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): April 24, 2017

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Jacksonville District - SAJ-2005-09392-Sunrise Land Partners

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State:FL County/parish/borough: Sarasota City: Sarasota
Center coordinates of site (lat/long in degree decimal format): Lat. 27.256675° **N**, Long. 82.456656° **W**.
Universal Transverse Mercator:
Name of nearest waterbody: South Creek
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Dryman Bay
Name of watershed or Hydrologic Unit Code (HUC): 03100201 Sarasota Bay
☒ 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: March 10, 2017
☒ Field Determination. Date(s): November 18, 2016

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: 425 linear feet: width (ft) and/or 0.3 acres.
      Wetlands: *0.45* acres.

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

2. **Non-regulated waters/wetlands (check if applicable):**[3]
   ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
   Explain:
   1. Wetland C (3.3 acres) and Wetland E (1 acre) are isolated forested wetlands which do not demonstrate an apparent hydrologic connection with jurisdictional waters. They are separated from jurisdictional waters by approximately 2,500 feet of uplands with nonhydric soils.

[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.

2. The site contains 4 surface waters (approx. 3.2 acres) which were excavated several decades ago for ornamental purposes or borrow material in what are mapped as hydric soils. These waters, though they were potentially excavated from historic wetlands, are isolated features with no apparent hydrologic connection to waters of the U.S. They are located between 250 ft and 800 ft from the on-site RPW, separated by nonhydric soils.

3. The site contains approximately 11.3 acres of surface waters excavated for ornamenal purposes (golf course ponds) in dry land from non-hydric soils. Field investigations confirm that these excavated features do not have an apparent hydrologic connection with, or serve to connect wetlands or other waters of the U.S. to the downstream TNW. These features are considered non-jurisdictional based on the preamble to 33 CFR Part 328 in the November 13, 1986, Federal Register (51 FR 41217, Section 328.3).

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: 400 **square miles**
Drainage area: 27,871 **acres**
Average annual rainfall: 52 inches
Average annual snowfall: 0 inches

(ii) Physical Characteristics:
(a) Relationship with TNW:
☐ Tributary flows directly into TNW.
☒ Tributary flows through **2** tributaries before entering TNW.

Project waters are **5-10** river miles from TNW.
Project waters are **1 (or less)** river miles from RPW.
Project waters are **2-5** 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: NA.

[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]: The tributary is a ditch on the east side of Honore Ave within the review area. The ditch flows south through residential areas and stormwater ponds for approximately 3.5 miles until it reaches South Creek. South Creek flows west into Dryman Bay, a TNW.
Tributary stream order, if known: .

(b) General Tributary Characteristics (check all that apply):
Tributary is: ☐ Natural
☒ Artificial (man-made). Explain: Ditch excavated in hydric soils.
☐ Manipulated (man-altered). Explain: .

Tributary properties with respect to top of bank (estimate):
Average width: 5-10 feet
Average depth: 2 feet
Average side slopes: **4:1 (or greater).**

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: Stable.
Presence of run/riffle/pool complexes. Explain: NA.
Tributary geometry: **Relatively straight**
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: Steady flow in wet season, lighter flow during dry season. The tributary had flowing water during the November 18, 2016 site visit. Additional dry season observations via available aerial and street view photographs of standing and flowing water during dry season months over several years indicate that the tributary has relatively permanent flow, likely year-round.

Other information on duration and volume: The ditch receives runoff from Honore Ave and residential developments, and flows through stormwater ponds before reaching South Creek.

Surface flow is: **Discrete and confined.** Characteristics: The tributary flows within its banks, enters stormwater ponds and is confined to culverts at roadway crossings.

Subsurface flow: **Unknown**. Explain findings: Subsurface flow was not investigated, but likely occurs.
☐ 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: The tributary is confined to culverts under roadways as it flows south..

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: Visual observation of water quality was typical of a roadside ditch. In some areas, water is cloudy or has a sheen, or has algal growth. This ditch receives roadside runoff, including petroleum wastes, as well as residential stormwater runoff, including fertilizers, pesticides, cleaning solvents, etc.

Identify specific pollutants, if known: The Tampa Bay Water Atlas gives South Creek (RPW into which the tributary flows) a poor rating for its entire range. It is an impaired water according to the Florida Department of Environmental Protection and the Environmental Protection Agency. Impairments include dissolved oxygen, mercury (in fish tissue) and nutrients (chlorophyll-a). Upstream waters such as the tributary under review contribute to the chemical load in South Creek and the downstream TNW.

