



**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): 10/2/2020  
 ORM Number: SAJ-2020-02874  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: Florida City: Naples County/Parish/Borough: Collier  
 Center Coordinates of Review Area: Latitude 26.236530 Longitude -81.569869

**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
Wetland 1	2.17	acre(s)	(b)(1) Non-adjacent wetland.	The subject site is approximately 2.17-acres in size and is currently partially developed with a single-family dwelling, septic field, driveway, excavated pond, a second access road, and a storage shed. The subject wetland was developed at some point in late-2017 by the previous property owner. Development of single-family dwellings throughout the area has cut off historic sheetflow. Existing lands on site were determined to be wetlands, as shown on NWI and soil maps, and as determined by the Florida Department of Environmental Protection. The site does lie within the FEMA floodplain, but not of any particular tributary. The site is effectively cutoff from direct drainage to the man-made canals to the north and east by roads and development. Therefore, the Corps has determined that the wetlands are non-jurisdictional and do not have a direct or indirect connection to any downstream (a)(1) through (a)(3) water. The Corps also utilized submitted data, a site visit conducted by the Corps, soil maps, NWI map, and historical aerials in making this determination. The wetlands are not adjacent to an (a)(1) – (a)(3) water and are therefore also not considered adjacent.

**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 July 17, 2020*  
This information *is and is not* sufficient for purposes of this AJD.  
Rationale: *The applicant submitted sufficient figures, maps, and a FDEP permit; the Corps provided the remaining information (soil mapes, FEMA map, aerial figures, etc.).*
- Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- Photographs: *Aerial and Other: Wetland Map (dated 10/3/19); Google Earth Imagery (1995 thru 2020)*
- Corps site visit(s) conducted on:
- Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

<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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- USDA NRCS Soil Survey: [Soil info submitted via Web Soil Survey](https://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/survey/)  
(<https://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/survey/>)
- USFWS NWI maps: [NWI Map](https://www.fws.gov/wetlands/Data/Mapper.html) (<https://www.fws.gov/wetlands/Data/Mapper.html>)
- 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
<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="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">FEMA Flood Map 12021C0430H (Zone AH – no base flood elevations)</a>

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

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