

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 6 April 2015

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Jacksonville District, LMI Fayal Drive, SAJ-2009-01583

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Florida County/parish/borough: Duval City: Jacksonville
Approximate center coordinates of site: Latitude 30.155765°, Longitude -81.540909°
Name of nearest waterbody: Julington Creek

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Julington Creek

Name of watershed or Hydrologic Unit Code (HUC): 030801031302 – Julington Creek

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION:

Office (Desk) Determination Date: 6 April 2015

Field Determination Date(s): 10 March 2009 (agent)

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no “navigable waters of the U.S.” within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

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

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are “waters of the U.S.” within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area (project site):

Non-wetland waters: ~1.35 acres

Wetlands: ~1.02 acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain:

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least “seasonally” (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW: N/A
2. Wetland adjacent to TNW: N/A

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 2,769 square miles (Lower St. Johns Basin)
Drainage area: ~34,340 acres (030801031302 – Julington Creek HUC)
Average annual rainfall: 50-52 inches
Average annual snowfall: 0 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

- Tributary flows directly into TNW.
- Tributary flows through 0 tributaries before entering TNW.
- Project waters are 1 (or less) river miles from TNW.
- Project waters are 1 (or less) river miles from RPW.
- Project waters are 1 (or less) aerial (straight) miles from TNW.
- Project waters are 1 (or less) aerial (straight) miles from RPW.
- Project waters cross or serve as state boundaries: N/A
- Identify flow route to TNW⁵: wetland to navigable waters
- Tributary stream order, if known: 4

(b) General Tributary Characteristics (check all that apply):

- Natural: natural creek system exists near the southwest corner of the property and extends offsite to Julington Creek
- Artificial (man-made)
- Manipulated (man-altered): upstream sections along the eastern border and at the southeast corner have been altered in conjunction with local drainage improvements; and, downstream (offsite) portions of the natural tributary are culverted as it passes under Greenland Chase Boulevard, Interstate 95, and an unpaved access road within a powerline easement

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosion features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Tributary properties with respect to top of bank (estimate):

Average width: variable (natural system is narrower; manipulated sections are wider)

Average depth: 2-3 feet

Average side slopes: 4:1 or greater

Primary tributary substrate composition (check all that apply):

- | | | |
|-------------------------------------------|-------------------------------------------|------------------------------------------|
| <input checked="" type="checkbox"/> Silts | <input checked="" type="checkbox"/> Sands | <input type="checkbox"/> Concrete |
| <input type="checkbox"/> Cobbles | <input type="checkbox"/> Gravel | <input checked="" type="checkbox"/> Muck |
| <input type="checkbox"/> Bedrock | <input type="checkbox"/> Vegetation | |

Tributary condition/stability: highly stable; ditch/pond portions have stabilized banks, natural system has forested vegetation stabilizing the tributary

Presence of run/riffle/pool complexes: Ditching, pool, and slough at various locations such as the initial drainage channel on the eastern side of the property; ponded area on the southeast side of the property; and, pooling areas adjacent to the culvert locations

Tributary geometry: meandering

Tributary gradient (approximate average slope): <3 %

(c) **Flow:**

Tributary provides for: perennial flow with seasonal flow surges

Estimate average number of flow events in review area/year: perennial with 20 or greater surges

Describe flow regime: perennial flow with surges of surface flow from adjacent properties and precipitation

Other information on duration and volume: tributary is the outfall for the 0.81 square mile catchment within the HUC

Surface flow is: discrete and confined

Characteristics: precise channel with substantial flow

Subsurface flow: unknown

Dye (or other) test performed:

Tributary has (check all that apply):