(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: Wood stork foraging habitat.
  - ☐ Fish/spawn areas. Explain findings: .
  - ☐ Other environmentally-sensitive species. Explain findings: .
  - ☒ Aquatic/wildlife diversity. Explain findings: Habitat for fish, reptiles, amphibians, wading birds and macroinvertebrates.

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:0.45acres

Wetland type. Explain: Exotic wetland hardwoods.

Wetland quality. Explain: Lower quality due to monoculture of Brazilian pepper and altered hydrology from site manipulation.

Project wetlands cross or serve as state boundaries. Explain: NA.

(b) General Flow Relationship with Non-TNW:

Flow is: **Intermittent flow**. Explain: The wetland receives rainfall and runoff from the former golf course and drains south through a ditch (offsite) and enters the RPW adjacent to Honore Ave downstream of the review area.

Surface flow is**: Overland sheetflow**

Characteristics: Wetland T extends southwest outside of the review area. This wetland drains into an off-site ditch south of the review area which has a surface connection with the RPW adjacent to Honore Ave (described above).

Subsurface flow: **Unknown**. Explain findings: Subsurface flow likely occurs; however, no tests were performed.

- ☐ 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 **5-10** river miles from TNW.

Project waters are **2-5** aerial (straight) miles from TNW.

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

Estimate approximate location of wetland as within the **Pick List** 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: No noticeable indicators of poor water quality were observed. Common chemical inputs to the watershed include petroleum, fertilizers, pesticides herbicides, cleaning solvents, etc.

Identify specific pollutants, if known: The review area was a golf course until 2006. The wetland may contain fertilizer and herbicide components such as nitrogen and phosphorous.

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

- ☐ Riparian buffer. Characteristics (type, average width): .
- ☒ Vegetation type/percent cover. Explain:Exotic wetland hardwood. Almost 100% coverage of Brazilian pepper.
- ☒ Habitat for:
  - ☐ Federally Listed species. Explain findings: .
  - ☐ Fish/spawn areas. Explain findings: .
  - ☐ Other environmentally-sensitive species. Explain findings: .
  - ☒ Aquatic/wildlife diversity. Explain findings: Habitat for reptiles, amphibians small mammals, macroinvertebrates.

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

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

Approximately (13.5) 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)
Y	4		
Y	7		
Y	2.5		

Summarize overall biological, chemical and physical functions being performed: The subject wetland, in combination with similarly situated wetlands, perform the following functions: Storage of flood waters; reduction of downstream peak discharges and volumes; recharge of aquifer; maintenance of seasonal/baseflows; maintenance of groundwater supplies; removal of sediments and nutrients; provision of breeding grounds and wildlife habitat (e.g. feeding/foraging, nesting, spawning, rearing of young); support diverse community of benthic invertebrates, a major food source for vertebrates.

C. SIGNIFICANT NEXUS DETERMINATION

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

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

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

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

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

4.

5. Signicant Nexus Determination: The Eleventh Circuit has concluded that the Kennedy standard is the sole method of determining CWA jurisdiction in that Circuit (United States v. McWane, Inc., et al., 505 F.3d 1208 [11th Cir. 2007]); therefore, unless the aquatic resources are traditional navigable waters or wetlands adjacent to traditional navigable waters, the Corps needs to conduct a significant nexus determination on all other waters in order to determine jurisdiction under the CWA. The Corps has determined that for this review, the subject tributary (RPW along Honore Avenue) and the subject wetlands (Wetland T which is adjacent to an RPW outside of the review area, along Mandarin Road), have more than an insubstantial or speculative effect on the physical, chemical, and biological integrity of the downstream TNW, as described below.

6.

7. The following represents the significant nexus finding for the RPW along Honore Avenue and similarly situated waters:

8. PHYSICAL: The tributary receives rainfall and stormwater runoff from a four-lane divided road and transports this water and sediment load downstream. Flows from the tributary and similarly situated tributaries affect the duration, frequency and volume of flow into South Creek, and Dryman Bay, the receiving TNW.

