

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): 20 October 2015

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CESAJ-RD-SP SAJ-2015-01948 (NPR-AAZ) FFWCC Shooting Range Site

C. PROJECT LOCATION AND BACKGROUND INFORMATION: The 150.42-acre site is located east of Seminole Pratt Whitney Road, south of 120th Street North on the Mecca Farms site in Section 6; Township 42 South, Range 41 East, Palm Beach County, Florida. Project site is fallow agricultural lands that were previously orange groves

State: FL County/parish/borough: Palm Beach City:
Center coordinates of site (lat/long in degree decimal format): Lat. 26.8515° **N**, Long. -80.2854° **W**.
Universal Transverse Mercator: NAD 83

Name of nearest waterbody: C-18 Canal

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: C-18 Canal

Name of watershed or Hydrologic Unit Code (HUC): HUC 10 Upper Loxahatchee Slough

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: 20 October 2015

Field Determination. Date(s): 17 September 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 1.50 acre pond and an irrigation ditch that is 2.38 acres.

Wetlands: 1.06 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 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.

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: C-18 Canal.

Summarize rationale supporting determination: C-18 Canal is navigable and discharges to the Loxahatchee River, which is tidal.

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”: The 1.06 acre wetland is located 25 feet south of the irrigation ditch, which discharges directly into the C-18 Canal. The irrigation canal is a tributary of the C-18 Canal and is designed to drain water from the wetland and discharge offsite into the C-18 Canal.

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: 63480 acres

Drainage area: Pick List

Average annual rainfall: inches

Average annual snowfall: inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through Pick List tributaries before entering TNW.

Project waters are 1 (or less) river miles from TNW.

Project waters are Pick List river miles from RPW.

Project waters are Pick List aerial (straight) miles from TNW.

Project waters are Pick List aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: .

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

Identify flow route to TNW⁵: The entire farmed lands consists of 1,650 acres. The irrigation ditch surrounds the entire 1,650 acres and intersects the property at various sections to properly drain the site for optimal agricultural use for the orange grove. This section of the irrigation ditch extends along the northern boundary of the orange grove and flows directly into the C-18 Canal. The C-18 Canal is located 110 feet to the north. An earthen berm separates the irrigation ditch from the C-18 Canal which was placed as a result of sidecast from excavation of the C-18 Canal and the irrigation ditch. There is a water control structure, which is 75 feet wide, that controls the amount of flow from the irrigation ditch into the C-18 Canal. The irrigation ditch contains water year round.

Tributary stream order, if known: first order.

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

Tributary is: Natural

Artificial (man-made). Explain: The irrigation ditch was constructed from wetlands when the site was initially used for orange groves. This section of the irrigation ditch is 4300 feet in length and 25 feet in width, encompassing 2.38 acres. The irrigation ditches surround the perimeter of the site as well as intersect the agricultural lands through the interior.

Manipulated (man-altered). Explain:

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

Average width: 25 feet

Average depth: feet

Average side slopes: **2:1**.

Primary tributary substrate composition (check all that apply):

Silts

Sands

Concrete

Cobbles

Gravel

Muck

Bedrock

Vegetation. Type/% cover:

Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: stable banks that are routinely mowed and maintained.

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Pick List**

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

Describe flow regime: permanently inundated.

Other information on duration and volume: The tributary has perennial flow.

Surface flow is: **Overland sheetflow**. Characteristics: The irrigation ditch is designed to collect surface water from the agricultural lands. Several secondary irrigation ditches along the interior of the site collect water and discharge to the perimeter irrigation ditches, which then discharge directly into the C-18 Canal.

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

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks

OHWM⁶ (check all indicators that apply):

clear, natural line impressed on the bank

the presence of litter and debris

changes in the character of soil

destruction of terrestrial vegetation

shelving

the presence of wrack line

vegetation matted down, bent, or absent

sediment sorting

leaf litter disturbed or washed away

scour

sediment deposition

multiple observed or predicted flow events

water staining

abrupt change in plant community

other (list):

Discontinuous OHWM.⁷ Explain:

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

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.

- | | |
|--|--|
| <input type="checkbox"/> High Tide Line indicated by: | <input type="checkbox"/> Mean High Water Mark indicated by: |
| <input type="checkbox"/> oil or scum line along shore objects | <input type="checkbox"/> survey to available datum; |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings; |
| <input type="checkbox"/> physical markings/characteristics | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges | |
| <input type="checkbox"/> other (list): | |

(iii) Chemical Characteristics:

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

Explain: Water in the tributary (irrigation ditch) is dark and murky. The irrigation ditch collects water from the agricultural lands so it is likely that the irrigation ditch contains a high amount of agricultural chemicals. Low nutrient and pollutant concentrations are essential to maintain the good water quality within the TNW. Because the irrigation ditch discharges directly into the C-18 Canal, the irrigation ditch is a direct source of poor water quality in the C-18 Canal.

Identify specific pollutants, if known: It is assumed that the water contains increased levels of nitrogen and phosphorus.

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

Riparian corridor. Characteristics (type, average width):

Wetland fringe. Characteristics: The irrigation ditch runs contains a narrow fringe of emergent freshwater plant species along the interface where the ordinary high water meets the land.

Habitat for:

Federally Listed species. Explain findings: Eastern indigo snake may be found along the banks of the perimeter

ditches.

Fish/spawn areas. Explain findings: The irrigation ditch contains several freshwater fish species, turtles, and floating/submerged aquatic plants.

Other environmentally-sensitive species. Explain findings:

Aquatic/wildlife diversity. Explain findings: Several types of wading birds are seen foraging in the ditches as well as various ducks. These aquatic birds also forage in the C-18 Canal. On the field visit, a red-tailed hawk was seen flying from the freshwater wetland to the shrubs along the banks of the irrigation ditch.

