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): 7 December 2015

B. DISTRICT OFFICE, FILE NAME, AND NUMBER:2014-02167 (NPR-AAZ) Driftwood Cay

C. PROJECT LOCATION AND BACKGROUND INFORMATION: The project site is a 21.13-acre undeveloped parcel. It is located 1.9 mile from the intersection of U.S. Highway 1 and Cove Road in Stuart, Section 34, Township 38 South, Range 41 East, Martin County, Florida.

State:FL County/parish/borough: Martin City: Stuart
Center coordinates of site (lat/long in degree decimal format): Lat. 27.1213° **N**, Long. 80.2358° **W**.
Universal Transverse Mercator: NAD 83
Name of nearest waterbody: South Fork of the St. Lucie River
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: SouthFork of the St.Lucie River
Name of watershed or Hydrologic Unit Code (HUC): HUC 10 St. Lucie River
☒ 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:
☒ Field Determination. Date(s): 18 November 2015

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.
Explain: .

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 waters[2] (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:**
      Non-wetland waters: linear feet: width (ft) and/or acres.
      Wetlands: *0.56* acres.

   c. **Limits (boundaries) of jurisdiction** based on: **1987 Delineation Manual**
      Elevation of established OHWM (if known):unknown.

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: **Of the two wetlands on the project site, Wetland #1, which is located adjacent to the roadway, is isolated. This wetland consists of 2.58 acres and surrounded by native upland pine flatwoods and a road. Dominant vegetation in the uplands consists of saw palmetto (Serenoa repens), slash pine (Pinus elliotii), and wax myrtle (Myrica cerifera).**

[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.

Surface water is impounded in Wetland 1 due to the road and the surrounding uplands. Between the two wetlands are the upland pine flatwoods, which are at a higher elevation than the wetlands.

Wetland 1 is located 915 feet north of Wetland 2. South of Wetland 2 is an offsite ditch that discharges directly into the South Fork of the St. Lucie River. Water within Wetland 1 does not discharge to Wetland 2 or the offsite adjacent ditch. The surface elevation between the wetlands are higher than the two wetlands and consist of uplands.

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: .

Summarize rationale supporting determination: .

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[4] 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: 8000 **acres**
Drainage area: **Pick List**
Average annual rainfall: inches
Average annual snowfall: inches

(ii) Physical Characteristics:
(a) Relationship with TNW:
☒ Tributary flows directly into TNW.
☐ Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **1-2** river miles from TNW.
Project waters are **1 (or less)** river miles from RPW.
Project waters are **Pick List** aerial (straight) miles from TNW.
Project waters are **Pick List** aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: .

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

Identify flow route to TNW[5]: Wetland 2 extends offsite. The offsite portion of wetland 2 is connected to a ditch to the south, which drains water fromWetalnd 2 and discharges directly into the South Fork of the St. Lucie River (a TNW) 1.15 miles to the southwest..
Tributary stream order, if known: 1st.

(b) General Tributary Characteristics (check all that apply):
Tributary is: ☐ Natural
☐ Artificial (man-made). Explain: .
☒ Manipulated (man-altered). Explain: The ditch draining the wetland was excavated to drain the water from the site. The series of ditches discharging to the South Fork of the St. Lucie River also are man-made, but follow the natural water flow paths from the wetland sloughs.

Tributary properties with respect to top of bank (estimate):
Average width: 10 feet
Average depth: 2 feet
Average side slopes: **3:1 .**

Primary tributary substrate composition (check all that apply):

☒ Silts	☒ Sands	☐ Concrete
☐ Cobbles	☐ Gravel	☒ Muck
☐ Bedrock	☐ Vegetation. Type/% cover:	
☐ Other. Explain: .		

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: The tributaries are stable. The flow lines are very ddistinctive as seen in GoogleEarth since 1995.
Presence of run/riffle/pool complexes. Explain: .
Tributary geometry: **Meandering**
Tributary gradient (approximate average slope): %

(c) Flow:
Tributary provides for: **Seasonal flow**
Estimate average number of flow events in review area/year: **20 (or greater)**
Describe flow regime: Flow is perennial.
Other information on duration and volume: The wetlands are deep water sloughs so they have water in them year round. Since the ditches drain the sloughs, they also have water in them year round. This is also evident in google earth.

Surface flow is: **Discrete and confined**. Characteristics: .

Subsurface flow: **Unknown**. Explain findings: .
☐ Dye (or other) test performed: .

Tributary has (check all that apply):
☒ Bed and banks
☒ OHWM[6] (check all indicators that apply):

☒ clear, natural line impressed on the bank	☐ the presence of litter and debris
☒ changes in the character of soil	☐ destruction of terrestrial vegetation
☒ shelving	☐ the presence of wrack line
☐ vegetation matted down, bent, or absent	☐ sediment sorting
☐ leaf litter disturbed or washed away	☒ scour
☐ sediment deposition	☐ multiple observed or predicted flow events
☐ water staining	☐ abrupt change in plant community
☐ other (list):	

☐ Discontinuous OHWM.[7] Explain: .

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

☐ High Tide Line indicated by:	☐ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects	☐ survey to available datum;
☐ fine shell or debris deposits (foreshore)	☐ physical markings;
☐ physical markings/characteristics	☐ vegetation lines/changes in vegetation types.
☐ tidal gauges	

[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.
[6]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.
[7]Ibid.

