



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FL 32207-8137

September 22, 2025

Regulatory Division
West Permits Branch
Fort Myers Permit Section
SAJ-2025-00835(NPR-AJC)

Norma Fernandez P A FL Corp
Norma Fernandez
12691 Aviano Drive
Naples, Florida 34119
normafrealty@gmail.com

Dear Norma Fernandez:

Reference is made to the application received on March 19, 2025, for a Department of the Army permit to construct a single-family residence. The proposed project site is located along Everglades Boulevard Drive North, Naples, Florida 34120 (Collier County property appraiser has assigned the parcel ID No. 38971200008) latitude 26.32276, longitude -81.546395. The application has been assigned the file number SAJ-2025-00835(NPR-AJC).

Section 10 of the Rivers and Harbors Act of 1899

The project as proposed will not require a Department of the Army permit in accordance with Section 10 of the Rivers and Harbors Act of 1899 as it is not located within a navigable water of the United States.

Section 404 of the Clean Water Act

The U.S. Army Corps of Engineers (Corps) has determined that the proposed project will not require a Department of the Army permit in accordance with Section 404 of the Clean Water Act as the proposed discharge of dredged or fill material would not occur in waters of the United States. Provided the work is done in accordance with the enclosed drawings, Department of the Army authorization will not be required.

This letter also contains an Approved Jurisdictional Determination (AJD). Enclosed you will find the AJD form, accompanying map/figure, and a Notification of Appeal Process (NAP) fact

sheet and Request for Appeal (RFA) form. If you object to this determination, you may request an administrative appeal under the Corps' regulations at 33 C.F.R. Part 331. If you request to appeal this determination, you must follow the directions provided in Section 1, Part D of the attached RFA form and submit a completed RFA form to the South Atlantic Division Office at the following address:

U.S. Army Corps of Engineers
South Atlantic Division
Attn: Krista Sabin
60 Forsyth Street SW
Atlanta, Georgia 30303-8801

Ms. Sabin can be reached by telephone at (904) 314-9631 or by email at krista.d.sabin@usace.army.mil.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. § 331.5, and that it has been received by the Division office within 60 days of the date of the NAP form. Should you decide to submit an RFA form, it must be received at the above address by within 60 days from the date of issuance of this letter.

The determination in the enclosed AJD represents the extent of the Corps' jurisdiction within the specified review area. Please be advised that the jurisdictional determination shown is based on the *Corps of Engineers Wetlands Delineation Manual (1987)* and current regional supplement and is valid for a period no longer than five years from the date of this letter unless new information warrants a revision of the determination before the expiration date. If after the five year period, the Corps has not specifically revalidated this jurisdictional determination, it shall automatically expire. Any reliance upon this jurisdictional determination beyond the expiration date may lead to possible violation of current Federal laws and/or regulations. You may request revalidation of the jurisdictional determination prior to the expiration date. Any revalidation or updating will be considered under the method of jurisdictional determination and other applicable regulations in use at the time of the revalidation/update. Additionally, this determination was based on information provided by you or your agent. Should we determine that the information was incomplete or erroneous, this delineation would be invalid.

This determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the specified review area. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

Additionally, your project site may contain species protected by the Endangered Species Act (ESA) of 1972, as amended. You should contact your local U.S. Fish and Wildlife Service (FWS) office to determine if federally listed species or their habitat are present on your project site. If it is determined that federally listed species may be affected by the proposed project,

authorization for "incidental take" may be required. FWS can be contacted by emailing FW4FLESRegs@fws.gov.

This letter does not obviate the requirement to obtain any other Federal, State, or local permits that may be necessary for your project. Should you have any questions, please contact Allison J Cala at the letterhead address or by telephone at 239-920-3690.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit <http://per2.nwp.usace.army.mil/survey.html> and complete our automated Customer Service Survey. Your input is appreciated – favorable or otherwise. Please be aware this web address is case sensitive and should be entered as it appears above.

Sincerely,

CALA.ALLISON.J.

