



**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): 9/10/2020  
 ORM Number: SAJ-2013-01998  
 Associated JDs: 20200608-ISO-SAJ-2013-01998  
 Review Area Location<sup>1</sup>: State/Territory: Florida City: Parrish County/Parish/Borough: Manatee  
 Center Coordinates of Review Area: Latitude 27.492621 Longitude -82.378726

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

§ 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): <sup>3</sup>			
(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
Pond 1 (Ditch)	0.27 acre(s)	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	<p>Pond 1 (ditch) satisfies the definition of a jurisdictional tributary provided in 328.3(c)(12) for the following reasons:</p> <p>Pond 1 (ditch) originating in or constructed entirely within an adjacent wetland and contributes surface water directly to Mill Creek Branch, an (a)(2) water.</p> <p>An examination of both aerial photos, soils maps, and NHD flow data revealed that Pond 1 (ditch) contributes surface water to Mill Creek Branch.</p>

<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.



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(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
			<p>Pond 1 (ditch) is adjacent to Pond 1 which is a cattle pond excavated from mostly uplands and abuts a ditched former (a)(4) adjacent wetland that no longer exists in its original footprint. Historical aerials from 1940 and 1951 show this area was a natural adjacent wetland that was ditched to accelerate drainage to Mill Creek Branch a (a)(2) intermittent tributary to the north. This area was historically an adjacent wetland because it butted Mill Creek Branch as shown in historic aerials dated 1940 and 1951. Pond 1 (ditch) continues to provide flow from Wetland D (an (a)(4) adjacent wetland) via Ditch H (a)(2) water to Wetland A (an (a)(4) Adjacent Wetland) via Ditch SW-D2 (a)(2) water to offsite (a)(4) wetland and Mill Creek Branch a (a)(2) intermittent tributary that flows to Mill Creek (a)(2) perennial tributary, and to the Manatee River (a)(1) TNW.</p> <p>The Corps utilized the antecedent precipitation tool for multiple dates (approximately 30) beginning in April 1940 to August 2020. The August 5, 2020 (day of site visit) analysis revealed that normal rainfall had occurred, and mild drought conditions persisted at the project site. The Pond 1 (ditch) was full of water as were adjacent wetlands and other connecting tributaries. Thus, the Corps determined that Pond 1 (ditch) flows at least intermittently, during typical years, and that during a typical year water is present in the tributary.</p> <p>Therefore, the Corps determined that Pond 1 (ditch) meets the definition of a 328.3(a)(2) tributary as defined in 328.3(c)(12).</p>
SWD2	0.112	acre(s)	<p>(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.</p> <p>SW-D2 satisfies the definition of a jurisdictional tributary provided in 328.3(c)(12) for the following reasons:</p> <p>SW-D2 originating in or constructed entirely within an adjacent wetland and contributes surface water directly to Mill Creek Branch, an (a)(2) water.</p> <p>An examination of both aerial photos, soils maps, and NHD flow data revealed that SW-D2 contributes surface water to Mill Creek Branch.</p> <p>SW-D2 is a ditch that was constructed in an (a)(4)</p>



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(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
			<p>adjacent wetland. As a result of the ditching the historic adjacent wetland no longer exists in its original boundaries. Due to the ditching (Wetlands A, D, E, and F) are all that remains from this former system that connected naturally with Mill Creek Branch a (a)(2) intermittent tributary. Historical aerials from 1940 and 1951 show this area was a natural adjacent wetland that was ditched to accelerate drainage to Mill Creek Branch a (a)(2) intermittent tributary to the north. Ditch SW-D2 (a)(2) water continues to provide flow from Pond 1 (ditch), an (a)(2) water, to Wetland A (an (a)(4) adjacent wetland) to offsite (a)(4) wetland and Mill Creek Branch a (a)(2) intermittent tributary that flows to Mill Creek (a)(2) perennial tributary, and to the Manatee River (a)(1) TNW.</p> <p>The Corps utilized the antecedent precipitation tool for multiple dates (approximately 30) beginning in April 1940 to August 2020. The August 5, 2020 (day of site visit) analysis revealed that normal rainfall had occurred, and mild drought conditions persisted at the project site. SW-D2 was full of water as were adjacent wetlands and other connecting tributaries. Thus, the Corps determined that SW-D2 flows at least intermittently, during typical years, and that during a typical year water is present in the tributary.</p> <p>Therefore, the Corps determined that SW-D2 meets the definition of a 328.3(a)(2) tributary as defined in 328.3(c)(12).</p>
SWD3	0.241	acre(s)	<p>(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.</p> <p>SW-D3 satisfies the definition of a jurisdictional tributary provided in 328.3(c)(12) for the following reasons:</p> <p>SW-D3 originating in or constructed entirely within an adjacent wetland and contributes surface water directly to Mill Creek Branch, an (a)(2) water.</p> <p>An examination of both aerial photos, soils maps, and NHD flow data revealed that SW-D3 contributes surface water to Mill Creek Branch.</p> <p>SW-D3 is a ditch within a ditched former (a)(4) adjacent wetland. As a result of the ditching the historic adjacent wetland no longer exists in its original boundaries. Due to the ditching (Wetlands A, D, E, and F) are all that remains from this former</p>



