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: 11/13/2015

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Jacksonville District, SunPort Industrial, SAJ-2008-01095

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: Florida County/parish/borough: Duval City: Jacksonville
Center coordinates of site: Latitude 30.460284°, Longitude -81.72151°

Name of nearest waterbodies: Half Creek (portion encompassed by site), West Branch (headwaters encompassed by site), and Cedar Creek (headwaters encompassed by site).

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Channelized (RPW) portion of Half Creek (TNW) and its associated wetlands bisect a small portion of the property along the western boundary. Headwaters of West Branch border the southeast corner of the site and flow south into West Branch (TNW). Headwaters of Cedar Creek border the property to the north and east, which flow into Cedar Creek (TNW).

Name of watershed or Hydrologic Unit Code (HUC): Lower St. Johns / HUC-03080103
☒ 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: 13 February 2008 , 13 November 2015
☒ Field Determination. Date(s): 14 February 2008

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 and are not "*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

[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).

b. Identify (estimate) size of waters of the U.S. in the review area:
Non-wetland waters: 1,400 linear feet; width: 2-5 feet (headwater associated channel of Half Creek).
Wetlands: ±116.65 acres (see Figure 7).

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual
Elevation of established OHWM (if known): N/A

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: Several small wetland systems encompassed by the project site were previously determined to be non-jurisdictional, based on the *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, 531 U.S. 159 (2001)* (SWANCC) ruling in consideration of their geographic isolation from other on-site and/or off-site hydrologic features. The total area of these systems is 9.45 acres, which are the isolated wet depressions identified as J, M, N, O, R, and T on Figure 7 (attached). These wet depressions are surrounded by uplands, which are managed for sod/grass production, and are geographically isolated in nature from other on-site and/or off-site wetlands (no surface or known sub-surface hydrologic connections to other on-site and/or off-site wetlands). These isolated systems are characterized as flat, low-lying depressions that intercept the water table and also receive water via contiguous overland flow from surrounding uplands following prolonged or intense precipitation events.

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 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.

[3] Supporting documentation is presented in Section III.F.
[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

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

(i) General Area Conditions:

Watershed size: 120 square miles (Trout River Basin and Broward River Basin – are sub-basins to the Lower St. Johns River watershed)

Drainage area: 15 square miles – drainage area associated with the project site

Average annual rainfall: 50 inches

Average annual snowfall: 0 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

☒ Tributary flows directly into TNW (Half Creek and West Branch flow directly into Trout River; Cedar Creek flows directly into the Broward River)

☐ Tributary flows through Pick List 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 TNW[5]: wetlands – RPW – TNW
Tributary stream order, if known: 2

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

Tributary is: ☒ Natural
☐ Artificial (man-made)
☐ Manipulated (man-altered)

Tributary properties with respect to top of bank (estimate for all tributaries):
Average width: 2-5 feet
Average depth: 2-4 feet
Average side slopes: 1:3

Primary tributary substrate composition (check all that apply):

☐ Silts	☒ Sands	☐ Concrete
☐ Cobbles	☐ Gravel	☐ Muck
☐ Bedrock	☒ Vegetation – forested 80 percent coverage	
☐ Other		

Tributary condition/stability: each of the systems are extremely stable with vegetated banks
Presence of run/riffle/pool complexes: scattered riffle areas occur within the onsite portion of Half Creek
Tributary geometry: each of the tributaries are relatively straight in the project area, each also meanders more downstream
Tributary gradient (approximate average slope): unknown

(c) Flow:

Tributaries provides for: perennial flows
Estimate average number of flow events in review area/year: perennial flow
Describe flow regimes: tributaries receive stormwater and groundwater, flow continues downstream to tidal segments of each of these tributaries
Other information on duration and volume: unknown

Surface flow is confined. Characteristics: tributaries are natural systems within well vegetated channelized flow-ways

[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.

Subsurface flow: unknown

☐ Dye (or other) test performed: .

Tributaries have (check all that apply):

☒ Bed and banks

☒ OHWM[6] (check all indicators that apply):

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

☐ Discontinuous OHWM.[7] Explain: .

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction:

☐ High Tide Line indicated by:

- ☐ oil or scum line along shore objects
- ☐ fine shell or debris deposits (foreshore)
- ☐ physical markings/characteristics
- ☐ tidal gauges
- ☐ other (list):

☐ Mean High Water Mark indicated by:

- ☐ survey to available datum;
- ☐ physical markings;
- ☐ vegetation lines/changes in vegetation types.

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain: each system has typical Florida tannic conditions but additional stormwater input and natural filtration from onsite and offsite wetlands reduces the overall level of pollutants. The combination of ecological actions (filtration of surface runoff) significantly improves the water quality of discharge downstream into the St. Johns River. The attenuation of storm flow within the onsite and offsite wetlands also significantly affects the overall flow regimen of the tributaries by providing steady flow during and after storm events.

Identify specific pollutants, if known: unknown

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

☒ Riparian corridor – channelized sections provide riparian area for movement of species

☒ Wetland fringe – natural parallel systems support a mix of herbaceous and canopy (forested) vegetation

☒ Habitat for:

☐ Federally Listed species

☒ Fish/spawn areas – Onsite portion of Half Creek headwaters encompass channelized areas that directly flow downstream to tidal waters, which provides a direct route and habitat for fish and spawning. Onsite sections of West Branch and Cedar Creek headwaters have less channelization; however, still have sufficient open water to support fish and spawning.

☐ Other environmentally-sensitive species

☒ Aquatic/wildlife diversity – all of the systems support diverse aquatic and/or terrestrial species of amphibians, reptiles, avians, and small mammals

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 – overall acreage approximately totals 116.65

Wetland type – palustrine forested

Wetland quality – moderate to high, slightly affected by onsite agricultural activities

[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.

(b) General Flow Relationship with Non-TNW:

Flow is intermittent – flow from wetlands is generally related to storm flow

Surface flow varies, as several systems strictly contribute via overland surface flow however several systems have discrete flow within small intertwining channels

Subsurface flow: unknown

☐ Dye (or other) test performed: no

(c) Wetland Adjacency Determination with Non-TNW:

☒ Directly abutting – several systems directly abut the tributaries

☒ Not directly abutting

☒ Discrete wetland hydrologic connection – several systems are separated from the tributaries by agricultural areas; however, direct hydrologic connections (natural and man-altered) connect these systems to the tributaries

☒ Ecological connection – additional ecological connections by avian, reptilian, and amphibian species are present, which augment the hydrologic connections previously noted

☐ Separated by berm/barrier

(d) Proximity (Relationship) to TNW

Project wetlands are 1-2 river miles from TNW.

Project waters are 1-2 aerial (straight) miles from TNW.

Flow is from Wetland to navigable waters.

Estimate approximate location of wetlands – within the 500-year or greater floodplain

(ii) Chemical Characteristics:

Characterize wetland system - The larger connected systems provide life-history support for insects, amphibians, and reptiles as breeding or foraging habitat, ephemeral foraging habitat to wading birds and small mammals, and escape or bedding habitat for larger mammals. Water within the systems is generally tannic except during storm events. Water quality is generally good. The systems provide stormwater retention/detention, pollutant filtration, and general ecological support for the Trout River and Broward River (tributaries to the St. Johns River).

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 – systems have generally 80 percent canopy coverage and support mixed palustrine species

☒ Habitat for:

☐ Federally Listed species

☐ Fish/spawn areas

☐ Other environmentally-sensitive species

☒ Aquatic/wildlife diversity – diversity of vegetation layers (groundcover, shrub, canopy) provide varied habitat for multiple species

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

All wetland(s) being considered in the cumulative analysis: 16

Approximately (116.65) 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)
No	16.42	yes	3.44
Yes	4.57	yes	19.04
Yes	22.10	yes	3.97
Yes	24.47	yes	0.22
No	3.29	no	3.07
Yes	3.52	no	2.27
Yes	5.44	yes	3.36
Yes	1.03	yes	0.44

Summarize overall biological, chemical and physical functions being performed: The several larger wetland systems, which continue off of the overall site, and the slightly smaller totally-onsite systems provide a variety of biological (habitat, foraging, cover), chemical (stormwater filtration and retention), and physical (stormwater/floodwater retention) functions. These functions significantly affect the overall quality of water reaching the TNWs (Trout River, West Branch, and Broward River, which are tributaries to the St. Johns River), which are tidal systems supporting diverse flora and fauna including essential fish habitat.