1630287401

Allison J Cala
Project Manager

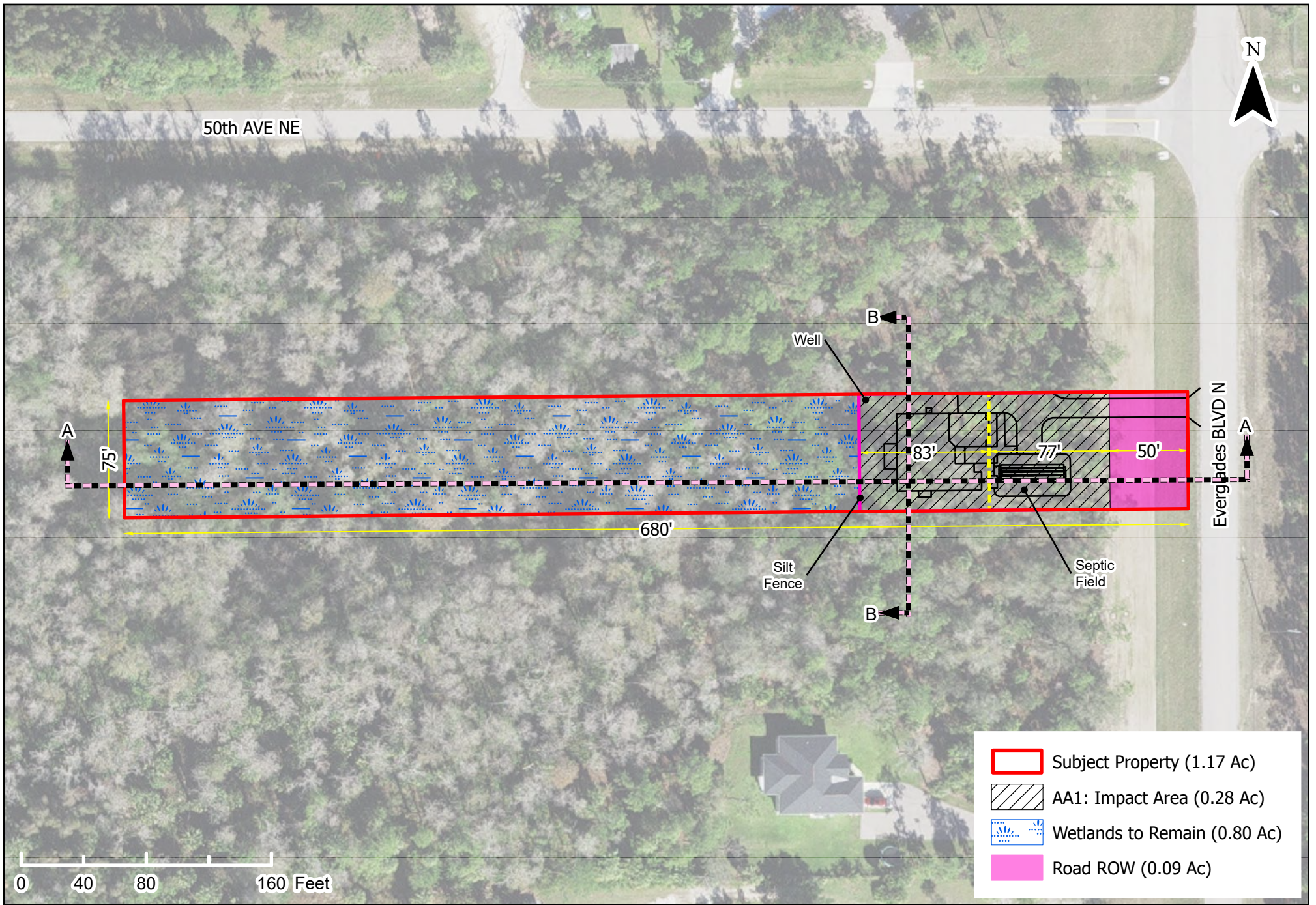
Digitally signed by
CALA.ALLISON.J.1630287401
Date: 2025.09.22 13:56:59 -04'00'