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Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
			<p>system that connected naturally with Mill Creek Branch a (a)(2) intermittent tributary. Historical aerials from 1940 and 1951 show this area was a natural adjacent wetland that was ditched to accelerate drainage to Mill Creek Branch a (a)(2) intermittent tributary to the north. SW-D3, an (a)(2) water continues to provide flow from SW-D2 (a)(2) water (a)(2) water to offsite (a)(4) wetland and Mill Creek Branch a (a)(2) intermittent tributary that flows to Mill Creek (a)(2) perennial tributary, and to the Manatee River (a)(1) TNW.</p> <p>The Corps utilized the antecedent precipitation tool for multiple dates (approximately 30) beginning in April 1940 to August 2020. The August 5, 2020 (day of site visit) analysis revealed that normal rainfall had occurred, and mild drought conditions persisted at the project site. SW-D3 was full of water as were adjacent wetlands and other connecting tributaries. Thus, the Corps determined that SW-D3 flows at least intermittently, during typical years, and that during a typical year water is present in the tributary.</p> <p>Therefore, the Corps determined that SW-D3 meets the definition of a 328.3(a)(2) tributary as defined in 328.3(c)(12).</p>
SWD4	0.149	acre(s)	<p>(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.</p> <p>SW-D4 satisfies the definition of a jurisdictional tributary provided in 328.3(c)(12) for the following reasons:</p> <p>SW-D4 originating in or constructed entirely within an adjacent wetland and contributes surface water directly to Mill Creek Branch, an (a)(2) water.</p> <p>An examination of both aerial photos, soils maps, and NHD flow data revealed that SW-D4 contributes surface water to Mill Creek Branch.</p> <p>SW-D4 is a ditch adjacent to Wetland A an existing (a)(4) adjacent wetland. As a result of the ditching the historic adjacent wetland no longer exists in its original boundaries. Due to the ditching (Wetlands A, D, E, and F) are all that remains from this former system that connected naturally with Mill Creek Branch a (a)(2) intermittent tributary. Historical aerials from 1940 and 1951 show this area was in fact a natural wetland that was ditched to accelerate drainage to Mill Creek Branch a (a)(2) intermittent</p>



