

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): 8/11/2016

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Jacksonville District; Plum Creek Timberlands/CR-121 SAJ-2008-01477-SCW

C. PROJECT LOCATION AND BACKGROUND INFORMATION: The proposed project is located in Sections 1 and 12, Township 9 South, Range 19 East, in Sections 6 and 7, Township 9 South, Range 20 East, in Sections 25 and 36, Township 8 South, Range 19 East, and in Sections 30 and 31, Township 8 South, Range 20 East.

State: FL County/parish/borough: Alachua City: Gainesville
Center coordinates of site (lat/long in degree decimal format): Lat. 29.743754° **Pick List**, Long. -82.356030° **Pick List**.
Universal Transverse Mercator:

Name of nearest waterbody: Rocky Creek

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Santa Fe River

Name of watershed or Hydrologic Unit Code (HUC): Santa Fe River subbasin (03110206), Ocklawaha River subbasin (03080102), River Rise- Santa Fe River watershed (0311020605), Rocky Creek-Santa Fe River watershed (0311020603), Paynes Prairie watershed (0308010211), Rocky Creek-Santa Fe River subwatershed (031102060302), Hatchet Creek subwatershed (030801021102), and Sanchez Prairie subwatershed (031102060501)

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: 8/1/2016

Field Determination. Date(s): 4/1/2014, 3/9/2016, 4/29/2016, 6/10/2016, 8/12/2015, and 8/27/2015

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

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

Non-wetland waters: linear feet: width (ft) and/or acres.

Wetlands: 607.608 acres.

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

Elevation of established OHWM (if known): .

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

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.

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: The subject wetlands A (0.880 acre), B (2.822 acres), C (1.560 acres), D (5.718 acres), E (7.005 acres), G (18.292 acres), H (73.275 acres), I (0.177 acre), J (4.294 acre), K (0.158 acre), M (0.310 acre), N (0.139 acre), O (14.506 acres), P (2.873 acres), Q (2.331 acres), R (0.249 acre), S (0.045 acre), V (0.5 acre), BB (0.319 acres), DD (0.071 acre), FF (0.039 acre), HH (0.514 acre), and JJ (0.104 acre) are located in the Turkey Creek subwatershed drainage basin. The subject wetlands drain westward along the railroad grade parallel to US Highway 441 to culverts underneath US Highway 441. Culverts under US Highway 441 drain directly into Turkey Creek. Turkey Creek is not navigable, RPW that flows approximately 5 miles from spring headwaters to a sink hole located in Sanchez Prairie within the San Felasco Hammock Preserve State Park. The subject wetlands do not appear to be chemically, physically or biologically connected to other waters of the U.S., are not adjacent to a TNW and do not appear to meet the significant nexus standard. The closest TNW is the Santa Fe River, located 10 miles north of the subject wetlands. The subject wetlands do not appear to be used for recreational, fishing or industrial purposes for interstate commerce. See Section III F below and Attachment 1.

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

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

(i) **General Area Conditions:**

Watershed size: 16296 **acres**

Drainage area: 16296 **acres**

Average annual rainfall: 52 inches

Average annual snowfall: 0 inches

⁴ 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 **Pick List** river miles from TNW.
Project waters are **Pick List** river miles from RPW.
Project waters are **5-10** 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: N/A.

Identify flow route to TNW⁵: The headwaters of Rocky Creek originate in the northern review area east of County Road 121. Rocky Creek flows east from the northern portion of the review area then turns north to the Santa Fe River.
Tributary stream order, if known: N/A.

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

- Tributary is:** Natural
 Artificial (man-made). Explain: .
 Manipulated (man-altered). Explain: .

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

Average width: 15 feet
Average depth: 3 feet
Average side slopes: **3:1**.

Primary tributary substrate composition (check all that apply):

- | | | |
|--|--|-----------------------------------|
| <input checked="" type="checkbox"/> Silts | <input checked="" type="checkbox"/> Sands | <input type="checkbox"/> Concrete |
| <input type="checkbox"/> Cobbles | <input type="checkbox"/> Gravel | <input type="checkbox"/> Muck |
| <input type="checkbox"/> Bedrock | <input type="checkbox"/> Vegetation. Type/% cover: | |
| <input type="checkbox"/> Other. Explain: . | | |

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: The tributary condition within the review area is stable with minimal bank erosion..