☐ other (list):

(iii) Chemical Characteristics:

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

Explain: Low nutrient and pollutant concentrations are essential to maintain the good water quality within the TNW. Due to the surface water input to the TNW from the wetland sloughs, the wetlands provide essential pollutant trapping/filtration and improve surface water quality via nutrient storage.

Identify specific pollutants, if known: Unknown.

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

☒ Riparian corridor. Characteristics (type, average width): The tributary travels approximately 4 miles though several wetlands before discharging into the South Fork of the St. Lucie River..

☐ Wetland fringe. Characteristics: .

☒ Habitat for:

☒ Federally Listed species. Explain findings: The wetlands and tributary are used by the endangered wood stork.

☒ Fish/spawn areas. Explain findings: Since the wetlnads contain water year round, several fish and amphibian species are present.

☐ 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:0.56 acres

Wetland type. Explain:freshwater wet prairie.

Wetland quality. Explain:higher quality as there are very little exotic plant species and the wetland maintains hydrology for most of the year.

Project wetlands cross or serve as state boundaries. Explain: N/A.

(b) General Flow Relationship with Non-TNW:

Flow is: **Intermittent flow**. Explain: The wetland is a wet prairie, so it contains water for the year except during the dry season.

Surface flow is**: Discrete and confined**

Characteristics: Water within the wetland is drained by a ditch to the south of the offsite wetland. Additionally, water from a deep-water wetland slough east of the project site flows west and enters into the southern part of the wetland. Water from both wetland areas flow south into a ditch/tributary, which contributes to a series of flow paths that discharge into the South Fork of the St. Lucie River.

Subsurface flow: **Unknown**. Explain findings: .

☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

☒ Directly abutting

☐ Not directly abutting

☐ Discrete wetland hydrologic connection. Explain: .

☐ Ecological connection. Explain: .

☐ Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **2-5** 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 **5 - 10-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: During the site visit in November 2015, there was standing water in the wetland. The water was clear and contained forage fish.

Identify specific pollutants, if known: Unknown.

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

☐ Riparian buffer. Characteristics (type, average width): .

☒ Vegetation type/percent cover. Explain:Herbaceous wet prairie vegetation.

☐ Habitat for:

☒ Federally Listed species. Explain findings:Wood storks use the wet prairies for foraging habitat.

☒ Fish/spawn areas. Explain findings:Forage fish were seen in the waters.

☐ 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: **30 (or more)**

Approximately ( ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)
Palustrian emergent wetland	9.1 acres		
Palustrian emergent wetland	1.2 acres		
Palustrian emergent wetland	7.7 acres		
Palustrian emergent wetland	8.19 acres		
Palustrian emergent wetland	22.2 acres		
Palustrian emergent wetland	8.35 acres		
Palustrian emergent wetland	15.3 acres		
Palustrian emergent wetland	16.2 acres		
Palustrian emergent wetland	3.51 acres		
Palustrian emergent wetland	2.28 acres		
Palustrian emergent wetland	0.78 acres		
Palustrian emergent wetland	13.8 acres		
Palustrian emergent wetland	20.0 acres		
Palustrian emergent wetland	3.62 acres		
Palustrian emergent wetland	12.4 acres		
Palustrian emergent wetland	7.97 acres		
Palustrian emergent wetland	0.89 acres		
Palustrian emergent wetland	2.93 acres		
Palustrian emergent wetland	7.98 acres		
Palustrian emergent wetland	15.3 acres		
Palustrian emergent wetland	9.25 acres		
Palustrian emergent wetland	0.73 acres		
Palustrian emergent wetland	3.97 acres		
Palustrian emergent wetland	12.4 acres		
Palustrian emergent wetland	2.41 acres		
Palustrian emergent wetland	2.64 acres		
Palustrian emergent wetland	10.91 acres		
Palustrian emergent wetland	2.47 acres		
Palustrian emergent wetland	2.1 acres		
Palustrian emergent wetland	1.53 acres		
Palustrian emergent wetland	1.5 acres		
Palustrian emergent wetland	1.5 acres		
Palustrian emergent wetland	1.5 acres		
Palustrian emergent wetland	5.62 acres		
Palustrian emergent wetland	1.79 acres		
Palustrian emergent wetland	0.28 acres		
Palustrian emergent wetland	1.25 acres		
Palustrian emergent wetland	5.43 acres		
Palustrian emergent wetland	4.0 acres		
Palustrian emergent wetland	1.14 acres		
Palustrian emergent wetland	0.5 acres		
Palustrian emergent wetland	0.82 acres		
Palustrian emergent wetland	1.19 acres		
Palustrian emergent wetland	1.19 acres		
Palustrian emergent wetland	3.55 acres		
Palustrian emergent wetland	3.82 acres		
Palustrian emergent wetland	11.1 acres		
Palustrian emergent wetland	1.14 acres		
Palustrian emergent wetland	2.16 acres		
Palustrian emergent wetland	2.22 acres		
Palustrian emergent wetland	34.5 acres		
Palustrian emergent wetland	1.5 acres		
Palustrian emergent wetland	1.83 acres		
Palustrian emergent wetland	2.22 acres		
Palustrian emergent wetland	4.72 acres		
Palustrian emergent wetland	22.7 acres		
Palustrian emergent wetland	1.44 acres		
Palustrian emergent wetland	1.53 acres		
Palustrian emergent wetland	8.62 acres		
Palustrian emergent wetland	1.94 acres		
Palustrian emergent wetland	8.68 acres		
Palustrian emergent wetland	3.0 acres		
Palustrian emergent wetland	1.0 acres		

Palustrian emergent wetland 8.68 acres
Palustrian emergent wetland 46.5 acres

None of the wetlands directly abut the TNW

Summarize overall biological, chemical and physical functions being performed: The plant community provides the food and habitat structure needed to maintain the characteristics of the animal community. In time, the plant and animal communities serve as a source of detritus that is the source of energy and materials needed to maintain the community of decomposers. The decomposers break down the organic materials into simplier elements and compounds that can re-enter the nutrient cycle. The cycle depends on a balance between the soil, vascular and non-vascular plants, animals, fungi, bacteria, leaf litter, and woody debris.