9. CHEMICAL: The tributary transfers pollutants from the roadway as well as adjacent land uses to the downstream TNW. Pollutants include petroleum wastes, fertilizers, pesticides and cleaning solvents, which cumulatively have led to an impairment rating of South Creek, into which the tributary flows prior to reaching Dryman Bay. This demonstrates an observable chemical functional relationship between the subject tributary and similarly situated waters, and the downstream TNW. These chemical contributions occuring upstream negatively affect aquatic resources downstream and can contribute to eutrophication and algal blooms.
10. BIOLOGICAL: The tributary, in combination with similarly situated waters, provides foraging habitat for wading birds and habitat for reptiles, amphibians, fish and aquatic insects, including species which move between aquatic and upland environments during their life cycles. The biological functions provided by the tributary addressed in this JD are exported to South Creek and the downstream TNW.
11.
12. The following represents the significant nexus finding for the wetland adjacent to the RPW along Mandarin Road and similarly situated wetlands:
13. PHYSICAL: The wetlands perform important flow maintenance functions including storage of flood waters and maintenance of groundwater supplies, and therefore directly affect the duration, frequency and volume of flow in the tributary and the downstream TNW. The wetlands provide a means of slowing water's velocity and reducing the amount of sediments entering downstream waters.
14. CHEMICAL: The wetlands improve water quality by removing sediments, nutrients and other pollutants that would otherwise reach the downstream TNW. The wetlands assimilate pesticide and fertilizer runoff from adjacent land uses (the site within the review area was a golf coulrse until 2006) prior to discharge to the TNW, reducing nutrient loads downstream in South Creek and Dryman Bay.
15. BIOLOGICAL: The subject wetlands and similarly situated wetlands are important biologically since a substantial amount of the historical wetland coverage in the watershed has been altered for residential and commercial development, and agriculture. They provide breeding grounds for species that cannot reproduce in faster-moving water and move between wetlands and uplands over their lifecycle, and provide habitat for a variety of species. The subject wetlands, in combination with similarly situated wetlands, provide a natural corridor in an altered landscape. The biological functions provided by the wetlands discussed in this JD are exported downstream to, and provide benefits to, the downstream TNW.

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: The tributary had flowing water during the November 18, 2016 site visit. Additional observations via available aerial and street view photographs of standing and flowing water during dry season months over several years indicate that the tributary has predictable flow during wet seasons and likely year-round in most years.

   Provide estimates for jurisdictional waters in the review area (check all that apply):
   - ☒ Tributary waters: **425** 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.

[8]See Footnote # 3.

☐ 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: The wetlands have a direct surface water connection with the tributary adjacent to Mandarin Road and are not separated from the tributary by a berm or barrier. The tributary has seasonal flow. Observations via available aerial and street view photographs of standing and flowing water during dry season months over several years indicate that the tributary has predictable flow during the wet season in most years.

Provide acreage estimates for jurisdictional wetlands in the review area: **0.45** 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: 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.

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.

---

[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.***

☒ 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): **The site contains approximately 11.3 acres of surface waters excavated for ornamenal purposes (golf course ponds) in dry land from non-hydric soils. Field investigations confirm that these excavated features do not have an apparent hydrologic connection with, or serve to connect wetlands or other waters of the U.S. to the downstream TNW. These features are considered non-jurisdictional based on the preamble to 33 CFR Part 328 in the November 13, 1986, Federal Register (51 FR 41217, Section 328.3).**

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: 3.2 acres.

☐ Other non-wetland waters: acres. List type of aquatic resource: .

☒ Wetlands: 4.3 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: Wetland/surface water map submitted by agent.

☒ 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: Provided by applicant.

☒ National wetlands inventory map(s). Cite name:https://www fws.gov/wetlands/data/mapper html.

☐ 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 aerials and/or street view (1995-2016); 1969 aerial from http://ufdc.ufl.edu/aerials.

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): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: .

M:\acad\2016\160246\SunriseUSACoE-JD_V2.mxd NAD 1983 StatePlane Florida West FIPS 0902 FeetTransverse Mercator unash 12/7/2016 10:42:36 AM

FIGURE 3.
SUNRISE
USACE WETLANDS MAP

Sources: AM Engineering, 2016; ECT, 2016.

ECT Environmental Consulting & Technology, Inc.

M:\acad\2016\160246\SunriseUSACoE-JD_V2.mxd NAD 1983 StatePlane Florida West FIPS 0902 FeetTransverse Mercator unash 12/7/2016 10:42:36 AM

