



**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): 10/9/2020  
 ORM Number: SAJ-2015-03049-Park East  
 Associated JDs: SAJ-2015-03049-North Park Isles—AJD completed Oct 20, 2016.  
 Review Area Location<sup>1</sup>: State/Territory: Florida City: Plant City County/Parish/Borough: Hillsborough  
 Center Coordinates of Review Area: Latitude 28.056984° Longitude -82.104876°

**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
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.

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.

<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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**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
WL A1	1.74	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).	Historical aerials (1938, 1941, 1948, 1957, 1968, 1994), the 1944 topo map, and the Hydric Rating by Map Unit map show that this pond was excavated wholly in uplands and potential wetlands which would have been considered non-adjacent wetlands. Information from the applicant states that the pond was used for irrigation purposes.
WL B1	1.93	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).	Historical aerials (1938, 1941, 1948, 1957, 1968, 1994), the 1944 topo map, and the Hydric Rating by Map Unit map show that this pond was excavated wholly in uplands and potential wetlands which would have been considered non-adjacent wetlands. Information from the applicant states that the pond was used for irrigation purposes.
WL C	3.26	acre(s)	(b)(1) Non-adjacent wetland.	This wetland does not meet any of the (a)(4) criteria. The nearest potential (a)(1)-(a)(3) water to this wetland is the East Canal, which is located approximately 0.85 mile to the west. The only potential hydrological connection this wetland has with the East Canal is via a roadside swale connecting this wetland with OSW KK-1, which then flows west into a large wetland and potentially through a culvert in a berm into additional ditches before reaching the canal. OSW KK-1 (and likely the other downstream ditches, based on available resources) is a (b)(5) excluded water and therefore cannot provide a jurisdictional connection for this wetland to a downstream potential (a)(1)-(a)(3) water.

<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
WL C1	4.56 acre(s)	(b)(1) Non-adjacent wetland.	This wetland is physically remote and hydrologically isolated from any potential (a)(1)-(a)(3) waters. The wetland is surrounded on all sides by uplands, including an upland berm between WL C1 and excluded water WL B1. The Hydric Rating by Map Unit map shows that the soils surrounding the west, south and east sides of WL C1 are rated non-hydric. The land north of the wetland which has a hydric soil rating are uplands which have been manipulated over the decades for various agricultural uses.
WL D	4.9 acre(s)	(b)(1) Non-adjacent wetland.	Based on historical aerials (1938, 1941, 1948, 1957, 1968), this wetland appears to be a remnant of a larger wetland that existed prior to the site being manipulated and extensively ditched and drained. This wetland does not meet any of the (a)(4) criteria. The nearest potential (a)(1)-(a)(3) water to this wetland is the East Canal, which is located approximately 0.65 mile to the west. The only potential hydrological connection this wetland has with the East Canal is via OSW LL and OSW KK-2, which share a hydrological connection with OSW KK-1, which then flows west into a large wetland and potentially through a culvert in a berm into additional ditches before reaching the canal. OSW LL, OSW KK-2 and OSW KK-1 (and likely the other downstream ditches, based on available resources) are (b)(5) excluded waters and therefore cannot provide a jurisdictional connection for this wetland to a downstream potential (a)(1)-(a)(3) water.
WL E1	1.16 acre(s)	(b)(1) Non-adjacent wetland.	Historical aerials (1938, 1941, 1948, 1957, 1968) and the 1944 topo map indicate that this wetland was historically a physically remote and hydrologically isolated wetland; however, decades of site manipulation resulted in the wetland being connected to a series of ditches. This wetland does not meet any of the (a)(4) criteria. The nearest potential (a)(1)-(a)(3) water to this wetland is an altered and relocated tributary located on the parcel to the west (North Park Isles site) which spans from Wetland X on the North Park Isles site west to the East Canal. This potential (a)(2) is located approximately 0.50 mile to the northwest. The only potential hydrological connection this wetland has with the potential (a)(2) is via a series of excluded