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(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination	
				<p>tributary to the north. SW-D4 was dug along the edge of Wetland A to assist in draining this water and continues to provide intermittent flow from Wetland A (an (a)(4) adjacent wetland) to offsite (a)(4) wetland and Mill Creek Branch a (a)(2) intermittent tributary that flows to Mill Creek (a)(2) perennial tributary, and to the Manatee River (a)(1) TNW.</p> <p>The Corps utilized the antecedent precipitation tool for multiple dates (approximately 30) beginning in April 1940 to August 2020. The August 5, 2020 (day of site visit) analysis revealed that normal rainfall had occurred, and mild drought conditions persisted at the project site. SW-D4 was full of water as were adjacent wetlands and other connecting tributaries. Thus, the Corps determined that SW-D4 flows at least intermittently, during typical years, and that during a typical year water is present in the tributary.</p> <p>Therefore, the Corps determined that SW-D4 meets the definition of a 328.3(a)(2) tributary as defined in 328.3(c)(12).</p>
Ditch C2	0.17	acre(s)	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	<p>Ditch C2 satisfies the definition of a jurisdictional tributary provided in 328.3(c)(12) for the following reasons:</p> <p>Ditch C2 originating in or constructed entirely within an adjacent wetland and contributes surface water directly to Mill Creek Branch, an (a)(2) water.</p> <p>An examination of both aerial photos, soils maps, and NHD flow data revealed that Ditch C2 contributes surface water to Mill Creek Branch.</p> <p>Ditch C2 is a ditch constructed within a former (a)(4) adjacent wetland that no longer exists in its original footprint. As a result of the ditching the historic adjacent wetland no longer exists in its original boundaries. Due to the ditching (Wetlands A, D, E, and F) are all that remains from this former system that connected naturally with Mill Creek Branch a (a)(2) intermittent tributary. Historical aerials from 1940 and 1951 show this area was a natural wetland that was ditched to accelerate drainage to Mill Creek Branch a (a)(2) intermittent tributary to the north. Ditch C2, an (a)(2) water, continues to provide flow</p>



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(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
			<p>from Wetland E and F, Ditch D1, D2, D3, E, F, and G (b)(5) waters to Wetland D (an (a)(4) adjacent wetland) to Ditch H, to Pond 1 (ditch) (a)(2) water, to Ditch SW-D2 (a)(2) water to Wetland A, to offsite (a)(4) wetland and Mill Creek Branch a (a)(2) intermittent tributary that flows to Mill Creek (a)(2) perennial tributary, and to the Manatee River (a)(1) TNW.</p> <p>The Corps utilized the antecedent precipitation tool for multiple dates (approximately 30) beginning in April 1940 to August 2020. The August 5, 2020 (day of site visit) analysis revealed that normal rainfall had occurred, and mild drought conditions persisted at the project site. Ditch C2 was full of water as were adjacent wetlands and other connecting tributaries. Thus, the Corps determined that Ditch C2 flows at least intermittently, during typical years, and that during a typical year water is present in the tributary.</p> <p>Therefore, the Corps determined that Ditch C2 meets the definition of a 328.3(a)(2) tributary as defined in 328.3(c)(12).</p>
Ditch H	0.03	acre(s)	<p>(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.</p> <p>Ditch H satisfies the definition of a jurisdictional tributary provided in 328.3(c)(12) for the following reasons:</p> <p>Ditch H originating in or constructed entirely within an adjacent wetland and contributes surface water directly to Mill Creek Branch, an (a)(2) water.</p> <p>An examination of both aerial photos, soils maps, and NHD flow data revealed that Ditch H contributes surface water to Mill Creek Branch.</p> <p>Ditch H is a ditch constructed within a former (a)(4) adjacent wetland that no longer exists in its original footprint. As a result of the ditching the historic adjacent wetland no longer exists in its original boundaries. Due to the ditching (Wetlands A, D, E, and F) are all that remains from this former system that connected naturally with Mill Creek Branch a (a)(2) intermittent tributary. Historical aerials from 1940 and 1951 show this area was a natural adjacent wetland that was ditched to accelerate drainage to Mill Creek Branch a (a)(2) intermittent tributary to the north. Ditch H continues to provide intermittent flow from Wetland D (an (a)(4) adjacent</p>