- | | |
|------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Bed and banks | |
| <input checked="" type="checkbox"/> OHWM ⁶ (check all indicators that apply): | |
| <input type="checkbox"/> clear, natural line impressed on the bank | <input checked="" type="checkbox"/> the presence of litter and debris |
| <input type="checkbox"/> changes in the character of soil | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> shelving | <input type="checkbox"/> the presence of wrack line |
| <input type="checkbox"/> vegetation matted down, bent, or absent | <input type="checkbox"/> sediment sorting |
| <input type="checkbox"/> leaf litter disturbed or washed away | <input type="checkbox"/> scour |
| <input checked="" type="checkbox"/> sediment deposition | <input type="checkbox"/> multiple observed or predicted flow events |
| <input checked="" type="checkbox"/> water staining | <input checked="" type="checkbox"/> abrupt change in plant community |
| <input type="checkbox"/> other (list): | |
| <input type="checkbox"/> Discontinuous OHWM. ⁷ Explain: | |

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- | | |
|--------------------------------------------------------------------|------------------------------------------------------------------------|
| <input type="checkbox"/> High Tide Line indicated by: | <input type="checkbox"/> Mean High Water Mark indicated by: |
| <input type="checkbox"/> oil or scum line along shore objects | <input type="checkbox"/> survey to available datum; |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings; |
| <input type="checkbox"/> physical markings/characteristics | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges | |
| <input type="checkbox"/> other (list): | |

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: water has typical tannic characteristics for this area of Florida

Identify specific pollutants, if known: unknown, probably surface runoff including landscaping chemicals and roadway petrochemical compounds

(iv) Biological Characteristics. Channel supports (check all that apply):

Riparian corridor. Characteristics (type, average width): variable width; east ditch and southeast pond have submerged and emergent vegetation, natural channel has diverse hardwood species along shallow banks; pool complexes as noted above; these form an overall system supporting diverse aquatic habitats that connect upstream to downstream aquatic systems

Wetland fringe. Characteristics: east ditch and southeast pond have submerged and emergent vegetation littoral areas, natural channel has diverse hardwood species along shallow banks; pool complexes as noted above; these form an overall system supporting diverse aquatic habitats that connect upstream to downstream aquatic systems

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

- Habitat for:
 - Federally Listed species: ditch and pond provide suitable foraging habitat for the Dee Dot Ranch (594004) colony of wood stork (*Mycteria americana*); and, the site is within the Core Foraging Area for that colony
 - Fish/spawn areas: pool complexes provide spawning areas; flow regime provides pathway to downstream navigable waters
 - Other environmentally-sensitive species: system provides habitat that can be used by various amphibian, reptilian, and ichthyoid species for breeding and foraging
 - Aquatic/wildlife diversity: system supports a complex habitat (open-water; submerged vegetation; emergent vegetation; and/or canopy vegetation segments) that provides diverse foraging and spawning opportunities

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: 1.02 acres (onsite); offsite supports >50 acres of wetlands

Wetland type: onsite system is a mixed hardwood forested floodplain wetland

Wetland quality: medium to high

Project wetlands cross or serve as state boundaries: no

(b) General Flow Relationship with Non-TNW:

Flow is: perennial (as noted above)

Surface flow is: discrete and confined

Characteristics: as noted above

Subsurface flow: unknown

Dye (or other) test performed: no

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting: wetlands are contiguous to the RPW

Not directly abutting

Discrete wetland hydrologic connection

Ecological connection

Separated by berm/barrier

(d) Proximity (Relationship) to TNW

Project wetlands are 1 (or less) river miles from TNW.

Project waters are 1 (or less) aerial (straight) miles from TNW.

Flow is from: Wetland to navigable waters.

Estimate approximate location of wetland as within the 2-year or less floodplain.

(ii) Chemical Characteristics:

Characterize wetland system: water throughout the wetlands has tannic characteristics typical for this area of Florida

Identify specific pollutants, if known: unknown, probably surface runoff including landscaping chemicals and roadway petrochemical compounds

(iii) Biological Characteristics. Wetland supports (check all that apply):

Riparian buffer. Characteristics (type, average width): as noted above

Vegetation type/percent cover: as noted above; ditch and pond support submerged and emergent vegetation while the downstream (onsite) segment supports a mixed hardwoods system

Habitat for:

