

**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): 27 August 2015**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:CESAJ-RD-SM; Kendall Ranches, c/o Carlos Espinosa; SAJ-2014-01640**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:** Southwest 88 Street and Southwest 177 Avenue

State:FL County/parish/borough: Miami-Dade City: Unincorporated

Center coordinates of site (lat/long in degree decimal format): Lat. 25.68463° **N**, Long. 80.474762° **W**.

Universal Transverse Mercator:

Name of nearest waterbody: drainage ditch/canal serving agricultural fields.

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Unnamed canal that empties into Black Creek Canal

Name of watershed or Hydrologic Unit Code (HUC): 03090202 FL66

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 (CHECK ALL THAT APPLY):**

Office (Desk) Determination. Date: 29 July 2015

Field Determination. Date(s): 01 August 2014

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

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. [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.  
Explain: Fishing in the canals in South Florida draws in fishermen from across the country. "Black Creek Canal (C-1) is located in Cutler Ridge (southeastern Miami-Dade County), and it has two main branches (C-1N and C-1W). The main canal flows southeasterly from three flood control structures (S-148, S-149, and S-122) to the salinity control structure at SW 87th Avenue. The S-122 structure at Franjo Road separates Black Creek from the Cutler Drain Canal (C-100B) Fishing for butterfly peacock is usually best from March through May, but they are caught consistently throughout the year. This fish feeds only during daylight and normally close to shore, although schooling peacocks sometimes feed aggressively in open water. Butterfly peacock are more likely to be caught using live fish such as small golden shiners for bait than are largemouth bass, which make them an excellent fish for younger anglers, as well as those just learning to bass fish. The number and quality of panfish over six inches in Black Creek is about average for area canals. Live worms and crickets are the choice baits for many panfish species, although fresh bread or bread dough works well, is readily available, and it costs less. Shoreline anglers have plenty of access at the boat ramp, along SW 87th Avenue, and where Dixie Hwy crosses the C-1N. For those who enjoy fishing with artificial lures, just about any fast moving minnow imitating plug or fly can be used to entice a peacock. Note: Plastic worms work well for largemouth bass, but they rarely catch butterfly peacock. Black Creek Canal anglers may also encounter snook moving inland from Biscayne Bay." ([http://www.anglerweb.com/fishing\\_spots/black-creek-canals](http://www.anglerweb.com/fishing_spots/black-creek-canals)) References to fishing and instructions on how to access the canal were found at [http://myfwc.com/media/1521460/Freshwater\\_C1\\_BlackCreek\\_Canal.pdf](http://myfwc.com/media/1521460/Freshwater_C1_BlackCreek_Canal.pdf).

**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):<sup>1</sup>**

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters<sup>2</sup> (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

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

<sup>2</sup> 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).

- 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:**

Non-wetland waters:        linear feet: width (ft) and/or        acres.  
Wetlands: ~15 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):<sup>3</sup>**

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

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<sup>3</sup> 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**

Identify TNW: **Unnamed canal that empties into Black Creek Canal.**

Summarize rationale supporting determination: Black Creek canal is presently, and has historically, been used for private and commercial vessel traffic. "Black Creek Canal (C-1) is located in Cutler Ridge (southeastern Miami-Dade County), and it has two main branches (C-1N and C-1W). The main canal flows southeasterly from three flood control structures (S-148, S-149, and S-122) to the salinity control structure at SW 87th Avenue. The S-122 structure at Franjo Road separates Black Creek from the Cutler Drain Canal (C-100B) Fishing for butterfly peacock is usually best from March through May, but they are caught consistently throughout the year. This fish feeds only during daylight and normally close to shore, although schooling peacocks sometimes feed aggressively in open water. Butterfly peacock are more likely to be caught using live fish such as small golden shiners for bait than are largemouth bass, which make them an excellent fish for younger anglers, as well as those just learning to bass fish. The number and quality of panfish over six inches in Black Creek is about average for area canals. Live worms and crickets are the choice baits for many panfish species, although fresh bread or bread dough works well, is readily available, and it costs less. Shoreline anglers have plenty of access at the boat ramp, along SW 87th Avenue, and where Dixie Hwy crosses the C-1N. For those who enjoy fishing with artificial lures, just about any fast moving minnow imitating plug or fly can be used to entice a peacock. Note: Plastic worms work well for largemouth bass, but they rarely catch butterfly peacock. Black Creek Canal anglers may also encounter snook moving inland from Biscayne Bay." ([http://www.anglerweb.com/fishing\\_spots/black-creek-canals](http://www.anglerweb.com/fishing_spots/black-creek-canals)) Also referenced on [http://myfwc.com/media/1521460/Freshwater\\_C1\\_BlackCreek\\_Canal.pdf](http://myfwc.com/media/1521460/Freshwater_C1_BlackCreek_Canal.pdf).

