(1) - (a)(3) water is approximately 0.12 miles away and separated by multiple features including buildings, uplands, and a large highway. Based on the information supplied by the agent and the site visit conducted, there are no direct connections with the adjacent (a)(1) water.
Wetland 2	0.19	acres	b)(1) Non-adjacent wetland.	This wetland is surrounded by uplands and therefore does not connect to the adjacent (a)(1) water (South Fork of the St. Lucie River). The wetlands onsite are surrounded by uplands and non-jurisdictional non-wetland waters. Furthermore, there is no connection between the adjacent (a)(1) water. The St. Lucie River has stabilized shorelines and is separated from the project site by multiple buildings, uplands, and a large highway. Therefore, no flooding of the (a)(1) water that could inundate the onsite wetlands is likely to occur in a normal year. The closest (a)(1) - (a)(3) water is approximately 0.12 miles away and separated by multiple features including buildings, uplands, and a large highway. Based on the information supplied by the agent and the site visit conducted, there are no direct connections with the adjacent (a)(1) water.
Wetland 3	0.45	acres	b)(1) Non-adjacent wetland.	This wetland is surrounded by uplands and therefore does not connect to the adjacent (a)(1) water (South Fork of the St. Lucie River). The wetlands onsite are surrounded by uplands

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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Excluded waters ((b)(1) – (b)(12)): ⁴			
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			and non-jurisdictional non-wetland waters. Furthermore, there is no connection between the adjacent (a)(1) water. The St. Lucie River has stabilized shorelines and is separated from the project site by multiple buildings, uplands, and a large highway. Therefore, no flooding of the (a)(1) water that could inundate the onsite wetlands is likely to occur in a normal year. The closest (a)(1) - (a)(3) water is approximately 0.12 miles away and separated by multiple features including buildings, uplands, and a large highway. Based on the information supplied by the agent and the site visit conducted, there are no direct connections with the adjacent (a)(1) water.
Wetland 4	0.20	acres	b)(1) Non-adjacent wetland. This wetland is surrounded by uplands and therefore does not connect to the adjacent (a)(1) water (South Fork of the St. Lucie River). The wetlands onsite are surrounded by uplands and non-jurisdictional non-wetland waters. Furthermore, there is no connection between the adjacent (a)(1) water. The St. Lucie River has stabilized shorelines and is separated from the project site by multiple buildings, uplands, and a large highway. Therefore, no flooding of the (a)(1) water that could inundate the onsite wetlands is likely to occur in a normal year. The closest (a)(1) - (a)(3) water is approximately 0.12 miles away and separated by multiple features including buildings, uplands, and a large highway. Based on the information supplied by the agent and the site visit conducted, there are no direct connections with the adjacent (a)(1) water.
Wetland 5	0.09	acres	b)(1) Non-adjacent wetland. This wetland is surrounded by uplands and therefore does not connect to the adjacent (a)(1) water (South Fork of the St. Lucie River). The wetlands onsite are surrounded by uplands and non-jurisdictional non-wetland waters. Furthermore, there is no connection between the adjacent (a)(1) water. The St. Lucie River has stabilized shorelines and is separated from the project site by multiple buildings, uplands, and a large highway. Therefore, no flooding of the (a)(1) water that could inundate the onsite wetlands is likely to occur in a normal year. The closest (a)(1) - (a)(3) water is approximately 0.12 miles away and separated by multiple



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				features including buildings, uplands, and a large highway. Based on the information supplied by the agent and the site visit conducted, there are no direct connections with the adjacent (a)(1) water.
Wetland 6	0.13	acres	b)(1) Non-adjacent wetland.	This wetland is surrounded by uplands and therefore does not connect to the adjacent (a)(1) water (South Fork of the St. Lucie River). The wetlands onsite are surrounded by uplands and non-jurisdictional non-wetland waters. Furthermore, there is no connection between the adjacent (a)(1) water. The St. Lucie River has stabilized shorelines and is separated from the project site by multiple buildings, uplands, and a large highway. Therefore, no flooding of the (a)(1) water that could inundate the onsite wetlands is likely to occur in a normal year. The closest (a)(1) - (a)(3) water is approximately 0.12 miles away and separated by multiple features including buildings, uplands, and a large highway. Based on the information supplied by the agent and the site visit conducted, there are no direct connections with the adjacent (a)(1) water.
Wetland 7	3.49	acres	b)(1) Non-adjacent wetland.	This wetland is surrounded by uplands and therefore does not connect to the adjacent (a)(1) water (South Fork of the St. Lucie River). The wetlands onsite are surrounded by uplands and non-jurisdictional non-wetland waters. Furthermore, there is no connection between the adjacent (a)(1) water. The St. Lucie River has stabilized shorelines and is separated from the project site by multiple buildings, uplands, and a large highway. Therefore, no flooding of the (a)(1) water that could inundate the onsite wetlands is likely to occur in a normal year. The closest (a)(1) - (a)(3) water is approximately 0.12 miles away and separated by multiple features including buildings, uplands, and a large highway. Based on the information supplied by the agent and the site visit conducted, there are no direct connections with the adjacent (a)(1) water.
Non-wetland water 1	0.28	acres	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed	This water is a non-wetland ditch that has ephemeral flow as observed on site and through aerial imagery. Based on the soil survey, aerial imagery, and national wetland inventory, this ditch may have been constructed in a historic