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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
			surface waters (OSW 8, OSW 4, OSW 2B, OSW 2A), then through (b)(1) non-adjacent wetland WL R, and finally through a man-made ditch which connects to the potential (a)(2) and, based on available resources, is likely a (b)(5) excluded water. (See rationale for WL R). These excluded waters cannot provide a jurisdictional connection for this wetland to a downstream potential (a)(1)-(a)(3) water.
WL F1	1.74	acre(s)	(b)(1) Non-adjacent wetland.  Historical aerials (1938, 1941, 1948, 1957, 1968) and the 1944 topo map indicate that this wetland was historically a physically remote and hydrologically isolated wetland; however, decades of site manipulation resulted in the wetland being connected to WL-F2 via a small man-made ditch, and WL F2 being connected to an otherwise isolated wetland north of the review area via another small man-made ditch. This wetland does not meet any of the (a)(4) criteria. The Hydric Rating by Map Unit map shows that the soils surrounding WL F1 and WL F2 are rated non-hydric. The nearest potential (a)(1)-(a)(3) water is the altered and relocated tributary on the North Park Isles site, or the East Canal, which is located approximately 0.85 mile to the west. LiDAR, the current topo map and the National Hydrography Dataset confirm that there is no hydrological connection between WL F1 and either of these waters, and even if one existed, the ditches between WL F1, WL F2 and the off-site wetland are (b)(5) excluded waters which cannot provide a jurisdictional connection for this wetland to a downstream potential (a)(1)-(a)(3) water.
WL F2	0.41	acre(s)	(b)(1) Non-adjacent wetland.  Historical aerials (1938, 1941, 1948, 1957, 1968) and the 1944 topo map indicate that this wetland was historically a physically remote and hydrologically isolated wetland; however, decades of site manipulation resulted in the wetland being connected to an otherwise isolated wetland north of the review area via a small man-made ditch. This wetland does not meet any of the (a)(4) criteria. The Hydric Rating by Map Unit map shows that the soils surrounding WL F1 and WL F2 are rated non-hydric. The nearest potential (a)(1)-(a)(3) water is the altered and relocated tributary on the North Park Isles site, or the East Canal, which is



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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
			located approximately 0.85 mile to the west. LiDAR, the current topo map and the National Hydrography Dataset confirm that there is no hydrological connection between WL F2 and either of these waters, and even if one existed, the ditch between WL F2 and the off-site wetland is a (b)(5) excluded water which cannot provide a jurisdictional connection for this wetland to a downstream potential (a)(1)-(a)(3) water.
WL F3	0.07	acre(s)	(b)(1) Non-adjacent wetland. Based on historical aerials (1938, 1941, 1948, 1957, 1968), this wetland appears to be a small remnant of a larger wetland that existed prior to the site being manipulated and extensively ditched and drained. This small wetland has a (b)(5) ditch (OSW 1) extending from the north end. This wetland does not meet any of the (a)(4) criteria. The nearest potential (a)(1)-(a)(3) water to this wetland is an altered and relocated tributary located on the parcel to the west (North Park Isles site) which spans from Wetland X on the North Park Isles site west to the East Canal. This potential (a)(2) is located approximately 0.50 mile to the northwest. The only potential hydrological connection this wetland has with the potential (a)(2) is via a series of excluded surface waters (OSW 1, OSW 2B, OSW 2A), then through (b)(1) non-adjacent wetland WL R, and finally through a man-made ditch which connects to the potential (a)(2) and, based on available resources, is likely a (b)(5) excluded water. (See rationale for WL R). These excluded waters cannot provide a jurisdictional connection for this wetland to a downstream potential (a)(1)-(a)(3) water.
WL G	0.23	acre(s)	(b)(1) Non-adjacent wetland. This wetland is physically remote and hydrologically isolated from any potential (a)(1)-(a)(3) waters. Based on historical aerials (1938, 1941, 1948, 1957, 1968), this wetland appears to be a small remnant of a larger wetland that existed prior to the site being manipulated and extensively ditched and drained. The wetland is surrounded on all sides by uplands. The wetland has no hydrological surface connection with any surface waters, and even if one existed, the closest surface waters are (b)(5) excluded waters (OSW KK-1 and OSW KK-2) which could not provide a jurisdictional connection for this



