



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): 24-AUG-2020

ORM Number: SAJ-2007-02451

Associated JDs: N/A

Review Area Location¹: State/Territory: FL City: Bunnell County/Parish/Borough: Flagler County

Center Coordinates of Review Area: Latitude 29.473625 Longitude -81.20093

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 and 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 independent 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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
W-1	22.93 acres	(b)(1) Non-adjacent wetland	<p>W-1 meets the definition of a wetland in paragraph (c)(16) based on the Wetland Delineation Map (Figure 7 and data sheets (Figure 9). Figures 2 and 3 provides support for the delineation provided by the applicant. The wetland does not meet a (b)(2) thru (b)(12) definition of an excluded water. It does not abut an (a)(1)-(a)(3) water and it is physically separated from any (a)(1)-(a)(3) waters. W-1 is located mostly along the west side of the project review area. W-1 is bordered by Highway 100 to the north and Bulldog Road to the west without any culvert connections to adjacent waters as shown in Figure 6. The eastern boundary of W-1 is an upland strip identified by Figures 7 and 9. W-1 extends outside of the review area to the south where it abuts a perimeter berm for the airport shown in Figure 5. The berm severs any hydrologic connection to the ditch located south of the berm.</p> <p>Figure 1: Topographic Map shows the review area and a wetland signature at the location of the wetland. It also shows an airport which severed wetland connection when it was constructed. Figure 2: Soils map shows a wetland soil at the location of W-1 that abuts W-2. Figure 3: National Wetlands Inventory Map (NWI) shows the wetland feature at the approximate location of the delineation. Figure 5: Aerial 2012 shows the artificial berm without culvert pipes to the southern ditch. Figure 6: Google Street View Image shows the artificial barrier at the north side of the wetland without culvert pipes. Figure 7: Wetland Delineation Map shows the full extent of W-1 within the review area. Figure 9: Wetland Determination Forms indicate the area is a wetland.</p>
W-2	12.54 acres	(b)(1) Non-adjacent wetland	<p>W-2 meets the definition of a wetland in paragraph (c)(16) based on the Wetland Delineation Map (Figure 7 and data sheets (Figure 9). Figures 2 and 3 provides support for the delineation provided by the applicant. The wetland does not meet a (b)(2) thru (b)(12) definition of an excluded water. It does not abut an (a)(1)-(a)(3) water and it is physically separated from any (a)(1)-(a)(3) waters. W-2 is located through the center of the project review area. W-2 is bordered by Highway 100 to the north without any culvert connections to adjacent waters as shown in Figure 6. The eastern and western boundary of W-2 is an upland strip identified by Figures 7 and 9. W-2 extends outside</p>

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			<p>of the review area to the south where it abuts a perimeter berm for the airport shown in Figure 5. The berm severs any hydrologic connection to the ditch located south of the berm.</p> <p>Figure 1: Topographic Map shows the review area and a wetland signature at the location of the wetland. It also shows an airport which severed connection when it was constructed.</p> <p>Figure 2: Soils map shows a wetland soil at the location of W-2 that abuts W-1.</p> <p>Figure 3: NWI shows the wetland feature at the location as the delineation.</p> <p>Figure 5: Aerial 2012 shows the artificial berm without culvert pipes connecting it to the ditch downstream from verification.</p> <p>Figure 6: Google Street View Image shows the artificial barrier at the north side of the wetland.</p> <p>Figure 7: Wetland Delineation Map shows the full extent of W-2 within the review area.</p> <p>Figure 9: Wetland Determination Forms indicate the area is a wetland.</p>
W-3	10.73 acres	(b)(1) Non-adjacent wetland	<p>W-3 meets the definition of a wetland in paragraph (c)(16) based on the Wetland Delineation Map (Figure 7 and data sheets (Figure 9). Figures 2 and 3 provides support for the delineation provided by the applicant. The wetland does not meet a (b)(2) thru (b)(12) definition of an excluded water. It does not abut an (a)(1)-(a)(3) water and it is physically separated from any (a)(1)-(a)(3) waters. W-3 is located mostly along the east side of the project review area. W-3 is bordered by Highway 100 to the north and commercial development and roadway to the east without any culvert connections to adjacent waters as shown in Figure 6. W-3 extends outside of the review area to the south where it abuts a perimeter berm for the airport shown in Figure 5. A ditch historically connected the wetland according to Figure 4, but that ditch was filled according to Figure 5. Furthermore, the berm severs any hydrologic connection to the ditch located south of the berm.</p> <p>Figure 1: Topographic Map shows the review area and a wetland signature at the location of the wetland. It also shows an airport which severed connection when it was constructed.</p> <p>Figure 2: Soils map shows a wetland soil at the location of W-2 that abuts W-1.</p> <p>Figure 3: National Wetlands Inventory Map (NWI) shows the wetland feature at the location as the delineation.</p> <p>Figure 4: Aerial 1952 shows a ditch that was dug from W-3 and abutting an intermittent ditch.</p>

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			<p>Figure 5: Aerial 2012 shows the results of a No Permit Required Letter issued on 24 March 1992, which fill in the wetland dug ditch. The image shows the artificial berm with no culverts connecting the W-3 to the intermittent tributary.</p> <p>Figure 6: Google Street View Image shows the artificial barrier at the north side of the wetland without culvert pipes.</p> <p>Figure 7: Wetland Delineation Map shows the full extent of W-2 within the review area.</p> <p>Figure 8: Digital Elevation Model shows the extent of offsite wetlands. It also shows the severance of wetlands that occurred from the extension of the runway.</p>
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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: *Wetland Delineation, Figure 7 (7 July 2020), Digital Elevation Map, Figure 8 (10 July 2020)*
This information is sufficient for purposes of this AJD.
- Photographs: *Historical Photo 1952, Figure 4, Historical Photo 2012, Figure 5, Google Street View North Area of Project, Figure 6 (24 August 2020)*
- USDA NRCS Soil Survey: *Soils Map, Figure 2 (7 July 2020).*
- USFWS NWI maps: *NWI Map, Figure 3(7 July 2020).*
- USGS topographic maps: *Topography Map, Figure 1 (7 July 2020).*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Google Earth.
USDA Sources	https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx
NOAA Sources	Google Earth
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): N/A. There were no tributaries to assess.

C. Additional comments to support AJD: On 24 March 1992, the Flagler County Airport (SAJ-1992-00270) received a no permit required letter to fill in the ditch in the northeast area of the airport. This activity resulted in a severance of Jurisdiction considering the NWPR.

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