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(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
			<p>wetland) to Wetland A (an (a)(4) adjacent wetland) via Pond 1 (ditch) (a)(2), to Ditch SW-D2 (a)(2) water to Wetland A, to offsite (a)(4) wetland and Mill Creek Branch a (a)(2) intermittent tributary that flows to Mill Creek (a)(2) perennial tributary, and to the Manatee River (a)(1) TNW.</p> <p>The Corps utilized the antecedent precipitation tool for multiple dates (approximately 30) beginning in April 1940 to August 2020. The August 5, 2020 (day of site visit) analysis revealed that normal rainfall had occurred, and mild drought conditions persisted at the project site. Ditch H was full of water as were adjacent wetlands and other connecting tributaries. Thus, the Corps determined that Ditch H flows at least intermittently, during typical years, and that during a typical year water is present in the tributary.</p> <p>Therefore, the Corps determined that Ditch H meets the definition of a 328.3(a)(2) tributary as defined in 328.3(c)(12).</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
Wetland E (Open Water) and Ditch I	2.8	acre(s)	<p>(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.</p> <p>Wetland E (Open Water) is an (a)(3) water that was excavated in a (a)(4) wetland between 1978 and 1984. Wetland E was part of a larger wetland system (Wetlands A, D, E, and F) that connected naturally with Mill Creek Branch an (a)(2) intermittent tributary.</p> <p>Ditch I is an (a)(3) waterbody. Ditch I is an excavated portion of Wetland E, an (a)(4) wetland, that was dug for fill to use on adjacent road bed between 1984 and 1994. The road was constructed in a north/south direction through the middle of the historical wetland. Ditch I shows in 1999 aerials to present day.</p> <p>Historical aerials from 1940 and 1951 show this area was in fact a natural wetland that was ditched to accelerate drainage to Mill Creek Branch to the north. Wetland E (Open Water) and Ditch I abut Wetland E (Herbaceous) which connects to Wetland D via Ditch C2 (a)(2) water to Ditch H, to Pond 1 (ditch) (a)(2) water, to Ditch SW-D2 (a)(2) water to Wetland A, to offsite (a)(4) wetland and Mill Creek Branch a (a)(2) intermittent tributary that flows to Mill</p>



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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
				Creek (a)(2) perennial tributary, and to the Manatee River (a)(1) TNW.

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.
Wetland A	0.77	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland A is a (a)(4) water. Wetland A abuts an (a)(2) intermittent tributary (Mill Creek Branch) that flow downstream to Mill Creek an (a)(2) perennial tributary, to the Manatee River an (a)(1) TNW.
Wetland D	1.12	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland D is a (a)(4) water. Wetland D is an (a)(4) water because it abuts Ditch H, an (a)(2) water. Ditch H flows to Pond 1 (a)(2) (Ditch), to Ditch SW-D2 (a)(2) water to Wetland A, to offsite (a)(4) wetland and Mill Creek Branch (a)(2) intermittent tributary that flows to Mill Creek (a)(2) perennial tributary, and to the Manatee River (a)(1) TNW.
Wetland E (Herbaceous)	3.14	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland E (Herbaceous) is a (a)(4) water. Wetland E (Herbaceous) is adjacent because it directly abuts Ditch C2, an (a)(2) water. Water flows through Ditch C2 (a)(2) water to Ditch H, to Pond 1 (ditch) (a)(2) water, to Ditch SW-D2 (a)(2) water to Wetland A, to offsite (a)(4) wetland and Mill Creek Branch a (a)(2) intermittent tributary that flows to Mill Creek (a)(2) perennial tributary, and to the Manatee River (a)(1) TNW.
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	0.31	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	Pond 1 is a cattle pond excavated from uplands and abuts a (a)(2) tributary. Historical aerials from 1940 and 1951 show that this pond was dug within uplands but abutted the adjacent natural wetland that was ditched to accelerate drainage to Mill Creek Branch a (a)(2) intermittent tributary to the north. Additionally, soils within this area (EauGalie fine sand) which have a Hydric Rating of A/D. They differ from the adjacent wetland soils (Floridana-Immokalee-

<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.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			jurisdictional water that meets (c)(6).	Okeelanta association soils) which have a Hydric Rating of B/D.  Pond 1 (ditch), an (a)(2) water continues to provide flow from Wetland D (an (a)(4) adjacent wetland) via Ditch H (a)(2) water to Wetland A (an (a)(4) adjacent wetland) via Ditch SW-D2 (a)(2) water to offsite (a)(4) wetland and Mill Creek Branch a (a)(2) intermittent tributary that flows to Mill Creek (a)(2) perennial tributary, and to the Manatee River (a)(1) TNW.
Pond 2	0.085	acre(s)	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel.	Pond 2 is a cattle pond excavated from uplands adjacent to Pond 3 historical (b)(1) wetland. Based on the historic aerial maps 1940-2019, the pond was excavated in uplands abutting non-adjacent wetlands. The cattle pond was dug in Wabasso soils which have a Hydric Rating of B/D.
Pond 3	0.357	acre(s)	(b)(1) Non-adjacent wetland.	Pond 3 is a natural (b)(1) wetland that was excavated to provide deeper water for agriculture. Based on the historic aerial maps 1940-2019, the pond was excavated in a non-adjacent wetland. The pond was excavated from wetlands that consisted of Floridana-Immokalee-Okeelanta association soils which have a Hydric Rating of C/D.
Pond 6	0.08	acre(s)	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel.	Pond 6 is a cattle pond excavated from uplands adjacent to Wetland F (b)(1) wetland. Based on the historic aerial maps 1940-2019, the pond was excavated in 1978 in uplands abutting non-adjacent wetlands. The cattle pond was dug in Floridana-Immokalee-Okeelanta association soils which have a Hydric Rating of B/D.
SWD1	1.47	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a	Non-tidal excavated agricultural ditch that extends from upland pasture. Based on the historic aerial maps 1940-2019, the ditches were