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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 to a downstream potential (a)(1)-(a)(3) water.
WL G1	0.04	acre(s)	(b)(1) Non-adjacent wetland.	This wetland is physically remote and hydrologically isolated from any potential (a)(1)-(a)(3) waters. Based on historical aerials (1938, 1941, 1948, 1957, 1968), this wetland appears to be a small remnant of a larger isolated wetland that existed prior to being ditched and excavated into a pond (OSW 4) for agricultural purposes. The wetland is surrounded on all sides by uplands, including an upland berm between this wetland and OSW 2B and OSW 4. The wetland has no hydrological surface connection with any surface waters, and even if one existed, the closest surface waters are excluded waters (OSW 4 and OSW 2B) which could not provide a jurisdictional connection for this wetland to a downstream potential (a)(1)-(a)(3) water.
WL H	0.05	acre(s)	(b)(1) Non-adjacent wetland.	Based on historical aerials (1938, 1941, 1948, 1957, 1968), this wetland appears to be a small remnant of a larger wetland that existed prior to the site being manipulated and extensively ditched and drained. This small wetland abuts an excluded (b)(5) ditch (OSW KK-1). This wetland does not meet any of the (a)(4) criteria. The nearest potential (a)(1)-(a)(3) water to this wetland is the East Canal, which is located approximately 0.60 mile to the west. The only potential hydrological connection this wetland has with the East Canal is via OSW KK-1, which then flows west into a large wetland and potentially through a culvert in a berm into additional ditches before reaching the canal. OSW KK-1 (and likely the other downstream ditches, based on available resources) is a (b)(5) excluded water and therefore cannot provide a jurisdictional connection for this wetland to a downstream potential (a)(1)-(a)(3) water.
WL H1	0.16	acre(s)	(b)(1) Non-adjacent wetland.	Based on historical aerials (1938, 1941, 1948, 1957, 1968), this wetland appears to be a small remnant of a wetland that existed prior to the site being manipulated and extensively ditched and drained. Within the review area boundary, this historical wetland was excavated into OSW 2, OSW 2B and OSW 3. Only WL H1 remains as natural wetland. Immediately west of OSW 2, on the western side of the review area boundary,



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
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			another remnant of this wetland was determined to be an isolated, non-jurisdictional wetland (labeled Wetland W) in the Approved JD for the North Park Isles site. WL H1 abuts OSW 2B. This wetland does not meet any of the (a)(4) criteria. The nearest potential (a)(1)-(a)(3) water to this wetland is an altered and relocated tributary located on the parcel to the west (North Park Isles site) which spans from Wetland X on the North Park Isles site west to the East Canal. This potential (a)(2) is located approximately 0.25 mile to the northwest. The only potential hydrological connection this wetland has with the potential (a)(2) is via a series of excluded surface waters (OSW 2B, OSW 2A), then through (b)(1) non-adjacent wetland WL R, and finally through a man-made ditch which connects to the potential (a)(2) and, based on available resources, is likely a (b)(5) excluded water. (See rationale for WL R). These excluded waters cannot provide a jurisdictional connection for this wetland to a downstream potential (a)(1)-(a)(3) water.
WL I	1.1	acre(s)	(b)(1) Non-adjacent wetland. Based on historical aerials (1938, 1941, 1948, 1957, 1968), this wetland appears to be a remnant of a larger wetland that existed prior to the site being manipulated and extensively ditched and drained. This wetland abuts an excluded (b)(5) ditch (OSW MM). This wetland does not meet any of the (a)(4) criteria. The nearest potential (a)(1)-(a)(3) water to this wetland is the East Canal, which is located approximately 0.80 mile to the west. The only potential hydrological connection this wetland has with the East Canal is via OSW MM, which eventually flows into OSW KK-1, which then flows west into a large wetland and potentially through a culvert in a berm into additional ditches before reaching the canal. OSW MM and OSW KK-1 (and likely the other downstream ditches, based on available resources) are (b)(5) excluded waters and therefore cannot provide a jurisdictional connection for this wetland to a downstream potential (a)(1)-(a)(3) water.
WL I1	6.22	acre(s)	(b)(1) Non-adjacent wetland. This wetland is physically remote and hydrologically isolated from any potential (a)(1)-(a)(3) waters. LiDAR, the current topo map and the National Hydrography Dataset show that the