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: N/A

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: N/A

3. Significant nexus findings for RPWs. Explain findings of presence or absence of significant nexus below, based on the tributaries, then go to Section III.D: The sections of the RPWs (portions of Half Creek, West Branch, and Cedar Creek) encompassed by the site are only slightly upstream from tidal sections of these tributaries; and, directly affect the ecological health of these tributaries through the transport of organic materials,

4. Significant nexus findings for wetlands abutting the RPWs. 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 abutting systems (systems A, B, C, D, G, H, I, K, Q, U, and UCC) provide a variety of biological (habitat, foraging, cover), chemical (stormwater filtration and retention), and physical (stormwater/floodwater retention) functions to the RPWs. These systems directly support avian, reptilian, amphibian, and mammalian species utilizing the tributaries for foraging, refuge, nesting/denning, and spawning. These systems augment the biological corridors formed by the tributaries and buffer the tributaries from human activity on the adjacent properties.

5. 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 non-abutting systems (systems P and S) provide a variety of biological

(habitat, foraging, cover), chemical (stormwater filtration and retention), and physical (stormwater/floodwater retention) functions. These systems have direct hydrologic connections to Half Creek via small drainage features; however, the systems do not directly abut Half Creek. These functions significantly affect the overall quality of water reaching the TNWs (Trout River, West Branch, and Broward River, which are tributaries to the St. Johns River), which are tidal systems supporting diverse flora and fauna including essential fish habitat.

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: ±1,400 linear feet
   - ☐ Wetlands adjacent to TNWs

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 – Half Creek: The U.S. Geological Survey topographical map (Trout River Quadrangle, 1992) for this area identifies the portion of Half Creek that occurs within the subject property along the western boundary as being a perennial stream. Furthermore, a field observation revealed that this portion of Half Creek was conducive for navigation with a canoe or kayak. West Branch – Site inspections discovered a small channelized flow-way that contained steady flow that was not storm related. Cedar Creek – The U.S. Geological Survey topographical map (Trout River Quadrangle, 1992) for this area identifies the portion of Cedar Creek contiguous to the subject property along the northern boundary as being a perennial stream. Field observation revealed a small channelized section of the stream at the proposed road crossing of this system.

   ☐ 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: 1,400 linear feet; 2-5 width (ft).
   - ☐ Other non-wetland 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:

   Un-named systems (A, B, and I) directly border Half Creek (along the west property boundary) and continue offsite to the creek system. Aerial photographs confirm the connection between A and B to the creek; and, field observation discovered a channelized portion of Half Creek within system I. The unnamed system H is part of a larger system associated with West Branch. Aerial photographs confirm the contiguous nature of this system (and its offsite components) to West Branch. Un-named wetlands associated with Cedar Creek border the subject property to the north. Some of these un-named wetlands associated with Cedar Creek extend considerably south into portions of the subject property. In total, these wetlands comprise ±63.01 acres (systems C, D, G, K, L, Q, U, UCC and three depression flow ways). Field observations confirmed that these un-named wetlands are contiguous to an upstream section of Cedar Creek, the RPW that flows to the east into the TNW section of Cedar Creek.

[8]See Footnote # 3.

☐ 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: ±72.32 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. The non-abutting systems (systems P and S) provide a variety of biological (habitat, foraging, cover), chemical (stormwater filtration and retention), and physical (stormwater/floodwater retention) functions. These systems have direct hydrologic connections to Half Creek via small drainage features; however, the systems do not directly abut Half Creek. These functions significantly affect the overall quality of water reaching the TNWs (Trout River, West Branch, and Broward River, which are tributaries to the St. Johns River), which are tidal systems supporting diverse flora and fauna including essential fish habitat.

Provide acreage estimates for jurisdictional wetlands in the review area: 5.34 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.[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.

[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.*

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: 9.45 acres (see Section II.B.2 above).

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: Figure 1, Project Location Map; Figure 2, Soils Map; Figure 3, Existing Site Conditions Map; Figure 4, Proposed Site Conditions; Figure 5, Adjacent Property Owners; Figure 6, Relevant Reach Map; Figure 7, Wetland Jurisdiction Map.

☒ 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) – Trout River, FL (1"=2000').

☒ USDA Natural Resources Conservation Service Soil Survey - Soil Survey of City of Jacksonville, Duval County, Florida (U.S. Department of Agriculture, Natural Resource Conservation Service, 1998)

☒ National wetlands inventory map(s) – Trout River, FL.

☐ State/Local wetland inventory map(s)

☒ FEMA/FIRM maps: 12031C0178H, 12031C0179H

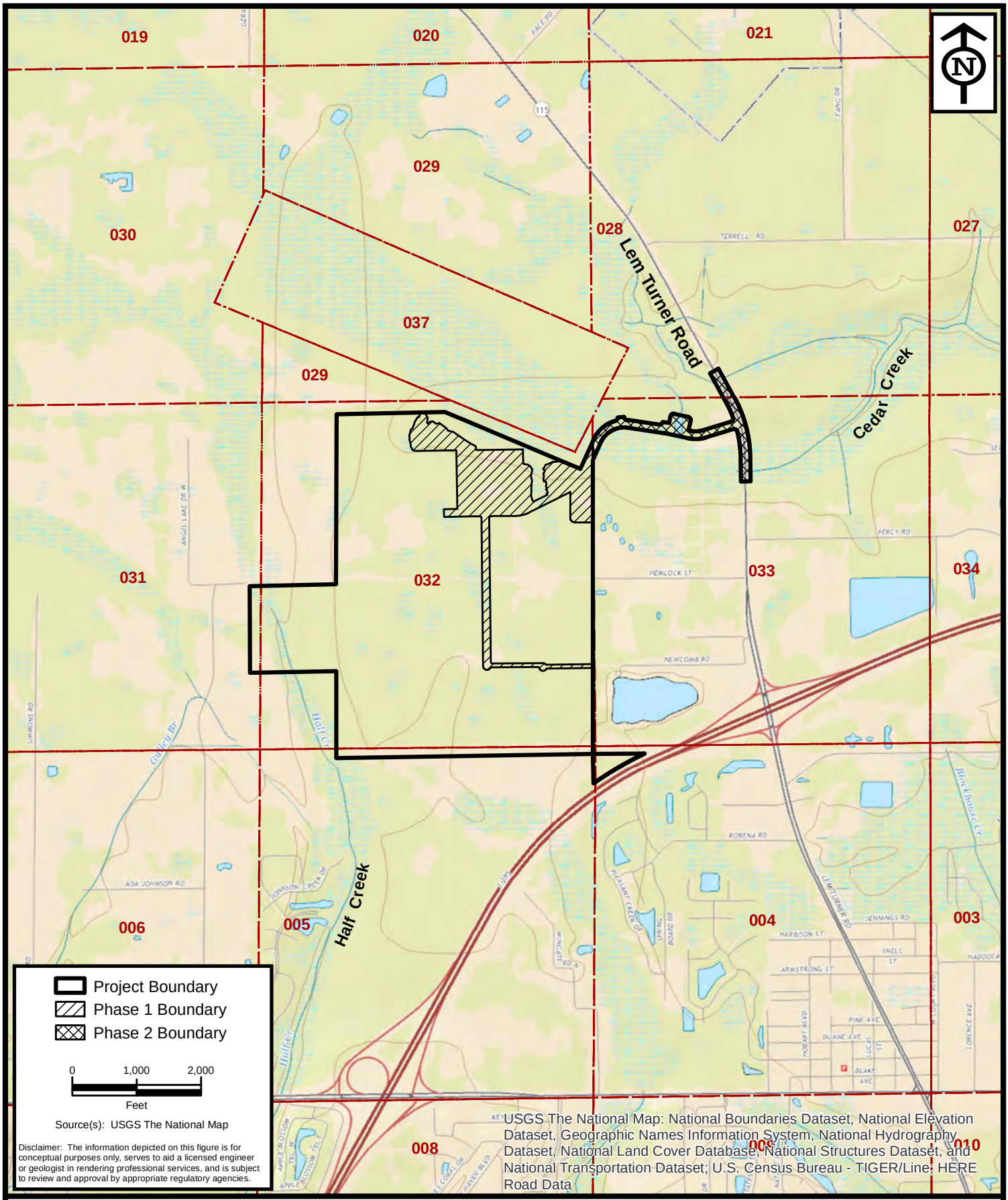
☐ 100-year Floodplain Elevation is: According to FEMA maps 12031C0178H and 12031C0179H, the majority of the site is located outside the 500-year floodplain.