Cc:

EnvestEd Ventures Alliance, LLC
Jeremy Boone
Jeremy@EnvestEdVentures.com

Enclosure

Notice of Administrative Appeal Options and Process and Request for Appeal Form
Project Plans
Approved Jurisdictional Determination
Wetland Delineation Map



- Subject Property (1.17 Ac)
- AA1: Impact Area (0.28 Ac)
- Wetlands to Remain (0.80 Ac)
- Road ROW (0.09 Ac)

0 40 80 160 Feet

Project / Client Name:
 Norma Fernandez
Subject Property boundary obtained from Collier County Property Appraiser

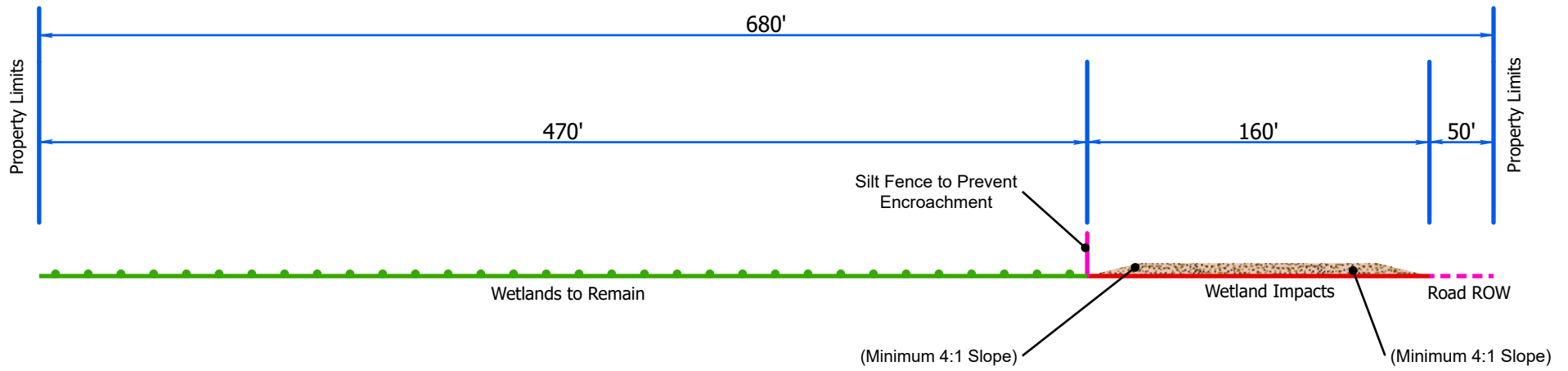
Everglades Blvd N, Naples, FL 34120
 Sec 6; Twn 48; Rge 28; Totaling 1.17 Acres
 PID 38971200008 | Collier County, Florida