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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 is surrounded on all sides by uplands with no hydrological surface connection to any potential (a)(1)-(a)(3) waters. The Hydric Rating by Map Unit map shows that the soils surrounding the wetland are rated non-hydric.
WL K	3.58	acre(s)	(b)(1) Non-adjacent wetland.	Based on historical aerials (1938, 1941, 1948, 1957, 1968), this wetland appears to be a remnant of a larger wetland that existed prior to the site being manipulated and extensively ditched and drained. This wetland does not meet any of the (a)(4) criteria. The nearest potential (a)(1)-(a)(3) water to this wetland is the East Canal, which is located approximately 0.65 mile to the west. The only potential hydrological connection this wetland has with the East Canal is via OSW LL and OSW KK-2, which share a hydrological connection with OSW KK-1, which then flows west into a large wetland and potentially through a culvert in a berm into additional ditches before reaching the canal. OSW LL, OSW KK-2 and OSW KK-1 (and likely the other downstream ditches, based on available resources) are (b)(5) excluded waters and therefore cannot provide a jurisdictional connection for this wetland to a downstream potential (a)(1)-(a)(3) water.
WL K1	0.41	acre(s)	(b)(1) Non-adjacent wetland.	This wetland is physically remote and hydrologically isolated from any potential (a)(1)-(a)(3) waters. LiDAR, the current topo map and the National Hydrography Dataset show that the wetland is surrounded on all sides by uplands with no hydrological surface connection to any potential (a)(1)-(a)(3) waters. The Hydric Rating by Map Unit map shows that the soils surrounding the wetland are rated non-hydric.
WL L1	3.25	acre(s)	(b)(1) Non-adjacent wetland.	This wetland is physically remote and hydrologically isolated from any potential (a)(1)-(a)(3) waters. LiDAR, the current topo map and the National Hydrography Dataset show that the wetland is surrounded on all sides by uplands with no hydrological surface connection to any potential (a)(1)-(a)(3) waters. The Hydric Rating by Map Unit map shows that the soils surrounding the wetland are rated non-hydric.
WL M1	1.22	acre(s)	(b)(1) Non-adjacent wetland.	This wetland is physically remote and hydrologically isolated from any potential (a)(1)-(a)(3) waters. LiDAR, the current topo map and the National Hydrography Dataset show that the



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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 is surrounded on all sides by uplands with no hydrological surface connection to any potential (a)(1)-(a)(3) waters. The Hydric Rating by Map Unit map shows that the soils surrounding the wetland are rated non-hydric.
WL N1	3.87	acre(s)	(b)(1) Non-adjacent wetland. This wetland is physically remote and hydrologically isolated from any potential (a)(1)-(a)(3) waters. LiDAR, the current topo map and the National Hydrography Dataset show that the wetland is surrounded on all sides by uplands with no hydrological surface connection to any potential (a)(1)-(a)(3) waters. The Hydric Rating by Map Unit map shows that the soils surrounding the wetland are rated non-hydric.
WL P	4.55	acre(s)	(b)(1) Non-adjacent wetland. Historical aerials (1938, 1941, 1948, 1957) and the 1944 topo map show that this wetland was historically physically remote and hydrologically isolated from any potential (a)(1)-(a)(3) waters prior to extensive ditching efforts. This wetland does not meet any of the (a)(4) criteria. The nearest potential (a)(1)-(a)(3) water to this wetland is an altered and relocated tributary located on the parcel to the west (North Park Isles site) which spans from Wetland X on the North Park Isles site west to the East Canal. This potential (a)(2) is located approximately 0.45 mile to the west. The only potential hydrological connection this wetland has with the potential (a)(2) is via a series of excluded ditches (OSW FF, OSW EE), then through (b)(1) non-adjacent wetland WL R, and finally through a man-made ditch which, based on available resources, is likely a (b)(5) excluded water. (See rationale for WL R). These excluded waters cannot provide a jurisdictional connection for this wetland to a downstream potential (a)(1)-(a)(3) water.
WL Q	1.8	acre(s)	(b)(1) Non-adjacent wetland. Historical aerials (1938, 1941, 1948, 1957) and the 1944 topo map show that this wetland was historically physically remote and hydrologically isolated from any potential (a)(1)-(a)(3) waters prior to extensive ditching efforts. This wetland does not meet any of the (a)(4) criteria. The nearest potential (a)(1)-(a)(3) water to this wetland is an altered and relocated tributary located on the parcel to the west (North Park Isles site) which spans from Wetland X on the North Park Isles site west to the East Canal.



