

**RIVERS AND HARBORS ACT SECTION 10 DETERMINATION OF  
JURISDICTION**

**Project Name: Gary, Anna**

**Action ID: SAJ-2008-3005**

**Applicant: Anna Gary**

There are "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

**Waterbody: Biscayne Bay**

**Waters have been determined to be navigable because:**

- Navigation Study
- Judicial interpretation in a Federal court of law
- Waters subject to the ebb and flow of the tide
- Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. **Explain:** Work is in/over Biscayne Bay, which is presently and historically used for private and commercial vessel traffic.

**Project Manager: Audrey Siu**

**Date: December 03, 2008**