



**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): 9/1/2020  
 ORM Number: SAJ-2020-02179  
 Associated JDs: NA  
 Review Area Location<sup>1</sup>: State/Territory: FL City: Port Orange County/Parish/Borough: Volusia  
 Center Coordinates of Review Area: Latitude 29.112845 Longitude -81.045848

**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)<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
W1	5.9 acre(s)	(b)(1) Non-adjacent wetland.	Wetlands maintain no connection perennially or intermittently to WOTUS or any subsequent tributaries. The nearest potential (a)(1)-(a)(3) water is 1.05 acres east of the site. The wetlands are physically remote and hydrologically isolated from any potential (a)(1)-(a)(3) waters. The abundance of development in the area and broken hydrologic connections eliminate any potential adjacency (a)(4) determination. Soils between range from hydric and component to nonhydric in a scatter landscape that show no reasonable connection.
W2	1.9 acre(s)	(b)(1) Non-adjacent wetland.	Wetlands maintain no connection perennially or intermittently to WOTUS or any subsequent tributaries. The nearest potential (a)(1)-(a)(3) water is 1.05 acres east of the site. The wetlands are physically remote and hydrologically isolated from any potential (a)(1)-(a)(3) waters. The abundance of development in the area and broken hydrologic connections eliminate any potential adjacency (a)(4) determination. Soils between range from hydric and component to nonhydric in a scatter landscape that show no reasonable connection.
W3	0.3 acre(s)	(b)(1) Non-adjacent wetland.	Wetlands maintain no connection perennially or intermittently to WOTUS or any subsequent tributaries. The nearest potential (a)(1)-(a)(3) water is 1.05 acres east of the site. The wetlands are physically remote and hydrologically isolated from any potential (a)(1)-(a)(3) waters. The abundance of development in the area and broken hydrologic connections eliminate any potential adjacency (a)(4) determination. Soils between range from hydric and component to nonhydric in a scatter landscape that show no reasonable connection.

**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.

<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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Information submitted by, or on behalf of, the applicant/consultant: [Port Orange Town West application package](#)

This information is sufficient for purposes of this AJD.

Rationale: [The exhibits provided clearly show that no natural hydrological connections from the listed Excluded Waters to jurisdictional waters are present. Three historic tributaries traversed north to south to Spruce Creek. Two located to the west of I-95 terminated well south of the subject wetlands at Hyde Park and Cranes Lake subdivision. The final one, located to the east of I-95, traversed well west of the subject wetlands. While some drainage ditching extended this tributary to reach a series of ditches and stormwater ponds in the vicinity of the subject property, these features are all man-made as part of the Willow Run subdivision development and not tributary bypasses. The historic aerials provided the most effective evidence that waters onsite are isolated from \(a\)\(1\)-\(a\)\(3\) waters.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial: 1958 and 1943 Aerial Imagery](#)
- Corps site visit(s) conducted on: [Date\(s\)](#).
- Previous Jurisdictional Determinations (AJDs or PJDs): [NA](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Soils Map](#)
- USFWS NWI maps: [NWI Map](#)
- USGS topographic maps: [Topographic Map](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">Other state/local data (specify)</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

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

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