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: 1.5 acres

Wetland type. Explain: Open deep water wetland with littoral fringe.

Wetland quality. Explain: Low quality ponded wetland located within an orange grove.

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

(b) General Flow Relationship with Non-TNW:

Flow is: **Perennial flow**. Explain: The ponded wetland contains standing water year round. Water from the pond drains into the secondary irrigation ditches, flows north into the perimeter irrigation ditch and enters into the C-18 Canal.

Surface flow is: **Overland sheetflow**

Characteristics: Water flow is only during high rain events.

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

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **1 (or less)** river miles from TNW.

Project waters are **1 (or less)** aerial (straight) miles from TNW.

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

Estimate approximate location of wetland as within the **2-year or less** 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: The ponded wetland was excavated from wetlands to generate fill for berms and rows for orange trees. The pond collects stormwater from the agricultural lands so it is likely that the ponded wetland contains a high amount of agricultural chemicals. Low nutrient and pollutant concentrations are essential to maintain the good water quality within the TNW. Because water from the ponded wetland enters the irrigation ditch and is discharged directly into the C-18 Canal, the ponded wetland is a source of poor water quality in the C-18 Canal.

Identify specific pollutants, if known: It is assumed that the water contains increased levels of nitrogen and phosphorus.

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

Riparian buffer. Characteristics (type, average width):

Vegetation type/percent cover. Explain: freshwater wetland fringe around the perimeter of the pond.

Habitat for:

Federally Listed species. Explain findings: wood stork could forage along the littoral vegetation.

Fish/spawn areas. Explain findings: The pond contains fish.

Other environmentally-sensitive species. Explain findings:

Aquatic/wildlife diversity. Explain findings:

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

All wetland(s) being considered in the cumulative analysis: **2**
Approximately (2.56) 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>
Ponded Wetland	1.50 acre		
Wetland in Northeast portion of site		1.06 acre	

Summarize overall biological, chemical and physical functions being performed: .

C. SIGNIFICANT NEXUS DETERMINATION

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

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

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

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

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: The ponded wetland was excavated historically from wetlands as a source of fill material to help create the agricultural farm. The fill was used to to create berms and row crops for orange trees. Water on the site is managed through a series of secondary irrigation ditches extending north/south orientation, which connect to a perimeter ditch. Water is either pumped into the perimeter ditch and into the secondary irrigation ditches when water is needed to irrigate the orange trees, or pumped out of the perimeter ditch into the C-18 when excess water is present. The pond collects and stores excess stormwater. During high water events, water discharges into the secondary irrigation ditches, then into the perimeter ditch, prior to discharge into the C-18 Canal. The perimeter ditch is located approximately 200 feet to the west of the ponded wetland.
4. The ponded wetland serves as water storage for and the TNW. The ponded wetland functions to reduce stormwater flows off the project site since surface water stages up during storm events and overtops the wetland boundaries, where the secondary irrigation ditches discharge water ultimately to the C-18 Canal. Therefore, the ponded wetland functions to reduce the flooding of the uplands and retain sedimentation. The physical adjacency factors include historical flood protection and the landscape position relative to the TNW. The ponded wetland filters pollutants from excess stormwater runoff from the uplands prior to discharge into the C-18 Canal.

Chemical adjacency factors include the ability of the wetlands to recycle nutrients. In the wetlands, the plant and animal communities serve as a source of detritus that is the source of energy and materials needed to maintain the community of decomposers. The decomposers break down the organic materials into simpler elements and compounds that can re-enter the

nutrient cycle. The cycle depends on a balance between the soil, vascular and non-vascular plants, animals, fungi, bacteria, leaf litter, and woody debris. The loss of the wetlands could cause a shift from the wetlands functioning as a sink for nutrients to a source of materials that could adversely affect the C-18 Canal.

Biological adjacency factors include that these wetlands serve as a food source for fauna that utilize both the C-18 Canal and the ponded wetland. Wading birds and hawks could forage in either the on-site wetlands or the C-18 Canal. Wetlands provide characteristic wildlife habitat, capacity to provide critical life requisites to selected components of the invertebrate and vertebrate wildlife community. Wetlands provide habitat for numerous species of amphibians, reptiles, fish, birds, and mammals and play key roles in ecosystem structure and stability. Many of these require both wetland and adjacent upland habitats and the organisms themselves serve as a conduit for energy exchange between the different habitat systems. Wetlands are important to the maintenance of local populations of many wildlife species as shelter, breeding or foraging areas or as sources of fresh water.

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: 1.07 acre freshwater wetland 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: Water can be seen in the perimeter ditch in aerial photos year round. The surrounding lands contain .
 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 directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

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

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: **Impoundment totalling 1.50** acres.

⁸See Footnote # 3.

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.
 - 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 secondary irrigation ditches did not meet the definition of wetlands. The sole purpose of the secondary irrigation ditches are to irrigate the orange groves. Since the site is inactive, water has not been actively pumped through the ditches and there is not a dominance of wetland plants. There are approximately 28.10 acres of secondary irrigation ditches on the site.**

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

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

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

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

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.

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:WGI dated 8/10/15.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters' study: .
- U.S. Geological Survey Hydrologic Atlas: .
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: .
- USDA Natural Resources Conservation Service Soil Survey. Citation:The soils are designated as partially hydric: Hallandale fine sand, Riviera fine sand; and as hydric: Riviera fine sand depressional, Florida fine sand.
- National wetlands inventory map(s). Cite name:The NWI map indicates the ponded wetland as a wetland..
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date):Google Earth imagery date 1-18-2014.
or Other (Name & Date): .
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: .