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

Tributary geometry: **Meandering**

Tributary gradient (approximate average slope): 0.00185 feet/mile rather than %

(c) Flow:

Tributary provides for: **Perennial flow**

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

Describe flow regime: Rocky Creek is an RPW with continuous flow during normal precipitation years.

Other information on duration and volume: .

Surface flow is: **Discrete and confined**. Characteristics: Rocky Creek has defined bed and banks.

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

- Dye (or other) test performed: .

Tributary has (check all that apply):

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

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.

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

⁷Ibid.

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: Rocky Creek flows into the Santa Fe River, an Outstanding Florida Waterbody. Rocky Creek flows .

Identify specific pollutants, if known: Due to the rural nature of the review area, nutrients from agriculture and septic systems likely contribute minimal pollutants to the Rocky Creek.

(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: Federally listed Endangered Oval Pigtoe (*Pleurobema pyriforme*) freshwater mussel and Federally proposed for listing Suwannee moccasinshell (*Medionidus walkeri*) freshwater mussel. The Santa Fe River is designated critical habitat for the Oval pigtoe. Both the listed oval pigtoe and proposed for listing Suwannee moccasinshell require a geomorphically stable stream channel, a predominately sand, gravel and/or cobble stream substrate with low to moderate amounts of silt and clay, permanently flowing water, water quality (including temperature, turbidity, dissolved oxygen and chemical constituents) that meets or exceeds the current aquatic life criteria established under the Clean Water Act, and fish hosts (such as largemouth bass, sailfin shiner, brown darter) that support larval life stages. Maintaining water supply and water quality in the tributaries of Santa Fe River is necessary to support the Oval pigtoe and Suwannee moccasinshell freshwater mussels.

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

Aquatic/wildlife diversity. Explain findings: The review area provides the nutrient and pollutant filtration necessary for maintenance of water quality in the TNW (Santa Fe River). The floodwater storage and nutrient/pollutant filtration functions of the RPW (Rocky Creek) and wetlands within the review area are important to maintain the water quality and the aquatic flora and fauna of TNW (Santa Fe River). The uplands and wetlands within review area provides habitat and foraging opportunities for a variety of invertebrates, birds, reptiles, amphibians and 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: 607.608 acres

Wetland type. Explain: Hydric Pine Flatwoods, Mixed Forested Wetlands and freshwater herbaceous wetlands.

Wetland quality. Explain: The majority of the review area is in pine plantation. According to aerial photographs, the majority of the review area has not been actively managed since 2008, allowing recruitment vegetation other than slash pine. The wetland quality is moderate to high.

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

(b) General Flow Relationship with Non-TNW:

Flow is: **Intermittent flow**. Explain: Due to the ground surface elevation precipitation that does not percolate vertically into the soil flows horizontally overland into the RPW.

Surface flow is: **Overland sheetflow**

Characteristics: .

Subsurface flow: **Yes**. Explain findings: Evidence of shallow subsurface flow from wetlands within the review area to the RPW was supported by soil properties. The average water table in areas surrounding wetlands is 12 inches or less, indicating a shallow groundwater table. An indicator of shallow groundwater flow is the pond reservoir area rating. Pond reservoir area ratings are both verbal and numerical and indicate the potential for a soil map unit to be used to hold water behind a dam or embankment. The Natural Resource Conservation Service (NRCS) and the U.S. Department of Agriculture (USDA) list all of the soil map units within the review area as "very limited" for the water management use of pond reservoir areas or storage of water behind a dam or embankment. The numerical rating assigned by the USDA to indicate the severity of this limitation is reported based on a scale that ranges from not limited (0.01) to very limited (1.00). All of the soil map units present within the review area are rated a 1.00 indicating the "very limited" ability of the soil to store water behind an embankment due to seepage or water movement through the soil.

- Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

- Directly abutting
- Not directly abutting

Discrete wetland hydrologic connection. Explain: Due to the ground surface elevation precipitation that does not percolate vertically into the soil, flows horizontally overland into the RPW. Evidence of shallow subsurface flow from the wetlands within the review area to the RPW was indicated by soil properties discussed previously.

Ecological connection. Explain: Wetlands and uplands within the review area provide habitat and foraging opportunities for invertebrates, birds, mammals, amphibians and reptiles. The floodwater storage and nutrient/pollutnat filtration/sequestration functions of the review area wetlands are important to maintain the water quality and flora and fauna associated with the TNW (Santa Fe River).

Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **5-10** aerial (straight) miles from TNW.

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

Estimate approximate location of wetland as within the **50 - 100-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 multiple site inspections in 2015 no poor water quality indicators were observed.

Identify specific pollutants, if known: Due to the rural nature of the review area, nutrients from agriculture and septic systems likely contribute minimal pollutants to the wetlands within the review area.

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

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

Vegetation type/percent cover. Explain: Provided on attached wetland data sheets.

Habitat for:

Federally Listed species. Explain findings: Federally listed Endangered Oval Pigtoe (*Pleurobema pyriforme*) freshwater mussel and Federally proposed for listing Suwannee moccassinshell (*Medionidus walkeri*) freshwater mussel. The Santa Fe River is designated critical habitat for the Oval pigtoe. Both the listed oval pigtoe and proposed for listing Suwannee moccassinshel require a geomorphically stable stream channel, a predominately sand, gravel and/or cobble stream substrate with low to moderate amounts of silt and clay, permanently flowing water, water quality (including temperature, turbidity, dissolved oxygen and chemical constituents) that meets or exceeds the current aquatic life criteria established under the Clean Water Act, and fish hosts (such as largemouth bass, sailfin shiner, brown darter) that support larval life stages. Maintaining water supply and water quality in the headwater wetlands and wetlands adjacent to tributaries of Santa Fe River is necessary to support the Oval pigtoe and Suwannee moccassinshell freshwater mussels.

Other environmentally-sensitive species. Explain findings: .

Aquatic/wildlife diversity. Explain findings: The review area provides the nutrient and pollutant filtration necessary for maintenance of water quality in the RPW (Rocky Creek) and TNW (Santa Fe River). The floodwater storage and nutrient/pollutant filtration functions of the RPW (Rocky Creek) and wetlands within the review area are important to maintain the water quality and the aquatic flora and fauna of TNW (Santa Fe River). The uplands and wetlands within review area provides habitat and foraging opportunities for a variety of invertebrates, birds, reptiles, amphibians and mammals.

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

All wetland(s) being considered in the cumulative analysis: **30 (or more)**

Approximately (607.608) 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>
N	1.864	N	0.301
N	5.209	N	12.091
N	0.096	N	4.028
N	0.188	N	1.984
N	0.303	N	4.844
N	0.398	N	5.195
N	2.176	N	0.104
N	0.215	N	0.030
N	0.054	N	0.381
N	3.207	N	0.874
N	0.991	N	0.523.
N	2.079	Y	1.204
Y	0.048	Y	179.014
Y	2.523	Y	148.159
Y	21.160	Y	0.169
Y	17.935	Y	3.656

Y	18.359	Y	0.806
Y	35.803	Y	11.802
Y	9.040	Y	10.322
Y	72.687	Y	0.127
Y	13.606	Y	13.586
Y	0.467		

Summarize overall biological, chemical and physical functions being performed: Headwater wetlands of Rocky Creek.

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: .

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: Surface water monitoring data is lacking within the review area; however, flow in the RPW was observed during multiple site visits between 2014 and 2016.
 - 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-RPWs⁸ that flow directly or indirectly into TNWs.

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

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

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

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

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: **Wetlands RZ, SZ, AZ, GZ, IZ, T, U, BZ, EZ, U, CZ, B, A, I, H, J, O, N, and P directly abut Rocky Creek. Aerial photography, wetland delineation surveys and FEMA floodzone maps show the subject wetlands directly abut Rocky Creek.**
 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: **560.473** 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: **47.135** 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: .

⁸See Footnote # 3.

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.

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: 136.181 acres.

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

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

SECTION IV: DATA SOURCES.

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

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters' study: .
- 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: 1:24,000 Montechoa, FLA and 1:24,000 Gainesville East, FLA.
- USDA Natural Resources Conservation Service Soil Survey. Citation: Web Soils Survey .
- National wetlands inventory map(s). Cite name: National Wetlands Inventory.
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: Floodplain map.
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Google Earth 8/1/2016 and University of Florida Aerial Library Historic Aerial Photographs.
or Other (Name & Date): .
- Previous determination(s). File no. and date of response letter: SAJ-2008-01477 all wetlands within proposed project area determined to be Corps jurisdictional by letter dated September 5, 2008.
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: Suwannee River Water Management District. 1995. Santa Fe River Surface Water Improvement and Management Plan.
- Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: