



**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): 8/13/2020
 ORM Number: SAJ-2020-01837-RGH
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Florida City: Lakewood Ranch County/Parish/Borough: Manatee
 Center Coordinates of Review Area: Latitude 27.462248 Longitude -82.429023

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
Feature 2	0.02	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Non-tidal excavated agricultural ditch that provides flow from Feature 8 (b)(10) into Wetland NW-48 (b)(1).
Feature 4	0.007	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Non-tidal excavated agricultural ditches. Based on the historic aerial maps 1958-2003, the ditches were excavated in uplands and non-adjacent wetlands. Most of the ditches were dug in EauGallie or Palmetto soils which have a Hydric Rating of A/D.
Feature 5	0.3	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Non-tidal excavated agricultural ditches. Based on the historic aerial maps 1958-2003, the ditches were excavated in uplands and non-adjacent wetlands. Most of the ditches were dug in EauGallie or Palmetto soils which have a Hydric Rating of A/D.
Feature 6	0.06	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Non-tidal excavated agricultural ditches. Based on the historic aerial maps 1958-2003, the ditches were excavated in uplands and non-adjacent wetlands. Most of the ditches were dug in EauGallie soils which have a Hydric Rating of A/D.
Feature 7	2.93	acre(s)	(b)(10) Stormwater	Storm pond excavated from ditched uplands. Historical aerials show that this pond was

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
			control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	excavated from an area that was on the fringe of isolated wetlands and uplands. This area had ditches cut through it and in 2015-2016, this stormwater pond was excavated. The uplands were formerly improved pastures.
Feature 8	2.71	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.	Storm pond excavated from ditched uplands. Historical aerials show that this pond was excavated from an area that was on the fringe of isolated wetlands and uplands. This area had ditches cut through it and in 2006, this stormwater pond was excavated. The uplands were formerly improved pastures.
Feature 9	2.93	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.	Storm pond excavated from ditched uplands. Historical aerials show that this pond was excavated from an area that was on the fringe of isolated wetlands and uplands. This area had ditches cut through it and in 2006, this stormwater pond was excavated. The uplands were formerly improved pastures
Feature 10	0.3	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Non-tidal excavated agricultural ditches. Based on the historic aerial maps 1958-2003, the ditches were excavated in uplands and non-adjacent wetlands. Most of the ditches were dug in EauGallie soils which have a Hydric Rating of A/D.
Feature 11	0.14	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that	Non-tidal excavated agricultural ditches. Based on the historic aerial maps 1958-2003, the ditches were excavated in uplands and non-adjacent wetlands. Most of the ditches were dug in EauGallie soils which have a Hydric Rating of A/D.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			do not satisfy the conditions of (c)(1).	
Feature 3	0.1	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Non-tidal excavated agricultural ditches. Based on the historic aerial maps 1958-2003, the ditches were excavated in uplands and non-adjacent wetlands. Most of the ditches were dug in EauGallie soils which have a Hydric Rating of A/D.
Feature 1	0.17	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Non-tidal excavated agricultural ditches. Based on the historic aerial maps 1958-2003, the ditches were excavated in uplands and non-adjacent wetlands. Most of the ditches were dug in EauGallie soils which have a Hydric Rating of A/D.
NW-W46	1.46	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is separated from the (a)(2) water (Williams Creek) by uplands and there is no direct hydrologic surface connection between the wetland and the (a)(2) water.
NW-W47	9.45	acre(s)	(b)(1) Non-adjacent wetland.	The nearest (a)(1) – (a)(3) water is Williams Creek an (a)(2) water. Wetland NW-W47 is separated from the (a)(2) water (Williams Creek) by a non-jurisdictional ditch (b)(5) (Feature 1), uplands, and other non-jurisdictional waters. The wetland is 1 mile from Williams Creek and is; therefore, not abutting or inundated by flooding from the (a)(2).
NW-W48	14.92	acre(s)	(b)(1) Non-adjacent wetland.	NW-W48 [(b)(1) water] historically was part of a large interconnected natural wetland that connected with Williams Creek. However, this natural connection was severed by agricultural development and rerouting of flow through ditches (some upland cut, some through natural wetlands). NW-W48 has a ditch cut into the wetland that was present in the 1970's. This ditch now flows into a culvert that crosses 44th Ave E. and Lakewood Ranch Blvd. Ditch connects to series of connected wetlands that are part of Williams Creek [(a)(2) water], which flows into the Braden River [(a)(1) water].



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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 delineations, Soils, NWI, FLUCFCS; May 6, 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: Aerials provided by applicant, available in Google Earth and historical aerials obtained from <https://ufdc.ufl.edu/aerials/map> \(1957, 1970\) and Manatee County \(<https://www.mymanatee.org/ExpressZip/>\) \(1973, 1978, 1984, 1994, 2003\); site photos taken by Corps during site visits indicated below.](#)

Corps site visit(s) conducted on: [N/A](#)

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 \(July 29, 2020\). 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 \(July 29, 2020\). National Wetlands Inventory website. U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C](#)

USGS topographic maps: [1:24,000; Lorraine, FL](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
Other USGS data (specify)	NHD data viewed in The National Map (https://viewer.nationalmap.gov/); NHD flowlines data viewed in Google Earth, USGS 7.5 Minute Topo Maps.
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/#)
Other USACE data (specify)	N/A.
LiDAR data/maps	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): [N/A](#)

C. Additional comments to support AJD: [Prior to agricultural ditching and the construction of roads, NW-W48 \[\(b\)\(1\) water\] historically was part of a large interconnected natural wetland that connected with Williams Creek. However, this natural connection was severed by agricultural development and rerouting of flow through ditches \(some upland cut, some through natural wetlands\). NW-W48 has a ditch cut into the wetland that was present in the 1970 aerial and most likely was cut in the 1960's. This ditch now flows into a culvert that crosses 44th Ave E. and Lakewood Ranch Blvd. Ditch connects to series of ditches and wetlands that are part of Williams Creek \[\(a\)\(2\) water\], which flows into the Braden River \[\(a\)\(1\) water\].](#)