The ability to maintain a characteristic plant community is important because many plant species can only occur in a particular plant community and their maintenance and abundance are linked. The presence of a characteristic plant community is also critical in maintaining various biotic and abiotic processes occurring in wetlands. For example, plant communities are the souirce of primary productivity, produce carbon and nutrients that may be exported to the other ecosystems, and provide habitats and refuge necessary for various animal species. Wetlands provide characteristic wildlife habitat, capacity to provide critical life requisites to selected components of the invertibrate and vertibrate wildlife community. Wetlands provide habitat for numerous species of amphibians, reptiles, fish, birds, and mammals and play key roles in ecosystem structure and stability. Many of these require both wetland and adjacent upland habitats and the organisms themselves serve as a conduit for energy exchange between the different habitat systems. Wetlands are important to the maintenance of local populations of many species as shelter, breeding or foraging areas or as sources of drinking water.

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: Water from Wetland 2 extends offsite of the property and discharges directly into a ditch at the southwest corner of the parcel. The ditch conveys water runoff through the Atlantic Ridge Perserve State Park and through wetlands to the south, and

eventually enter into the South Fork of the St. Lucie River. The offsite wetlands consist of a mosiac of deep-water wetland sloughs with meandering tributaires connecting the wetlands hydrologically. The connections are clearly seen on aerial maps with National Hydrography Dataset (NHD) flow lines delineated. The onsite wetland functions to reduce stormwater flows off the project site since surface water stages up during storm events and overtops the wetland boundaries, where the uplands would be partially flooded for short periods of time. Therefore, the wetland in additon to the offsite wetland sloughs cumulatively function to store floodwaters, improve water quality, and provide fish and wildlife habitat in the downstream TNW. The cumulative function of the offsite wetlands also allow for ground water recharge, which contributes to base flow attenuation to surface water systems.

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

3. Non-RPWs[8] 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 jurisidictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: **0.56** acres.

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

[8]See Footnote # 3.

☐ 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.[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: 2.58acres.

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.

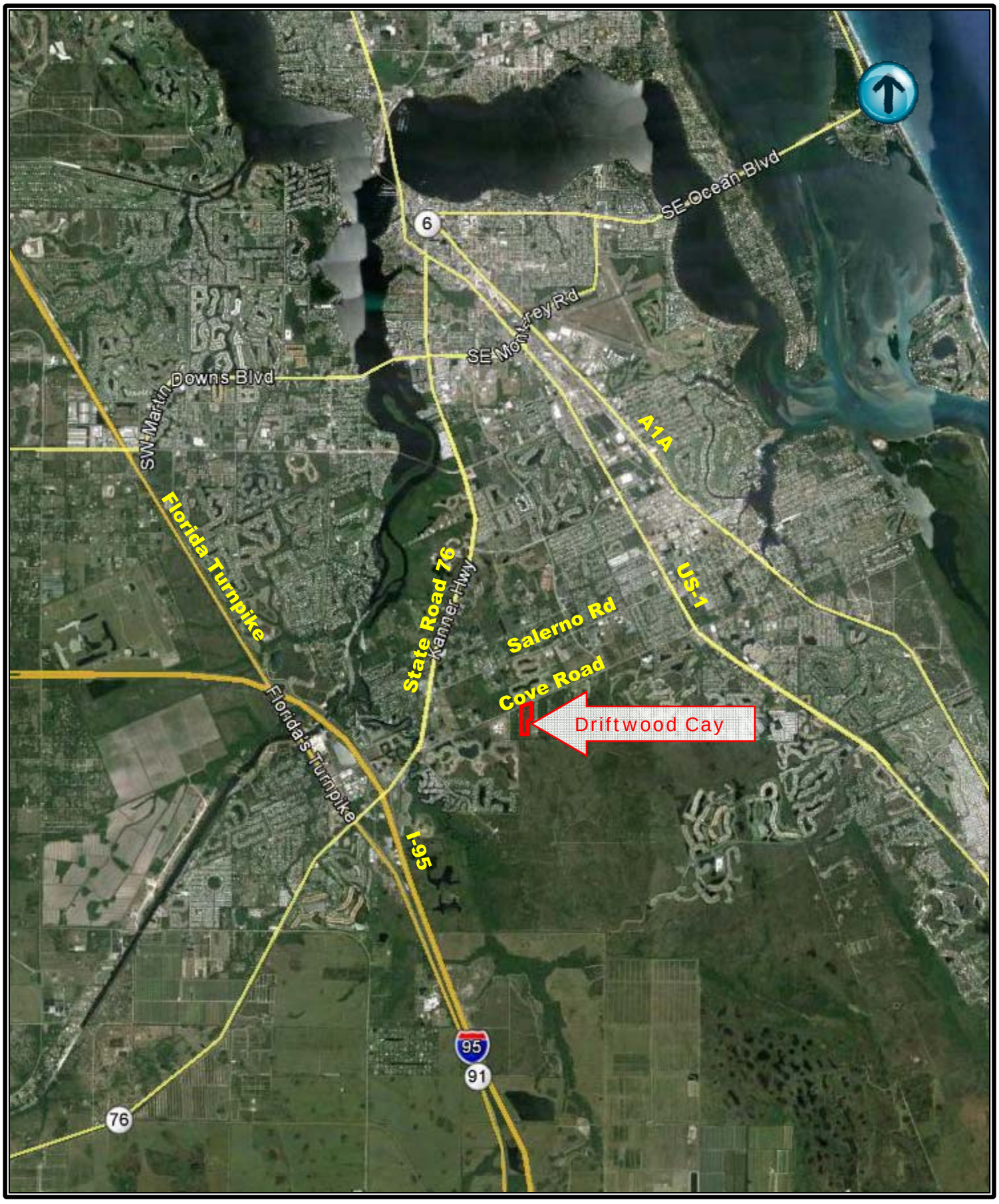
[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