##### **2. Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is "adjacent": .

#### **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 waterbody<sup>4</sup> 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: ~28482 acres

Drainage area: ~28482 acres

Average annual rainfall: 57 inches

Average annual snowfall: 0 inches

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<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

(ii) **Physical Characteristics:**

(a) Relationship with TNW:

- Tributary flows directly into TNW.  
 Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **20-25** river miles from TNW.  
Project waters are **1 (or less)** river miles from RPW.  
Project waters are **20-25** aerial (straight) miles from TNW.  
Project waters are **1 (or less)** aerial (straight) miles from RPW.  
Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW<sup>5</sup>: The ditch connects directly to a series of manmade canals which ultimately flows into Biscayne Bay.

Tributary stream order, if known: .

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

**Tributary is:**  Natural  
 Artificial (man-made). Explain: Part of the drainage system of canals created in South Florida.  
 Manipulated (man-altered). Explain: .

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

Average width: 5-10 feet  
Average depth:        feet  
Average side slopes: **Vertical (1:1 or less).**

Primary tributary substrate composition (check all that apply):

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Silts                                | <input 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 checked="" type="checkbox"/> Vegetation. Type/% cover: Torpedo grass 25% |  |
| <input checked="" type="checkbox"/> Other. Explain: limerock. |   |  |

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Stable.

Presence of run/riffle/pool complexes. Explain: .

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): 0-10 %

(c) Flow:

Tributary provides for: **Seasonal flow**

Estimate average number of flow events in review area/year: **20 (or greater)**

Describe flow regime: Permanent.

Other information on duration and volume: Flow is year-round.

Surface flow is: **Overland sheetflow**. Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

- Dye (or other) test performed: .

Tributary has (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Bed and banks   |   |
| <input checked="" type="checkbox"/> OHWM <sup>6</sup> (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 type="checkbox"/> sediment deposition   | <input type="checkbox"/> multiple observed or predicted flow events   |
| <input type="checkbox"/> water staining  | <input type="checkbox"/> abrupt change in plant community             |
| <input type="checkbox"/> other (list):   |   |
| <input type="checkbox"/> Discontinuous OHWM. <sup>7</sup> Explain: .                     |   |

<sup>5</sup> 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.

<sup>6</sup>A 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.

<sup>7</sup>Ibid.

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 is clear and becomes blue the closer the proximity to Biscayne Bay.

Identify specific pollutants, if known: When the agricultural fields are drained, any fertilizer/organo-phosphate is washed into the canal system and ultimately Biscayne Bay..

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

- Riparian corridor. Characteristics (type, average width):  
 Wetland fringe. Characteristics:  
 Habitat for:

Federally Listed species. Explain findings: When the salinity control structures are open, the manatee is able to gain access to the interior canals. Wood Storks have been documented foraging on the littoral shelf as well.

- Fish/spawn areas. Explain findings:  
 Other environmentally-sensitive species. Explain findings:  
 Aquatic/wildlife diversity. Explain findings:

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: 15 acres

Wetland type. Explain: Forested with a herbaceous understory.