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Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	excavated in uplands and Wabasso soils which have a Hydric Rating of A/D and B/D.
SWD5	0.115	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 extends from excavated historical (b)(1) wetland. Based on the historic aerial maps 1940-2019, the ditches were excavated in uplands and non-adjacent wetlands. Most of the ditches were dug in EauGallie and Wabasso soils which have a Hydric Rating of A/D and B/D.
SWD6	0.035	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 extends from upland pasture. Based on the historic aerial maps 1940-2019, the ditches were excavated in uplands. Most of the ditches were dug in EauGallie and Wabasso soils which have a Hydric Rating of A/D and B/D.
SWD7	0.099	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 extends from excavated historical (b)(1) wetland. Based on the historic aerial maps 1940-2019, the ditches were excavated in uplands and non-adjacent wetlands. Most of the ditches were dug in EauGallie and Wabasso soils which have a Hydric Rating of A/D and B/D.
SWD8	0.312	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 extends from excavated historical (b)(1) wetland. Based on the historic aerial maps 1940-2019, the ditches were excavated in uplands and non-adjacent wetlands. Most of the ditches were dug in EauGallie and Wabasso soils which have a Hydric Rating of A/D and B/D.
Ditch A	0.24	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 extends from uplands. Based on the historic aerial maps 1940-2019, the ditches were excavated in uplands and non-adjacent wetlands. Most of the ditches were dug in EauGallie and Wabasso soils which have a Hydric Rating of A/D and B/D.
Ditch B	0.02	acre(s)	(b)(1) Non-adjacent wetland.	Non-tidal excavated agricultural ditch that extends from uplands. Based on the historic aerial maps 1940-2019, the ditches were



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
				excavated in uplands and non-adjacent wetlands. Most of the ditches were dug in EauGallie and Wabasso soils which have a Hydric Rating of A/D and B/D.
Ditch D1, D2, D3	0.66	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 extends from uplands. Based on the historic aerial maps 1940-2019, the ditches were excavated in uplands and non-adjacent wetlands. Most of the ditches were dug in EauGallie and Wabasso soils which have a Hydric Rating of A/D and B/D.
Ditch E	0.11	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 extends from uplands. Based on the historic aerial maps 1940-2019, the ditches were excavated in uplands and non-adjacent wetlands. Most of the ditches were dug in EauGallie and Wabasso soils which have a Hydric Rating of A/D and B/D.
Ditch F	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 do not satisfy the conditions of (c)(1).	Non-tidal excavated agricultural ditch that extends from uplands. Based on the historic aerial maps 1940-2019, the ditches were excavated in uplands and non-adjacent wetlands. Most of the ditches were dug in EauGallie and Wabasso soils which have a Hydric Rating of A/D and B/D.
Ditch G	0.13	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 extends from uplands. Based on the historic aerial maps 1940-2019, the ditches were excavated in uplands and non-adjacent wetlands. Most of the ditches were dug in EauGallie and Wabasso soils which have a Hydric Rating of A/D and B/D.
Wetland B	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	Wetland B is a natural (b)(1) wetland that was excavated to provide deeper water for agriculture. Based on the historic aerial maps 1940-2019, the pond was excavated in a non-adjacent wetland. The pond was excavated from wetlands that consisted of Floridana-Immokalee-Okeelanta association soils which have a Hydric Rating of C/D.
Wetland C (Herbaceous)	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	Wetland C (Herbaceous) is a natural (b)(1) wetland, based on the historic aerial maps 1940-2019.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland C (Open Water)	N/A.	acre(s)	(b)(1) Non-adjacent wetland.	Wetland C (Open Water) is a natural (b)(1) wetland that was excavated to provide deeper water for agriculture. Based on the historic aerial maps 1940-2019, the wetland was excavated in a non-adjacent wetland. The wetland was excavated from wetlands that consisted of Floridana-Immokalee-Okeelanta association soils which have a Hydric Rating of C/D.
Wetland F	0.3	acre(s)	(b)(1) Non-adjacent wetland.	Wetland F is a (b)(1) water. Wetland F was part of a larger wetland system (Wetlands A, D, E, and F) that connected naturally with Mill Creek Branch a (a)(2) intermittent tributary. Historical aerials from 1940 and 1951 show this area was in fact a natural wetland that was ditched to accelerate drainage to Mill Creek Branch to the north. However, the ditch system only connected Wetlands E, D, and A. No ditching connected the portion of wetland that Wetland F now occupies, and the significant drop in hydrology that occurred due to the ditch cut in 1951 has isolated Wetland F from the other wetlands onsite. Wetland F was connected via Ditch D1 (b)(5) water in 1978.
Ditch C1 & C3	0.34	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 extends from uplands. Based on the historic aerial maps 1940-2019, the ditches were excavated in uplands and non-adjacent wetlands. Most of the ditches were dug in EauGallie and Wabasso soils which have a Hydric Rating of A/D and B/D.