[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.*

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:Saskowsky and Associates, Inc.
- ☒ 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: .
- ☒ U.S. Geological Survey Hydrologic Atlas: .
  - ☐ 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:The wetlands contain hydric soils (Waveland and Lawnwood sands, Depressional) while the uplands contain non-hydric soils (Waveland and Immokalee Fine Sands).
- ☒ National wetlands inventory map(s). Cite name:Google Earth indicates two wetlands on site.
- ☐ State/Local wetland inventory map(s): .
- ☐ FEMA/FIRM maps: .
- ☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date):Google Earth Street view January 2014.
  or ☐ Other (Name & Date): .
- ☐ Previous determination(s). File no. and date of response letter: .
- ☐ Applicable/supporting case law: .
- ☐ Applicable/supporting scientific literature: .
- ☒ Other information (please specify):A site visit confirmed the boundaries of the two wetlands and the uplands.

B. ADDITIONAL COMMENTS TO SUPPORT JD: The applicant is not impacting either wetland as the development avoilds all wetland impacts.



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Civil Engineering Professionals

EXHIBIT 1 – LOCATION MAP
1514.4 – Driftwood Cay Drainage Report

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EXHIBIT 4 – SCS SOIL SURVEY
1514.4 – Driftwood Cay Drainage Report

MATCHLINE "A" - SEE SHEET 3

GRAPHIC SCALE

40 0 40 80

(IN FEET)

Intended display scale:
1 inch = 40 feet

LEGEND

(XXXXX)	= COMPUTER POINT NUMBER
X 12.3	= EXISTING SPOT ELEVATION
ELEV	= ELEVATION
INV	= INVERT ELEVATION
R.C.P.	= REINFORCED CONCRETE PIPE
−A−	= AERIAL UTILITY LINES
−X−	= BARBED WIRE FENCE
⊡	= CONCRETE UTILITY POLE
⌂	= MAIL BOX
⟋	= UTILITY POLE ANCHOR
⊠	= WOOD LIGHT POST
Ø	= WOOD UTILITY POLE

MATCHLINE "B" - SEE SHEET 5

No.	Revisions	Date	By
1	ADDED SEASONAL HIGH WATER MARKS WITHIN WETLANDS	9/15/14	JAS

GCY
INCORPORATED
PROFESSIONAL SURVEYORS AND MAPPERS
CERTIFICATE OF AUTHORIZATION LB 4108
CORPORATE OFFICE
PO BOX 1469 ● 1505 SW MARTIN HWY.
PALM CITY, FL 34991
(800) 388-1088 ● WWW.GCYINC.COM

BOUNDARY & TOPOGRAPHIC SURVEY FOR:

Medalist Building Group

MARTIN COUNTY, FLORIDA

Scale:	Date:	File & Drawing No:
1"=40'	AUG. 2014	14-1012-03
Drawn By:	Checked By:	Sheet
J.A.S.	P.A.	4 of 5

