



**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): 8/27/2020

ORM Number: SAJ-2020-01585

Associated JDs: N/A

Review Area Location¹: State/Territory: Florida City: Plant City County/Parish/Borough: Hillsborough

Center Coordinates of Review Area: Latitude 27.997888 Longitude -82.165635

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.	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
N/A.	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.	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.

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
Wetland A	4.1 acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Wetland A is the remains of a natural wetland that was agriculturally ditched as far back as 1938. The ditch system was constructed in the traditional flow path for these natural wetlands. Since the 1950's this chain of wetlands has been slowly filled and cut off from downstream drainages with ditches to redirect excess water to isolated areas. The wetland currently receives flow from Ditch 1 from upland runoff and is drained by a (b)(5) water (Ditch 2). Given that the wetland has been severed by years of fill and development, both onsite and down stream, this wetland is considered a (b)(1) wetland.
Wetland B	5.37 acre(s)	(b)(12) Waste treatment system.	Wetland B is a (b)(12) waste treatment pond that was dug completely within uplands sometime in the 1960's. The sides of this pond have high earthen berms and no surface water outlet exists. Historical aerial show that this area was historically very dry (xeric) soils with scrub vegetation, and therefore not wetland prior to the excavation.
Ditch 1	0.21 linear feet	(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).	Ditch 1 is a Non-tidal excavated agricultural ditch that drains uplands and terminates within Wetland A. Ditch 1 was cut in highly modified soils that can be seen in historical aerials from 1938 forward.
Ditch 2	0.51 linear feet	(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).	Ditch 2 is a former (a)(2) tributary that was modified to function as a excavated agricultural/ roadside ditch that was cut within uplands and former (a)(4) wetland that was historically on the site. However through years of agricultural ditching and wetland modification this ditch drains Wetland A and flows to an adjacent parcel that is a closed basin with no downstream connection due to intensive ditch and wetland modification that occurred in the 1960's and

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
			1970's. Ditch 2 can be seen in historical aerials from 1938 forward.

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; April 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> \(1938, 1948, 1958, 1968\).](#)

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 \(July 30, 2020\). 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 \(July 30, 2020\). National Wetlands Inventory website. U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C](#)

USGS topographic maps: [1:24,000; Dover, Florida](#)

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/#)
USACE Sources	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: [Wetland A is the remains of a natural wetland that was agriculturally ditched as far back as 1938. The ditch system was constructed in the traditional flow path for these natural wetlands. Since the 1950's this chain of wetlands has been slowly filled and cut off from downstream drainages with ditches to redirect excess water to isolated areas. The wetland is currently drained by a \(b\)\(5\) water \(Ditch 2\) offsite, however the ditch flows to a wetland that is a closed system.](#)



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Given that the wetland has been severed by years of fill and development, this wetland is considered a (b)(1) wetland.