☒ Photographs: ☒ Aerial – GoogleEarth®, Microsoft Bing®

☐ Other:

☒ Previous determination: SAJ-2008-01095, issued 31 March 2009

B. ADDITIONAL COMMENTS TO SUPPORT JD: The onsite swale systems associated with the agricultural endeavors at the site do not support hydrophytic vegetation or have hydric soils. In addition, these systems lack sufficient indicators of hydrology. Therefore, the Corps has determined that these areas could not be considered wetlands, generally only drain upland areas, and are not within Federal jurisdiction. These non-jurisdictional swales have a total area of approximately 3.72 acres. A pond (0.76 acre) within the corridor connecting the site to the main road, is a man-made feature that does not support hydrophytic vegetation; and, is not within Federal jurisdiction.



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Project Location

SunPort Industrial Park

Duval County, Florida

Project:	EJ14341.01
Date:	Nov. 2015
Drwn/Chkd:	JRN/NDF
Figure:	1

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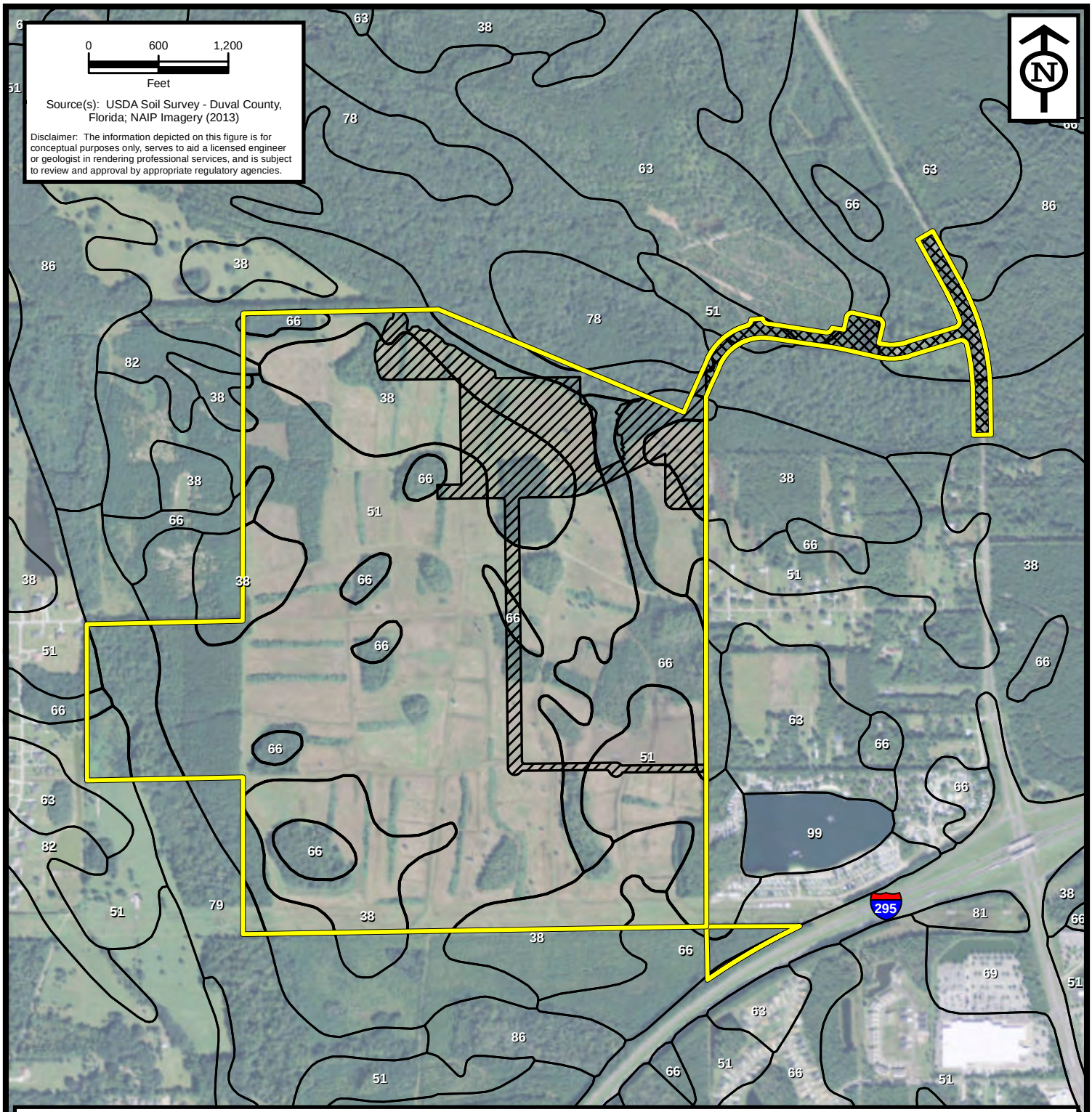

Project Boundary
Phase 1 Boundary
Phase 2 Boundary

Soils

38 - Mascotte Fine Sand, 0 To 2 Percent Slopes
51 - Pelham Fine Sand, 0 To 2 Percent Slopes
63 - Sapelo Fine Sand, 0 To 2 Percent Slopes
66 - Surrency Loamy Fine Sand, Depressional, 0 To 2 Percent Slopes
69 - Urban Land
78 - Yonges Fine Sandy Loam, 0 To 2 Percent Slopes
79 - Yulee Clay, 0 To 2 Percent Slopes, Frequently Flooded
82 - Pelham Fine Sand, Depressional, 0 To 2 Percent Slopes
86 - Yulee Clay, Depressional, 0 To 2 Percent Slopes

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NRCS Soils

SunPort Industrial Park

Duval County, Florida

Project:	EJ14341.01
Date:	Nov 2015
Drwn/Chkd:	JRN/NDF
Figure:	**2**

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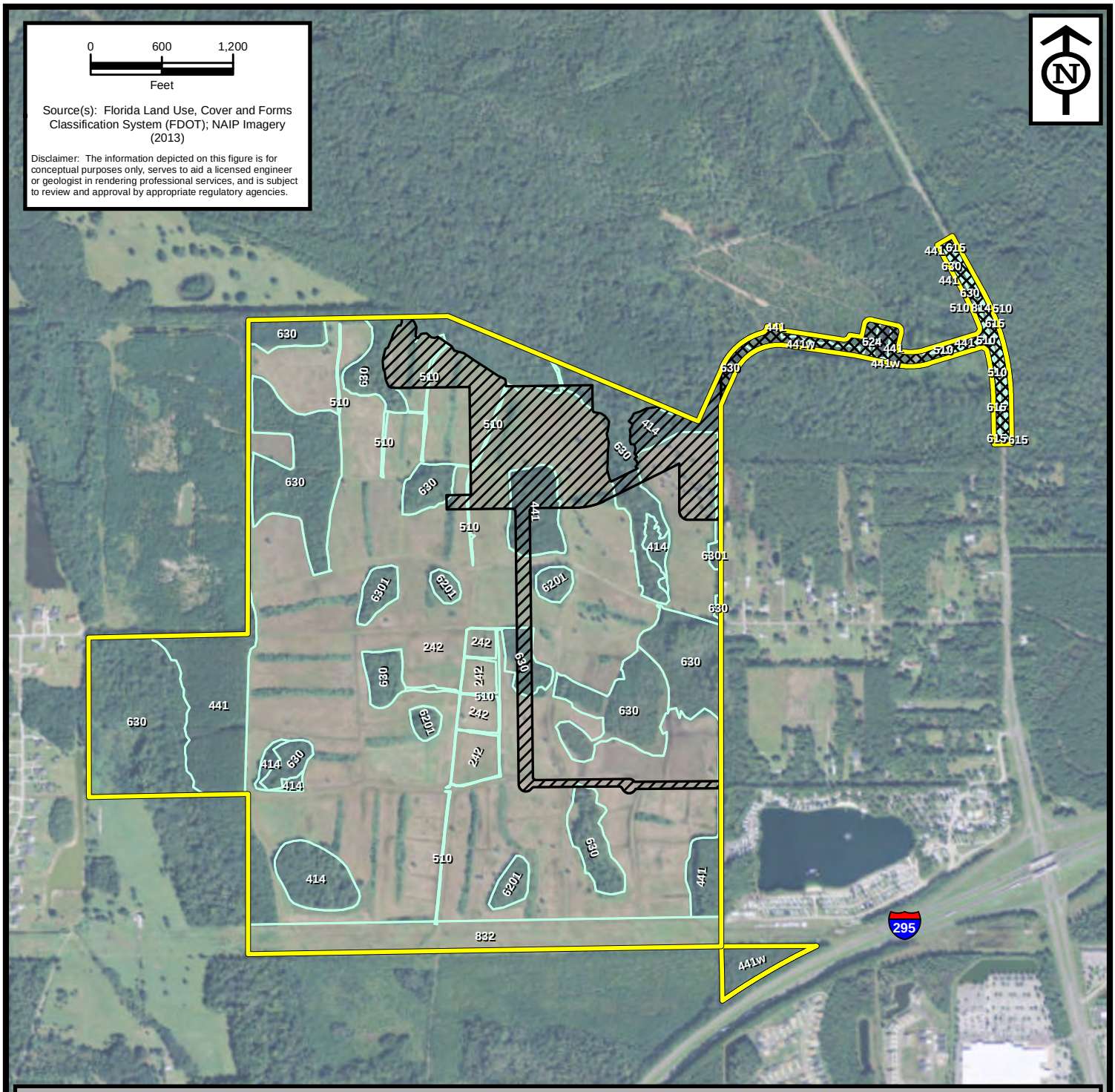

