



**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): 9/9/2020  
 ORM Number: SAJ-2019-01797  
 Associated JDs: SAJ-2005-3018 (JD/NPR) dtd MAY 19, 2005  
 Review Area Location<sup>1</sup>: State/Territory: FL City: Naples County/Parish/Borough: Collier  
 Center Coordinates of Review Area: Latitude 26.16631 Longitude -81.66833

**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)<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
WET 1	62.67	acre(s)	(b)(1) Non-adjacent wetland.	Reference the Navigable Waters Protection Rule, W-1 is not adjacent or hydrologically connected to (a)(1) - (a)(3) waters. W-1 is surrounded by uplands and does not abut a jurisdictional water, is not flooded by a jurisdictional water and, because it is separated from any jurisdictional water by uplands or a man-made barrier that prevents any periodic or frequent surface water connection, there is no direct hydrologic surface connection to a jurisdictional water.
WET 2	1.78	acre(s)	(b)(1) Non-adjacent wetland.	Reference the Navigable Waters Protection Rule, W-2 is not adjacent or hydrologically connected to (a)(1) - (a)(3) waters. W-2 is surrounded by uplands and does not abut a jurisdictional water, is not flooded by a jurisdictional water and, because it is separated from any jurisdictional water by uplands or a man-made barrier that prevents any periodic or frequent surface water connection, there is no direct hydrologic surface connection to a 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: 09/01/2020  
This information is sufficient for purposes of this AJD.  
Rationale: The information provided by the Applicant confirms the wetland delineation of the two wetland areas and documents there is no direct hydrologic surface connection between either wetland polygon and jurisdictional waters of the U.S.
- Data sheets prepared by the Corps: NA
- Photographs: Aerial and Other: Photolog and location map; aerial photo map of the site: July 2020
- Corps site visit(s) conducted on: 08/31/2020
- Previous Jurisdictional Determinations (AJDs or PJDs): SAJ-2005-3018 (JD/NPR) dtd MAY 19, 2005
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: NRCS Soils Map dtd 2019
- USFWS NWI maps: NWI Map, JULY 2020
- USGS topographic maps: Belle Meade NW dtd 2012

<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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**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):** N/A

**C. Additional comments to support AJD:** The Wet Season Water Level is 10.5-ft NGVD. Previous developments authorized in the immediate vicinity have a control elevation of 8.8-ft to 10.5-ft by the SFWMD. Average ground elevations, per a survey dated 2002 range from 9.8-ft to 11.5-ft NGVD. Well data from two monitoring wells within WET 1 indicates the surface can be inundate for several weeks in the SEP-OCT timeframe but only to a depth of a few inches. In the southern end of WET 1, where the wetland polygon butts up against White Lake Blvd., inundation to a depth of 2-3 inches would not be high enough to flow over a natural berm located along the southern perimeter of the property and/or into either of 2 culverts that are located beneath the road (where the invert elevations are at 10.7-ft and 9.9-ft respectively). Photos taken along the southern boundary of WET1 support the argument water during the wet season ponds within the wetland, vs. flowing offsite to the south, and drains vertically through the soils to the groundwater table. There is no evidence to support an argument that water periodically flows south, through the culverts, and into a ditch/canal located along the north side of I-75 (115-ft away). White Lake Blvd provides an effective barrier that prevents any direct hydrologic surface connection to jurisdictional waters.