Federally Listed species: ditch and pond provide suitable foraging habitat for the Dee Dot Ranch (594004) colony of wood stork (*Mycteria americana*); and, the site is within the Core Foraging Area for that colony

Fish/spawn areas:

Other environmentally-sensitive species: system provides habitat that can be used by various amphibian and reptilian species for breeding and foraging

Aquatic/wildlife diversity: system supports a complex habitat (open-water; submerged vegetation; emergent vegetation; and/or canopy vegetation segments) that provides diverse foraging and spawning opportunities

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: 3

Approximately 1.02 acres onsite and > 50 acres offsite are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
Yes	1.02 (natural onsite system)		
Yes	> 50 (downstream wetlands contiguous to Julington Creek)		

Summarize overall biological, chemical and physical functions being performed: The onsite wetlands provide various services that benefit the downstream TNW. The staging of floodwaters within the wetland systems helps alleviate flooding in the area. Due to the direct hydrologic connection to Julington Creek and the proximity of the wetlands to the TNW, the onsite wetlands have a direct effect on the quality of the downstream waters. The onsite wetlands function as a natural filter of pollutants that may enter the system via the ditch on the east side of the project site or from any surface runoff onto the site. Greenland Park (a local city park) is contiguous to the west and northwest, which could contribute surface water runoff into the overall system; and, commercial development surrounds the upstream area (upstream of the ditch along the eastern boundary), which likely contributes runoff. Therefore, the overall system filters pollutants and improves the quality of water reaching Julington Creek. The wetlands also provide organic and other nutrients to downstream waters for various amphibians, ichthyoids, and reptiles.

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
- 4. Significant nexus findings for RPW and wetlands abutting an RPW.** All waters of the United States within the review area contribute to the chemical, physical, and biological nature of the downstream TNW by providing water storage, water filtration, biological productivity, biological corridor, and beneficial materials. These wetlands provide for water storage through detention and attenuation of stormwater (the wetlands receive and store water during and following precipitation events and water accumulated within the wetlands is gradually conveyed to downstream waters through surface and shallow sub-surface flow. The flow from these wetlands helps sustain base flow within downstream waters and contributes fresh water to Julington Creek and the St. Johns River. Associated with this process is the filtration of pollutants, such as landscaping chemicals and petroleum-based pollutants from roadways that could enter the systems from the adjacent roadway and commercial areas. Biological productivity within the wetlands supports the food-web within the tributary and downstream waters; and, the tributary provides a biological

corridor for the movement of aquatic insects, amphibians, reptiles, ichthyoids, and small mammals. Through the tributary, beneficial materials such as organic compounds, nutrients, and aquatic organisms are transported from the wetlands to downstream waters.

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:

- TNWs: linear feet width (ft), Or, acres.
 Wetlands adjacent to TNWs: acres.

2. RPWs that flow directly or indirectly into TNWs.

- Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: as noted above; and, flow indicators are present in all aerial photographs reviewed and was present during all onsite data collection
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: ~1.35 acres
 Other non-wetland waters: acres.
Identify type(s) of waters:

3. Non-RPWs⁸ that flow directly or indirectly into TNWs.

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters:

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: as previously noted; onsite and aerial photography inspections determined that the wetlands are directly abutting the tributary
 Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: ~1.02 acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

⁸See Footnote # 3.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from “waters of the U.S.,” or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: .
- Other factors. Explain: .

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
Identify type(s) of waters: .
- Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in “SWANCC,” the review area would have been regulated based solely on the “Migratory Bird Rule” (MBR).
- Waters do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