FIGURE 3.
SUNRISE
USACE WETLANDS MAP

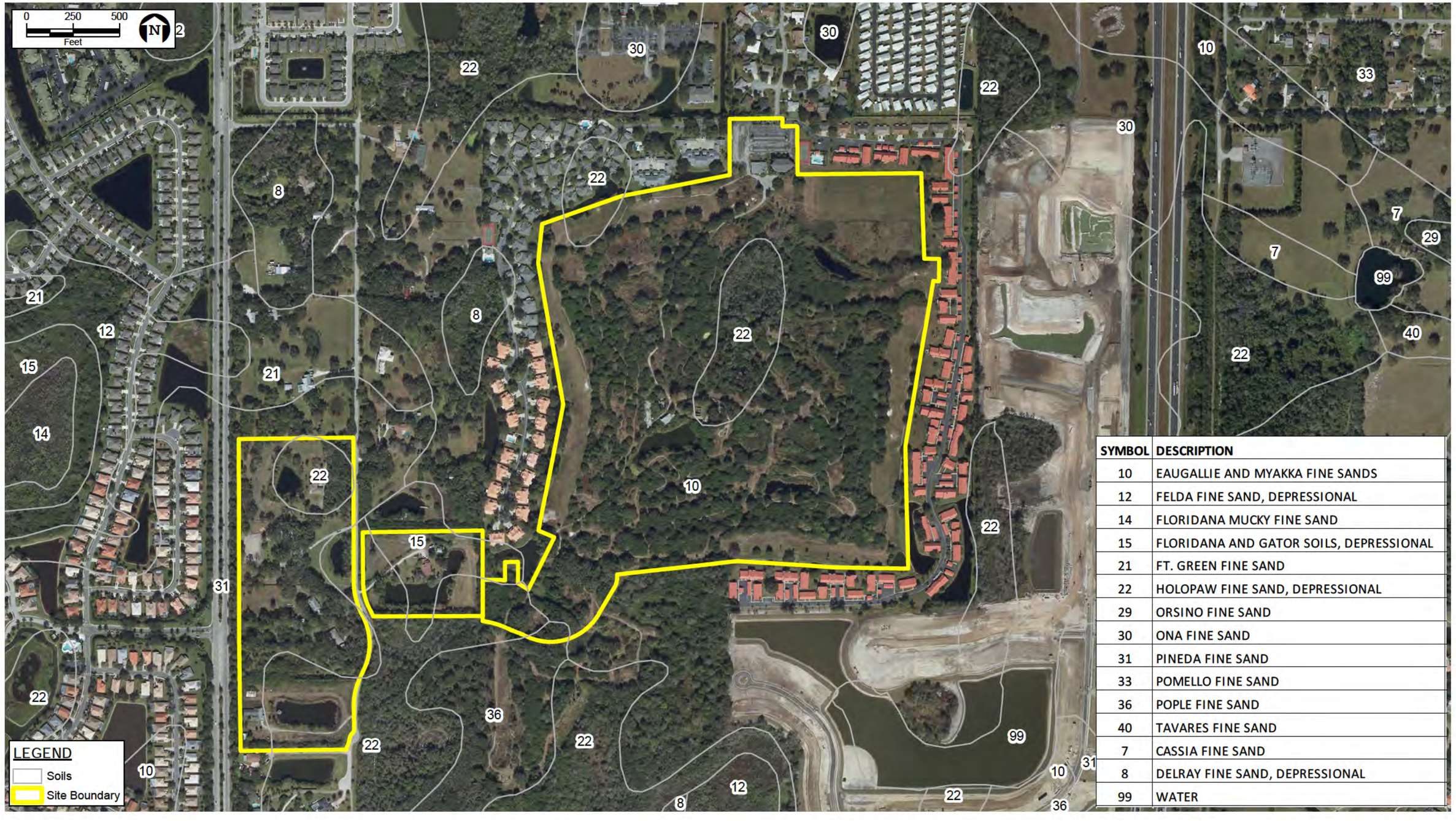
Sources: AM Engineering, 2016; ECT, 2016.

ECT Environmental Consulting & Technology, Inc.