**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; Wetland Data Sheets, February 27, 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 \(1940, 1951, 1970\) 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: [August 5, 2020](#)



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- Previous Jurisdictional Determinations (AJDs or PJDs): [SAJ-2013-01998, June 8, 2020](#)
- 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 \(June 3, 2020\). Web Soil Survey website. U.S. Department of Agriculture, Natural Resources Conservation Service, Washington, D.C, Historical Soils from 1958 \(\[https://www.nrcs.usda.gov/Internet/FSE\\\_MANUSCRIPTS/florida/manateeFL1958/map33.pdf\]\(https://www.nrcs.usda.gov/Internet/FSE\_MANUSCRIPTS/florida/manateeFL1958/map33.pdf\)\), and 1983 \(\[https://www.nrcs.usda.gov/Internet/FSE\\\_MANUSCRIPTS/florida/FL081/0/map12.pdf\]\(https://www.nrcs.usda.gov/Internet/FSE\_MANUSCRIPTS/florida/FL081/0/map12.pdf\)\)](#)
- USFWS NWI maps: [Wetland digital data from U. S. Fish and Wildlife Service. Date \(June 3, 2020\). National Wetlands Inventory website. U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C](#)
- USGS topographic maps: [1:24,000; Lorraine, Florida \(1944, 1944 w/ 1961 rev., 1973 w/ 1975, 1987, & 1988 rev., 2012, 2015, 2018\).](#)

**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 ( <a href="https://viewer.nationalmap.gov/">https://viewer.nationalmap.gov/</a> ); 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 ( <a href="https://websoilsurvey.sc.egov.usda.gov/">https://websoilsurvey.sc.egov.usda.gov/</a> )
Other NOAA data (specify)	NOAA National Weather Service Advanced Hydrologic Prediction Service ( <a href="https://water.weather.gov/precip/#">https://water.weather.gov/precip/#</a> )
USACE Sources	Antecedent Precipitation Tool
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>
Other Sources	United States Drought Monitor ( <a href="https://droughtmonitor.unl.edu/">https://droughtmonitor.unl.edu/</a> )

**B. Typical year assessment(s):** See Section IIC above for the APT data discussion. The APT sheets are included in the administrative record.

**C. Additional comments to support AJD:** Wetlands F, E, D, and A were all one continuous wetland prior to ditching in the late 1940's early 1950's. Agricultural ditching significantly reduced the hydrology onsite, reducing the current jurisdictional footprint to the individual wetland areas the persist today. Ditches connecting these wetlands (Ditch C, H, Pond 1, SW-D2, SW-D3, SW-D4) are currently (b)(5) waters within former (a)(4) wetlands.