



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): 30 March 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Jacksonville District Office, Sawmill at the Park, SAJ-2006-04268

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Florida County/parish/borough: Flagler City: Palm Coast
Center coordinates of site (lat/long in degree decimal format): Lat. 29.618073° N, Long. -81.284384° W.
Universal Transverse Mercator:

Name of nearest waterbody: Hulett Creek

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Pellicer Creek

Name of watershed or Hydrologic Unit Code (HUC): HUC 12: 030802010403

- 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: 21 March 2018
Field Determination. Date(s):

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 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 0.53 acres.
Wetlands: 18.39 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: Two isolated wetlands totaling 1.41 acres exist in the review area. Both of these wetlands are surrounded by uplands; therefore, a physical connection to an RPW does not exist. Isolated wetland 1 (0.32-acre) is located at least 350 feet away from the RPW. Isolated wetland 2 (1.09-acre) is located at least 525 feet from the RPW. Due to the lack of physical connection, these wetlands do not supply nutrients or biologically available materials to the TNW except what is provided by migratory birds. Furthermore, the function and services provided by these wetlands have been

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.

deteriorated from historical impacts involving silviculture. The wetlands are surrounded by pine silviculture and do not filter chemicals from runoff during precipitation events that would enter the TNW. Due to the geographical location of these wetlands, they are not linked to intrastate commerce. In consideration of the information mentioned above the Corps has determined these two wetlands to be non-jurisdictional.

### 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<sup>4</sup> 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: 437,953 acres

Drainage area: 17,131 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 1-2 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: .

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<sup>4</sup> 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<sup>5</sup>: **The wetland abutting the unnamed RPW 1 flows west for 650 feet until it conjoins the larger RPW 2 (Hulett Branch) or wetland. This RPW flows north for 9,500 feet until it becomes the TNW (Pellicer Creek).**

Tributary stream order, if known: .

(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: RPW 1: 50 feet  
RPW 2: 300 feet

Average depth: 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: The condition of RPW 1 is eroded from previous silviculture activities. The condition of RPW 2 is a stable palustrine forested wetland system. This tributary does not have a distinguishable bank that clearly delineates the differences between the wetland and the RPW 2. The RPW 2 drains through overland sheet flow.

Presence of run/riffle/pool complexes. Explain: None.

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): 1 %

(c) Flow:

Tributary provides for: Perennial Flow

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

Describe flow regime: Both RPWs have continuous flow.

Other information on duration and volume: .

Surface flow is: **Overland sheetflow**. Characteristics: The RPWs on the project site do not have a distinguishable bank that clearly delineates the differences between the wetland and the RPW. .

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

Dye (or other) test performed: .

Tributary has (check all that apply): **RPW 2 is a contiguous system of wetlands until the waters reach the TNW. These waters (TNW) are located on properties where access has not been granted; therefore, a thorough description of the RPW is not possible.**

Bed and banks  
 OHWM<sup>6</sup> (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.<sup>7</sup> Explain: .

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

High Tide Line indicated by:  Mean High Water Mark indicated by:  
 oil or scum line along shore objects  survey to available datum;

<sup>5</sup> 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.

<sup>6</sup>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.

<sup>7</sup>Ibid.

- fine shell or debris deposits (foreshore)     physical markings;  
 physical markings/characteristics     vegetation lines/changes in vegetation types.  
 tidal gauges  
 other (list):

**(iii) Chemical Characteristics:**

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

Explain: **The RPWs serve as drainage for agrarian, residential and commercial land uses; therefore, pollutants such as dioxins, fertilizers, and motor oil would be found in the waterway. The water color is black from tannins and secondary organic compounds leached into the water system.**

Identify specific pollutants, if known: unknown

**(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: The Resource at Risk report found the area is within the core foraging area of the Wood Stork (*Mycteria americana*) and within the conservation area of the Florida Scrub Jay (*Aphelocoma coerulescens*).

Fish/spawn areas. Explain findings:

Other environmentally-sensitive species. Explain findings:

Aquatic/wildlife diversity. Explain findings: The RPW is a source of water mammals such as the American raccoon (*Procyon lotor*), birds such as the Wood Stork, amphibian such as the American toad (*Anaxyrus americanus*) and reptiles such as the American alligator (*Alligator mississippiensis*).

**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: 17.94 acres

Wetland type. Explain: Palustrine Forested.

Wetland quality. Explain: The wetland is medium to high quality because it is a climax forested system surrounded by silviculture activities.

Project wetlands cross or serve as state boundaries. Explain:

**(b) General Flow Relationship with Non-TNW:**

Flow is: **Perennial flow**. Explain:

Surface flow is: **Overland sheetflow**

Characteristics:

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

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

Estimate approximate location of wetland as within the **5 - 10-year** floodplain.

**(ii) Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: **The wetlands filter water from agrarian, residential, and commercial land uses; therefore, pollutants such as dioxins, fertilizers, and motor oil would be found in the waterway. The water color is black from tannins and secondary organic compounds leached into the water system.**

Identify specific pollutants, if known:

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

Riparian buffer. Characteristics (type, average width):

Vegetation type/percent cover. Explain:

Habitat for:

Federally Listed species. Explain findings: **The Resource at Risk report found the area is within the core foraging area of the Wood Stork and within the conservation area of the Florida Scrub Jay.**

Fish/spawn areas. Explain findings:

Other environmentally-sensitive species. Explain findings:

Aquatic/wildlife diversity. Explain findings: **The RPW is a source of water mammals such as the American raccoon, birds such as the Wood Stork, amphibians such as the American toad and reptiles such as the American alligator.**

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

All wetland(s) being considered in the cumulative analysis: **1**

Approximately ( 0.45 ) 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>
Y	0.45-acre		

Summarize overall biological, chemical and physical functions being performed: **The directly abutting adjacent wetland is a source of water for wildlife species. Also, the adjacent wetland serves to filter and store storm water run-off from the adjacent uplands.**

**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 floodwaters 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. **Findings for wetlands directly abutting an RPW.**
5. **Findings for RPW directly connecting to a 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: **According to the USGS topographical map the RPW is named Hulett Branch. Furthermore, the National Hydrology Dataset has Hulett Branch labeled as perennial in the review area.**
- 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: **5,300** linear feet **200** width (ft).
- Other non-wetland waters: **0.53** acres.