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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
			This potential (a)(2) is located approximately 0.60 mile to the west. The only potential hydrological connection this wetland has with the potential (a)(2) is via a series of excluded waters (OSW GG, WL P, OSW FF, OSW EE), then through (b)(1) non-adjacent wetland WL R, and finally through a man-made ditch which, based on available resources, is likely a (b)(5) excluded water. (See rationale for WL R). These excluded waters cannot provide a jurisdictional connection for this wetland to a downstream potential (a)(1)-(a)(3) water.
WL R	28.45	acre(s)	(b)(1) Non-adjacent wetland.  Historical aerials (1938, 1941, 1948) and the 1944 topo map show that this wetland was historically physically remote and hydrologically isolated from any potential (a)(1)-(a)(3) waters prior to extensive ditching efforts. In the 1948 aerial, there was clearly a natural tributary with a meandering channel on the parcel directly to the west of the review area (known as North Park Isles), which spanned from a wetland system west of WL R (labeled Wetland X in the North Park Isles Approved JD) west to a large wetland system through which the East Canal was excavated. This aerial also shows that a ditch was excavated through both wetlands and uplands to connect the tributary into WL R. It is evident that the extent of the surface water through Wetland X and into WL R was completely man-created and was not an altered or relocated tributary. The 1938 and 1941 historical aerials show that WL R and Wetland X were separated by uplands with no surface water present. Subsequent site manipulation on the North Park Isles and Park East sites resulted in the natural tributary channel being completely relocated in its western extent; and the extension of the man-made ditch through WL R east to WL P and WL Q for maximum drainage (shown in 1968 aerial). LiDAR and Hillshade clearly show the relict channel on the west side of the ditch from the area of the historical pre-drainage Wetland X to the East Canal. The tributary was clearly relocated in that extent. No relict channel is present beyond the historical extent of Wetland X. Therefore, the portion of the ditch through Wetland X west to the East Canal could potentially be considered an (a)(2) water since it



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				was excavated in a potential (a)(4) water and is a relocated tributary which was previously documented in the North Park Isles JD as carrying at least seasonal flow. However, the eastern part of the ditch beyond what was excavated in Wetland X, was excavated solely in uplands and non-adjacent wetlands, and would be considered a (b)(5) excluded water. Because WL R's surface water connection to the potential (a)(2) water is via a non-jurisdictional ditch, this wetland does not meet (a)(4) criteria and is therefore non-adjacent.
OSW 1	0.19	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).	Historical aerials (1938, 1941, 1948, 1957, 1968) and the 1944 topo map confirm that this ditch was excavated mainly in uplands and partially in non-adjacent wetlands, and is not an altered or relocated tributary.
OSW 2A	0.39	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).	Historical aerials (1938, 1941, 1948, 1957, 1968) and the 1944 topo map confirm that this ditch was excavated in non-adjacent wetlands (WL R) and uplands, and is not an altered or relocated tributary.
OSW 2B	1.4	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).	Historical aerials (1971, 1982) confirm that the ditch was excavated in uplands and non-adjacent wetlands in the late 1970s-early 1980s. By this time, the site had been very effectively drained by decades of extensive ditching, and the wetlands from which the ditch was partially excavated (i.e. Wetland W on North Park Isles site) had been substantially reduced in extent and lacked adjacency with any potential (a)(1)-(a)(3) waters.
OSW 3	0.32	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an	Historical aerials (1971, 1982) confirm that the ditch was excavated in uplands and non-adjacent wetlands in the late 1970s-early 1980s. By this time, the site had been very effectively drained by decades of extensive ditching, and the wetlands from which the ditch was partially



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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	
		(a)(4) water that do not satisfy the conditions of (c)(1).	excavated (i.e. Wetland W on North Park Isles site) had been substantially reduced in extent and lacked adjacency with any potential (a)(1)-(a)(3) waters.	
OSW 4	0.87	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).	Historical aerials (1938, 1941, 1948, 1957, 1968) and the 1944 topo map show that this pond was excavated from a wetland which was historically physically remote and hydrologically isolated from any potential (a)(1)-(a)(3) waters. In the available aerials and topo map, the former wetland is shown as being surrounded by uplands.
OSW 5	0.02	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).	Historical aerials (1938, 1941, 1948, 1957, 1968) and the 1944 topo map show that this small pond was excavated from a wetland which was historically physically remote and hydrologically isolated from any potential (a)(1)-(a)(3) waters. In the available aerials and topo map, the former wetland is shown as being surrounded by uplands.
OSW 7	1.34	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).	Historical aerials (1938, 1941, 1948, 1957, 1968) and the 1944 topo map show that this pond was excavated from a wetland which was historically physically remote and hydrologically isolated from any potential (a)(1)-(a)(3) waters. In the available aerials and topo map, it appears that the wetlands from which OSW 4, OSW 5 and OSW 7 were excavated may have been two lobes of one isolated wetland which is shown as being surrounded by uplands.
OSW 8	0.06	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch	Historical aerials (1938, 1941, 1948, 1957, 1968) and the 1944 topo map confirm that this ditch was excavated mainly in uplands and partially in non-adjacent wetlands (WL E1 and wetland from



