



**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-2004-01005(NPR-CF)
 Associated JDs: SAJ-2004-01005 issued February 5, 2009
 Review Area Location¹: State/Territory: FL City: Miramar County/Parish/Borough: Broward
 Center Coordinates of Review Area: Latitude 25.981394 Longitude -80.293410

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	20.87	acre(s)	(b)(1) Non-adjacent wetland.	Wetland does not meet the definition of an (a)(4) adjacent wetland. Based on the wetland data sheets, NRCS soils map, and the 1994 historical aerial, the wetland is surrounded by uplands. Approximately, 150-foot north of the wetland is an excluded canal and pond (stormwater control features excavated from uplands and non-adjacent wetlands). The wetland is separated from the excluded canal and pond by an elevated manmade berm and previously filled area. The closest potential (a)(2) water (Palm Avenue Canal) is approximately 4,000 feet to the east of the wetland and is separated by uplands and development. Due to the elevation of the berm and filled area, the wetland is not inundated by the (a)(2) water in a typical year. No artificial feature exists between the wetland and any water feature (excluded pond or canal, or the potential off-site (a)(2) water). As Wetland is surrounded by uplands, roads, and an excluded canal, 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.
Pond	19.60	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	The aquatic feature is a stormwater pond that was excavated in uplands and improved pasture in 1996 as part of a development authorized by the SFWMD (Permit No. 06-02302-P/Application No. 960312-11 issued October 10, 1996). The canal to the east is the Palm Avenue Canal and is a potential (a)(2) water. Based on historical imagery, the pond appears to be dug from uplands and based on historical permits, the pond was dug for stormwater purposes not connected to or dug from an (a)(2) water and that due to the pond not being an impoundment of a

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			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			jurisdictional water, the water is properly excluded from Corps jurisdiction pursuant to 33 CFR 328.3(b)(10).
Canal	5.98	acre(s) (b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Based on the historical aerial imagery dated 1994 provided depict an upland signature in the location of this canal. Therefore, the canal was dug in uplands. The aquatic feature is a stormwater feature that was excavated in uplands and improved pasture as part of a development authorized by the SFWMD (Permit No. 06-02302-P/Application No. 120802-9 issued October 24, 2012). Additionally, it is not connected to or dug from an (a)(2) water and that due to the canal not being an impoundment of a jurisdictional water, the water is properly excluded from Corps jurisdiction pursuant to 33 CFR 328.3(b)(10).

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: [Permit Application by Jimrusti & Associates, May 2019 and Wetland JD Map and Data sheets by Jimrusti & Associates.](#)

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

Rationale: [While the information provided included information regarding onsite conditions and proposed work, additional information was required and referenced below to support the jurisdictional determination.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial: Google Earth 1994, 1999 and 2020. Oblique aerial of eastern terminus of pond at Palm Ave Canal, 2014 and ground photo of culvert connection of pond to Palm Ave Canal, 2020.](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [SAJ-2004-01005](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [USDA Soil Map \(generated 08/18/20 using Web Soil Survey\)](#)
- USFWS NWI maps: [U.S. Fish and Wildlife Service National Wetland Inventory \(generated 08/17/20 using NWI Mapper\)](#)
- USGS topographic maps: [Opa Locka Topo - 2012](#)

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.



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Data Source (select)	Name and/or date and other relevant information
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Broward County Natural Resource Map Series – Soils. Division Name: Natural Resources Planning and Management Department Name: Environmental Protection and Growth Management

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

C. Additional comments to support AJD: The herbaceous wetland is adjacent to excluded waters (canal and pond) but separated by uplands and developed property. The waters are (b)(10) Stormwater control features constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff non-jurisdictional surface water feature that discharges into an artificial drainage canal that is not designated as an (a)(1)-(a)(3) water, therefore all waters assessed in the AJD review area are not jurisdictional.