Identify type(s) of waters: **Stream.**

3. **Non-RPWs<sup>8</sup> 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: **Physical separation, such as a berm, uplands or geographical rise in topography, does not exist between the wetland and RPW. Furthermore, analysis of USGS topographical map does not exhibit a separation.**
- 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: **18.39** 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: 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.<sup>9</sup>**

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).

<sup>8</sup>See Footnote # 3.

<sup>9</sup> To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

**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):<sup>10</sup>**

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: .
- Other factors. Explain: .

**Identify water body and summarize rationale supporting determination:** .

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

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

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): .

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

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: 1.41 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.**

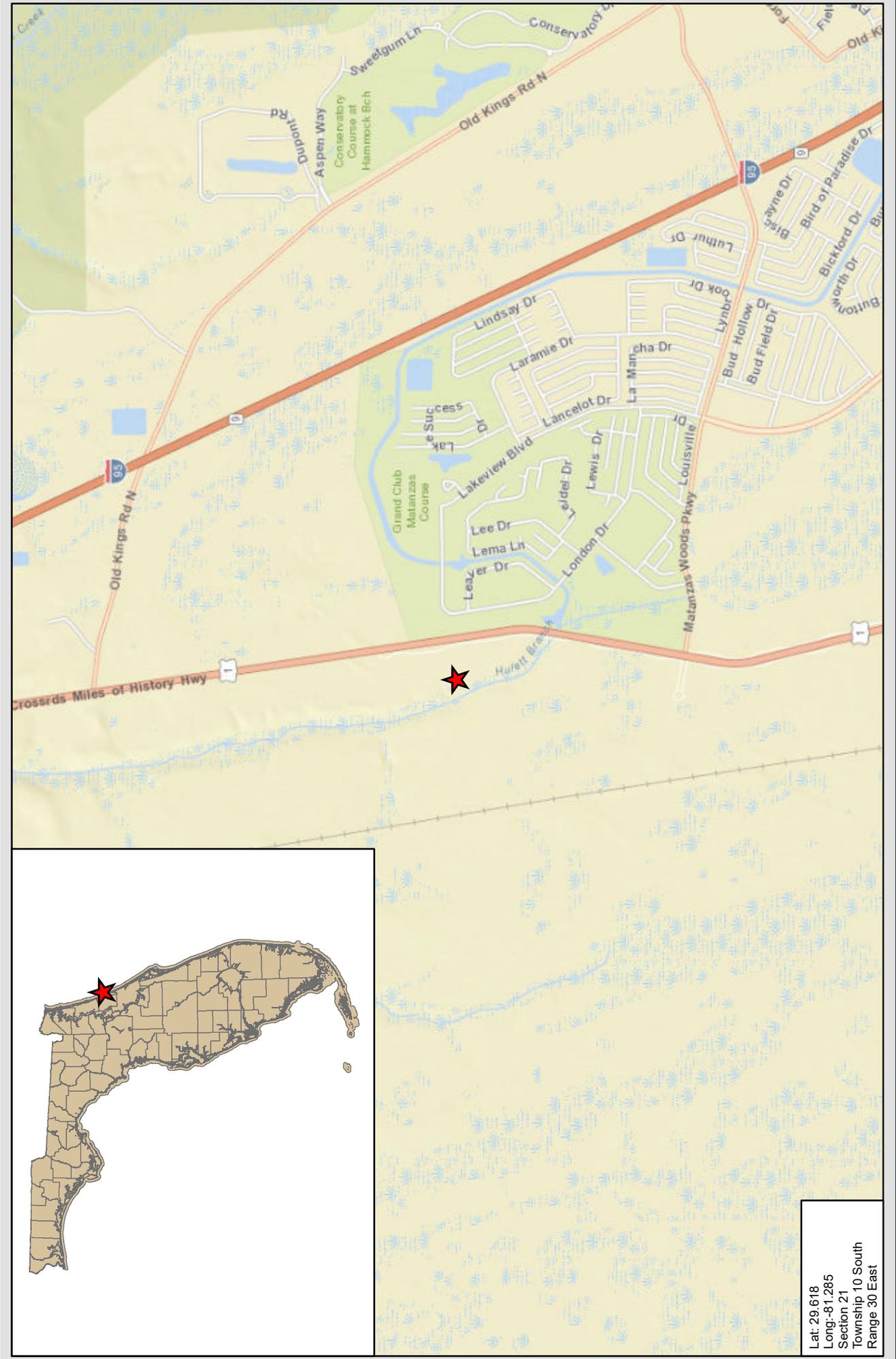
**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Figures 1 and 2.
- 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: Figures 3 and 4
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Figure 5.
- USDA Natural Resources Conservation Service Soil Survey. Citation: Figure 6.
- National wetlands inventory map(s). Cite name: Figure 7 .
- State/Local wetland inventory map(s): .

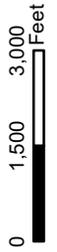
<sup>10</sup> Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): .  
or  Other (Name & Date): .
- Previous determination(s). File no. and date of response letter: **SAJ-2006-04268, 15 June 2007.**
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** .



Lat: 29.618  
 Long: -81.285  
 Section 21  
 Township 10 South  
 Range 30 East



**Location Map**  
**Palm Coast Park 6A/6B**  
**Flagler County, Florida**



WWW.ATLANTICECO.COM  
 904-347-9133 | jody@atlanticeco.com  
 201 Basque Rd | St. Augustine, FL 32080