M:\acad\2016\160246\SunriseSoils.mxd

NAD 1983 StatePlane Florida West FIPS 0902 FeetTransverse Mercator

unash 5/9/2016 8:00 08 AM



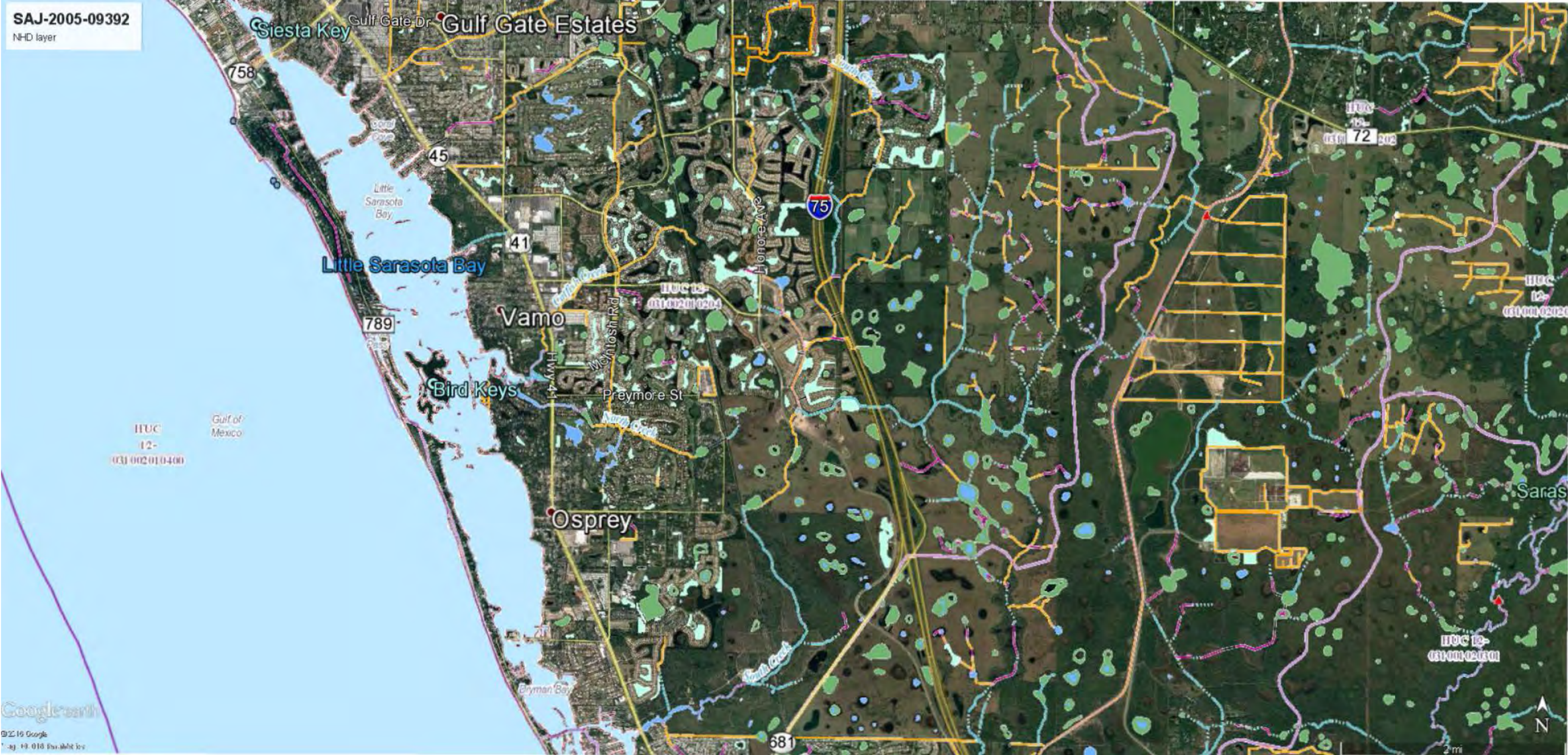
SYMBOL	DESCRIPTION
10	EAUGALLIE AND MYAKKA FINE SANDS
12	FELDA FINE SAND, DEPRESSIONAL
14	FLORIDANA MUCKY FINE SAND
15	FLORIDANA AND GATOR SOILS, DEPRESSIONAL
21	FT. GREEN FINE SAND
22	HOLOPAW FINE SAND, DEPRESSIONAL
29	ORSINO FINE SAND
30	ONA FINE SAND
31	PINEDA FINE SAND
33	POMELLO FINE SAND
36	POPLE FINE SAND
40	TAVARES FINE SAND
7	CASSIA FINE SAND
8	DELRAY FINE SAND, DEPRESSIONAL
99	WATER

FIGURE 2.
SUNRISE
USACE NATIONWIDE 29 PERMIT
PRE-CONSTRUCTION NOTIFICATION
SOILS MAP

Sources: USDA, 2012; FDOT, 2014; AM Engineering, 2016; ECT, 2016.

ECT Environmental Consulting & Technology, Inc.


Jem Ln
Buckingham St
13
Approach Draw Ln
Hawkins Rd
Golf Course
Sturbridge Ct
Donnington Ct
Mandarin Rd
Draw Ln
Bridgehampton Blvd
75
Flagstone Dr
Highbury Cir
20
24
Anise Dr
Honore Ave
Dunrobin Dr
Culkean Dr
Drum Castle Pkwy
Palmer Ranch Pkwy
Taeda Dr


SAJ-2005-09392
NHD layer
Siesta Key
Gulf Gate Dr
Gulf Gate Estates
758
45
41
Little Sarasota Bay
Little Sarasota Bay
789
Vamo
Bird Keys
Hwy 41
McIntosh Rd
Preymore St
Honore Ave
75
72
HUC 12- 031002010400
Gulf of Mexico
Osprey
Bryan Bay
681
N
2 mi