



**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-2019-04477

Associated JDs: N/A

Review Area Location¹: State/Territory: Florida City: Jacksonville County/Parish/Borough: Duval County

Center Coordinates of Review Area: Latitude 30.3997 Longitude -81.8265

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
201904477 W-2 (Pond 2)	0.66 acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water inundated by flooding from an (a)(1)-(a)(3)	This pond was excavated from the adjacent wetland (201904477 W-1) that is surrounding it. The pond intercepts the flow of water as it moves from the southwest to the northeast. Surface runoff flows into pond and then flows out of the pond from the north end of the pond. The Corps utilized the antecedent precipitation tool for March 23, 2020 and the

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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(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
		water in a typical year.	analysis revealed that that time period was a normal rainfall year. Therefore, the Corps determined that water flows into and out of this pond at least intermittently, if not perennially, during typical years, and that during a typical year water is present and flowing out of the pond year round.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
201904477 W-3 (W1 on the associated map)	13.57 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The Corps determined that 201904477 W-3 satisfies the requirements of a 328.3(a)(4) jurisdictional adjacent wetland. This water directly abuts the Trout River, an (a)(2) tributary as defined in 328.3(c)(12). The Trout River flows into the St. Johns River, an (a)(1) water pursuant to 328.3(a)(1). The Corps determined that the Trout River is a jurisdictional tributary pursuant to 328.3(a)(2). 328.3(c)(1)(I) states that a wetland is adjacent for jurisdictional purposes when a wetland abuts an (a)(2) water/tributary. Abut means directly touching. W-3 directly abuts the Trout River. Therefore, the Corps determined that W-1 is a jurisdictional adjacent wetland pursuant to 328.3(a)(4).

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
201904477 W-3 (Pond 1)	0.06 acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	W-3 is a water filled depression constructed or excavated prior to 1994 in upland likely incidental to road construction activity in the vicinity of the review area for the purpose of providing water for agriculture. Historic aerial photos of the review area dated 1953, 1961, and 1971 depict the upland signature in the eventual location of this pond. A Corps site visit on March 23, 2020, determined that this area was dug from uplands. Furthermore, the pond is not an impoundment of a jurisdictional water. Thus, this water is properly excluded from Corps jurisdiction pursuant to 33 CFR 328.3(b)(8).

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
201904477 W-4 (W2 on associated map)	0.17	acres	(b)(1) Non-Adjacent Wetland	The Corps determined this wetland would not satisfy any definition provided in 328.3(a)(1-4) for a jurisdictional wetland. Review of aerial photos demonstrates that this wetland is naturally separated from the wetlands adjacent to the Trout River and there are no barriers of any kind in between. There is no evidence that these wetlands are inundated by flood waters from the Trout River at any time. A Corps site visit on March 23, 2020, determined that this area was not abutting any (a)(1-4) water. Thus, the Corps determined that this wetland would not satisfy the definition of a jurisdictional adjacent wetland as stated in 328.3(a)(c)(1).
201904477 W-5 (Pond 3)	2.08	acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	W-5 is a water filled depression constructed or excavated in November 2007 in upland likely incidental to road construction activity in the vicinity of the review area for the purpose of obtaining fill, sand, or gravel. Historic aerial photos of the review area dated 1953, 1961, and 1971 depict the upland signature in the eventual location of this pond. A Corps site visit on March 23, 2020, determined that this area was dug from uplands. Furthermore, the pond is not an impoundment of a jurisdictional water. Thus, this water is properly excluded from Corps jurisdiction pursuant to 33 CFR 328.3(b)(8).

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: [Data Sheets January 2, 2020](#), [Figure 1-Vicinity Map](#), [Figure 2 – Vicinity/Location Map](#), [Figure 3-2018 aerial imagery](#),

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

Rationale: The initial application submittal did not include the necessary antecedent precipitation data to complete a typical year analysis. The Corps generated this information for this determination and added this information to the administrative record. The initial application also did not include historical aerial images from 1943, 1951, and 1971 <http://ufdc.ufl.edu>. The Corps generated this information for this determination and added this information to the administrative record.

- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: **Aerial and Other:** Photos provided by the applicant.
- Corps site visit(s) conducted on: [March 23, 2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)



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- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: [USDA NRCS Soil Survey August 3, 2020.](https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx)
[https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx.](https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx)
- USFWS NWI maps: [NWI Map August 3, 2020.](https://www.fws.gov/wetlands/data/mapper.html) [Fws.gov/wetlands/data/mapper.html](https://www.fws.gov/wetlands/data/mapper.html)
- USGS topographic maps: [Figure 1.](https://www.usgs.gov/products/maps/topo-maps) [Usgs.gov/products/maps/topo-maps](https://www.usgs.gov/products/maps/topo-maps)

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	N/A.

B. Typical year assessment(s): See Section IIC above for the APT data discussion. The APT sheet is included in the administrative record.

C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.