



**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): 7/22/2020

ORM Number: SAJ-2017-02476

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 27.254117° Longitude -80.778440°

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	0.91 acre(s)	(b)(1) Non-adjacent wetland.	See section III C.
Wetland 2	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: [Maps, data sheets, site plans](#)
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): [ORM Number\(s\) and date\(s\)](#).
- 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): [N/A](#)

C. Additional comments to support AJD:

Wetland 1: Wetland 1 is a 0.91 acre herbaceous wetland, dominant with [Bacopa monnieri \(OBL\)](#) and [Polygonum hydropiperoides \(OBL\)](#).

Wetland 2: Wetland 2 is a 0.42 acre herbaceous wetland, dominant with [Bacopa monnieri \(OBL\)](#) and [Centella asiatica \(OBL\)](#).

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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The nearest body of water to the on-site wetlands appears to be Nubbin Slough/C-59, a listed navigable water listed on the SAJ Section 10 List, and therefore an (a)(1) - (a)(3) water, located approximately 0.60 miles from the review area.

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 all sides of each wetland.
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 C-59 canal, located approximately 0.60 miles from the review area. It is not likely that the wetlands will be inundated in typical year by flooding from the C-59 due to its distance from the on-site wetlands, in conjunction with C-59'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 0.60 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 0.60 miles away and separated by several different artificial structures, including buildings and roadways, and lacks a singular direct connection.