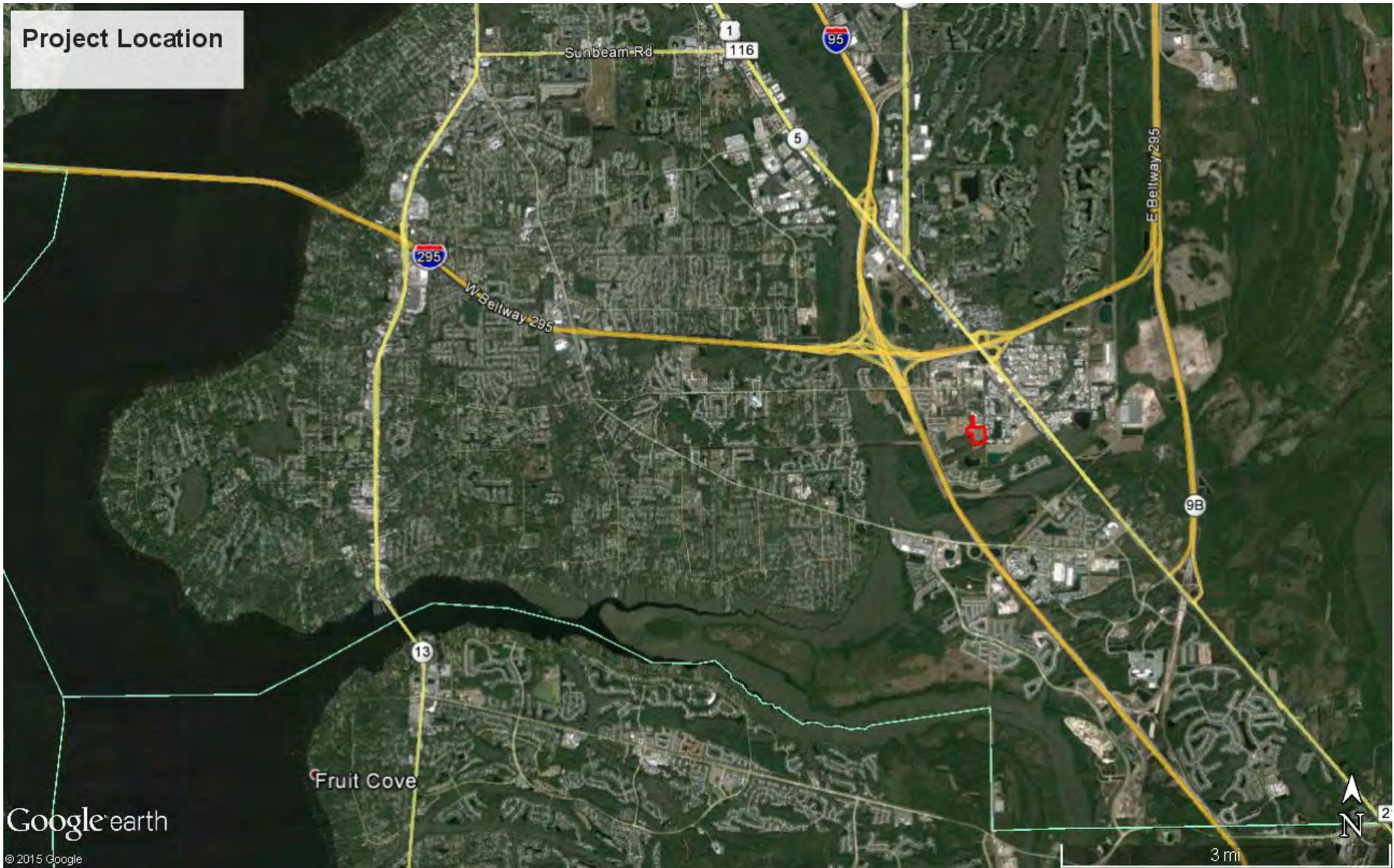
- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters’ study:

⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

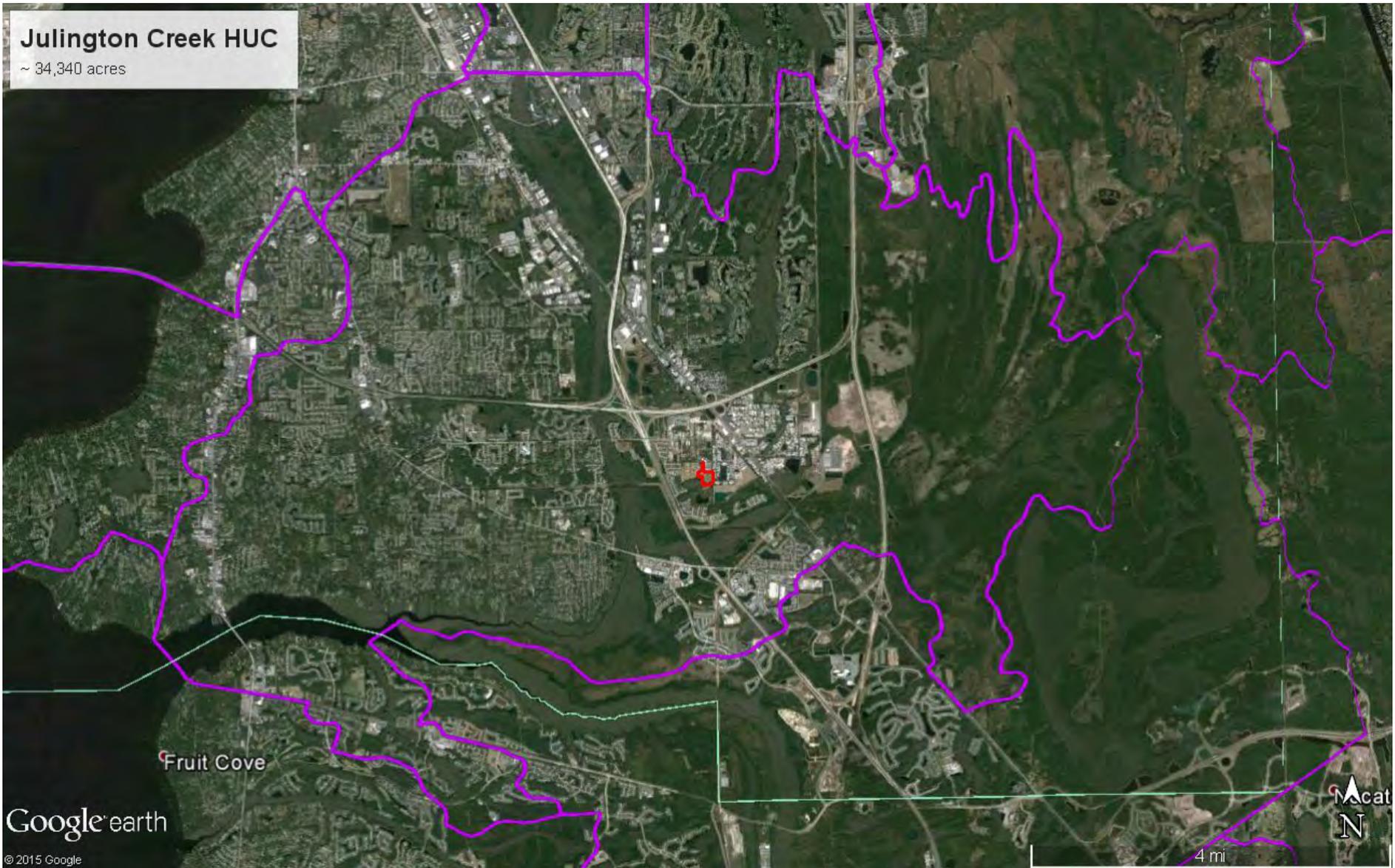
- U.S. Geological Survey Hydrologic Atlas
 - USGS NHD data
 - USGS 8 and 12 digit HUC maps
- U.S. Geological Survey map:1"=550"; Bayard.
- USDA Natural Resources Conservation Service Soil Survey
- National wetlands inventory map
- State/Local wetland inventory map
- FEMA/FIRM map
- 100-year Floodplain Elevation
- Photographs: Aerials – submitted by agent; 1994, 1999, 2004, 2010 infrared aerials; GoogleEarth® with various overlays
or Other (Name & Date): .
- Previous determination: **21 September 2009**
- Applicable/supporting case law
- Applicable/supporting scientific literature
- Other information (please specify)

