



**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): 8/25/2020
 ORM Number: SAJ-2018-01626
 Associated JDs: N/A
 Review Area Location¹: State/Territory: FL City: Naples County/Parish/Borough: Collier
 Center Coordinates of Review Area: Latitude 26.069100833 Longitude -81.70972222

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
FLUCCS 624	6.66	acre(s)	(b)(1) Non-adjacent wetland.	The subject wetland does not abut a jurisdictional water. The site is separated from the nearest jurisdictional water (to the SE), Eagle Creek an A(1) subtidal water. The wetland is not flooded by Eagle Creek jurisdictional water during the wet season. The roadside ditch is dug in hydric soils, however is not a relocated tributary or constructed in an adjacent wetland to Eagle Creek and is not within the review area of the proposed project. There is no direct hydrologic surface connection between the wetland and this A(1) jurisdictional water.

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: [WDM Data Sheets dated 2017](#)
This information is sufficient for purposes of this AJD.
Rationale: [The WDM data sheets corroborate the represented wetland delineation and surrounding upland features. The information was not verified by ACOE staff.](#)
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Ground photos taken July 2020 and aerial photos/maps depicting the wetland area and surrounding landscape.](#)
- Corps site visit(s) conducted on: [07 August 2020. This site is surrounded on three sides by a berm do to surrounding developments. However, the site does drain to the roadside swale, which contains wetlands, and which drains to the southwest to a subtidal tributary, Eagle Creek. The swale/ditch itself is not a tributary or a former tributary, it is however a perennial ditch that contributes surface water flow to a traditional navigable water or territorial sea in a typical year. Water was moving downstream at time of site visit.](#)
- 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: [GIS viewer data indicates hydric soils exist in the project area, and along Tamiami Trail to Eagle Creek. The ditch was dug in hydric soils however the ditch does not relocate the tributary.](#)
- USFWS NWI maps: [NWI Map taken off NWI website - JULY 2020. Provided as an exhibit. Historical aeriels are locted in the administrative record.](#)
- USGS topographic maps: [Bellw Meade Topo maps dtd 2012 and 2018](#)

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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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	Historical aerials in administrative record.

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

C. Additional comments to support AJD: N/A