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): 7/6/2020
ORM Number: SAJ-2020-02020
Associated JDs: N/A
Review Area Location[1]: State/Territory: Florida City: North Port County/Parish/Borough: Sarasota
Center Coordinates of Review Area: Latitude 27.081338 Longitude -82.270443

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)[2]

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
N/A.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
NCP-W1	0.097	acre(s)	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Perennial tributary that flows south, directly to the Myakka River [(a)(1) water]
NCP-W3	0.017	acre(s)	(a)(2) Perennial tributary contributes	Perennial tributary that flows south, directly to the Myakka River [(a)(1) water]

[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.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	

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.	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.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
NCP-W4	0.17	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is separated from the (a)(2) water by upland.
NCP-W5	0.068	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is separated from the (a)(2) water by upland.
NCP-W6	0.058	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is separated from the (a)(2) water by upland.
R-36 Canal	0.007	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Non-tidal, non-federal, flood control ditch constructed in uplands to convey stormwater runoff. Canal R-36 was constructed through mostly uplands along the border of this project boundary.

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 delineations; Wetland Data Sheets, Photos, Maps, May 15, 2020.

This information is sufficient for purposes of this AJD.

[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.

Rationale: N/A

☐ Data sheets prepared by the Corps: Title(s) and/or date(s).

☒ Photographs: Aerial and Other: Aerials provided by applicant, available in Google Earth and historical aerials obtained from https://ufdc.ufl.edu/aerials/map (1948, 1957, 1969, 1974, 2001, 2018); site photos taken by Corps during site visits indicated below.

☐ Corps site visit(s) conducted on: Date(s).

☐ 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: Florida Soils Map digital data from the Natural Resources Conservation Service. Date (June 26, 2020). Web Soil Survey website. U.S. Department of Agriculture, Natural Resources Conservation Service, Washington, D.C

☒ USFWS NWI maps: Wetland digital data from U. S. Fish and Wildlife Service. Date (June 26, 2020). National Wetlands Inventory website. U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C

☒ USGS topographic maps: 1:24,000; Myakka River, FL

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS/WBD/NHD data/maps	NHD data viewed in The National Map (https://viewer.nationalmap.gov/); NHD flowlines data viewed in Google Earth.
USDA Sources	NRCS soil maps and Hydric Rating by Map Unit from USDA Web Soil Survey (https://websoilsurvey.sc.egov.usda.gov/).
Other NOAA data (specify)	NOAA National Weather Service Advanced Hydrologic Prediction Service (https://water.weather.gov/precip/#)
USACE Sources	Antecedent Precipitation Tool
State/Local/Tribal Sources	LiDAR data from South Florida Water Management District, viewed in https://www.arcgis.com/home/webmap/viewer.html.
Other Sources	United States Drought Monitor (https://droughtmonitor.unl.edu/)

B. Typical year assessment(s): As noted above and in the section below, The 2 tributaries within the project area consistently show signs of hydrology and flow. Water was observed in the tributaries and wetlands during the agents site visits. Wetlands NCP-W4, W5, and W6 are all separated from (a)(2) waters by upland.

