



**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): 7/30/2020
 ORM Number: SAJ-2004-08470
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Florida City: Fort Myers County/Parish/Borough: Lee
 Center Coordinates of Review Area: Latitude 26.57444 Longitude -81.85027

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
W-1	1.31	acre(s)	(b)(1) Non-adjacent wetland.	Based on the Navigable Waters Protection Rule, W-1 is not adjacent or hydrologically connected with (a)(1)-(a)(3) waters. W-1 is surrounded by uplands in a industrial area and approximately 1,000-foot (0.2 miles) from the nearest tributary, the Ten Mile Canal.

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: [Narrative, data forms and map exhibits](#)

This information **is** sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [N/A](#)

Photographs: [Aerial: Google Earth Imagery, Dated: 1/9/2019](#)

Corps site visit(s) conducted on: [15 January 2020](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [NRCS Map – Dates: January - May 2020](#)

USFWS NWI maps: [USFWS NWI Map – February 2020 Link:](#)

<https://www.fws.gov/wetlands/data/Mapper.html>

USGS topographic maps: [USGS Map Dated: May 2007](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Map Dated: May 2007
USDA Sources	NRCS Map – Dates: January - May 2020
NOAA Sources	N/A.
USACE Sources	RAR Layers, Google Earth Imagery Dated: 01/09/2019
State/Local/Tribal Sources	N/A.
Other Sources	NWI Maps: https://www.fws.gov/wetlands/data/Mapper.html

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

C. Additional comments to support AJD: **Based on the upland/wetland line reviewed in the field by U.S. Army Corps of Engineers (COE) staff during a January 15, 2020 Site Visit, the 1.31± acre wetland located within the Project limits is isolated. The slash pine (Pinus elliottii) and bald cypress (Taxodium distichum) wetland is a depressional area that is heavily invaded by exotic vegetation**

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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and surrounded by pine flatwood uplands that direct sheet flow into it during rain events. The wetland does not form any hydrological connection to roadside swales or conveyance ditches located within the surrounding properties.