- Project Boundary
- Phase 1 Boundary
- Phase 2 Boundary

FLUCFCS

- 242 - Sod Farms (317.92 ac.±)
- 414 - Pine-Mesic Oak (15.13 ac.±)
- 441 - Coniferous Plantations (33.73 ac.±)
- 441w - Wet Coniferous Plantations (6.18 ac.±)
- 510 - Streams and Waterways (4.54 ac.±)
- 524 - Lakes less than 10 acres (0.76 ac.±)
- 615 - Streams and Lake Swamps (Bottomland) (2.10 ac.±)
- 6201 - Non-Jurisdictional Coniferous Forests Wet Depressions (6.42 ac.±)
- 630 - Wetland Forested Mixed (109.51 ac.±)
- 6301 - Non-Jurisdictional Forested Mixed Wet Depressions (3.02 ac.±)
- 743 - Spoil Areas (0.01 ac.±)
- 814 - Roads and Highways (1.88 ac.±)
- 832 - Electrical Power Transmission Lines (22.89 ac.±)

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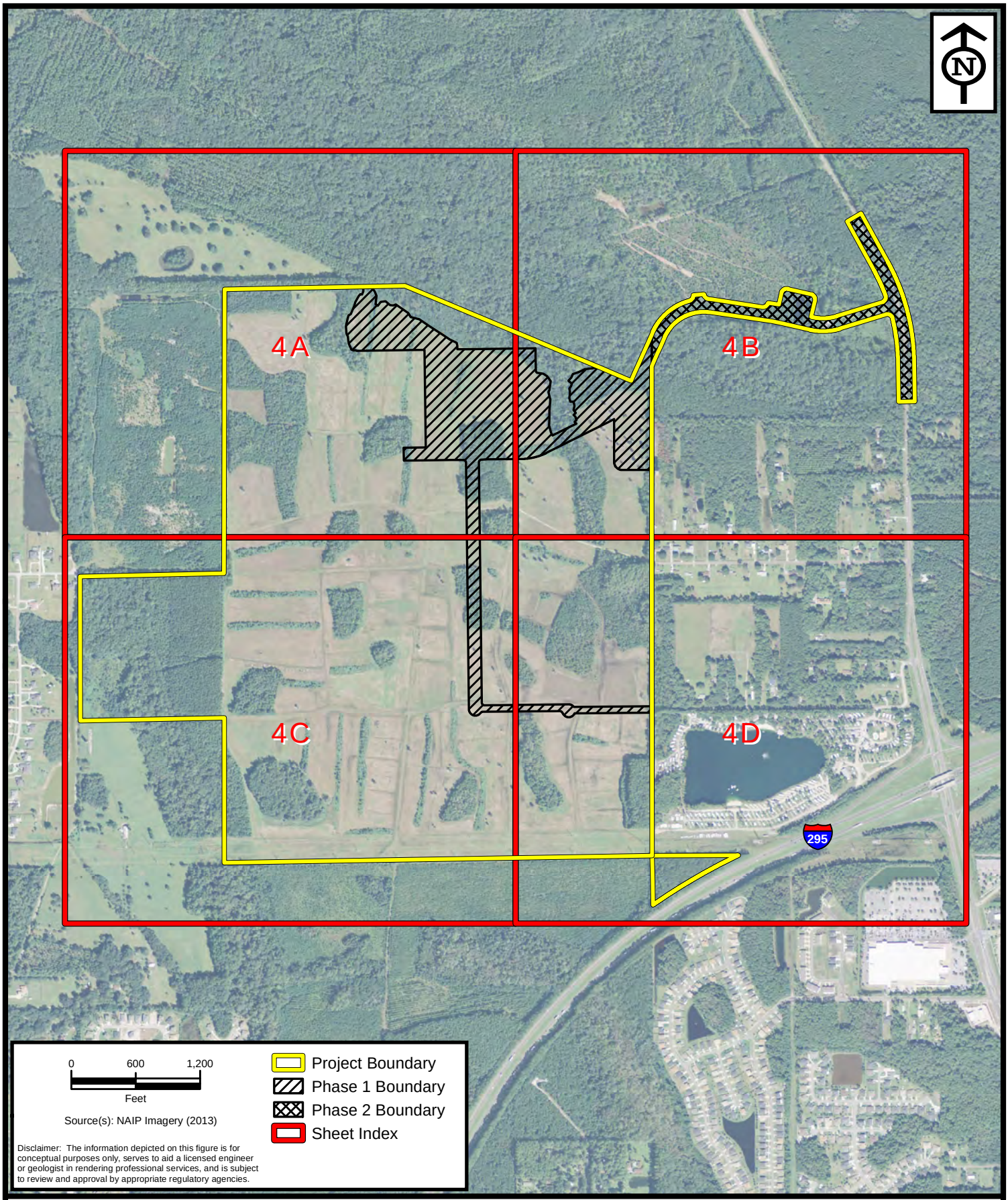
Existing Site Conditions

SunPort Industrial Park

Duval County, Florida

Project:	EJ14341.01
Date:	Nov 2015
Drwn/Chkd:	JRN/NDF
Figure:	3

Path: P:\GIS_Projects\EJ\2014\341\01\fig\ACOE\Major Mod\ESC.mxd Date: 11/18/2015 3:03:18 PM