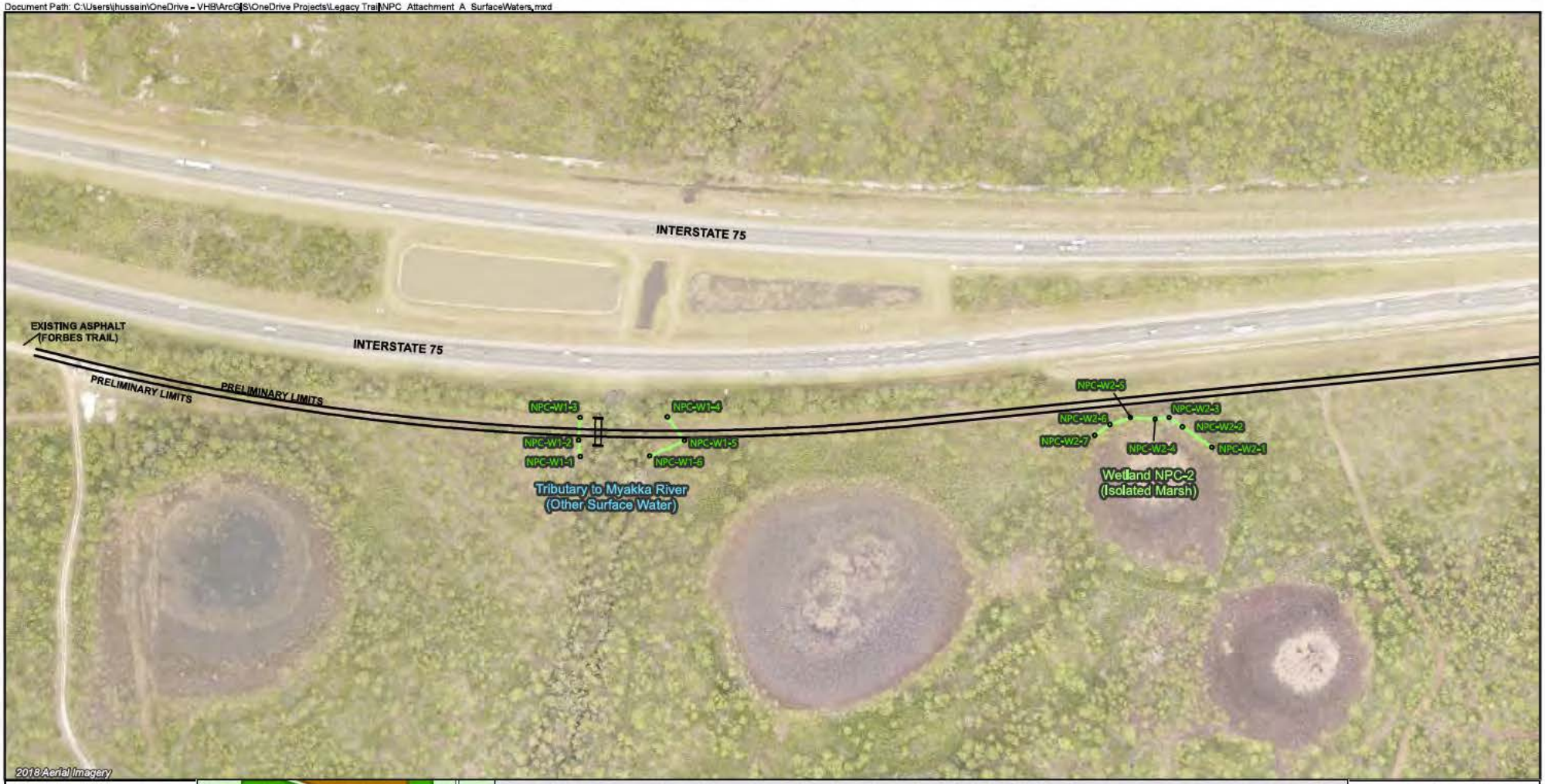
Based on the information obtained from the Antecedent Precipitation Tool and the NOAA Advanced Hydrologic Prediction Service, the dates (1948, 1957, 1969, 1974, 2001, 2018) for the reviewed historical aerials were mostly during periods of normal or drier than normal precipitation conditions. The water the Corps observed in these aquatic resources was not due to wetter than normal conditions. The direct surface hydrologic connections noted above occur in a typical year and likely on a regular basis.

C. Additional comments to support AJD: The review area consists of a large agricultural property with dozens of wetlands. The property has been in agricultural use, since the 1940s or earlier, based on available aerial photos. The property was acquired by the SWFMWD for preservation during the early 2000's. These wetlands are mostly isolated, and none of the wetlands within the trail project area discharge to R-36 Canal or to NCP-W1 / Tributary to Myakka River or NCP-W3 / Deer Prairie Creek. They therefore meet the (b)(1) exclusion.

There is a large floodway canal that is located along the western review area boundary, and a portion of the project will cross the R-36 Canal, which is non-jurisdictional along the property boundary. The R-36 Canal, was dredged through mostly uplands in the early 1970's to provide drainage to a large area for future development. The R-36 Canal is non-tidal in the area near the proposed project and is considered a (b)(10) water, but given its depth and the watershed it drains, it contributes year round flow to tidal portions of the Big Slough system, which is a (a)(1) water. While the R-36 Canal is most likely non-juirsdictional throughout, only the portion that is adjacent to this project was reviewed.

Wetlands NCP-W4, W5, and W6 are separated from (a)(2) waters by upland with no direct hydrological surface connection between the wetlands and (a)(2) waters through any artificial features. These wetlands are therefore excluded under (b)(1).

Document Path: C:\Users\jhussain\OneDrive - VHB\ArcGIS\OneDrive Projects\Legacy Trail\NPC_Attachment_A_SurfaceWaters.mxd



Feet
0 100 200
1 inch = 200 feet

Wetland Boundary • Wetland Stakes • Biological Indicator of Seasonal High Water — Planned Paved Recreational Trail

Exhibit A

Wetlands and Surface Waters
Legacy Trail North Port Connector
Sarasota County, Florida

vhb
301 North Cattlemen Road, Suite 105
Sarasota, FL 34232
941.351.8986

Data Sources:
Aerial Imagery: Sarasota County Open GIS; Wetland stakes and boundaries: VHB; Planned trail linework: Kimley-Horn & Associates

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