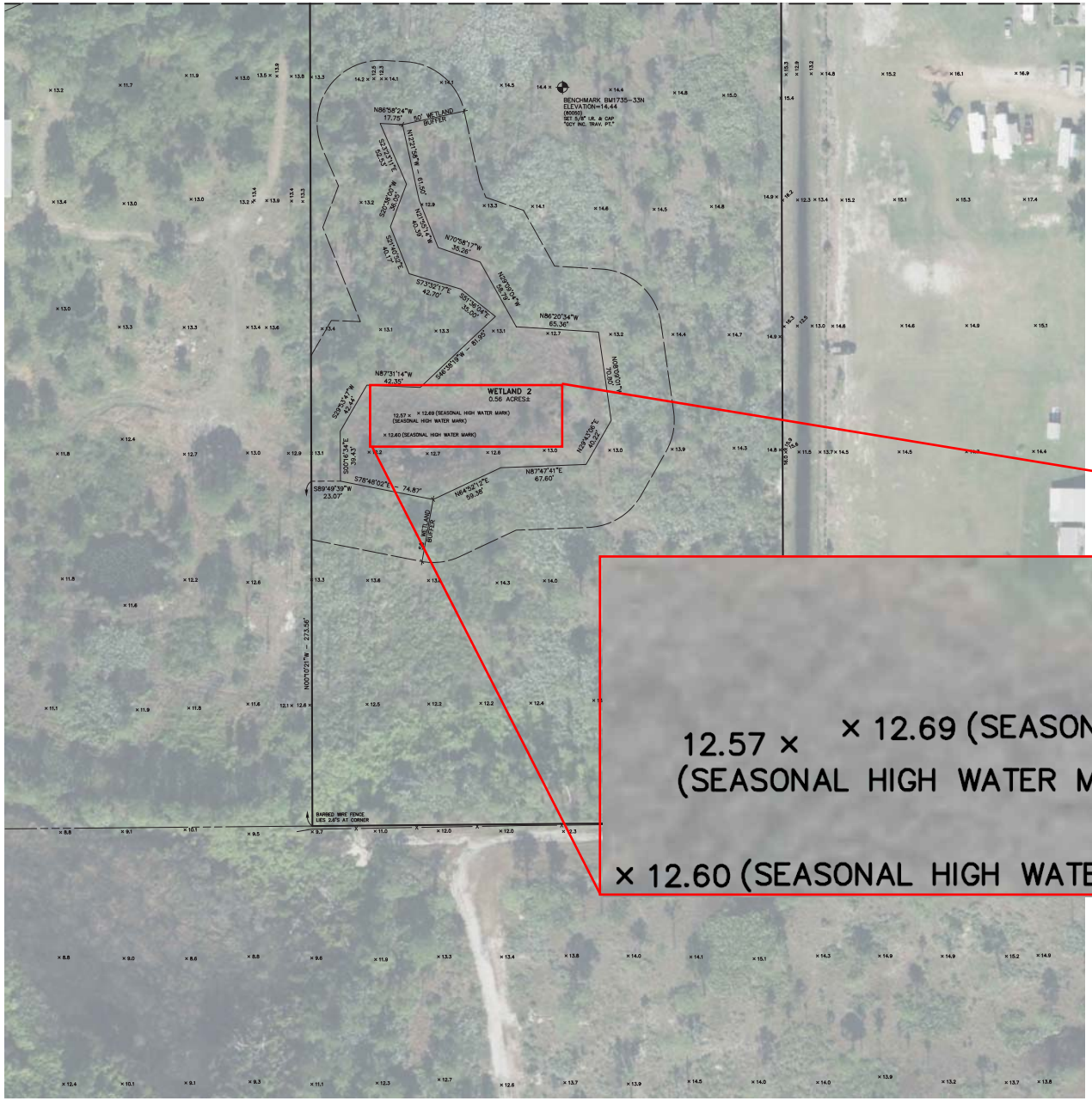
Drawing Name: MEDALIST COVE ROAD_BND-TOPO

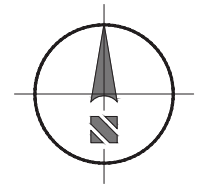
Page(s): 31-40, 02-12

Field Book(s): 1735, 1739

EXHIBIT 7

MATCHLINE "B" - SEE SHEET 4





LEGEND

(XXXXX)	= COMPUTER POINT NUMBER
X 12.3	= EXISTING SPOT ELEVATION
ELEV	= ELEVATION
INV	= INVERT ELEVATION
R.C.P.	= REINFORCED CONCRETE PIPE
-A-	= AERIAL UTILITY LINES
-X-	= BARBED WIRE FENCE
	= CONCRETE UTILITY POLE
	= MAIL BOX
	= UTILITY POLE ANCHOR
	= WOOD LIGHT POST
	= WOOD UTILITY POLE

WETLAND 2

0.56 ACRES±

12.57 x x 12.69 (SEASONAL HIGH WATER MARK)
(SEASONAL HIGH WATER MARK)

x 12.60 (SEASONAL HIGH WATER MARK)

Drawing Name: MEDALIST COVE ROAD_BND-TOPO
Page(s): 31-40, 02-12
Field Book(s): 1735, 1739

No.	Revisions	Date	By
1	ADDED SEASONAL HIGH WATER MARKS WITHIN WETLANDS	9/15/14	JAS

