



**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): 8/19/2020

ORM Number: SAJ-2008-01035

Associated JDs: SAJ-2008-01035 (JD-AAZ) issued on 15 January 2014.

Review Area Location<sup>1</sup>: State/Territory: Florida City: Port St. Lucie County/Parish/Borough: St. Lucie

Center Coordinates of Review Area: Latitude 27.207576° Longitude -80.328351°

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

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
N/A.	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.	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.	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.	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.	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	2.3	acre(s)	(b)(1) Non-adjacent wetland.	This wetland is excluded as a non-adjacent wetland. The wetlands on site are surrounded by uplands and do not directly abut an (a)(1) - (a)(3) water. This wetland is not inundated by flooding from an (a)(1) - (a)(3) water in a typical year or separated from an (a)(1) - (a)(3) water only. The wetland is separated from the nearest water by uplands and a man-made earthen berm which would not allow flooding in a typical year. This wetland is not separated from an (a)(1) - (a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetlands and the (a)(1) - (a)(3) water in a typical year. This wetland is surrounded by uplands as confirmed by the site visit, soil survey, and national wetland inventory. It is also separated from the adjacent waterway by the man-made berm which does not contain any culverts or route for hydrologic connection. See Section IIIC for further information.
Wetland 2	1.6	acre(s)	(b)(1) Non-adjacent wetland	This wetland is excluded as a non-adjacent wetland. The wetlands on site are surrounded by uplands and do not directly abut an (a)(1) - (a)(3) water. This wetland is not inundated by flooding from an (a)(1) - (a)(3) water in a typical year or separated from an (a)(1) - (a)(3) water only. The wetland is separated from the nearest water by uplands and a man-made earthen berm which would not allow flooding in a typical year. This wetland is not separated from an (a)(1) - (a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetlands and the (a)(1) - (a)(3) water in a typical year. This wetland is surrounded by uplands as confirmed by the site visit, soil survey, and national wetland inventory. It is also separated from the adjacent waterway by the man-made berm which does not contain any culverts or route for hydrologic connection. See Section IIIC for further information.
Wetland 3	0.1	acre(s)	(b)(1) Non-adjacent wetland	This wetland is excluded as a non-adjacent wetland. The wetlands on site are surrounded by

<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
				uplands and do not directly abut an (a)(1) - (a)(3) water. This wetland is not inundated by flooding from an (a)(1) - (a)(3) water in a typical year or separated from an (a)(1) - (a)(3) water only. The wetland is separated from the nearest water by uplands and a man-made earthen berm which would not allow flooding in a typical year. This wetland is not separated from an (a)(1) - (a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetlands and the (a)(1) - (a)(3) water in a typical year. This wetland is surrounded by uplands as confirmed by the site visit, soil survey, and national wetland inventory. It is also separated from the adjacent waterway by the man-made berm which does not contain any culverts or route for hydrologic connection. See Section IIIC for further information.
Wetland 4	0.1	acre(s)	(b)(1) Non-adjacent wetland	This wetland is excluded as a non-adjacent wetland. The wetlands on site are surrounded by uplands and do not directly abut an (a)(1) - (a)(3) water. This wetland is not inundated by flooding from an (a)(1) - (a)(3) water in a typical year or separated from an (a)(1) - (a)(3) water only. The wetland is separated from the nearest water by uplands and a man-made earthen berm which would not allow flooding in a typical year. This wetland is not separated from an (a)(1) - (a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetlands and the (a)(1) - (a)(3) water in a typical year. This wetland is surrounded by uplands as confirmed by the site visit, soil survey, and national wetland inventory. It is also separated from the adjacent waterway by the man-made berm which does not contain any culverts or route for hydrologic connection. See Section IIIC for further information.

**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: The agent provided an application with supporting documents associated with a permit request on 16 August 2019. Additional information to support a request for an approved jurisdictional determination was received on 8 July 2020.

This information is sufficient for purposes of this AJD.

Rationale: N/A



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- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Aerial: [Google Earth Imagery](#) dated 14 January 2019
- Corps site visit(s) conducted on: [3 October 2019](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [SAJ-2008-01035 \(JD-AAZ\) 15 January 2014](#)
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: [NRCS Web Soil Survey](#) retrieved 3 August 2020  
<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>
- USFWS NWI maps: [20200803-NWI Map](#) retrieved from Google Earth RAR tool 3 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
<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.
<a href="#">Other Sources</a>	N/A.

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

**C. Additional comments to support AJD:**

This 59.1 acre review area was included in a larger approved jurisdictional determination issued on 15 January 2014 which identified the 4 wetlands listed in Section IID. Wetlands 1 and 2 were deemed jurisdictional based on adjacency to the C-23 to the south. Wetlands 3 and 4 were deemed isolated and non-jurisdictional. The wetland boundaries were re-verified during a site visit conducted on 3 October 2019.

The nearest (a)(1) water is the C-23 Canal directly to the south of the site. This water is on the Jacksonville District Navigable Waters List. There is also a dry, grass swale to the west of the review area that drains into the C-23, but has no connection to the aquatic resources within the review area. This grass swale is an ephemeral, upland dug feature that is likely non-jurisdictional.

The 4 distinct wetlands present within the review area are excluded from jurisdiction as they are classified as non-adjacent wetlands (b)(1) under the Navigable Waters Protection Rule.

1. Wetlands do not abut an (a)(1) - (a)(3) water: The wetlands within the review area are surrounded by uplands. This was supported by the soil survey which classified all soil types within the review area as nonhydric. The national wetland inventory also indicated that the areas around the wetlands were predominantly upland in nature. Finally, the site visit conducted on 3 October 2019 confirmed that there were no other wetlands or aquatic features on site outside the identified wetlands. The nearest (a)(1) – (a)(3) water is the C-23 to the south of the review area. This water body is separated from the wetlands on site by 300+feet of uplands. The dry swale to the west of the review area is also separated from the onsite wetlands by 280+ feet of uplands. Therefore, none of the 4 wetlands indentified onsite abut an (a)(1) – (a)(3) water.

2. Wetlands are not inundated by flooding from an (a)(1) - (a)(3) water in a typical year: As stated above,



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the wetlands on site are separated from the nearest (a)(1) – (a)(3) water (C-23) by more than 300 feet of uplands. The soil survey does not indicate that there are any hydric soils on site and the national wetland inventory supports this finding as well. The site visit conducted on 3 October 2019 also confirmed the upland nature of the areas outside the identified wetlands. Additionally, during this site visit, no drainage patterns or drift deposits were observed. Furthermore, there is a large earthen berm separating the project area from the C-23 which would prevent any flow to the review area.

3. Wetlands are not separated from an (a)(1) - (a)(3) water only by a natural feature: The closest (a)(1) - (a)(3) water (C-23) is more than 300-feet away and separated by several different features, including other uplands and an man-made earthen berm, and not just a singular natural feature, such as a bank or dune.

4. Wetlands are not separated from an (a)(1) - (a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetlands and the (a)(1) - (a)(3) water in a typical year: The closest (a)(1) - (a)(3) water (C-23) is more than 300-feet from the wetlands onsite and separated by uplands and an earthen berm which does not contain any culverts or other structure which would allow direct flow to the adjacent (a)(1) water.