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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	
		constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	which OSW 4 was excavated), and is not an altered or relocated tributary.	
OSW 9	0.63	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).	Historical aerials (1938, 1941, 1948, 1957, 1968, 1971, 1982) and LiDAR suggest that this ditch was excavated from an area of uplands which may have potentially been historically wetland, but by the time of excavation in the late 1970s-early 1980s, had been drained and converted to uplands for agricultural uses. The aerials suggest that if potential wetlands had been present in this location, they lacked adjacency with any potential (a)(1)-(a)(3) waters. The aerials and topo map show that this ditch is not an altered or relocated tributary.
OSW 11	0.03	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).	Historical aerials (1938, 1941, 1948, 1957, 1968) and the 1944 topo map indicate that this ditch was excavated mainly in uplands and partially in wetlands which were historically physically remote and hydrologically isolated from any potential (a)(1)-(a)(3) waters. (See rationale for wetlands WL F1 and WL F2.) The aerials and topo map confirm that this ditch is not an altered or relocated tributary.
OSW 12	0.02	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).	This feature is a small pond that was excavated in uplands near the boundary of wetland WL N1, apparently for cattle watering. LiDAR, the Hydric Rating by Map Unit map, the current topo map and the National Hydrography Dataset map show that this pond is surrounded by uplands and a non-adjacent wetland and was not excavated in any potential (a)(1)-(a)(4) waters.
OSW 13	0.01	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	Historical aerials (1938, 1941, 1948, 1957, 1968) and the 1944 topo map indicate that this ditch was excavated mainly in uplands and partially in wetlands which were historically physically remote and hydrologically isolated from any potential (a)(1)-(a)(3) waters. (See rationale for wetlands WL F1 and WL F2.) The aerials and



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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
		conditions of (c)(1).	topo map confirm that this ditch is not an altered or relocated tributary.
OSW D1	2.49	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).
			Historical aerials (1938, 1941, 1957, 1968, 1971, 1982, 1994) show that the pond was excavated in the 1980s-early 1990s in an area which was historically a large wetland. Through decades of effective ditching and draining, this wetland had substantially decreased in extent by the time this pond was excavated. The available resources indicate that this historic wetland lacked adjacency with any potential (a)(1)-(a)(3) waters. A man-made ditch excavated in both wetlands and uplands which extended from the historical larger wetland referenced above to the East Canal is present in the historical aerials beginning in 1938, and is also shown on the 1944 topo map. This appears to have been one of the first efforts to drain this wetland system to the East Canal. In 2016, the Corps field verified that the remnant of this ditch on the North Park Isles site terminates in uplands at both ends and is not an altered or relocated tributary. LiDAR and other resources show that there was no historical channel in this area and the ditch was man-made. This ditch would have been considered a (b)(5) excluded water; therefore, the historical wetlands which it drained would not have been considered adjacent.
OSW EE	0.04	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).
			Historical aerials (1938, 1941, 1948, 1957, 1968) show that this ditch was excavated in uplands and non-jurisdictional wetlands (WL R) as part of a large ditch which extended from the historical tributary channel as explained in the rationale for WL R. The extension of the man-made ditch through WL R east to WL P and WL Q is considered a (b)(5) excluded water. (Reference rationale for WL R.)
OSW FF	0.18	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).
			Historical aerials (1938, 1941, 1948, 1957, 1968) show that this ditch was excavated in uplands and non-jurisdictional wetlands (WL R) as part of a large ditch which extended from the historical tributary channel as explained in the rationale for WL R. The extension of the man-made ditch through WL R east to WL P and WL Q is considered a (b)(5) excluded water. (Reference rationale for WL R.)



