



**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): 9/23/2020
 ORM Number: SAJ-2008-00207
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Florida City: Fort Myers County/Parish/Borough: Lee
 Center Coordinates of Review Area: Latitude 26.541893 Longitude -81.797119

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.

D. Excluded Waters or Features

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
641	1.09	acres	(b)(1) Non-adjacent wetland.	The subject wetland does not abut, nor is it otherwise directly connected to, an (a)(1) through (a)(3) water. The subject wetland does drain into the nearby drainage ditches on-site and eventually offsite into either the Daniels Parkway drainage system or to the I-75 stormwater treatment system. The nearest a(1) through a(3) water is approximately 5-miles to the southwest (Ten Mile Canal). The subject wetland also does not lie within the floodplain of an (a)(1) through (a)(3) water.
621	0.72	acres	(b)(1) Non-adjacent wetland.	The subject wetland does not abut, nor is it otherwise directly connected to, an (a)(1) through (a)(3) water. The subject wetland does drain into the nearby drainage ditches on-site and eventually offsite into either the Daniels Parkway drainage system or to the I-75 stormwater treatment system. The nearest a(1) through a(3) water is approximately 5-miles to the southwest (Ten Mile Canal). The subject wetland also does not lie within the floodplain of an (a)(1) through (a)(3) water.
621	0.03	Acres	(b)(1) Non-adjacent wetland.	The subject wetland does not abut, nor is it otherwise directly connected to, an (a)(1) through (a)(3) water. The subject wetland does drain into the nearby drainage ditches on-site and eventually offsite into either the Daniels Parkway drainage system or to the I-75 stormwater treatment system. The nearest a(1) through a(3) water is approximately 5-miles to the southwest (Ten Mile Canal). The subject wetland also does not lie within the floodplain of an (a)(1) through (a)(3) water.
641	0.22	Acres	(b)(1) Non-adjacent wetland.	The subject wetland does not abut, nor is it otherwise directly connected to, an (a)(1) through (a)(3) water. The subject wetland does drain into the nearby drainage ditches on-site and eventually offsite into either the Daniels Parkway drainage system or to the I-75 stormwater treatment system. The nearest a(1) through a(3) water is approximately 5-miles to the southwest (Ten Mile Canal). The subject wetland also does not lie within the floodplain of an (a)(1) through (a)(3) water.
624	0.06	Acres	(b)(1) Non-adjacent wetland.	The subject wetland does not abut, nor is it otherwise directly connected to, an (a)(1) through (a)(3) water. The subject wetland does drain into the nearby drainage ditches on-site and eventually offsite into either the Daniels Parkway drainage system or to the I-75 stormwater treatment system. The nearest a(1) through a(3) water is approximately 5-miles to the southwest (Ten Mile Canal). The subject wetland also does not lie within the floodplain of an (a)(1) through (a)(3) water.



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510	0.37	acres	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The subject waters are drainage ditches that total approximately 0.50-acres in size. The perimeter ditches serve to drain sheetflow off the site to the southwest, connecting to other drainage ditches. There is a ditch in the middle of the site dug to drain the two large wetland features in the middle of the site. The on-site drainage ditches eventually flow offsite into either the Daniels Parkway drainage system or to the I-75 stormwater treatment system. The ditches were excavated from upland areas and do not have a direct or indirect connection to any downstream (a)(1) through (a)(4) water. Based on the submitted data, a site visit conducted by the Corps, soil maps, NWI map, and historical aerials the Corps determined that on-site ditches are not an (a)(1) or (a)(2) water.
510	0.50	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The subject waters are drainage ditches that total approximately 0.50-acres in size. The perimeter ditches serve to drain sheetflow off the site to the southwest, connecting to other drainage ditches. There is a ditch in the middle of the site dug to drain the two large wetland features in the middle of the site. The on-site drainage ditches eventually flow offsite into either the Daniels Parkway drainage system or to the I-75 stormwater treatment system. The ditches were excavated from upland areas and do not have a direct or indirect connection to any downstream (a)(1) through (a)(4) water. Based on the submitted data, a site visit conducted by the Corps, soil maps, NWI map, and historical aerials the Corps determined that on-site ditches are not an (a)(1) or (a)(2) 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: [Application submitted June 26, 2019](#)

This information is sufficient for purposes of this AJD.

Rationale: [The applicant submitted sufficient data sheets, maps, a regional/specific drainage report, and documentation for a complete application to make a determination on the subject site.](#)

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

Photographs: [Aerial and Other: FLUCCS/Wetland Map \(dated 9/16/19\); Google Earth Imagery \(1995 thru 2019; LiDAR\)](#)

Corps site visit(s) conducted on: [August 7, 2020](#)

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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- 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: [Web Soil Survey](#)
(<https://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/survey/>)
- USFWS NWI maps: [NWI Map](#) (www.fws.gov/wetlands/Data/Mapper.html)
- USGS topographic maps: [Quad Map](#) (Ft. Myers SE Quad)

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	FEMA Flood Map 12071C0445F (Zone X)

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

C. Additional comments to support AJD: [N/A](#)