



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): 21-JUL-2020
ORM Number: SAJ-2020-00941
Associated JDs: N/A
Review Area Location¹: State/Territory: FL City: County/Parish/Borough: Manatee County
Center Coordinates of Review Area: Latitude 27.597956 Longitude -82.347947

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
D-511	0.05 acres	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The tributary contributes surface water flow to Manatee Bay, a traditionally navigable waterway, through 4 tributaries collectively known as Gamble Creek Figure 1: Location map shows the scale of the review in relation to the location of the TNW. Figure 2: Topographic Map shows the relatively flat elevation and offsite tributaries known as Gamble Creek. Figure 6 – National Hydrological Dataset map shows the location of the tributary. Figure 7 – National Hydrological Dataset/Flow Lines Map shows the connection of the tributary to tidal

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 independent 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.

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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			waterways (Manatee Bay). Figure 8- Historical Photo 1995 shows the itributary flowing into Gamble Creek.
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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
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
G 641 and 630	3.47 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	<p>The onsite wetland system continues offsite and abuts a perennial tributary (Gamble Creek).</p> <p>Figure 1: Location map shows the scale of the review in relation to the location of the TNW.</p> <p>Figure 2: Topographic Map shows the relatively flat elevation and offsite tr butaries known as Gamble Creek.</p> <p>Figure 3: Soils map shows the hydric soils onsite and extending offsite of the review area.</p> <p>Figure 4: National Wetlands Inventory map shows the wetlands onsite and offsite of the review area.</p> <p>Figure 5: National Wetlands Inventory map (NWI) shows the wetlands extending offsite to the south.</p> <p>Figure 6 – National Hydrological Dataset (NHD) map shows the location of the tributary and the location of the culvert pipe under an artificial barrier.</p> <p>Figure 7 – NHD/Flow Lines Map shows the connection of the tributary to tidal waterways (Manatee Bay).</p> <p>Figure 8- Historical Photo 1995 shows the internment tributary flowing into Gamble Creek.</p> <p>Figure 11: USGS Stream Flow Graph shows the perennial flow of the abutting offsite tributary.</p> <p>Figure 12: Wetland delineation showing the extent of wetlands within the review area and the paired wetland determination points.</p>

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
J-641	0.99 acres	(b)(1) Non-adjacent wetland	<p>Physically remote isolated wetland.</p> <p>Figure 1: Location map shows the scale of the review in relation to the location of the TNW.</p> <p>Figure 2: Topographic Map shows the relatively flat elevation.</p> <p>Figure 3 – Soils Map shows a hydric soil type completely surrounded by a less hydric soil type.</p> <p>Figures 4 and 5 - NWI shows a palustrine system surrounded by uplands.</p>

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			<p>Figure 6 – NHD shows no connection of the non-adjacent wetland to downstream waters.</p> <p>Figure 8 – Historical Photo 1995 shows the wetland in a circular formation.</p> <p>Figure 9 – Photo shows the circular wetland at the time of the delineation.</p> <p>Figure 12 – Wetland delineation shows the full extent of the physically isolated wetland system and the paired wetland determination points.</p>
K-511	0.16 acres	(b)(1) Non-adjacent wetland	<p>Physically isolated wetland that is separated from an a(4) water by a natural upland berm.</p> <p>Figure 1: Location map shows the scale of the review in relation to the location of the TNW.</p> <p>Figure 2: Topographic Map shows the relatively flat elevation.</p> <p>Figure 6 – NHD shows no connection of the non-adjacent wetland to downstream waters.</p> <p>Figure 12 – Wetland delineation shows the full extent of the physically isolated wetland system and the paired wetland determination points.</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: *Wetland Delineation (Figure 12) and Wetland Determination Forms (Figure 13)*

This information *is* sufficient for purposes of this AJD.

Photographs: *Figures 8 and 9*

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B. Attachment 10*

USDA NRCS Soil Survey: *Figure 3*

USFWS NWI maps: *Figures 4 and 5*

USGS topographic maps: *Figures 2, 6, and 7*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Topographic Map August 14, 2020/Streamflow Data August 7, 2019 – August 14, 2020
USDA Sources	Soil Web Survey https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx January 24, 2020
NOAA Sources	National Hydrologic Data Set. August 14, 2020
USACE Sources	APC May 5, 2020
State/Local/Tribal Sources	N/A.

B. Typical year assessment(s): The wetland delineation occurred during a wetter than normal precipitation period.

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- C. Additional comments to support AJD:** Manatee Bay is considered a traditional navigable waterway because it is subject to the ebb and flow of the tide and therefore is jurisdictional (reference Figure 7).

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