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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
OSW GG	0.16	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).	Historical aerials (1938, 1941, 1948, 1957, 1968) show that this ditch was excavated in uplands and non-jurisdictional wetlands (WL R) as part of a large ditch which extended from the historical tributary channel as explained in the rationale for WL R. The extension of the man-made ditch through WL R east to WL P and WL Q is considered a (b)(5) excluded water. (Reference rationale for WL R.)
OSW KK-1 (11)	0.92	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).	Historical aerials (1938, 1941, 1957, 1968) show that the ditch was excavated in approximately the 1950s in both uplands and an area which was historically a larger wetland. Through decades of aggressive ditching and draining, this wetland had substantially decreased in extent by the time this ditch was excavated. The available resources indicate that this historic wetland lacked adjacency with any potential (a)(1)-(a)(3) waters. (Reference rationale for OSW D1 for further discussion of why the larger historical wetland would not have been considered adjacent.) The aerials and 1944 topo map confirm that this ditch is not an altered or relocated tributary.
OSW KK-2 (10)	0.30	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).	Historical aerials (1938, 1941, 1957, 1968) show that the ditch was excavated in the late 1950s-1960s in both uplands and an area which was historically a larger wetland. Through decades of aggressive ditching and draining, this wetland had substantially decreased in extent by the time this ditch was excavated. The available resources indicate that this historic wetland lacked adjacency with any potential (a)(1)-(a)(3) waters. (Reference rationale for OSW D1 for further discussion of why the larger historical wetland would not have been considered adjacent.) The aerials and 1944 topo map confirm that this ditch is not an altered or relocated tributary.
OSW LL (10)	0.09	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	Historical aerials (1938, 1941, 1957, 1968) show that the ditch was excavated in the late 1950s-1960s in both uplands and an area which was historically a larger wetland. Through decades of aggressive ditching and draining, this wetland had substantially decreased in extent by the time this ditch was excavated. The available resources indicate that this historic wetland



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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
		conditions of (c)(1).	lacked adjacency with any potential (a)(1)-(a)(3) waters. (Reference rationale for OSW D1 for further discussion of why the larger historical wetland would not have been considered adjacent.) The aerials and 1944 topo map confirm that this ditch is not an altered or relocated tributary.
OSW MM	0.2	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).  Historical aerials (1938, 1941, 1957, 1968) show that the ditch was excavated in the late 1950s-1960s in both uplands and an area which was historically a larger wetland. Through decades of aggressive ditching and draining, this wetland had substantially decreased in extent by the time this ditch was excavated. The available resources indicate that this historic wetland lacked adjacency with any potential (a)(1)-(a)(3) waters. (Reference rationale for OSW D1 for further discussion of why the larger historical wetland would not have been considered adjacent.) The aerials and 1944 topo map confirm that this ditch is not an altered or relocated tributary.
OSW ZZ	0.03	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).  Historical aerials (1938, 1941, 1948, 1957, 1968) and the 1944 topo map show that this ditch was excavated in uplands in an area used for citrus crops. The Hydric Rating by Map Unit map also indicates that the soils in the surrounding area are rated not hydric.
OSW YY	0.31	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).  Historical aerials (1938, 1941, 1948, 1957, 1968) and the 1944 topo map show that this ditch was excavated in uplands in an area used for citrus crops. The Hydric Rating by Map Unit map also indicates that the soils in the surrounding area are rated not hydric.

**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.



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- Information submitted by, or on behalf of, the applicant/consultant: NWI map, data sheets from AJD request package submitted Feb 18, 2020; USGS quad map, FLUCFCS map, soils map from application package submitted Feb 18, 2020; revised JD waters map submitted Sept 10, 2020.  
This information is and is not sufficient for purposes of this AJD.  
Rationale: The Corps accessed additional resources to complete the determination.
- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Aerial: 1938 aerial from Cultural Resources Assessment Survey dated March 2019; 1938, 1942, 1948, 1957, 1968 aerials from University of Florida Digital Collection (<https://ufdc.ufl.edu/aerials/map>), accessed Sept 08-10, 2020); 1971, 1982 aerials viewed in Historic Aerials viewer (<https://www.historicaerials.com/viewer>) on Sept 09, 2020; 1994-2018 aerials viewed in Google Earth Pro.
- Corps site visit(s) conducted on: The Corps field verified portions of the review area during the 22 March 2016 field visit for the North Park Isles Approved JD (completed on Oct 20, 2016).
- Previous Jurisdictional Determinations (AJDs or PJDs): Approved JD for North Parks Isles site (immediately west of review area) completed Oct 20, 2016.
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Included with application submitted Feb 18, 2020.
- USFWS NWI maps: Included with AJD request submitted Feb 18, 2020.
- USGS topographic maps: Included with application submitted Feb 18, 2020; current topo accessed in The National Map Viewer (<https://viewer.nationalmap.gov/advanced-viewer/>) on Sept 09, 2020; 1944 topo map obtained from the National Geologic Map Database ([https://ngmdb.usgs.gov/ngmdb/ngmdb\\_home.html](https://ngmdb.usgs.gov/ngmdb/ngmdb_home.html)) on Sept 08, 2020.