Figure 7. Site Plan Map
 Date: 09/24/24

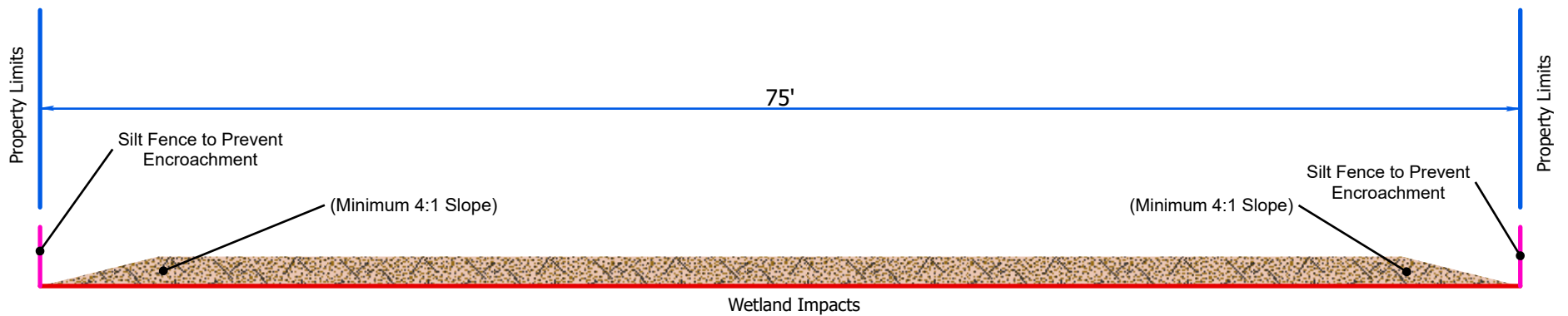
EVA
 ENVESTED VENTURES ALLIANCE, LLC
 ~ Land Investments ~ Consulting ~
 255 S. Orange Ave, Suite 104 #1653
 Orlando, Florida 32801
 Phone (239) 771-7325

*Note: Average fill depth ± 3'

Cross Section A-A



Cross Section B-B



Project / Client Name:
Norma Fernandez

Everglades Blvd N, Naples, FL 34120
Sec 6; Twn 48; Rge 28; Totaling 1.17 Acres
PID 38971200008 | Collier County, Florida

Figure 8. Cross Sections

Date: 09/24/24



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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BLVD
JACKSONVILLE, FL 32207

CESAJ-RDW-F

22 September 2025

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023),¹ SAJ-2025-00835

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.² AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.³ For the purposes of this AJD, we have relied on section 10 of the Rivers and Harbors Act of 1899 (RHA),⁴ the Clean Water Act (CWA) implementing regulations published by the Department of the Army in 1986 and amended in 1993 (references 2.a. and 2.b. respectively), the 2008 *Rapanos-Carabell* guidance (reference 2.c.), and other applicable guidance, relevant case law and longstanding practice, (collectively the pre-2015 regulatory regime), and the *Sackett* decision (reference 2.d.) in evaluating jurisdiction.

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. The features addressed in this AJD were evaluated consistent with the definition of “waters of the United States” found in the pre-2015 regulatory regime and consistent with the Supreme Court’s decision in *Sackett*. This AJD did not rely on the 2023 “Revised Definition of ‘Waters of the United States,’” as amended on 8 September 2023 (Amended 2023 Rule) because, as of the date of this decision, the Amended 2023 Rule is not applicable in the state of Florida due to litigation.

¹ While the Supreme Court’s decision in *Sackett* had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² 33 CFR 331.2.

³ Regulatory Guidance Letter 05-02.

⁴ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

CESAJ-RDW-F

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), SAJ-2025-00835

1. SUMMARY OF CONCLUSIONS.

a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).

i. Wetland 1, non-jurisdictional

2. REFERENCES.

a. Final Rule for Regulatory Programs of the Corps of Engineers, 51 FR 41206 (November 13, 1986).

b. Clean Water Act Regulatory Programs, 58 FR 45008 (August 25, 1993).

c. U.S. EPA & U.S. Army Corps of Engineers, Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States & Carabell v. United States* (December 2, 2008)

d. *Sackett v. EPA*, 598 U.S. 651, 143 S. Ct. 1322 (2023)

3. REVIEW AREA. The Subject site is approximately 1.17 Acres and is currently undeveloped consisting of forested wetlands. The statewide land use land cover found three different ecosystems may be present such as 6250- wet pinelands hydric pine and 6200-wetland coniferous forests. The soils were found to be mostly hydric (51-75%) with Malabar fine sand (poorly drained) and Cypress Lake-Riviera-Copeland fine sands (frequently ponded). The development of single-family dwellings, roads, and drainage canals throughout the area have altered the historic sheet flow. The Florida Department of Environmental Protection issued Permit No. 0402720-004-EI to place fill in approximately 12,197 square feet (0.28 acres) of forested freshwater wetlands for the purpose of constructing a single-family residence and associated residential improvements in wetlands.

