



**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): 7/23/2020
 ORM Number: SAJ-2018-00840 (SP-JED)
 Associated JDs: SAJ-2017-03020 (JD-RGH)
 Review Area Location¹: State/Territory: Florida City: Wildwood County/Parish/Borough: Sumter County
 Center Coordinates of Review Area: Latitude 28.8274611 Longitude -82.0263166

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 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.



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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
HC-SW1	0.29	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	HC-SW1 is an upland cut pond and is not an impoundment of a jurisdictional water that meets (c)6. Thus, HC-SW1 is a non-jurisdictional water as defined in (b)(8).
HC-W1	0.62		(b)(1) Non-adjacent wetland	HC-W-1 is an internally drained wetland that does not meet the definitions provided in 328.3(a)(1-4).
HC-W3	0.07		(b)(1) Non-adjacent wetland	HC-W3 is an internally drained wetland that does not meet the definitions provided in 328.3(a)(1-4).
HC-W4	0.06		(b)(1) Non-adjacent wetland	HC-W4 is an internally drained wetland that does not meet the definitions provided in 328.3(a)(1-4).
HC-W2	2.35		(b)(1) Non-adjacent wetland	<p>HC-W2 does not meet the definitions provided in 328.3(a)(1-4). HC-W2 is naturally separated from Lake Okahumpka via uplands. Surface water from HC-W2 discharges to wetlands which abut Lake Okahumpka. However, this would not satisfy the definition of an adjacent wetland provided in 328.3(a)(c)(1).</p> <p>The Corps previously claimed HC-W2 as jurisdictional under SAJ-2017-03020. However, the basis for Corps' jurisdiction over HC-W2</p>

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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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			<p>stemmed from provisions of pre-Navigable Waters Protection Rule guidance which would no longer support a jurisdictional claim over HC-W2. Under SAJ-2017-03020, the Corps claimed portions of HC-W2 which lie outside the instant review area as a wetland abutting a relatively permanent water that flowed to a Traditionally Navigable Water. There is a ditch dug through uplands from HC-W2 leading to a wetland that abuts Lake Okahumpka. Under the NWPR, this ditch no serves as a proper basis for the Corps to assert jurisdiction over HC-W2.</p> <p>Therefore, the Corps determined that HC-W2 is excluded from jurisdiction under the NWPR as a non-adjacent wetland. See section 328.3(b)(1).</p>

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: [Request for Approved Jurisdictional Determination dated 26 March 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Included in applicant's submittal](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [SAJ-2017-03020 \(JD-RGH\)](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Included in applicant's submittal](#)
- USFWS NWI maps: [Included in applicant's submittal](#)
- USGS topographic maps: [Included in applicant's submittal](#)

Other data sources used to aid in this determination:



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Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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

C. Additional comments to support AJD: [N/A](#) or provide additional discussion as appropriate.