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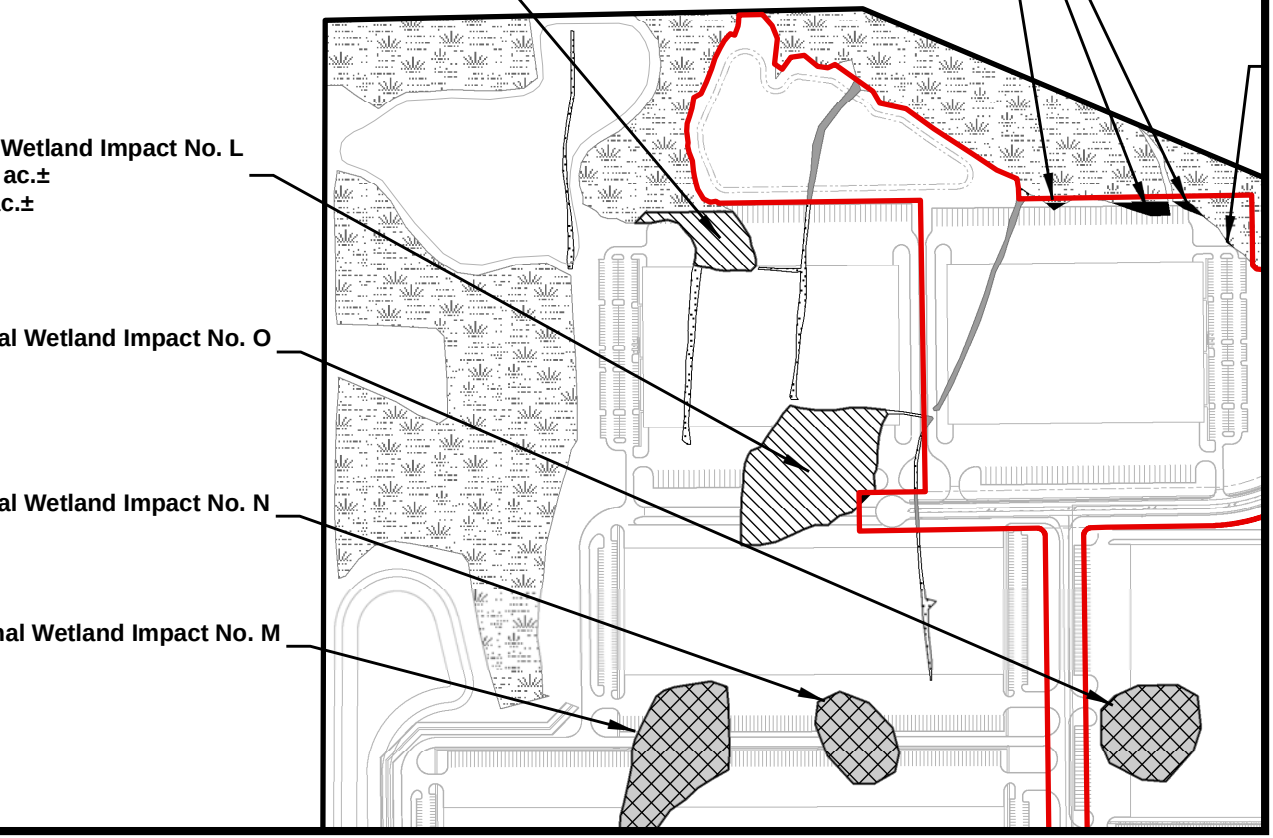
Proposed Site Conditions - Key

SunPort Industrial Park

Duval County, Florida

Project:	EJ14341.01
Date:	Nov 2015
Drwn/Chkd:	JRN/NDF
Figure:	4

Path: P:\GIS_Projects\EJ\2014\341\01\fig\ACOE\Major Mod\PSC Key.mxd Date: 11/16/2015 3:18:01 PM



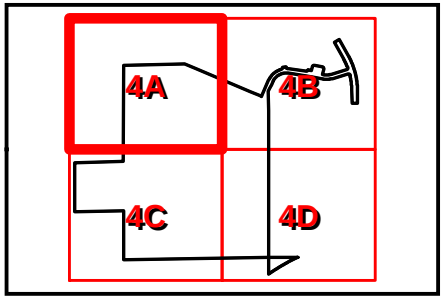
Project Boundary
Phase 1 Boundary
Phase 2 Boundary

Phase 1
- Jurisdictional Wetland Impacts (3.51 ac.±)
- Swale Impacts (0.51 ac.±)
- Depressional Flow Way Impact (0.09 ac.±)

Phase 2
- Jurisdictional Wetland Impact (4.39 ac.±)
- Swale Impact (0.62 ac.±)
- Upland Cut Pond Impact (0.76 ac.±)

Future
- Jurisdictional Wetland Impact (15.09 ac.±)
- Non-Jurisdictional Wetland Impact (8.95 ac.±)
- Swale Impact (2.59 ac.±)

Other
- Wetland To Remain (95.32 ac.±)
- Swale To Remain
- Flood Compensation Area
- Previously Permitted Impact (No Longer Required) (4.16 ac.±)
- Depressional Flow Way To Remain (0.35 ac.±)



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Feet

Source(s): Prosser, Inc.

N

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Proposed Site Conditions

SunPort Industrial Park

Duval County, Florida

Project:	EJ14341.01
Date:	Nov. 2015
Drwn/Chkd:	JRN/NDF
Figure:	**4A**

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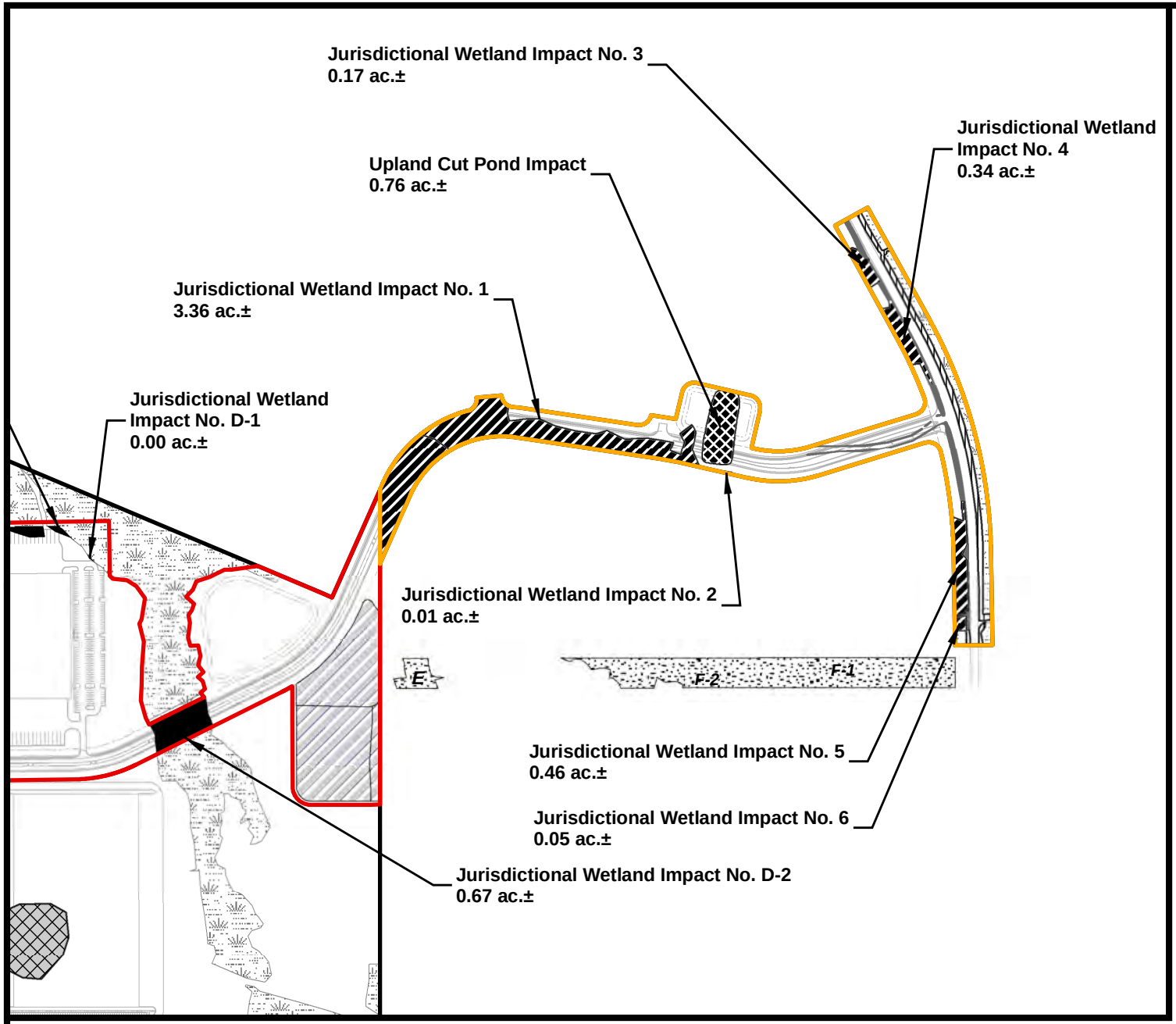

- Project Boundary
- Phase 1 Boundary
- Phase 2 Boundary

Phase 1

- Jurisdictional Wetland Impacts (3.51 ac.±)
- Swale Impacts (0.51 ac.±)
- Depressional Flow Way Impact (0.09 ac.±)

Phase 2

- Jurisdictional Wetland Impact (4.39 ac.±)
- Swale Impact (0.62 ac.±)
- Upland Cut Pond Impact (0.76 ac.±)

Future

- Jurisdictional Wetland Impact (15.09 ac.±)
- Non-Jurisdictional Wetland Impact (8.95 ac.±)
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Other

- Wetland To Remain (95.32 ac.±)
- Swale To Remain
- Flood Compensation Area
- Previously Permitted Impact (No Longer Required) (4.16 ac.±)
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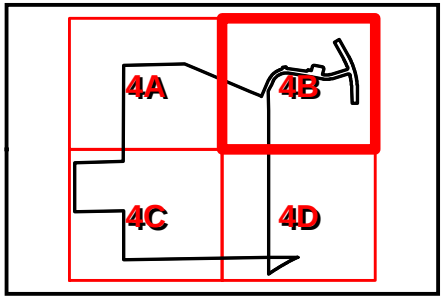

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Feet

Source(s): Prosser, Inc.