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

Data Source (select)	Name and/or date and other relevant information
USGS/WBD/NHD data/maps	National Hydrography Dataset accessed in The National Map Viewer ( <a href="https://viewer.nationalmap.gov/advanced-viewer/">https://viewer.nationalmap.gov/advanced-viewer/</a> ) on Sept 09, 2020.
USDA Sources	Hydric Rating by Map Unit map obtained from Web Soil Survey ( <a href="https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx">https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx</a> ) on Sept 09, 2020.
NOAA Sources	N/A.
USACE Sources	3DEP Digital Elevation Model (DEM) and 3DEP Hillshade layers viewed in the National Regulatory Viewer—South Atlantic Division Viewer on Aug 24-Sept 10, 2020.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

**B. Typical year assessment(s):** The Corps utilized the Antecedent Precipitation Tool (APT) to determine whether the historical aerial images used in the determination reflect normal precipitation and climatic conditions. The APT could only be used for those aerials with an identified month, day, year. The APT results indicated the following:

Format:

Date of point-in-time resource: WETS product / Drought Index / WebWIMP H2O Balance

11-30-1938 aerial: Normal conditions / incipient drought / dry season



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04-27-1941 aerial: Wetter than normal / moderate wetness / dry season  
01-11-1948 aerial: Wetter than normal / extreme wetness / wet season  
03-31-1957 aerial: Wetter than normal / incipient wetness / wet season  
01-22-1968 aerial: Drier than normal / mild drought / wet season

These results informed the determination in the following ways:

- Aerials reflecting normal or wetter than normal periods which showed wetlands isolated in the landscape were considered a reliable resource for the (b)(1) non-adjacent wetland determinations.
- Aerials reflecting normal or wetter than normal periods which did not show a continuous wetland connection with (a)(4) waters were considered a reliable resource for the (b)(1) non-adjacent wetland determinations.
- Aerials reflecting normal or wetter than normal periods which did not show a natural channel were considered a reliable resource for (b)(5) ditch determinations.
- Aerials reflecting wetter than normal periods which showed a potential surface water connection or potential continuous wetland connection between potential waters of the U.S. could not be used by themselves as the determining factor for either (a)(2) or (a)(4) determinations.
- Aerials reflecting drier than normal periods which showed wetlands isolated in the landscape could not be used by themselves as the determining factor for (b)(1) non-adjacent wetland determinations.

**C. Additional comments to support AJD:** The review area for this AJD overlaps in certain areas with the review area for the North Park Isles Approved JD, which was completed on Oct 20, 2016. The following waters were REASSESSED in this JD and found to be non-jurisdictional:

Wetlands: D, G, H, I, K, R, P, Q (same names as in North Park Isles JD)

Surface waters:

- OSW EE, OSW FF, OSW GG (collectively labeled OSW 5 in the North Park Isles JD)
- OSW KK-1 (east-west part of ditch labeled OSW 11 in North Park Isles JD; north-south part of ditch labeled OSW 7 in North Park Isles JD)
- OSW KK-2 and OSW LL (collectively labeled OSW 10 in North Park Isles JD)
- OSW MM (labeled OSW 7 in North Park Isles JD)

THE DETERMINATIONS FOR THE ABOVE WATERS IN THIS JD THEREFORE SUPERSEDE THE DETERMINATIONS FOR THOSE WATERS IN THE NORTH PARK ISLES JD.

Additional support for WL R: The phrase “constructed in an adjacent wetland” refers to ditches originating in or constructed entirely within an adjacent wetland. The phrase also includes ditches that are constructed through adjacent wetlands, but jurisdiction over those ditches only includes those portions in adjacent wetlands and downstream to other jurisdictional waters, as long as those portions satisfy the flow conditions of paragraph (c)(12). Jurisdiction does not extend to upland portions of the ditch prior to entry into an adjacent wetland. A ditch cannot render an otherwise isolated wetland an “adjacent wetland” and thus jurisdictional on that basis, unless the ditch itself is a tributary.



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Therefore, since the ditch ceases being a tributary east of the extent excavated through Wetland X, any wetlands adjacent to the ditch after that point are non-jurisdictional.