



**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): 6/29/2020
 ORM Number: SAJ-2016-03602
 Associated JDs: PJD: SAJ-2016-03602 (SP - SLR)
 Review Area Location¹: State/Territory: Florida City: Lake Worth County/Parish/Borough: Palm Beach
 Center Coordinates of Review Area: Latitude 26.595460° Longitude -80.223765°

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	2.72 acre(s)	(b)(1) Non-adjacent wetland.	See section III C.

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: [Information for the permit application and JD were submitted to Corps by original applicant circa 2016](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

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

Photographs: [Select. Title\(s\) and/or date\(s\)](#).

Corps site visit(s) conducted on: [Date\(s\)](#).

Previous Jurisdictional Determinations (AJDs or PJDs): [PJD: SAJ-2016-03602 \(SP-SLR\)](#)

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

USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\)](#).

USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).

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	Google Earth aerial imagery

B. Typical year assessment(s): [Rainfall normality was reviewed using the Antecedent Rainfall Calculator \(ARC\) for the review area for the date of 6/27/2020. The ARC generates data using the NOAA's Daily Global Historical Climatology Network's nearest weather station, known as the West Palm Beach International Airport. The elevation at this site is about 16.46 feet. Historically, rainfall in the 70th percentile is 10.04 inches and in the 30th percentile is about 4.8 inches. The observed rainfall was about 6.44 inches, reflecting normal conditions, as it falls in between both percentiles.](#)

C. Additional comments to support AJD: [The wetland boundary was assessed, reviewed, and documented under the PJD/permit issued in 2017 under the same file name, where it was found that the site contains 2.72 acres of wetlands and 1.21 acres of uplands. The nearest body of water to the on-site wetlands](#)

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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appears to be a ditch, 150 feet to the west, separated by a road. Using historic aeriels and other online resources, the ditch does not appear to be dug from any (a)(1) - (a)(3) waters, and is therefore not considered an (a)(1) - (a)(3) water. The closest identified (a)(1) - (a)(3) water is the L-40 canal, a listed navigable water, located approximately 2.5 miles from the site.

The wetlands are found to be excluded, non-adjacent wetlands (b)(1) under the Navigable Waters Protection Rule due to the following:

1. Wetlands do not abut an (a)(1) - (a)(3) water: The wetlands are surrounded by and therefore abut undeveloped uplands on the east side of the property, a roadside containing a dry grass swale to the east, and two undeveloped lots containing wetlands to the north and south. Neither of these features constitute 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, the closest the closest identified (a)(1) - (a)(3) water is the L-40 canal, located approximately 2.5 miles from the review area. It is not likely that the wetlands will be inundated in typical year by flooding from the L-40 due to its distance from the on-site wetlands, in conjunction with L-40's water control structures and high canal banks that prevents flooding to nearby areas.
3. Wetlands are not separated from an (a)(1) - (a)(3) water only by a natural feature: The closest (a)(1) - (a)(3) water is approximately 2.5 miles away and separated by several different features, including other wetlands and uplands, 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 wetland and the (a)(1) - (a)(3) water in a typical year: The closest (a)(1) - (a)(3) water is approximately 2.5 miles away and separated by several different artificial structures, including buildings and roadways, and lacks a singular direct connection.