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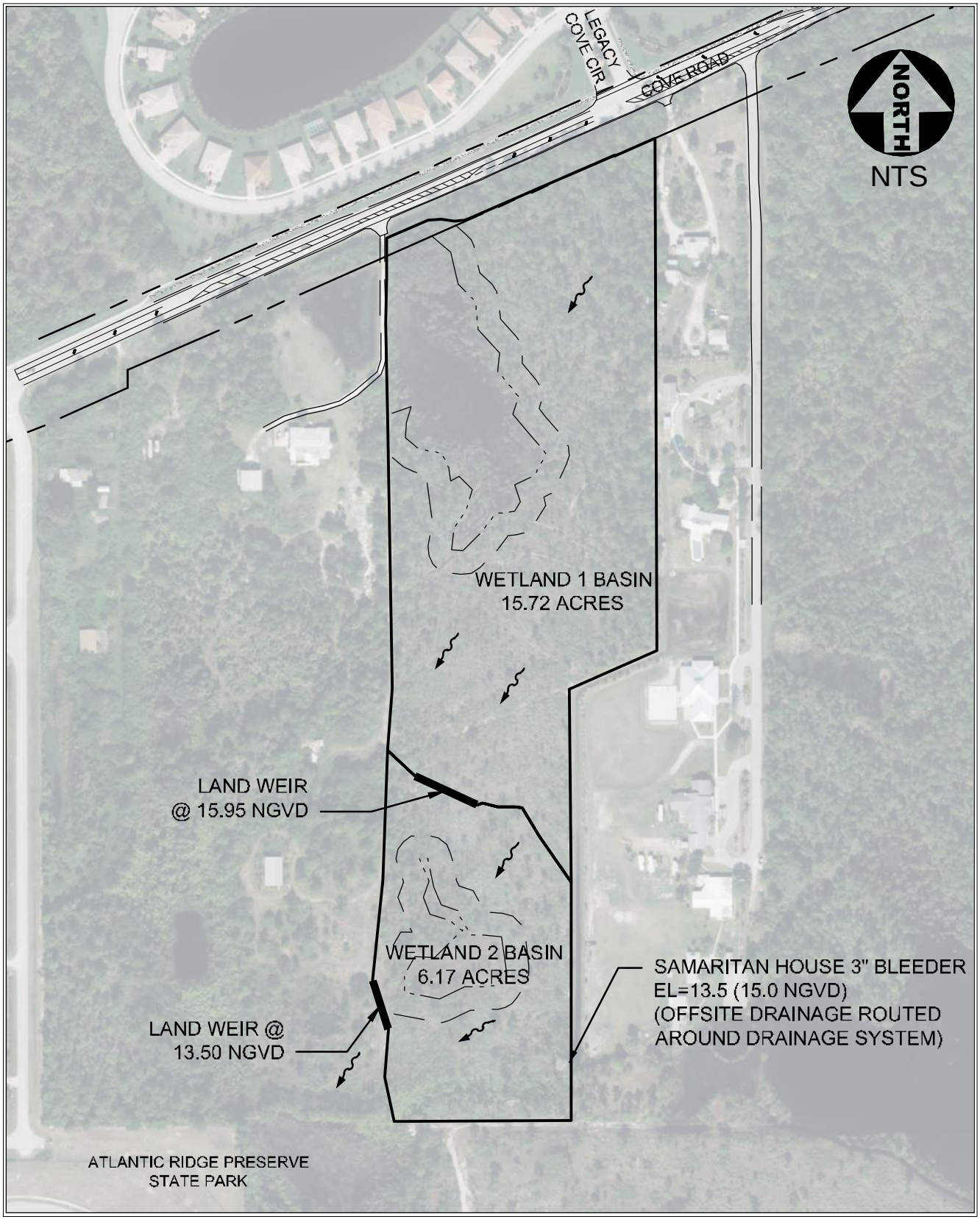
Scale:	Date:	File & Drawing No:
1"=40'	AUG. 2014	14-1012-03
Drawn By:	Checked By:	Sheet
J.A.S.	P.A.	5 of 5