Image Source: ESRI 2017  
 Date: 10-7-17

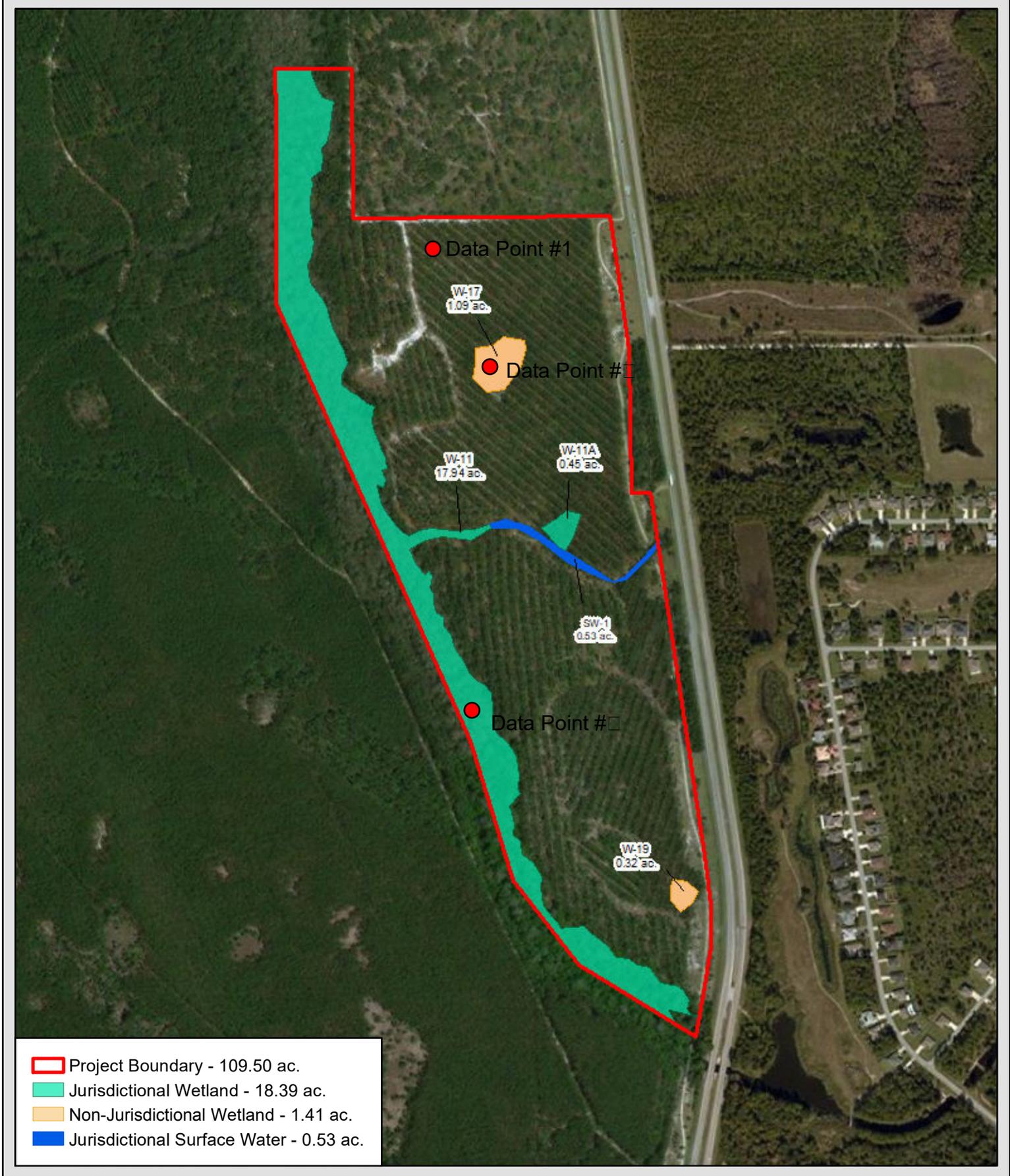


Image Source: Bing 2017  
Date: 10-7-17



### Wetland Map Palm Coast Park 6A/6B Flagler County, Florida



WWW.ATLANTICECO.COM  
904-347-9133 | jody@atlanticeco.com  
201 Basque Rd | St. Augustine, FL 32080



