



**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-2020-00725

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: FL City: Belleair County/Parish/Borough: Pinellas County

Center Coordinates of Review Area: Latitude 27.939627 Longitude -82.808735

**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)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
Clearwater Harbor	2100+/- linear feet	RHA Tidal water is subject to the ebb and flow of the tide	Project limits are located immediately adjacent to/along Clearwater Harbor which is a tidal harbor directly connected to the Gulf of Mexico. The project area is separated from Clearwater Harbor by a concrete seawall only.

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
Clearwater Harbor	2100+/- linear feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide.	Project limits are located immediately adjacent to/along Clearwater Harbor which is a tidal harbor directly connected to the Gulf of Mexico. The project area is separated from Clearwater Harbor by a concrete seawall only.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Rattlesnake Creek	0.18	acre(s)	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	<p>Rattlesnake Creek is a named perennial creek which crosses the northeastern portion of the project area from under Indian Rocks Road to the east and then flows northwest through the subject property before crossing under Bellevue Blvd and into a small lake (Harold Lake), which out-falls via a spillway into adjacent tidal waters (Clearwater Harbor) to the west. Flow through this creek is perennial and it contains a bed and bank along with an Ordinary High Water (OHW) mark indicated by sediment deposits and water stains. On-site it is approximately 8 to 15 ft. wide with an average depth of 2 to 3 ft.</p> <p>Rattlesnake Creek is mapped on the National Hydrography Dataset (NHD) as a perennial and on the NWI maps this creek as R5UBH ((R) Riverine, (5) Unknown Perennial, (UB) Unconsolidated Bottom, (H) Permanently Flooded). USGS topographic quad maps Rattlesnake Creek as a blue line perennial stream. The USGS stream gage data reflects perennial flows based on 3 years of record averaging (median) 1.4 cfs which indicates flow in a typical year and constant flow over 4 consecutive months from April-August 2020. APT results from April 11-August 10, 2020 indicate drier than normal conditions persisted in April, July and August, normal conditions in May, with June having wetter than normal conditions. Photos provided in the 30 April 2020 AJD request shows the perennial flow and evidence of an OHWM. APT and aerial imagery indicated perennial flow under normal rainfall conditions in November 2019 and April 2020.</p>
Unnamed Creek	1.14	acre(s)	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	<p>This creek is a remnant of an historic creek that crossed the golf course to the southeast. Its flows are perennial and its hydrology is provided primarily by sheet flow from the adjacent golf course. As noted above, there is a pipe containing surface flows from multiple underdrains at the southeast end of the creek. At the northwest end, the creek is piped underground for approximately 150 ft. before out-falling to adjacent tidal waters (Clearwater Harbor) via two large pipes exiting the seawall. The majority of the creek is approximately 2-5 ft. wide with a depth of 3 in. to 1 ft.; however, there are several areas where its depth is less than 1 in. It contains a sand substrate with some gravel and its side slopes vary from near vertical to less than five percent</p>



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
				<p>grade as it winds its way through the northwestern portion of the golf course. Water within the creek appears clear and it contains a bed and bank along with an Ordinary High Water mark (OHWM) indicated by sediment deposits and water stains. There is no wetland fringe adjacent to the creek and vegetation within the creek is limited to torpedo grass (<i>Panicum repens</i>) along its banks and some areas of low flow containing primarily elephant ear (<i>Xanthosoma saggitifolium</i>). The historic USGS topographic quads supports that this creek was topographically connected to Clearwater Harbor before artificially separated by the seawall and golf course construction. This connection has been maintained via the culvert system described above and in the 13-JUL-2020 additional information response.</p> <p>See Typical Year Assessment in Section III(B).</p>

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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
POND 1	2.17	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	Pond 1 is an approximate 2.17-acre man-made irrigation pond/aesthetic water feature constructed wholly within uplands in the early 1990's It is utilized by the golf course to store reclaimed water provided by the Town of Belleair for the irrigation of the golf course.

<sup>4</sup> 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.

<sup>5</sup> 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.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
		water that meets (c)(6).	
POND 2	1.91	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).  Pond 2 is an approximate 1.91-acre man-made golf course pond constructed within uplands in the early 1990's. It was created as an aesthetic water feature as part of the course. The hydrology of this pond is provided by ground water and by surface flows from the adjacent golf course through multiple underdrains.
POND 3	0.27	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).  Pond 3 is an approximate 0.27-acre man-made golf course pond constructed wholly within uplands in the early 1990's. It was created to act as an aesthetic water feature and does not provide for stormwater treatment. The hydrology of this pond is provided primarily by groundwater with a total of three (3) underdrains in the course providing additional surface inflows. This pond is isolated and shares no connection with any adjacent wetlands or surface waters.
POND 4	0.67	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).  Pond 4 is an approximate 0.67-acre man-made golf course pond constructed wholly within uplands in 2006. It was created as an aesthetic water feature as part of the course and does not provide for stormwater treatment. The hydrology of this pond is provided by ground water and by surface flows from the adjacent golf course through a total of two (2) underdrains. This pond is isolated and shares no connection with any adjacent wetlands or surface waters.
WETLANDS	0.26	acre(s)	(b)(1) Non-adjacent wetland.  Wetland 1 is approximately 0.26 acres and located in the southwest portion of the project and is surrounded by a concrete seawall (artificial barrier) that was constructed in the 1930s (present in 1942 aerial imagery). The southern portion of this herbaceous wetland is dominated by nuisance/exotic species including