EXHIBIT 7



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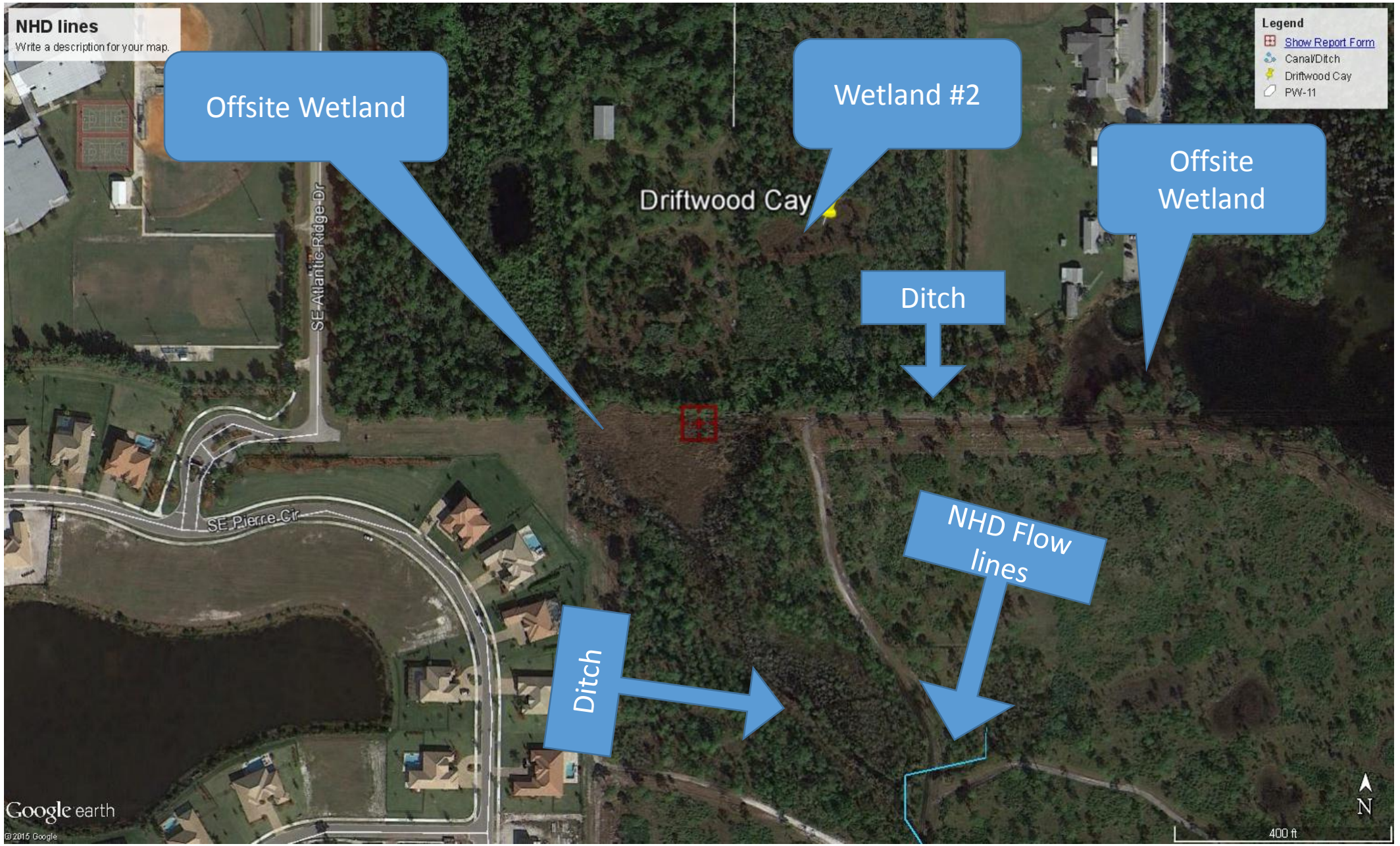
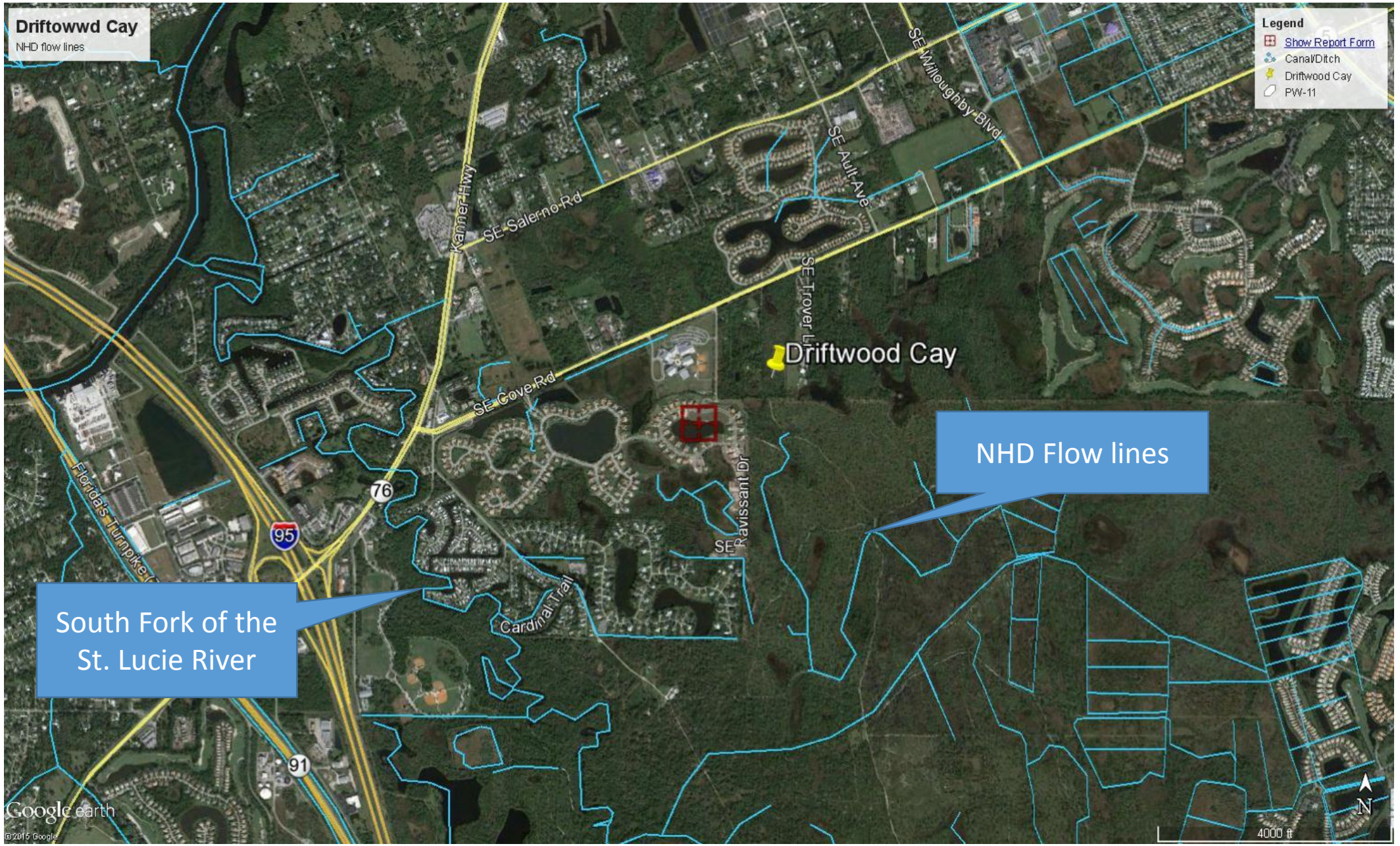
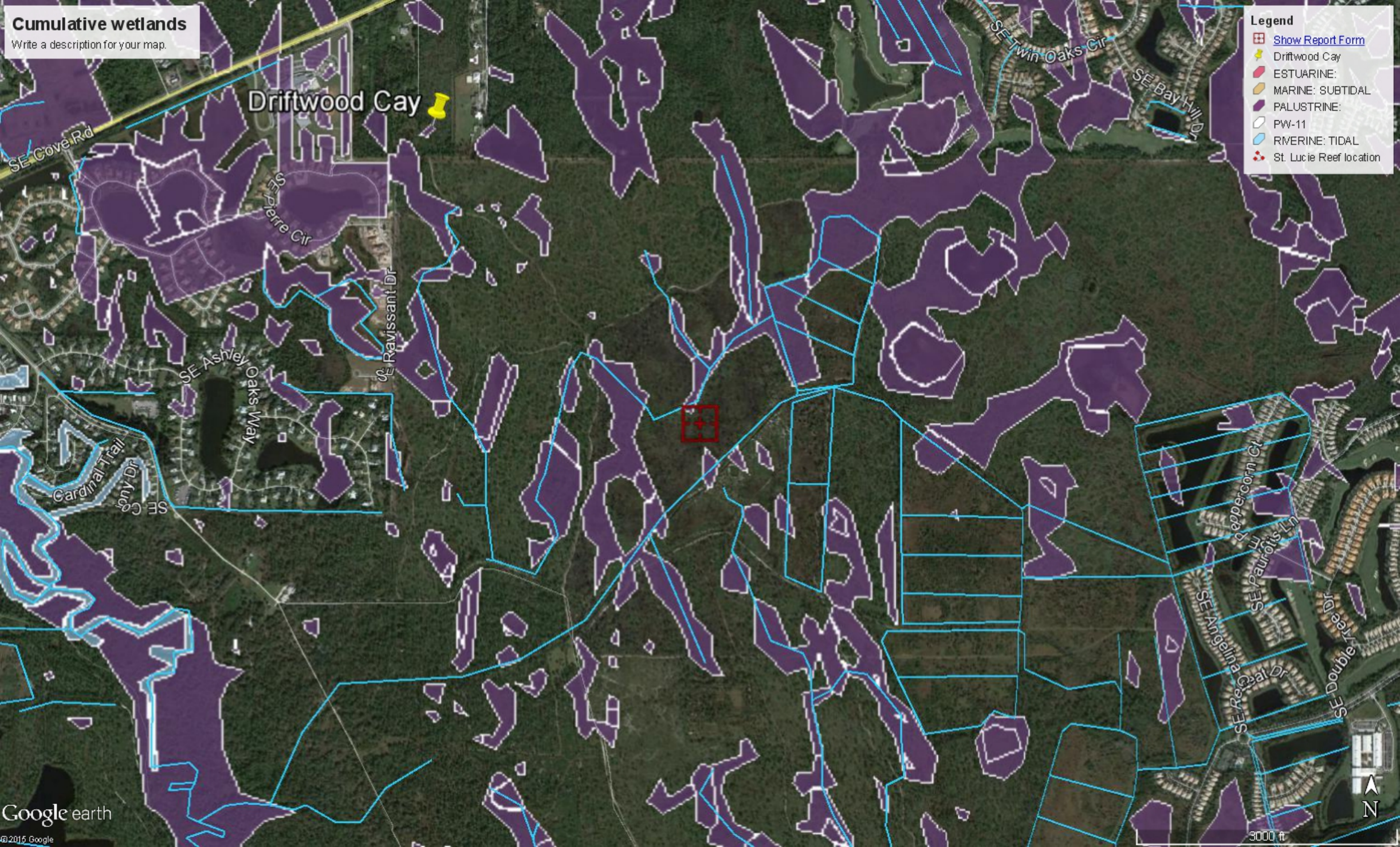
Civil Engineering Professionals