Britten Branch

Helett

Britten Branch  
Pingle Swamp

Branch

5

London Dr

Leavey Dr

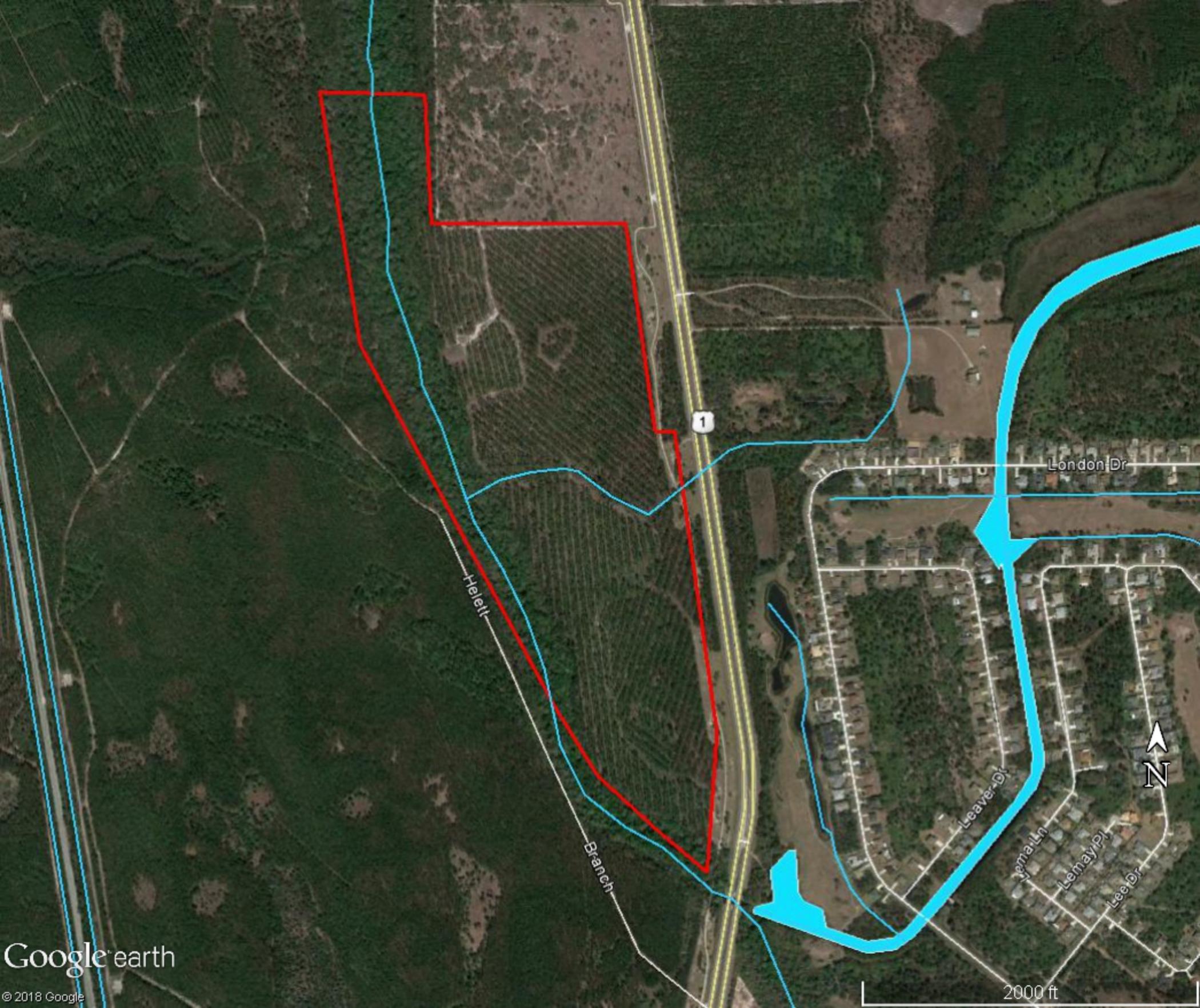
Vernal Ln

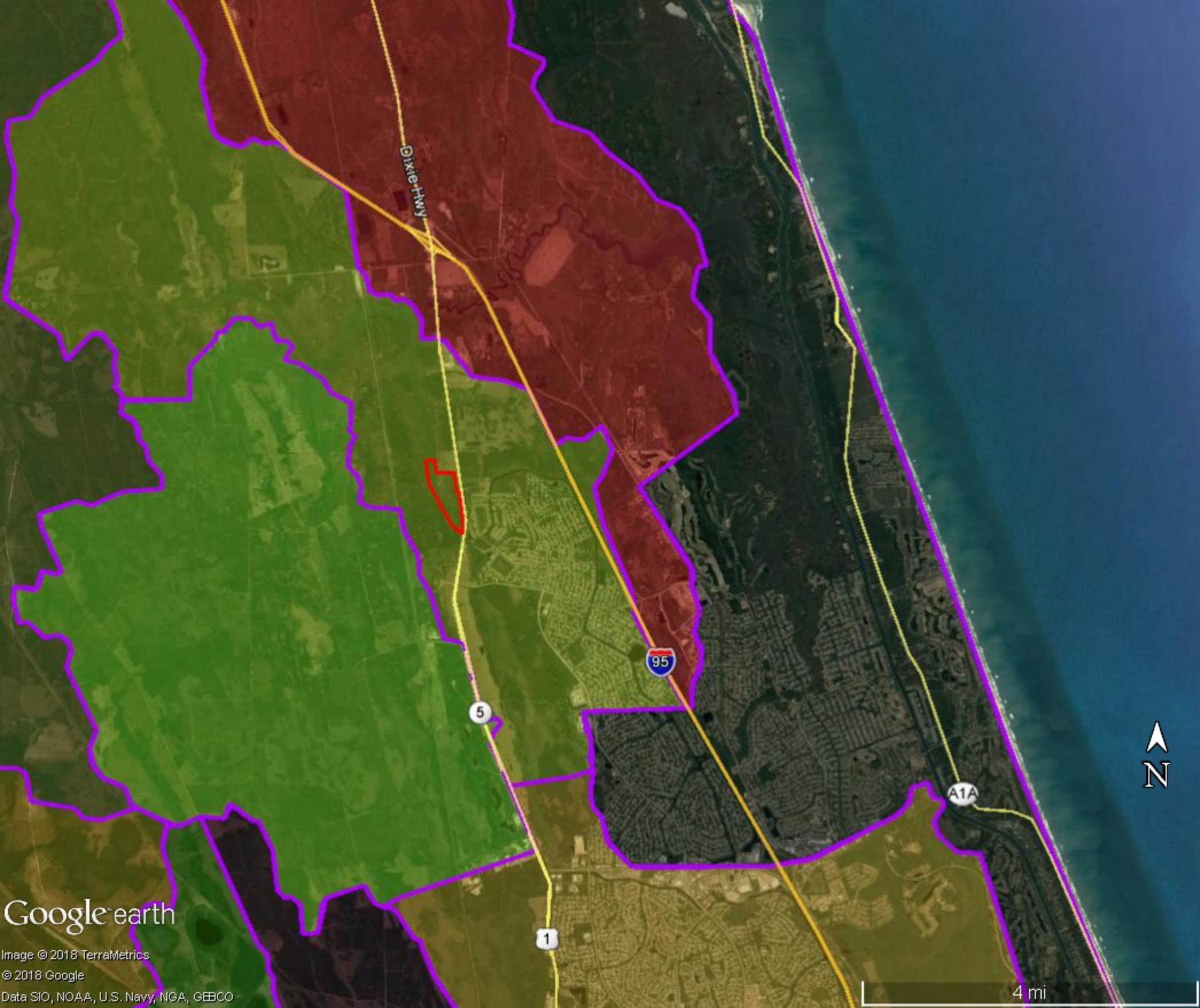
Lemay Pl

Lee Dr

Leide Dr







Dixie Hwy

95

5

1

A1A



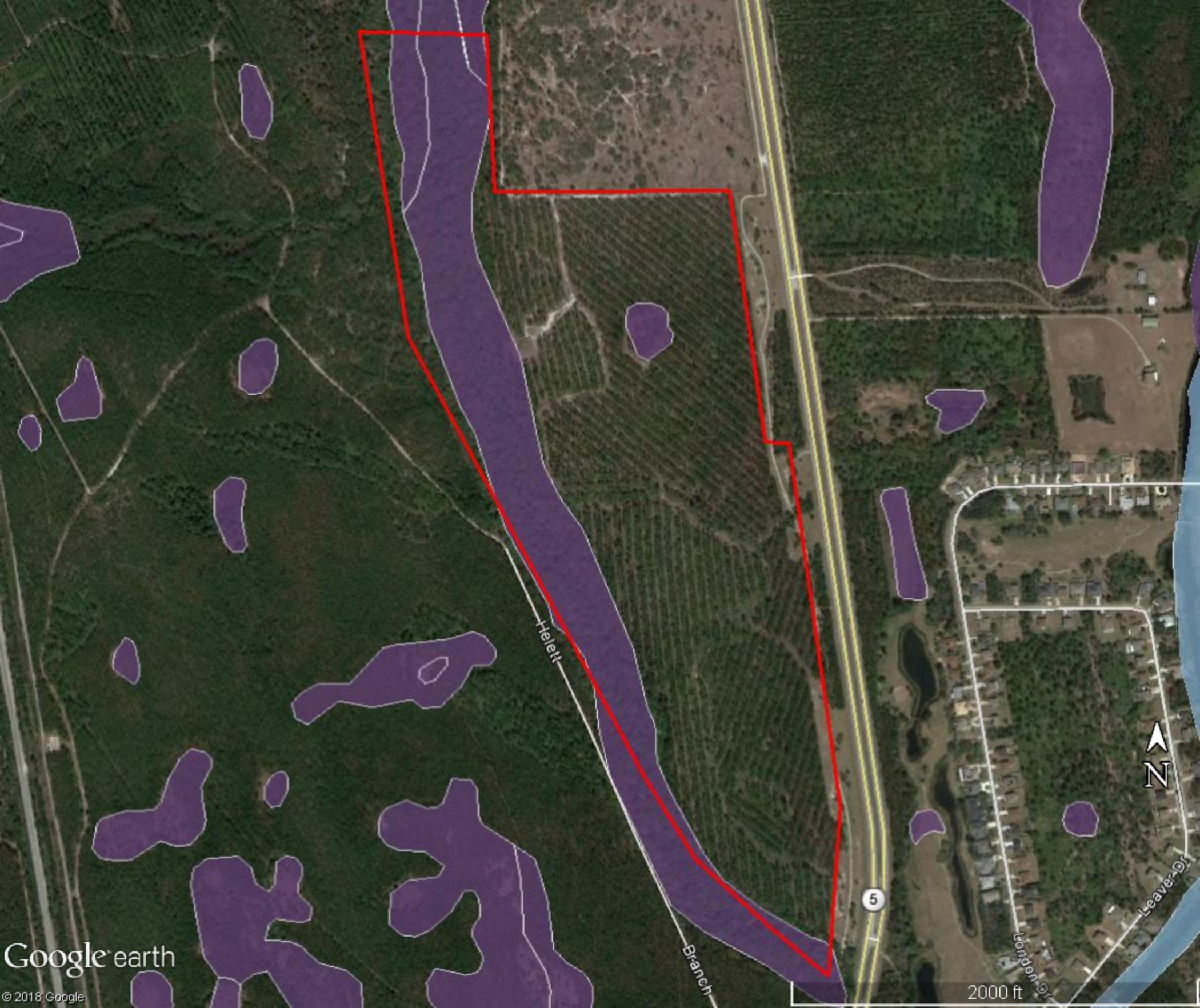
4 mi

Google earth

Image © 2018 TerraMetrics  
© 2018 Google  
Data SIO, NOAA, U.S. Navy, NGA, GEBCO







## WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Palm Coast Park Tracts 6A & 6B City/County: Palm Coast, Flagler Sampling Date: 6/122017  
 Applicant/Owner: Southeast Georgia Acquisitions, LLC State: FL Sampling Point: 1  
 Investigator(s): Jody Sisk Section, Township, Range: 21, 10S, 30E  
 Landform (hillside, terrace, etc.): flatwoods Local relief (concave, convex, none): \_\_\_\_\_ Slope (%): \_\_\_\_\_  
 Subregion (LRR or MLRA): LRR U Lat: 29.617722 Long: -81.283908 Datum: \_\_\_\_\_  
 Soil Map Unit Name: Myakka fine sand NWI classification: Upland

Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes x No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

### SUMMARY OF FINDINGS -- Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u>X</u> No _____ Hydric Soil Present? Yes _____ No <u>X</u> Wetland Hydrology Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Remarks: Upland pine plantation	

### HYDROLOGY

<b>Wetland Hydrology Indicators:</b> <u>Primary Indicators (minimum of one is required; check all that apply)</u> ___ Surface Water (A1)                      ___ Aquatic Fauna (B13) ___ High Water Table (A2)                  ___ Marl Deposits (B15) (LRR U) ___ Saturation (A3)                            ___ Hydrogen Sulfide Odor (C1) ___ Water Marks (B1)                         ___ Oxidized Rhizospheres on Living Roots (C3) ___ Sediment Deposits (B2)                 ___ Presence of Reduced Iron (C4) ___ Drift Deposits (B3)                        ___ Recent Iron Reduction in Tilled Soils (C6) ___ Algal Mat or Crust (B4)                    ___ Thin Muck Surface (C7) ___ Iron Deposits (B5)                         ___ Other (Explain in Remarks) ___ Inundation Visible on Aerial Imagery (B7) ___ Water-Stained Leaves (B9)	<b>Secondary Indicators (minimum of two required)</b> ___ Surface Soil Cracks (B6) ___ Sparsely Vegetated Concave Surface (B8) ___ Drainage Patterns (B10) ___ Moss Trim Lines (B16) ___ Dry-Season Water Table (C2) ___ Crayfish Burrows (C8) ___ Saturation Visible on Aerial Imagery (C9) ___ Geomorphic Position (D2) ___ Shallow Aquitard (D3) ___ FAC-Neutral Test (D5) ___ Sphagnum Moss (D8) (LRR T,U)
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<b>Field Observations:</b> Surface Water Present? Yes _____ No <u>x</u> Depth (inches): _____ Water Table Present? Yes _____ No <u>x</u> Depth (inches): _____ Saturation Present? Yes _____ No <u>x</u> Depth (inches): _____ (includes capillary fringe)	Wetland Hydrology Present? Yes _____ No <u>X</u>
--	--

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

**VEGETATION (Four Strata) – Use scientific names of plants.**

Sampling Point: 1

Tree Stratum (Plot size: <u>1/10 acre</u> )		Absolute % Cover	Dominant Species?	Indicator Status
1.	<i>Pinus elliotii</i>	70	Yes	FACW
2.	<i>Quercus virginiana</i>	5	No	FACU
3.				
4.				
5.				
6.				
7.				
8.				
		75 =Total Cover		
50% of total cover:		38	20% of total cover:	15

