



**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): 8/25/2020
 ORM Number: SAJ-2020-00789(CMW)
 Associated JDs: NA
 Review Area Location¹: State/Territory: Florida City: North Port County/Parish/Borough: Sarasota
 Center Coordinates of Review Area: Latitude 27.014714 Longitude -82.314030

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
Un-named Tributary to Gottfried Creek (SW-Q)	250 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The waterway is an intermittent creek that flows from a headwater wetland through several wetlands until it reaches Gottfried Creek (an a(2) water which flows into Lemon Bay (an a(1) water). The tributary appears to be excavated within a contiguous wetland system. The 1944 topo map shows a depiction of the unaltered wetland system. Future aerials and topo maps show a ditch excavated in the wetlands creating the interior tributary. A review of aerial imagery indicates the tributary is often wet, however dry periods are during drier than normal

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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
				and/or drought conditions. The Corps has determined the tributary is at least intermittent and is therefore an a(2) water.
Un-named Tributary to Myakka River (SW-A)	1,200	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The waterway is a natural creek that flows from a headwater wetland through several wetlands until it reaches the Myakka River (an a(1) water which flows into Charlotte Harbor). APT data was used to research dry aerial images. Most aerial images indicate the stream is wet, however several images did not indicate the presence of water. APT results show that the dry images were taking during mild/moderate droughts with drier than normal conditions. Therefore, the Corps has determined the waterway is at least intermittent during a typical year and an a(2) water.

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
WTP-WL-2A	14.26	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland is abutting a Unnamed Tributary (UT) to Myakka River (a(1) water).
WTP-WL-5	44.38	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland is abutting a UT to Gottfried Creek (a(2) water).

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
WL-64	3.13	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands are separated from tributaries by uplands and are only connected through agricultural ditches.
WTP-WL-7	13.33	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands are separated from tributaries by uplands and are only connected through agricultural ditches.
WL-R	0.57	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands are separated from tributaries by uplands and are only connected through agricultural ditches.

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
WL-W	2.30	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands are separated from tributaries by uplands and are only connected through agricultural ditches.
WL-B	5.38	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands are separated from tributaries by uplands and are only connected through agricultural ditches.
WL-A	2.81	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands are separated from tributaries by uplands and are only connected through agricultural ditches.
WL-52G-2	0.15	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands are separated from tributaries by uplands and are only connected through agricultural ditches.
SW-K	3.51	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).	Ditch excavated in uplands for agricultural purposes.
Cattle Pond - OWUS	0.50	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).	Cattle pond excavated in uplands.

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: [Application 2/20/2020, Additional Information 5/11/2020 and 8/4/2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [NA](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

Photographs: [Aerial: UF website \(1948 and 1957\), Google Earth \(1995-2019\)](#)

Corps site visit(s) conducted on: [Date\(s\)](#).



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- 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: [Title\(s\) and/or date\(s\)](#).
- USFWS NWI maps: [Google Earth RAR layer](#)
- USGS topographic maps: [Google Earth RAR layer](#); historical topos (1944 and 1987)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Historical Topo Viewer (website)
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	SFWMD Lidar (GIS data)
Other Sources	N/A.

B. Typical year assessment(s): A typical year assessment was completed to determine if the tributaries met the flow requirements. The APT was used to complete the typical year assessment in situations where it was unclear if waters flowed at least intermittently. Numerous site images included the presence of water in the waterway (SW-A and SW-Q), however there were a few images where the channels appeared dry. The APT was used to assess these dry periods. The results indicated that the images were taken during drier than normal conditions in various drought periods (2007, 2010, 2012, 2017). Based on the APT results as well as historical topo maps (indicates a tributary) and lidar (indicates a low-channel area) the Corps has determined the two tributaries in question appear to have at least intermittent/seasonal flow regimes and are categorized as a(2) waters.

C. Additional comments to support AJD: The project area contains two waterways (SW-A and SW-Q) with a string of adjacent wetlands WL-2A and WL-5. Additional wetlands in the area are either isolated or connect via upland cut ditches and therefore are not jurisdictional (listed as excluded waters).

Websites:

<https://ufdc.ufl.edu/aerials>

<https://livingatlas.arcgis.com/topoexplorer/index.html>