APPENDIX 1B - EXISTING NODE AREAS
1514.4 - Driftwood Cay Drainage Report


NHD lines
Write a description for your map.
Legend
Show Report Form
Canal/Ditch
Driftwood Cay
PW-11
Offsite Wetland
Wetland #2
Offsite Wetland
Driftwood Cay
Ditch
NHD Flow lines
Ditch
SE Atlantic Ridge Dr
SE Pierre Cir
Google earth
©2015 Google
400 ft
N


Driftowwd Cay
NHD flow lines
Legend
Show Report Form
Canal/Ditch
Driftwood Cay
PW-11
Kanner Hwy
SE Salerno Rd
SE Willoughby Blvd
SE Ault Ave
SE Trover Ln
Driftwood Cay
SE Cove Rd
Florida's Turnpike
76
95
SE Ravissant Dr
Cardinal Trail
91
NHD Flow lines
South Fork of the St. Lucie River
Google earth
©2015 Google
4000 ft
N


Cumulative wetlands
Write a description for your map.
Driftwood Cay
SE Cove Rd
St Pierre Cir
St Ravissant Dr
SE Ashley Oaks Way
Cardinal Trail
SE Twin Oaks Cir
SE Bay Hill Dr
SE Peppercorn Ct
SE Paurotis Ln
SE Angelina Dr
SE Regal Dr
SE Double Tree Dr
Legend
Show Report Form
Driftwood Cay
ESTUARINE:
MARINE: SUBTIDAL
PALUSTRINE:
PW-11
RIVERINE: TIDAL
St. Lucie Reef location
Google earth
©2015 Google
3000 ft
N