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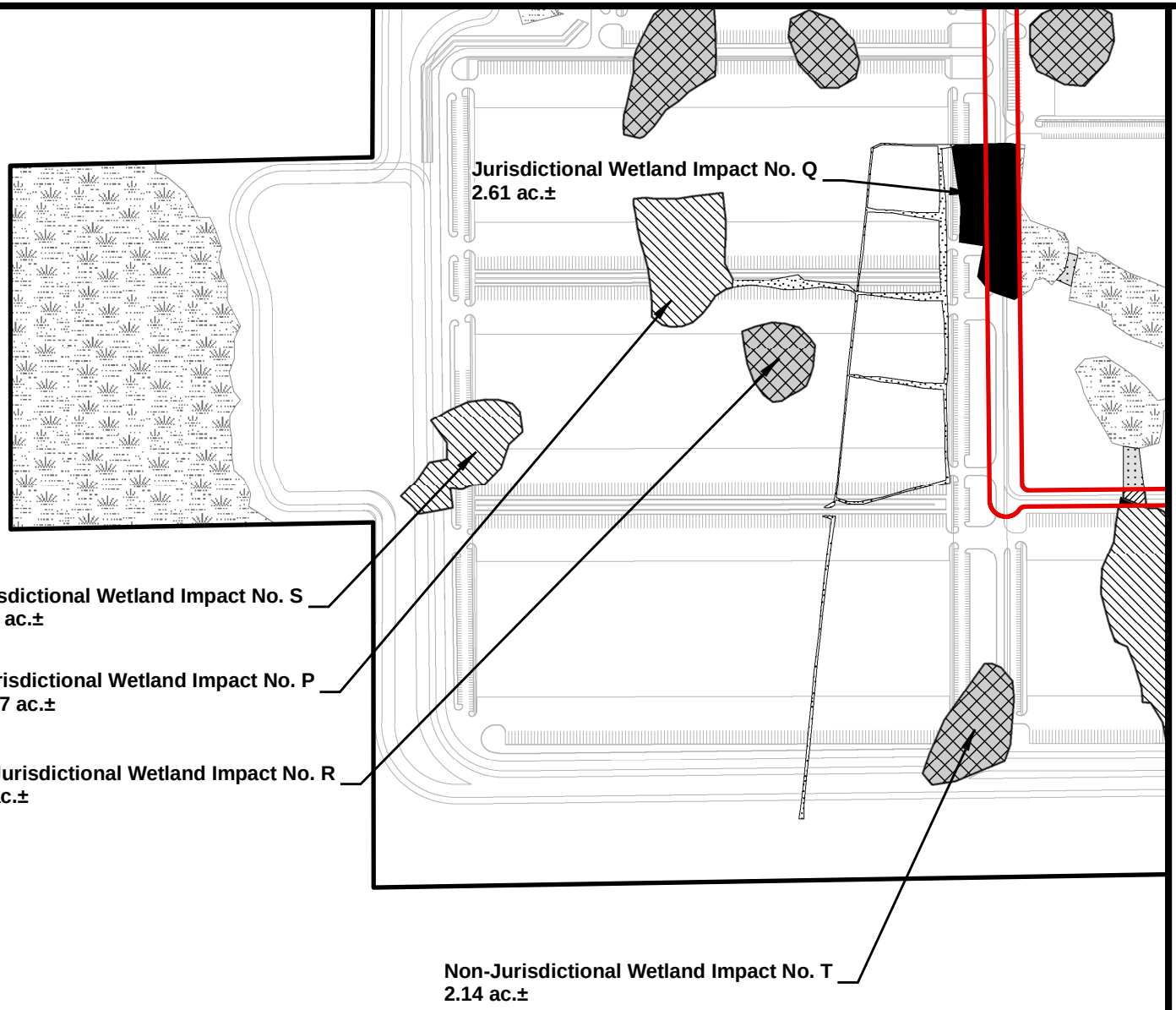
Proposed Site Conditions

SunPort Industrial Park

Duval County, Florida

Project:	EJ14341.01
Date:	Nov. 2015
Drwn/Chkd:	JRN/NDF
Figure:	4B

Path: P:\GIS_Projects\EJ\2014\341\01\fig\ACOE\Major Mod\PSC.mxd Date: 11/18/2015 4:51:12 PM



- Project Boundary
- Phase 1 Boundary
- Phase 2 Boundary

Phase 1

- Jurisdictional Wetland Impacts (3.51 ac.±)
- Swale Impacts (0.51 ac.±)
- Depressional Flow Way Impact (0.09 ac.±)

Phase 2

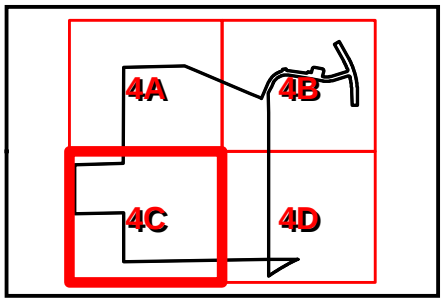
- Jurisdictional Wetland Impact (4.39 ac.±)
- Swale Impact (0.62 ac.±)
- Upland Cut Pond Impact (0.76 ac.±)

Future

- Jurisdictional Wetland Impact (15.09 ac.±)
- Non-Jurisdictional Wetland Impact (8.95 ac.±)
- Swale Impact (2.59 ac.±)

Other

- Wetland To Remain (95.32 ac.±)
- Swale To Remain
- Flood Compensation Area
- Previously Permitted Impact (No Longer Required) (4.16 ac.±)
- Depressional Flow Way To Remain (0.35 ac.±)



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Feet

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Proposed Site Conditions

SunPort Industrial Park

Duval County, Florida

Project:	EJ14341.01
Date:	Nov. 2015
Drwn/Chkd:	JRN/NDF
Figure:	4C

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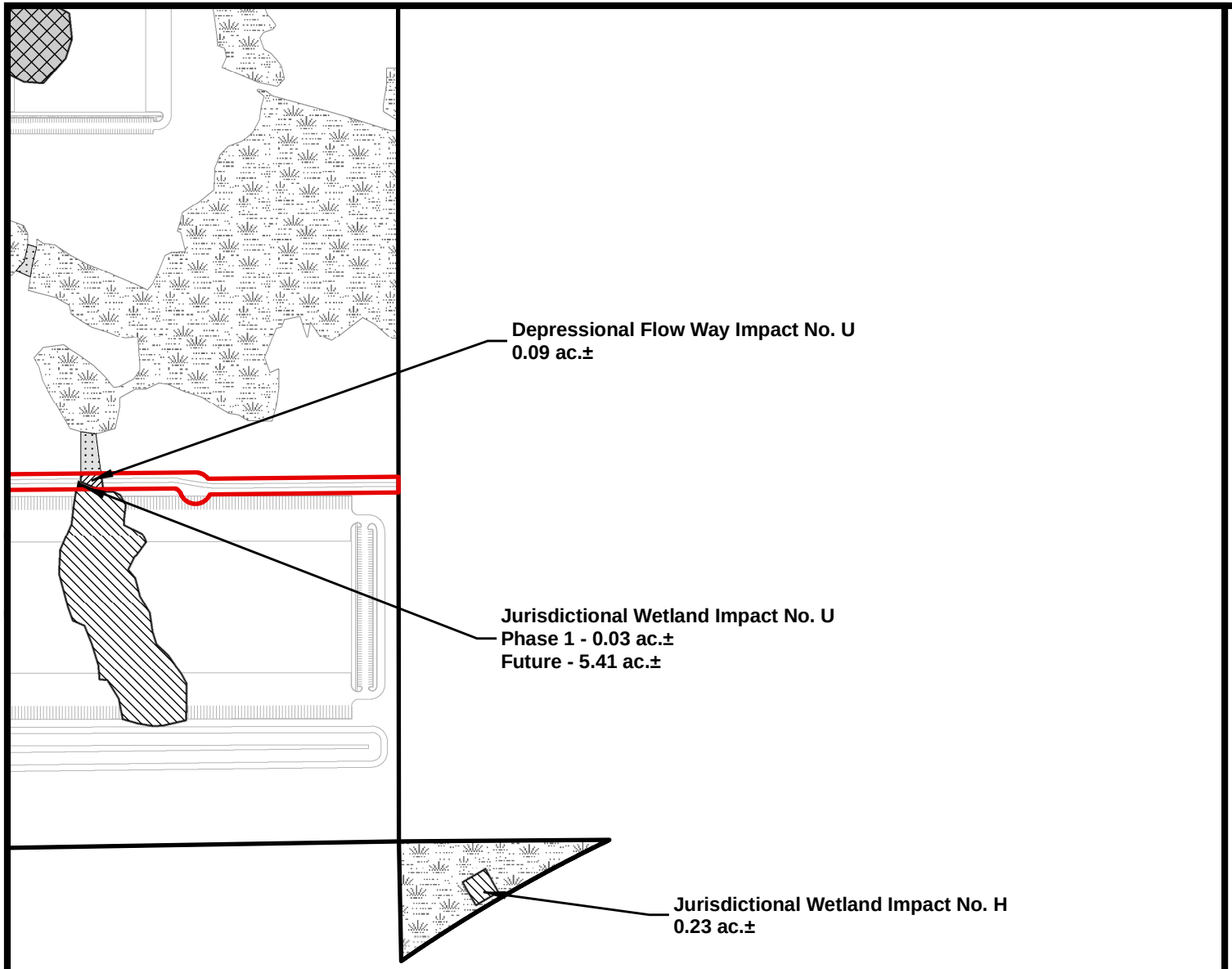


