



**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): 8/31/2020  
 ORM Number: SAJ-2020-02560  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: FL City: Lawtey County/Parish/Borough: Bradford  
 Center Coordinates of Review Area: Latitude 30.056823 Longitude -82.056885

**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	6 acre(s)	(b)(1) Non-adjacent wetland.	<p>The subject wetland does not abut, nor is it otherwise directly connected to, an (a)(1) through (a)(3) water. Additionally, the subject wetland does not lie within the typical year floodplain of an (a)(1) through (a)(3) water.</p> <p>The following information supports this exclusion determination:</p> <p>According to a review of the U.S. Geological Service (USGS) topographical maps, the subject wetland drains in a southerly-westerly direction. A road identified as NE 7th Avenue runs in a northerly-southerly direction, just outside of the western limits of the Area of Review. Drainage ditches run along the east and west sides of the roadway. An approximate 12-inch diameter culvert pipe was present which would carry drainage from the wetland and adjacent uplands, when flow is present, beneath NE 7th Avenue to the drainage ditch on the west side of the roadway. The ditches run in a northerly-southerly direction adjacent to NE 7th Avenue. Given the landscape elevations, flow within the drainage ditches, when present, would occur in a southerly direction and discharge into the existing drainage ditch that runs in an easterly-westerly direction along NE County Road 125.</p> <p>Review of the Natural Resource Conservation Service (NRCS) Soil Survey map indicates that the Area of Review and adjacent areas, to include where the drainage ditches along NE 7th Avenue are located, may contain soils which are poorly</p>

<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
			<p>drained (Mascotte Sand, 0 to 2 percent slopes; Pellham Compex, 0 to 2 percent slopes). However, review of historical aerial photography does not indicate that the existing drainage ditches were constructed in an adjacent wetland, as wetland features are not identified within the location of the existing ditch on the historic aerial photography. Nor are there indications that the ditches are relocated tributaries, as features which resemble tributaries are not identified within the area where the existing ditch is located. Review of historic USGS maps and U.S. Fish and Wildlife Service National Wetland Inventory (NWI) maps further supports these findings.</p> <p>Based on the above findings, the ditches where drainage from the subject wetland would occur do not meet the definition of an (a)(1) water (i.e., territorial sea or Traditional Navigable Water). Additionally, the ditches do not meet the definition of an (a)(2) water (i.e., is not identified as being constructed in an adjacent wetland, nor do the ditches appear to relocate tributaries). Finally, the ditches do not meet the definition of an (a)(3) water (i.e., lakes and ponds, and impoundments of jurisdictional waters which connects to the wetland does not provide the necessary connection).</p> <p>Also, according to a review of the National Hydrography Dataset (NHD), the nearest stream reach which exhibits perennial or intermittent flow is located approximately 0.36 mile from the subject wetland. Therefore, the subject wetland is not located within the typical year floodplain of an (a)(1) through (a)(3) water.</p>

**III. SUPPORTING INFORMATION**



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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: [Wetland Data Sheets, Photos, and Maps, Submitted on July, 31 2020 by Golder Associates, Incorporated, on behalf of the Florida Power & Light Company.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Aerial and Other: Aerial photographs provided by the consultant \(Historical Aerial Imagery: 1993, 2003, 2014, 2019; Color Infrared Aerial Imagery: 2017\), Google Earth \(1994, 1999, 2005, 2018\), historical aerials obtained from <https://ufdc.ufl.edu/aerials/map> \(1939, 1949, 1953, 1957, 1965\), and site photos taken by the Corps during the August 12, 2020 site visit.](#)

Corps site visit(s) conducted on: [12 August 2020](#)

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: [Florida Soils Map digital data from the Natural Resources Conservation Service. Date \(August 6, 2020\). Web Soil Survey website. U.S. Department of Agriculture, Natural Resources Conservation Service, Washington, D.C](#)

USFWS NWI maps: [Wetland digital data from U. S. Fish and Wildlife Service. Date \(July 15, 2020\). National Wetlands Inventory website. U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C](#)

USGS topographic maps: [Lawtey, Florida: 1:62k \(1918\), 1:24k \(1970, 1993, 2018\)](#)

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

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS/WBD/NHD data/maps</a>	<a href="#">NHD data viewed in The National Map (<a href="https://viewer.nationalmap.gov/">https://viewer.nationalmap.gov/</a>); NHD flowlines data viewed in Google Earth.</a>
<a href="#">USDA Sources</a>	<a href="#">NRCS soil maps and Hydric Rating by Map Unit from USDA Web Soil Survey (<a href="https://websoilsurvey.sc.egov.usda.gov/">https://websoilsurvey.sc.egov.usda.gov/</a>).</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:** The Area of Review contains wetlands identified as palustrine emergent and palustrine forested. The Area of Review also contains a mix of forested, scrub shrub, and emergent uplands. The emergent wetlands encompass approximately 0.50 acre, are located at the upper limits of the Area of Review, and are mowed for maintenance of an existing cell tower guy anchor pad. The remaining subject wetland, which encompasses approximately 5.5 acres, is identified as a palustrine forested system. The site is currently undeveloped, other than the existing cell tower and pad. The elevations within the Area of Review range from approximately 180 feet above sea level on the eastern limits to approximately 175 feet above sea level on the western limits.



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An existing utility line runs along the southerly edge of the Area of Review. Outside of the Area of Review boundary exists a road identified as NE County Road 125, which runs in an easterly-westerly direction. Between the roadway and the utility lines lies a drainage ditch. This drainage ditch runs along the length of NE County Road 125, to where NE County Road 125 intersects with U.S. 301. The nearest point of the subject wetland boundary to the drainage ditch is approximately 300 feet. No drainage features, conveyances, or other artificial structures were observed which would carry drainage from the subject wetland to this roadside ditch.

The road identified as NE 7th Avenue runs in a northerly-southerly direction, just outside of the western limits of the Area of Review. Given the topography within the Area of Review, the subject wetland would be expected to drain in a southerly-westerly direction. Drainage ditches are present just outside the Area of Review, on both sides of NE 7th Avenue. Given the proximity of the drainage ditches to the subject wetland, evaluation of the ditches is included under Section II.D. above to determine if the ditches meet the definition of (a)(1) through (a)(3) waters.

Undeveloped forested land is located to the north of the Area of Review. No drainage features or aquatic resources were identified to the north of the subject wetland. Additionally, the landscape elevation is higher at this location, whereby drainage would occur in a southerly-westerly direction within the Area of Review.

An existing aerial transmission line runs in a northerly-southerly direction to the east, and within the Area of Review. Additionally, an industrial materials staging area is located just east of the transmission line, and outside of the Area of Review. No drainage features or aquatic resources were identified to the east of the subject wetland which would carry flow to the drainage ditch which runs along NW County Road 125.

Based on the above evaluation (III.C), there were no features other than the drainage ditches evaluated under II.D. which were identified as being adjacent to the subject wetland. Also, the information under II.D. supports the determination that the drainage ditches are not considered to be waters of the United States under the Navigable Waters Protection Rule. As such, a non-jurisdictional ditch cannot render an otherwise non-jurisdictional wetland an "adjacent wetland", as the ditches are not considered to be tributaries. Therefore, the subject wetland is considered to be a (b)(1) non-adjacent wetland and is an excluded water.