Sapling/Shrub Stratum (Plot size: _____)		Absolute % Cover	Dominant Species?	Indicator Status
1.	<i>Serenoa repens</i>	65	Yes	FACU
2.	<i>Ilex glabra</i>	15	No	FACW
3.	<i>Lyonia ferruginea</i>	7	No	FACU
4.				
5.				
6.				
7.				
8.				
		87 =Total Cover		
50% of total cover:		44	20% of total cover:	18

Herb Stratum (Plot size: _____)		Absolute % Cover	Dominant Species?	Indicator Status
1.	<i>Pteridium aquilinum</i>	5	Yes	FACU
2.	<i>Bejaria racemosa</i>	8	Yes	FAC
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
		13 =Total Cover		
50% of total cover:		7	20% of total cover:	3

Woody Vine Stratum (Plot size: _____)		Absolute % Cover	Dominant Species?	Indicator Status
1.	<i>Smilax glauca</i>	12	Yes	FAC
2.	<i>Vitis rotundifolia</i>	7	Yes	FAC
3.				
4.				
5.				
		19 =Total Cover		
50% of total cover:		10	20% of total cover:	4

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 4 (A)

Total Number of Dominant Species Across All Strata: 6 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 66.7% (A/B)

**Prevalence Index worksheet:**

Total % Cover of:	Multiply by:
OBL species <u>0</u>	x 1 = <u>0</u>
FACW species <u>85</u>	x 2 = <u>170</u>
FAC species <u>27</u>	x 3 = <u>81</u>
FACU species <u>82</u>	x 4 = <u>328</u>
UPL species <u>0</u>	x 5 = <u>0</u>
Column Totals: <u>194</u> (A)	<u>579</u> (B)
Prevalence Index = B/A = <u>2.98</u>	

- Hydrophytic Vegetation Indicators:**
- 1 - Rapid Test for Hydrophytic Vegetation
  - 2 - Dominance Test is >50%
  - 3 - Prevalence Index is ≤3.0<sup>1</sup>
- Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Four Vegetation Strata:**

**Tree** – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/Shrub** – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody Vine** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?** Yes  No

Remarks: (If observed, list morphological adaptations below.)  
 Planted upland pine plantation

**SOIL**

Sampling Point: 1

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-7.5	10YR 3/1	55					Sandy	dark grey sandy soil
7.5-12	10YR 2/1	60					Sandy	dark grey sandy soil
12-20	10YR 5/1	60	10YR 6/1	15	D	M	Sandy	light grey sand

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

**Indicators for Problematic Hydric Soils<sup>3</sup>:**

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> ? Thin Dark Surface (S9) (LRR S, T, U)	<input type="checkbox"/> 1 cm Muck (A9) (LRR O)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Barrier Islands 1 cm Muck (S12)	<input type="checkbox"/> 2 cm Muck (A10) (LRR S)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> (MLRA 153B, 153D)	<input type="checkbox"/> Coast Prairie Redox (A16)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (LRR O)	<input type="checkbox"/> (outside MLRA 150A)
<input type="checkbox"/> Stratified Layers (A5)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Reduced Vertic (F18)
<input type="checkbox"/> ? Organic Bodies (A6) (LRR, P, T, U)	<input type="checkbox"/> Depleted Matrix (F3)	<input type="checkbox"/> (outside MLRA 150A, 150B)
<input type="checkbox"/> 5 cm Mucky Mineral (A7) (LRR P, T, U)	<input type="checkbox"/> Redox Dark Surface (F6)	<input type="checkbox"/> Piedmont Floodplain Soils (F19) (LRR P, T)
<input type="checkbox"/> Muck Presence (A8) (LRR U)	<input type="checkbox"/> Depleted Dark Surface (F7)	<input type="checkbox"/> Anomalous Bright Floodplain Soils (F20)
<input type="checkbox"/> 1 cm Muck (A9) (LRR P, T)	<input type="checkbox"/> Redox Depressions (F8)	<input type="checkbox"/> (MLRA 153B)
<input type="checkbox"/> ? Depleted Below Dark Surface (A11)	<input type="checkbox"/> Marl (F10) (LRR U)	<input type="checkbox"/> Red Parent Material (F21)
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Depleted Ochric (F11) (MLRA 151)	<input type="checkbox"/> Very Shallow Dark Surface (F22)
<input type="checkbox"/> Coast Prairie Redox (A16) (MLRA 150A)	<input type="checkbox"/> Iron-Manganese Masses (F12) (LRR O, P, T)	<input type="checkbox"/> (outside MLRA 138, 152A in FL, 154)
<input type="checkbox"/> Sandy Mucky Mineral (S1) (LRR O, S)	<input type="checkbox"/> Umbric Surface (F13) (LRR P, T, U)	<input type="checkbox"/> Barrier Islands Low Chroma Matrix (TS7)
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Delta Ochric (F17) (MLRA 151)	<input type="checkbox"/> (MLRA 153B, 153D)
<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> Reduced Vertic (F18) (MLRA 150A, 150B)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> ? Stripped Matrix (S6)	<input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 149A)	
<input type="checkbox"/> ? Dark Surface (S7) (LRR P, S, T, U)	<input type="checkbox"/> Anomalous Bright Floodplain Soils (F20)	
<input type="checkbox"/> Polyvalue Below Surface (S8)	<input type="checkbox"/> (MLRA 149A, 153C, 153D)	
<input type="checkbox"/> (LRR S, T, U)	<input type="checkbox"/> Very Shallow Dark Surface (F22)	
	<input type="checkbox"/> (MLRA 138, 152A in FL, 154)	

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if observed):**

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes \_\_\_\_\_ No X

**Remarks:**

This data form is revised from Atlantic and Gulf Coastal Plain Regional Supplement Version 2.0 to include the NRCS Field Indicators of Hydric Soils, Version 8.0, 2016.

## WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Palm Coast Park Tracts 6A & 6B City/County: Palm Coast, Flagler Sampling Date: 6/12/2017  
 Applicant/Owner: Southeast Georgia Acquisitions, LLC State: FL Sampling Point: 3  
 Investigator(s): Jody Sisk Section, Township, Range: 21, 10S, 30E  
 Landform (hillside, terrace, etc.): flatwoods Local relief (concave, convex, none): \_\_\_\_\_ Slope (%): \_\_\_\_\_  
 Subregion (LRR or MLRA): LRR U Lat: 29.617722 Long: -81.283908 Datum: \_\_\_\_\_  
 Soil Map Unit Name: Samsula and Placid soils, frequently flooded NWI classification: PFO6F

Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes x No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <u>X</u> No _____ Hydric Soil Present? Yes <u>x</u> No _____ Wetland Hydrology Present? Yes <u>x</u> No _____	Is the Sampled Area within a Wetland? Yes <u>x</u> No _____
Remarks: Hulett Branch bottomland swamp	

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b> <u>Primary Indicators (minimum of one is required; check all that apply)</u> <input checked="" type="checkbox"/> Surface Water (A1) <input checked="" type="checkbox"/> Aquatic Fauna (B13) <input checked="" type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Marl Deposits (B15) (LRR U) <input checked="" type="checkbox"/> Saturation (A3) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input checked="" type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input checked="" type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Other (Explain in Remarks) <input checked="" type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Water-Stained Leaves (B9)	<u>Secondary Indicators (minimum of two required)</u> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input checked="" type="checkbox"/> Crayfish Burrows (C8) <input checked="" type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> FAC-Neutral Test (D5) <input checked="" type="checkbox"/> Sphagnum Moss (D8) (LRR T,U)
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<b>Field Observations:</b> Surface Water Present? Yes <u>x</u> No _____ Depth (inches): _____ Water Table Present? Yes <u>x</u> No _____ Depth (inches): _____ Saturation Present? Yes <u>x</u> No _____ Depth (inches): _____ (includes capillary fringe)	Wetland Hydrology Present? Yes <u>X</u> No _____
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Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:  
 Forested floodplain swamp associated with Hulett Branch. Seepage slope wetland along the ridge of the creek.

**VEGETATION (Four Strata) – Use scientific names of plants.**

Sampling Point: 3

<u>Tree Stratum</u> (Plot size: <u>1/10 acre</u> )	Absolute % Cover	Dominant Species?	Indicator Status	<b>Dominance Test worksheet:</b>	
1. <u><i>Pinus elliotii</i></u>	<u>2</u>	No	FACW	Number of Dominant Species That Are OBL, FACW, or FAC: <u>7</u> (A)	
2. <u><i>Nyssa biflora</i></u>	<u>20</u>	Yes	OBL	Total Number of Dominant Species Across All Strata: <u>7</u> (B)	
3. <u><i>Taxodium ascendens</i></u>	<u>30</u>	Yes	OBL	Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100.0%</u> (A/B)	
4. <u><i>Acer rubrum</i></u>	<u>8</u>	No	FAC	<b>Prevalence Index worksheet:</b>	
5. <u><i>Gordonia lasianthus</i></u>	<u>26</u>	Yes	FACW	Total % Cover of: _____ Multiply by: _____	
6. <u><i>Magnolia virginiana</i></u>	<u>11</u>	No	FACW	OBL species <u>98</u> x 1 = <u>98</u>	
7. <u><i>Sabal palmetto</i></u>	<u>3</u>	No	FAC	FACW species <u>72</u> x 2 = <u>144</u>	
8. _____	_____	_____	_____	FAC species <u>34</u> x 3 = <u>102</u>	
	100 =Total Cover			FACU species <u>10</u> x 4 = <u>40</u>	
	50% of total cover: <u>50</u>	20% of total cover: <u>20</u>		UPL species <u>0</u> x 5 = <u>0</u>	
<b>Sapling/Shrub Stratum</b> (Plot size: _____ )				Column Totals: <u>214</u> (A) <u>384</u> (B)	
1. <u><i>Myrica cerifera</i></u>	<u>8</u>	No	FAC	Prevalence Index = B/A = <u>1.79</u>	
2. <u><i>Lyonia lucida</i></u>	<u>22</u>	Yes	FACW	<b>Hydrophytic Vegetation Indicators:</b>	
3. <u><i>Serenoa repens</i></u>	<u>10</u>	No	FACU	___ 1 - Rapid Test for Hydrophytic Vegetation	
4. <u><i>Sabal palmetto</i></u>	<u>15</u>	Yes	FAC	<input checked="" type="checkbox"/> 2 - Dominance Test is >50%	
5. <u><i>Agarista populifolia</i></u>	<u>11</u>	No	FACW	<input checked="" type="checkbox"/> 3 - Prevalence Index is ≤3.0 <sup>1</sup>	
6. _____	_____	_____	_____	___ Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)	
7. _____	_____	_____	_____		
8. _____	_____	_____	_____		
	66 =Total Cover				
	50% of total cover: <u>33</u>	20% of total cover: <u>14</u>			
<b>Herb Stratum</b> (Plot size: _____ )				<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
1. <u><i>Rhynchospora spp</i></u>	<u>24</u>	Yes	OBL	<b>Definitions of Four Vegetation Strata:</b>	
2. <u><i>Osmunda regalis</i></u>	<u>6</u>	No	OBL	Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.	
3. <u><i>Woodwardia virginica</i></u>	<u>8</u>	No	OBL	Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.	
4. <u><i>Saururus cernuus</i></u>	<u>10</u>	Yes	OBL	Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.	
5. _____	_____	_____	_____	Woody Vine – All woody vines greater than 3.28 ft in height.	
6. _____	_____	_____	_____		
7. _____	_____	_____	_____		
8. _____	_____	_____	_____		
9. _____	_____	_____	_____		
10. _____	_____	_____	_____		
11. _____	_____	_____	_____		
12. _____	_____	_____	_____		
	48 =Total Cover				
	50% of total cover: <u>24</u>	20% of total cover: <u>10</u>			
<b>Woody Vine Stratum</b> (Plot size: _____ )				<b>Hydrophytic Vegetation Present?</b> Yes <input checked="" type="checkbox"/> No _____	
1. _____	_____	_____	_____		
2. _____	_____	_____	_____		
3. _____	_____	_____	_____		
4. _____	_____	_____	_____		
5. _____	_____	_____	_____		
	_____ =Total Cover				
	50% of total cover: _____	20% of total cover: _____			

Remarks: (If observed, list morphological adaptations below.)