- Project Boundary
- Phase 1 Boundary
- Phase 2 Boundary

Phase 1

- Jurisdictional Wetland Impacts (3.51 ac.±)
- Swale Impacts (0.51 ac.±)
- Depressional Flow Way Impact (0.09 ac.±)

Phase 2

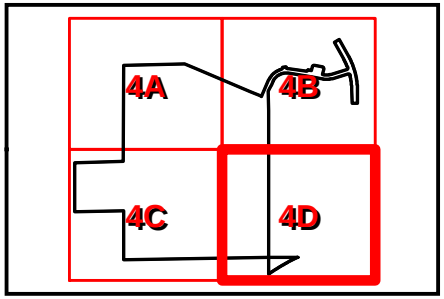
- Jurisdictional Wetland Impact (4.39 ac.±)
- Swale Impact (0.62 ac.±)
- Upland Cut Pond Impact (0.76 ac.±)

Future

- Jurisdictional Wetland Impact (15.09 ac.±)
- Non-Jurisdictional Wetland Impact (8.95 ac.±)
- Swale Impact (2.59 ac.±)

Other

- Wetland To Remain (95.32 ac.±)
- Swale To Remain
- Flood Compensation Area
- Previously Permitted Impact (No Longer Required) (4.16 ac.±)
- Depressional Flow Way To Remain (0.35 ac.±)



0 300 600
Feet

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Proposed Site Conditions

SunPort Industrial Park

Duval County, Florida

Project:	EJ14341.01
Date:	Nov. 2015
Drwn/Chkd:	JRN/NDF
Figure:	4D

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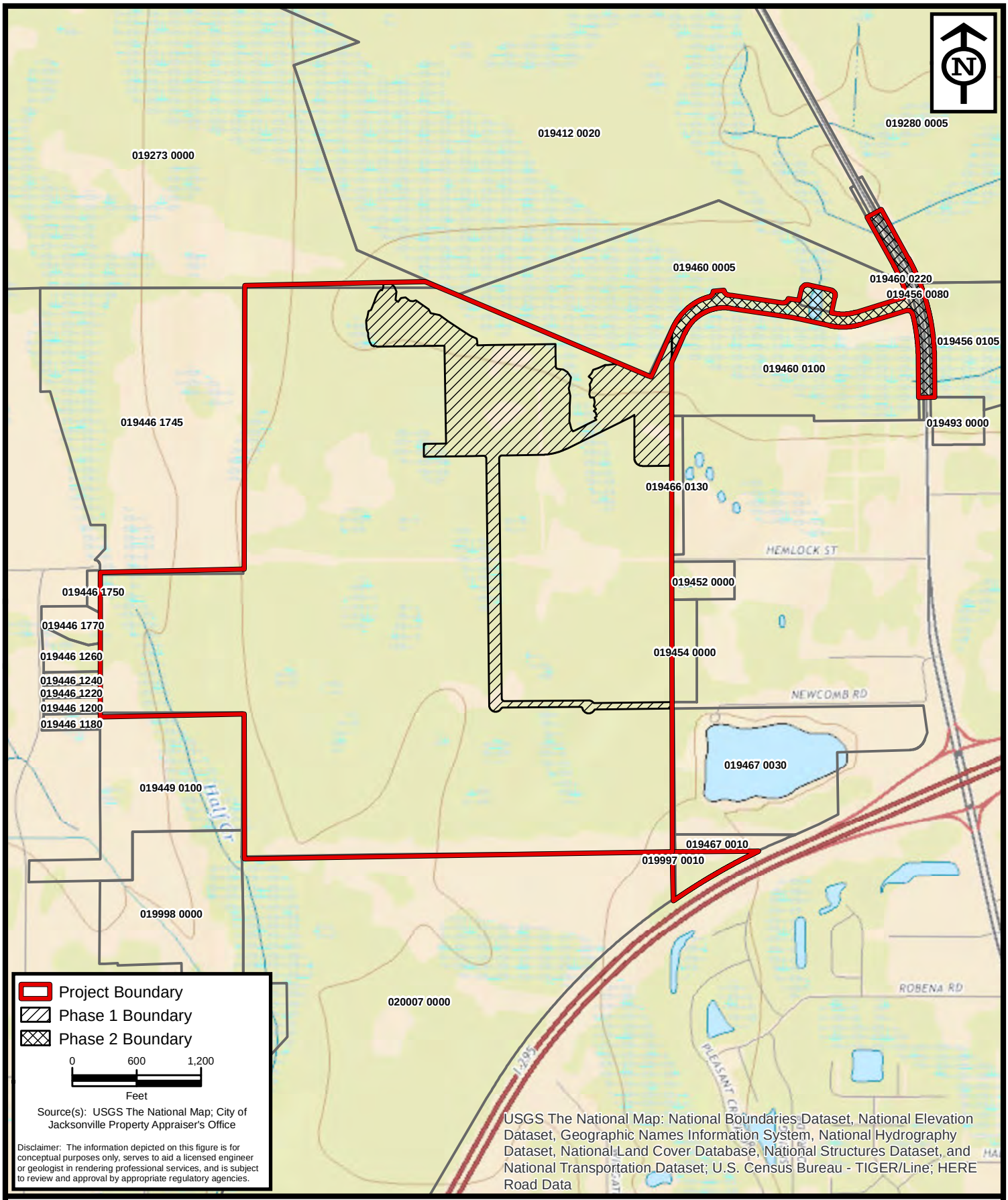