Wetland quality. Explain: The site has been impacted by surrounding agricultural activities and an illegal clearing more than 5 years ago. The site was restored but fringe impacts still remain.

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: **Perennial flow**. Explain: The waterway has continuous flow. Water levels are managed by the State of Florida.

Surface flow is: **Overland sheetflow**

Characteristics: During major rainstorm events, water accumulates on site. Typical farming practices include lowering canal water levels during the winter months so crops can be planted and during major storm events.

Subsurface flow: **Pick List**. Explain findings:

- Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- Directly abutting  
 Not directly abutting

Discrete wetland hydrologic connection. Explain: The canal system is actively managed by the South Florida Water Management District to drain the fields at the end of the rainy season to allow for the farmers to plant their fields and produce their crops.

- Ecological connection. Explain:  
 Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **20-25** river miles from TNW.

Project waters are **20-25** aerial (straight) miles from TNW.

Flow is from: **Wetland to navigable waters**.

Estimate approximate location of wetland as within the **2 - 5-year** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: Water color is clear but obscured by vegetation and tannins.

Identify specific pollutants, if known: When the agricultural fields are drained which surround the tree island, any fertilizer/organo-phosphate is washed into the canal system and ultimately Biscayne Bay..

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

- Riparian buffer. Characteristics (type, average width):  
 Vegetation type/percent cover. Explain:  
 Habitat for:

Federally Listed species. Explain findings: Additionally, wood storks are known to forage in the row and furrow portions of the active farmed areas.

- Fish/spawn areas. Explain findings:  
 Other environmentally-sensitive species. Explain findings:  
 Aquatic/wildlife diversity. Explain findings:

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

All wetland(s) being considered in the cumulative analysis: **1**

Approximately ( 15 ) acres in total 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>
No	15		

Summarize overall biological, chemical and physical functions being performed: The ditch and canal serve as the drainage feature for the agricultural activities that are ongoing within the entire parcel. There are no other similarly situated forested wetlands within this review area .

### 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: The forested wetland is surrounded by agricultural activities. The drainage ditch is west of the tree island and it flows directly into the canal system. The canal system is actively managed by the South Florida Water Management District to drain the fields at the end of the rainy season to allow for the farmers to plant their fields and produce their crops. This drawdown increases the chemical/nutrient contents in the canal system and increases the nutrient discharge into Biscayne Bay (USGS Circular 1275). During major storm events, the canal system is lowered to reduce the higher water levels and prevent flooding in the South Florida area .

### 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: Using the DBHydro database, continual data loggers provide water levels in the SFWMD canal system and they have never dropped to 0, indicating no flow. These canals flow directly into Black Creek Canal which empties into the Atlantic Ocean .
- 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: **132000** linear feet **variable** width (ft).

Other non-wetland waters:            acres.

Identify type(s) of waters: .

**3. Non-RPWs<sup>8</sup> 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: .
  - 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:            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: **15** 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.

**7. Impoundments of jurisdictional waters.<sup>9</sup>**

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):<sup>10</sup>**

<sup>8</sup>See Footnote # 3.

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

- 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: August 1, 2014.
- Corps navigable waters' study: .
- U.S. Geological Survey Hydrologic Atlas: website.
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: .
- USDA Natural Resources Conservation Service Soil Survey. Citation: Attached report generated from their website.
- National wetlands inventory map(s). Cite name: .
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): NHD aerial prepared on 20 February 2015, showing waterway overlay. .

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<sup>10</sup> 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.

- or  Other (Name & Date):Site visit photos taken by the Corps on 1 August 2014. .
- Previous determination(s). File no. and date of response letter: .
  - Applicable/supporting case law: .
  - Applicable/supporting scientific literature: .
  - Other information (please specify):USGS Circular 1275.  
Impact of Anthropogenic Development on Coastal Ground-water Hydrology in Southeaster Florida 1900-2000

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** There are no other similarly situated forested wetlands within this review area .