B. ADDITIONAL COMMENTS TO SUPPORT JD:

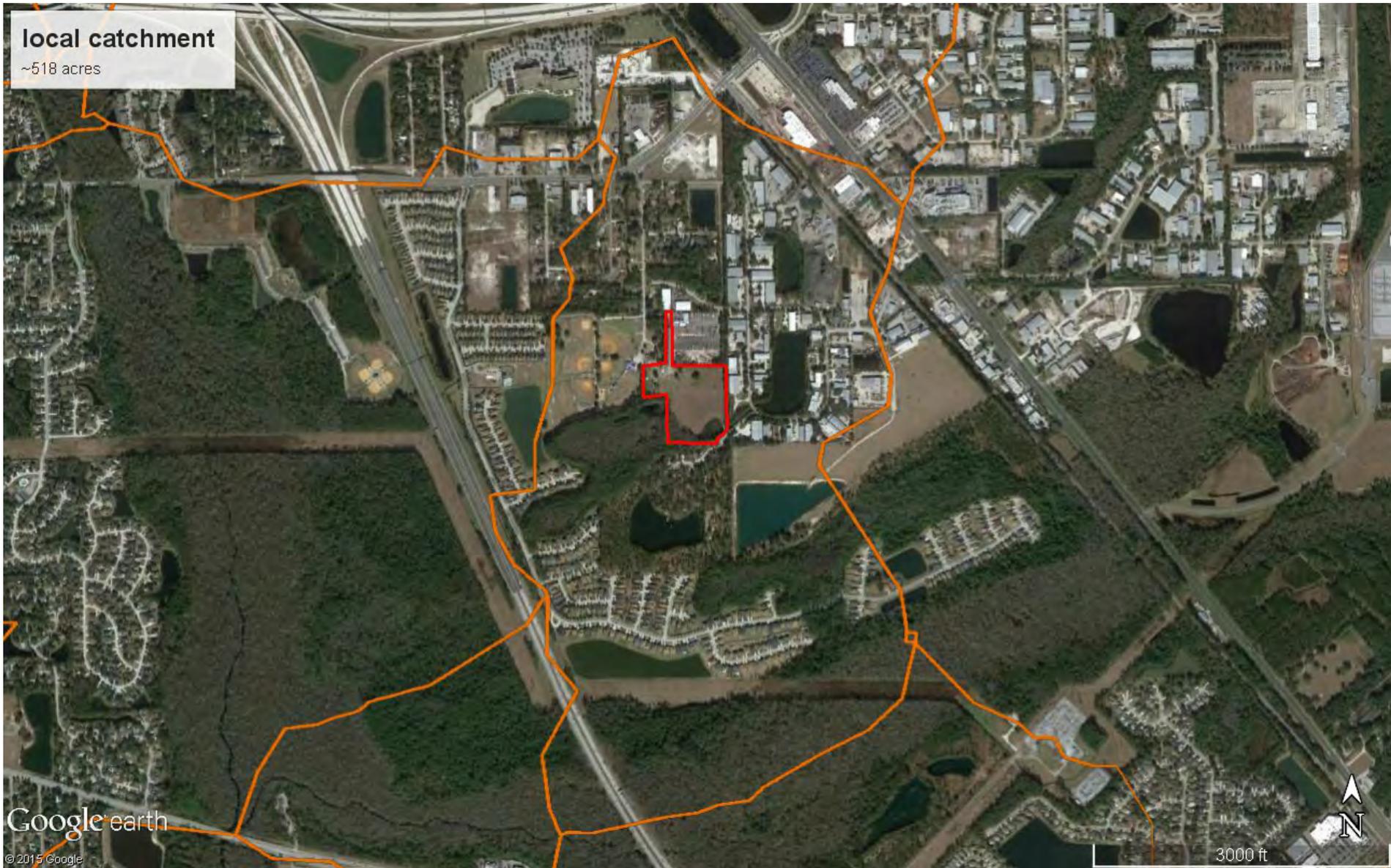