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), INTERSTATE WATER, OR THE TERRITORIAL SEAS TO WHICH THE AQUATIC RESOURCE IS CONNECTED. The nearest TNW is located approximately 17.2 miles (90,772 feet) to the southwest of the project site.

5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS The flow path during periods of extreme rain events would leave the site through the swales located to the north and south of the project site and flow west for a distance of 4,739 feet (.9 miles) to a

RPW consisting of a canal. The canal then flows southwest through the Bird Rookery Swamp, into the Palm River Slough, then into a TNW, the Cocohatchee River and eventually into the Gulf of Mexico.

6. SECTION 10 JURISDICTIONAL WATERS⁵: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.⁶ N/A
7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the pre-2015 regulatory regime and consistent with the Supreme Court’s decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of “waters of the United States” in the pre-2015 regulatory regime. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.
 - a. TNWs (a)(1): N/A
 - b. Interstate Waters (a)(2): N/A
 - c. Other Waters (a)(3): N/A
 - d. Impoundments (a)(4): N/A
 - e. Tributaries (a)(5): N/A
 - f. The territorial seas (a)(6): N/A

⁵ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as “navigable in law” even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁶ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

g. Adjacent wetlands (a)(7): N/A

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

- a. Describe aquatic resources and other features within the review area identified as “generally non-jurisdictional” in the preamble to the 1986 regulations (referred to as “preamble waters”).⁷ Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA as a preamble water. N/A
- b. Describe aquatic resources and features within the review area identified as “generally not jurisdictional” in the *Rapanos* guidance. Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA based on the criteria listed in the guidance. N/A
- c. Describe aquatic resources and features identified within the review area as waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA. Include the size of the waste treatment system within the review area and describe how it was determined to be a waste treatment system. N/A
- d. Describe aquatic resources and features within the review area determined to be prior converted cropland in accordance with the 1993 regulations (reference 2.b.). Include the size of the aquatic resource or feature within the review area and describe how it was determined to be prior converted cropland. N/A
- e. Describe aquatic resources (i.e. lakes and ponds) within the review area, which do not have a nexus to interstate or foreign commerce, and prior to the January 2001 Supreme Court decision in “*SWANCC*,” would have been jurisdictional based solely on the “Migratory Bird Rule.” Include the size of the aquatic resource or feature, and how it was determined to be an “isolated water” in accordance with *SWANCC*. N/A
- f. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the pre-2015 regulatory regime consistent with the Supreme Court’s decision in *Sackett* (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a

⁷ 51 FR 41217, November 13, 1986.