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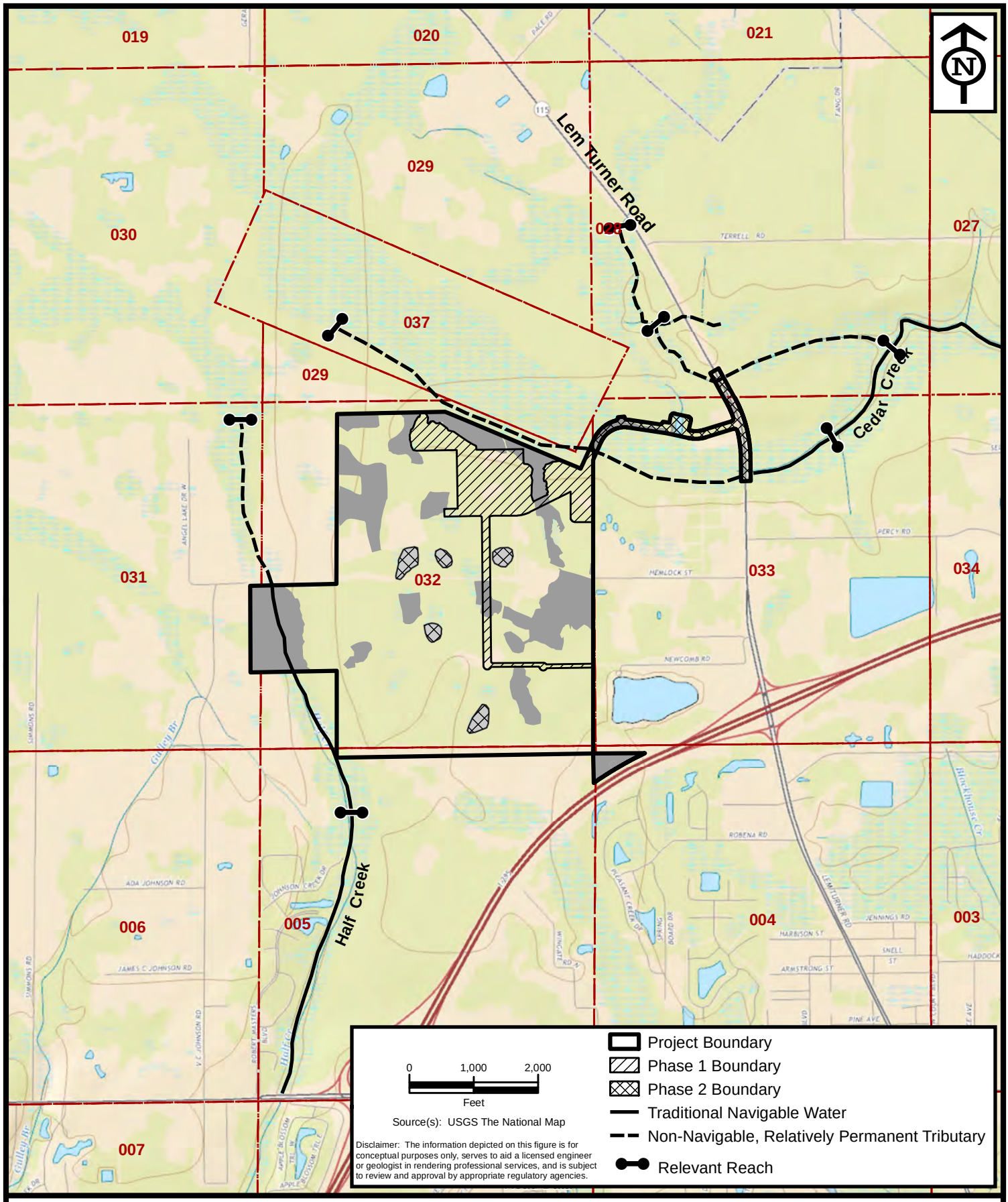
Adjacent Property Owners

SunPort Industrial Park

Duval County, Florida

Project:	EJ14341.01
Date:	Nov. 2015
Drwn/Chkd:	JRN/NDF
Figure:	5

Path: P:\GIS_Projects\EJ\2014\341\01\fig\SJRWMD\Adjacent Property Owners.mxd Date: 11/16/2015 4:24:03 PM



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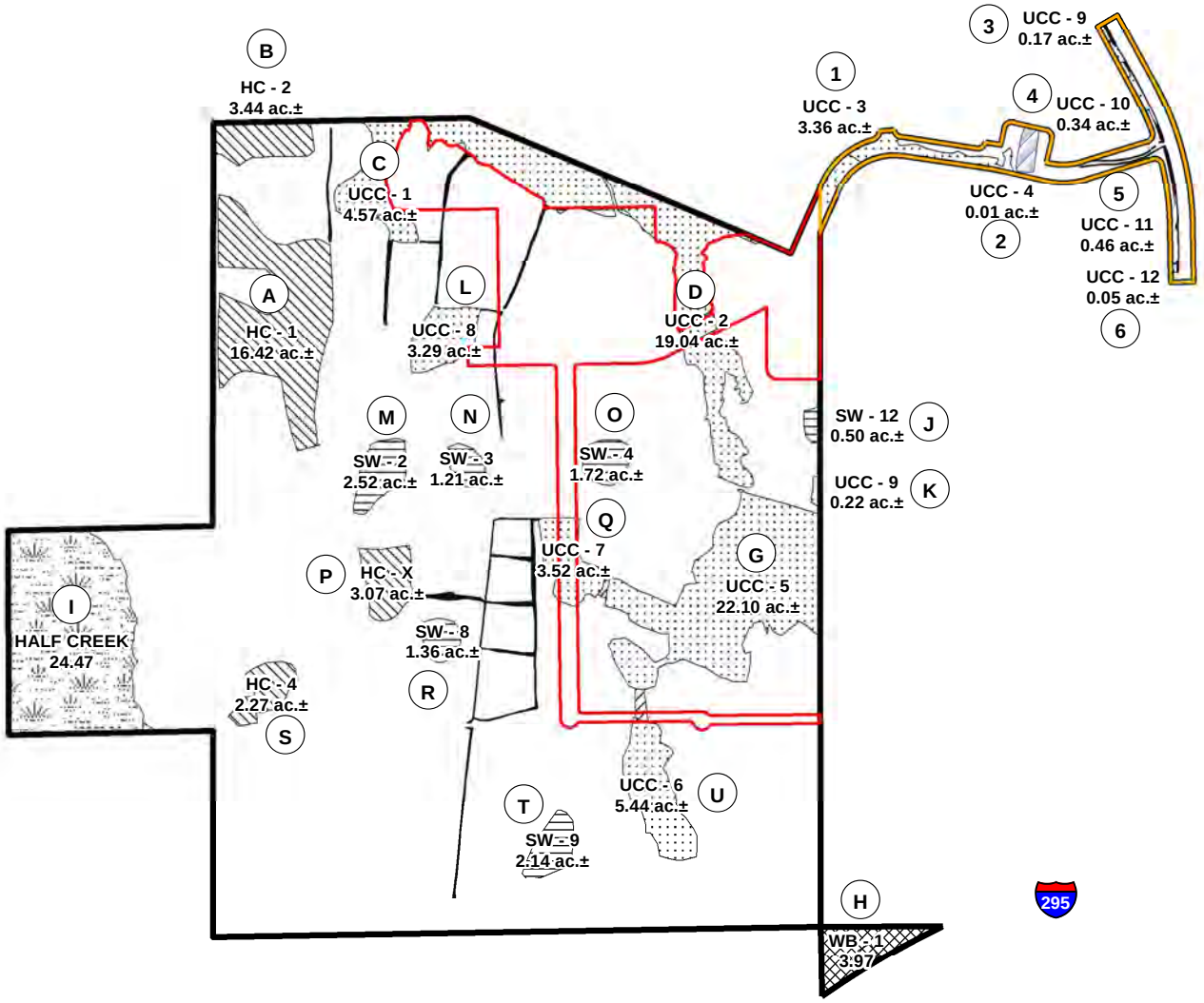
Relevant Reach

SunPort Industrial Park

Duval County, Florida

Project:	EJ14341.01
Date:	Nov. 2015
Drwn/Chkd:	JRN/NDF
Figure:	6

Path: P:\GIS_Projects\EJ\2014\341\01\fig\ACOE\Major Mod\Relevant Reach.mxd Date: 11/18/2015 4:41:26 PM



Project Boundary (524.10 ac.±)
Phase 1 Boundary
Phase 2 Boundary

0 600 1,200
Feet

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ACOE Jurisdictional Wetlands - Areas A - D, G - I, K, L, P, Q, S, U & 1 - 6 (116.65 ac.±)

- Depressional Flow Way (0.44 ac.±)
- HC - Wetlands Associated with Half Creek (25.20 ac.±)
- UCC - Wetlands Assocaited with Cedar Creek (62.57 ac.±)
- WB - Wetlands Associated with West Branch (3.97 ac.±)
- Half Creek and Associated Wetlands (24.47 ac.±)

ACOE Non-Jurisdictional Wetlands - Areas J, M, N, O, R, T & Swales (12.61 ac.±)

- SWANCC - Isolated Wet Depressions (9.45 ac.±)
- Swale (3.72 ac.±)
- Pond (0.76 ac.±)

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Wetland Jurisdiction

SunPort Industrial Park

Duval County, Florida

Project:	EJ14341.01
Date:	Nov 2015
Drwn/Chkd:	JRN/NDF
Figure:	7

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