Project Location

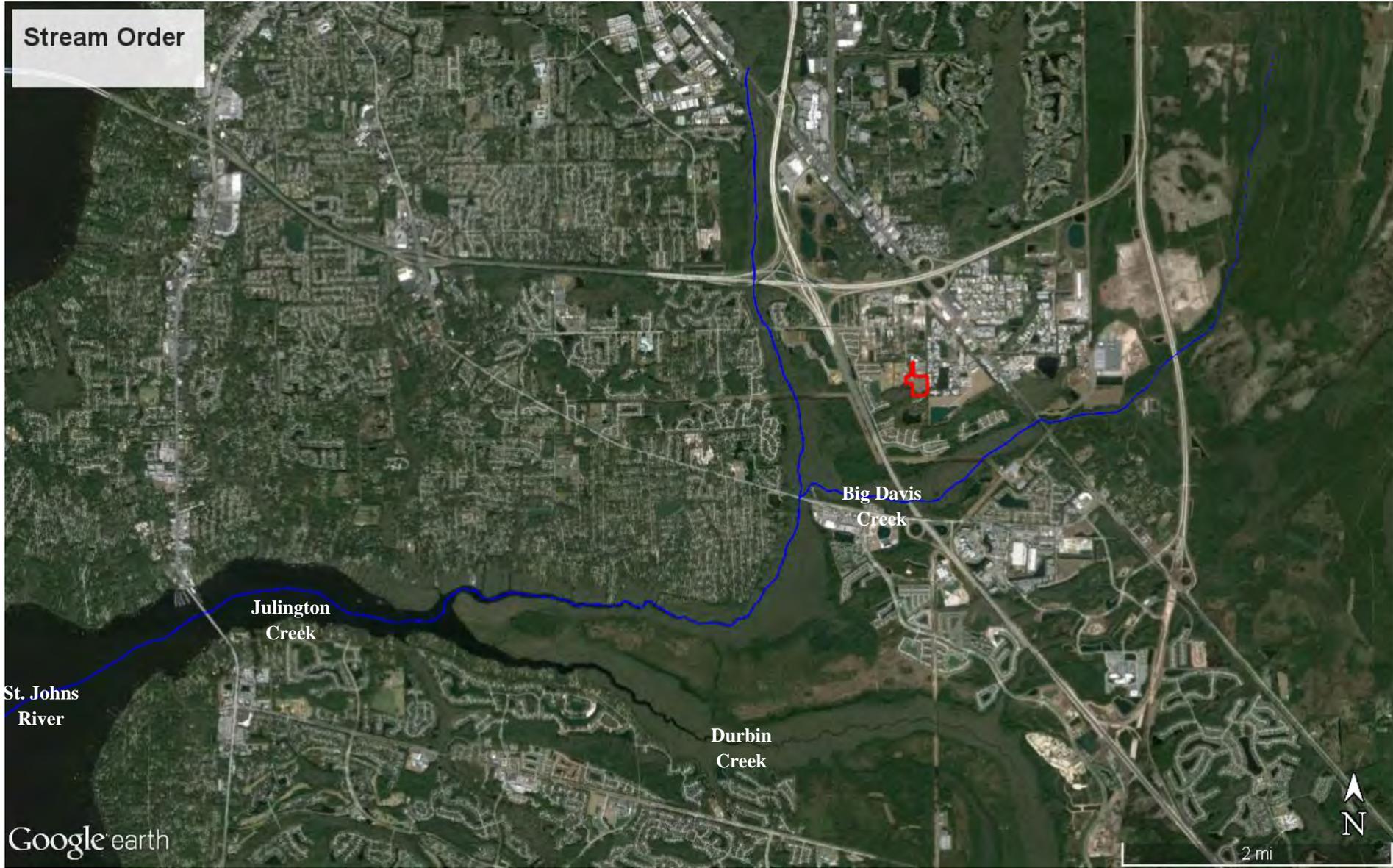
Project Site Location (Red Polygon)