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			in an (a)(4) water that do not satisfy the conditions of (c)(1).r	wetland. However, those wetlands would not be considered adjacent wetlands as evidenced by the classification of other wetlands within the review area. Additionally, the ditch was not constructed in a tributary and is not a relocation of an existing tributary based on the historic aerials. This ditch appears to have previously been a part of an offsite ditch but is now confined to the boundaries of the review area. Therefore, this water meets the definition for a (b)(5) exclusion.
Non-wetland water 2	0.30	acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	This water is a pond that is confined to the boundaries of the project site, surrounded by uplands, and does not flow off site. The soil survey indicated that the waters are located in soils that are historically non-hydric, but the national wetland inventory shows aquatic resources present. Therefore, due to the lack of flow to a (a)(1) – (a) (3) water, these waters meet the definition for a (b)(1) exclusion.
Non-wetland water 3	0.26	acres	(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).	This water is a non-wetland ditch that has ephemeral flow as observed on site and through aerial imagery. Based on the soil survey, aerial imagery, and national wetland inventory, this ditch was constructed in uplands. Furthermore, the ditch was not constructed in a tributary and is not a relocation of an existing tributary. The ditch flows off site to a nearby dry, grass swale which is not an (a) (1) – (a) (3) water. Therefore, this water meets the definition for a (b)(5) exclusion.
Non-wetland water 4	0.97	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 a jurisdictional water that meets (c)(6).	This water is a lake which is confined to the boundaries of the project site, surrounded by uplands and does not flow off site. Furthermore, the soil survey indicated that the waters are located in soils that are historically non-hydric and are not shown in the National Wetland Inventory. The water appears to be a retention pond constructed to collect water runoff from the adjacent highway. Therefore, this water meet the definition for a (b)(8) exclusion.
Non-wetland water 5	0.08	acres	(b)(1) Lake/pond or impoundment that does not	This water is a pond that extends off site but is surrounded by uplands and does not connect other waters. The soil survey indicated that the



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	waters are located in soils that are historically non-hydric, but the national wetland inventory shows aquatic resources present. Therefore, due to the lack of flow to a (a)(1) – (a) (3) water, these waters meet the definition for a (b)(1) exclusion.

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 and site figures were provided by the agent for the applicant in July 2018. Additional information was provided as necessary since the original submission date.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

- Data sheets prepared by the Corps: [Submitted 5 April 2019.](#)
- Photographs: [Aerial: Google Earth Aerials dated 14 January 2019, 4 January 2017, 17 April 2004.](#)
- Corps site visit(s) conducted on: [8 April 2019](#)
- 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 report submitted 23 July 2018 by agent.
<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>](#)
- USFWS NWI maps: [Retrieved from Google Earth RAR tool 6 August 2020.](#)
- USGS topographic maps: [Title\(s\) and/or date\(s\).](#)

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	N/A

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

C. Additional comments to support AJD: [The wetland delineation submitted by the agent was reviewed and confirmed during a site visit conducted on 8 April 2019. The nearest \(a\)\(1\) – \(a\)\(3\) water is the adjacent South Fork of the St. Lucie River which is a water subject to the ebb and flow of tide and is located approximately 0.12 miles from the nearest aquatic resource on site. The wetlands are onsite are isolated and are not contiguous with off site wetlands. The non-wetland waters \(surface waters\) are mostly isolated and confine to the project site with the exception of Non-wetland water 3 and 5. Both of these](#)



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waters extend offsite to the east, but do not have a connection to any a(1) – a(3) waters.