CESAJ-RDW-F

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), SAJ-2025-00835

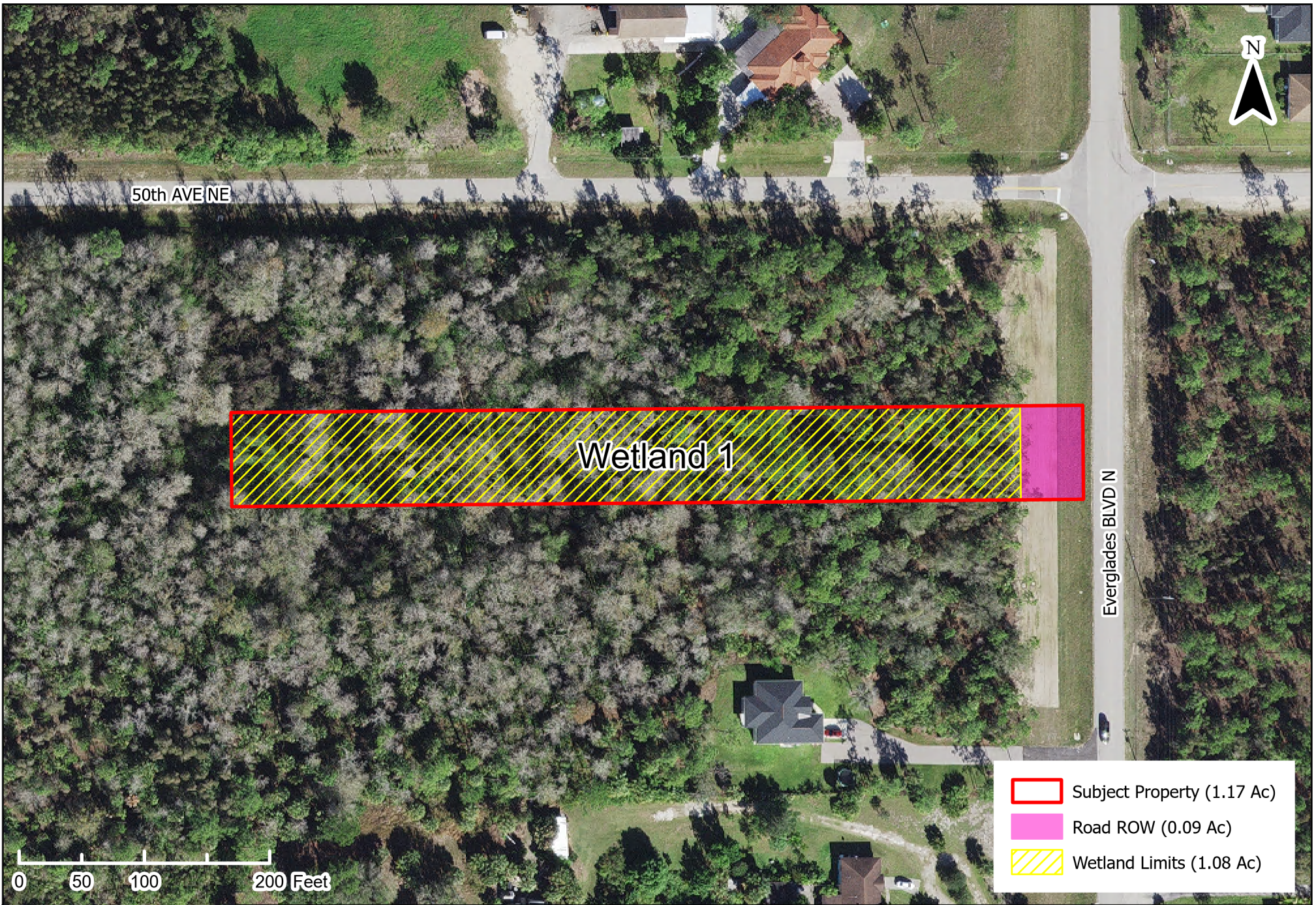
continuous surface connection to a jurisdictional water). Wetland 1 was determined to be a non-jurisdictional aquatic resource as the Army Corps of Engineers was unable to document a continuous surface connection to a RPW or TNW.

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

- a) FLUCCS community assessments
- b) Web Soil Survey, National Wetland Viewer, Florida Soil Survey Geographic Database (SSURGO)
- c) Topographical maps, Hillshade, Lidar, National Hydrography Dataset (NHD) Flowlines, National Regulatory Viewer
- d) Antecedent Precipitation Tool from NOAA's Daily Global Historical Climatology Network

10. OTHER SUPPORTING INFORMATION. N/A

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.



- Subject Property (1.17 Ac)
- Road ROW (0.09 Ac)
- Wetland Limits (1.08 Ac)

Project / Client Name: Norma Fernandez <small>Subject Property boundary obtained from Collier County Property Appraiser</small>	Everglades Blvd N, Naples, FL 34120 Sec 6; Twn 48; Rge 28; Totaling 1.17 Acres PID 38971200008 Collier County, Florida	Wetland Map Date: 8/26/25	<p> <small>ENVESTED VENTURES ALLIANCE, LLC ~ Land Investments ~ Consulting ~ 255 S. Orange Ave, Suite 104 #1653 Orlando, Florida 32801 Phone (239) 771-7325</small> </p>
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