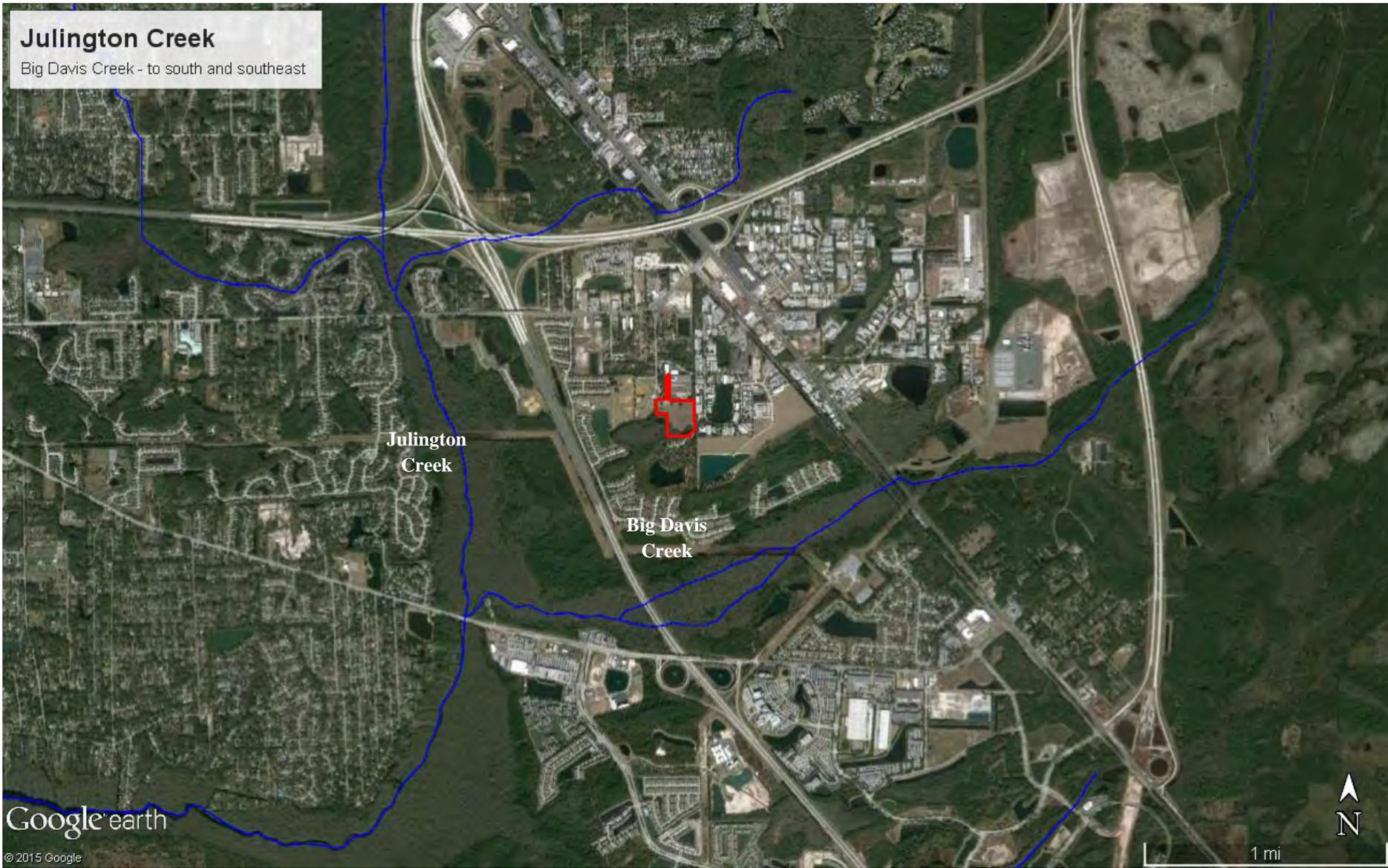
Project Location Within Julington Creek HUC



Project Location Within Local Catchment



Project Location (Proximity) to St. Johns River



Project Location (Proximity) to Julington Creek (TNW)



Infrared Aerial Imagery