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			<p>Peruvian primrose willow (<i>Ludwigia peruviana</i>), cattail (<i>Typha</i> spp.), and Brazilian pepper (<i>Schinus terebinthifolia</i>). The northern portion of the wetland is dominated by nuisance/exotic species including Peruvian primrose willow (<i>Ludwigia peruviana</i>), cattail (<i>Typha</i> spp.), and torpedo grass (<i>Panicum repens</i>). This wetland is separated from Clearwater Harbor by 30-45 feet of uplands and a 4+ foot high seawall and does not directly abut the artificial barrier (i.e. seawall). Tidal elevations average 1.89 feet MHW and 2.23 MHHW which indicates the wetland does not receive daily tidal influence. This wetland appears to receive seepage flow from the adjacent golf course and has a box overflow structure which drains via an 4-6 inch diameter underground pipe to Clearwater Harbor. This pipe does not provide a two-way surface connection. The pipe elevation at the wetland surface is 4-5 feet and the exit point in the seawall is below the MHW line (see photos in 13 July 2020 RAI3 response document). This wetland is also located with FEMA Flood Hazard Area AE and VE which indicates a 1% annual flood zone (once every 100 years) and would only be inundated by flooding during extreme events. Per the NWPR, a wetland flooded by a navigable water, on average, once every 100 years would not satisfy the rule's "adjacent wetlands" definition. This wetland is not mapped on the NWI maps.</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: [Belleair CC AJD Request/Narrative received 30-APR-2020, including wetland delineation map and datasheets, Soils, FEMA map, 1984 Historical Aerial.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [Datasheets titled "Belleair Country Club" dated 15-NOV-2019 and submitted with 30-APR-2020 AJD Request.](#)

Photographs: [Aerial: UFDC Aerials 1942,1951,1957,1970,1984; ArcGIS Aerial Image 2019; Site photos provided by Applicant in 13-JUL-2020 RAI#3 response.](#)

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

Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Belleair Country Club West Golf Course Drainage Report dated 30-APR-2020
- USFWS NWI maps: NWI map layer via USACE ORM database; viewed 23-JUL-2020
- USGS topographic maps: 1:24K – Clearwater; USGG Topographic Quads 1945-1995

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Historical Topographic Map Explorer; view date 16-JUL-2020 ( <a href="https://livingatlas.arcgis.com/topoexplorer/index.html">https://livingatlas.arcgis.com/topoexplorer/index.html</a> )  USGS stream gage data, viewed on Google Earth 23-JUL-2020 and 12-AUG-2020 ( <a href="https://waterdata.usgs.gov/fl/nwis/uv?site_no=02309200">https://waterdata.usgs.gov/fl/nwis/uv?site_no=02309200</a> )
USDA Sources	NRCS soil maps and Hydric Rating by Map Unit from USDA Web Soil Survey ( <a href="https://websoilsurvey.sc.egov.usda.gov/">https://websoilsurvey.sc.egov.usda.gov/</a> )
Other NOAA data (specify)	NOAA Tides & Currents –MLW and MHW elevations ( <a href="https://tidesandcurrents.noaa.gov/map/index.html?id=8726724">https://tidesandcurrents.noaa.gov/map/index.html?id=8726724</a> )
USACE Sources	NHD Flow Lines at: <a href="http://155.82.80.147//projects/rd_gis/scripts/layer2kml.php">http://155.82.80.147//projects/rd_gis/scripts/layer2kml.php</a>
LiDAR data/maps	LiDAR data from South Florida Water Management District, viewed in <a href="https://www.arcgis.com/home/webmap/viewer.html">https://www.arcgis.com/home/webmap/viewer.html</a> – 23-JUL-2020
FEMA/FIRM maps	Figure 3 - Belleair Country Club West Golf Course Drainage Report; FEMA FIRMETTE #12103C0108H and 12103C0104G
Other state/local data (specify)	Florida NAPP Color Infrared Imagery, viewed in <a href="https://www.arcgis.com/home/webmap/viewer.html">https://www.arcgis.com/home/webmap/viewer.html</a> – 16-JUL-2020

**B. Typical year assessment(s):**

Unnamed Creek: A typical year assessment was conducted using Google Earth aerial imagery and the Antecedent Precipitation Tool (APT). This assessment indicated this creek had flow in February 2016 and March 2018 under normal conditions and in March 2017 under drier than normal conditions, indicating a perennial flow. Photos provided in the 30 April 2020 AJD request indicate this creek has an OHWM. The historic USGS topographic quads support that this creek was directly connected to Clearwater Harbor before artificially separated by the seawall and golf course construction.

Rattlesnake Creek: The USGS stream gage data reflects perennial flows based on 3 years of record averaging (median) 1.4 cfs which indicates flow in a typical year and constant flow over 4 consecutive months from April-August 2020. APT results from April 11-August 10, 2020 indicate drier than normal conditions persisted in April, July and August, normal conditions in May, with June having wetter than normal conditions. Photos provided in the 30 April 2020 AJD request shows the perennial flow and evidence of an OHWM. APT and aerial imagery indicated perennial flow under normal rainfall conditions in November 2019 and April 2020 which provides evidence of perennial flow in a typical year.

**C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.**