**SOIL**

Sampling Point: 3

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-8	10YR 3/2	95	10YR 6/1	5	MS	M	Muck	reddish brown muck
8-18	10YR 2/1	50	10YR 5/1	50	MS	M	Muck	brown muck
18-20	10YR 4/1	100					Sandy	dark grey sand

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

**Indicators for Problematic Hydric Soils<sup>3</sup>:**

<input type="checkbox"/> ? Histosol (A1)	<input type="checkbox"/> Thin Dark Surface (S9) (LRR S, T, U)	<input type="checkbox"/> 1 cm Muck (A9) (LRR O)
<input checked="" type="checkbox"/> X Histic Epipedon (A2)	<input type="checkbox"/> Barrier Islands 1 cm Muck (S12)	<input type="checkbox"/> 2 cm Muck (A10) (LRR S)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> (MLRA 153B, 153D)	<input type="checkbox"/> Coast Prairie Redox (A16)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (LRR O)	<input type="checkbox"/> (outside MLRA 150A)
<input type="checkbox"/> Stratified Layers (A5)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> ? Reduced Vertic (F18)
<input type="checkbox"/> ? Organic Bodies (A6) (LRR, P, T, U)	<input type="checkbox"/> Depleted Matrix (F3)	<input type="checkbox"/> (outside MLRA 150A, 150B)
<input type="checkbox"/> 5 cm Mucky Mineral (A7) (LRR P, T, U)	<input type="checkbox"/> Redox Dark Surface (F6)	<input type="checkbox"/> Piedmont Floodplain Soils (F19) (LRR P, T)
<input checked="" type="checkbox"/> x Muck Presence (A8) (LRR U)	<input type="checkbox"/> Depleted Dark Surface (F7)	<input type="checkbox"/> Anomalous Bright Floodplain Soils (F20)
<input checked="" type="checkbox"/> x 1 cm Muck (A9) (LRR P, T)	<input type="checkbox"/> Redox Depressions (F8)	<input type="checkbox"/> (MLRA 153B)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Marl (F10) (LRR U)	<input type="checkbox"/> Red Parent Material (F21)
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Depleted Ochric (F11) (MLRA 151)	<input type="checkbox"/> Very Shallow Dark Surface (F22)
<input type="checkbox"/> Coast Prairie Redox (A16) (MLRA 150A)	<input type="checkbox"/> Iron-Manganese Masses (F12) (LRR O, P, T)	<input type="checkbox"/> (outside MLRA 138, 152A in FL, 154)
<input checked="" type="checkbox"/> x Sandy Mucky Mineral (S1) (LRR O, S)	<input type="checkbox"/> Umbric Surface (F13) (LRR P, T, U)	<input type="checkbox"/> Barrier Islands Low Chroma Matrix (TS7)
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Delta Ochric (F17) (MLRA 151)	<input type="checkbox"/> (MLRA 153B, 153D)
<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> Reduced Vertic (F18) (MLRA 150A, 150B)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 149A)	
<input type="checkbox"/> Dark Surface (S7) (LRR P, S, T, U)	<input type="checkbox"/> Anomalous Bright Floodplain Soils (F20)	
<input type="checkbox"/> Polyvalue Below Surface (S8)	<input type="checkbox"/> (MLRA 149A, 153C, 153D)	
<input type="checkbox"/> (LRR S, T, U)	<input type="checkbox"/> Very Shallow Dark Surface (F22)	
	<input type="checkbox"/> (MLRA 138, 152A in FL, 154)	

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if observed):**

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes X No \_\_\_\_\_

**Remarks:**

This data form is revised from Atlantic and Gulf Coastal Plain Regional Supplement Version 2.0 to include the NRCS Field Indicators of Hydric Soils, Version 8.0, 2016.

**WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region**

Project/Site: Palm Coast Park Tracts 6A & 6B City/County: Palm Coast, Flagler Sampling Date: 6/12/2017  
 Applicant/Owner: Southeast Georgia Acquisitions, LLC State: FL Sampling Point: 2  
 Investigator(s): Jody Sisk Section, Township, Range: 21, 10S, 30E  
 Landform (hillside, terrace, etc.): flatwoods Local relief (concave, convex, none): \_\_\_\_\_ Slope (%): \_\_\_\_\_  
 Subregion (LRR or MLRA): LRR U Lat: 29.617722 Long: -81.283908 Datum: \_\_\_\_\_  
 Soil Map Unit Name: Myakka fine sand NWI classification: PEM1F

Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes x No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <u>X</u> No _____ Hydric Soil Present? Yes <u>x</u> No _____ Wetland Hydrology Present? Yes <u>x</u> No _____	Is the Sampled Area within a Wetland? Yes <u>x</u> No _____
Remarks: Freshwater emergent marsh	

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b> <u>Primary Indicators (minimum of one is required; check all that apply)</u> _____ Surface Water (A1)      _____ Aquatic Fauna (B13) _____ High Water Table (A2)      _____ Marl Deposits (B15) (LRR U) _____ Saturation (A3)      _____ Hydrogen Sulfide Odor (C1) <u>x</u> Water Marks (B1)      _____ Oxidized Rhizospheres on Living Roots (C3) _____ Sediment Deposits (B2)      _____ Presence of Reduced Iron (C4) _____ Drift Deposits (B3)      _____ Recent Iron Reduction in Tilled Soils (C6) <u>x</u> Algal Mat or Crust (B4)      _____ Thin Muck Surface (C7) _____ Iron Deposits (B5)      _____ Other (Explain in Remarks) _____ Inundation Visible on Aerial Imagery (B7) _____ Water-Stained Leaves (B9)	<u>Secondary Indicators (minimum of two required)</u> _____ Surface Soil Cracks (B6) _____ Sparsely Vegetated Concave Surface (B8) _____ Drainage Patterns (B10) _____ Moss Trim Lines (B16) _____ Dry-Season Water Table (C2) _____ Crayfish Burrows (C8) <u>x</u> Saturation Visible on Aerial Imagery (C9) _____ Geomorphic Position (D2) _____ Shallow Aquitard (D3) <u>X</u> FAC-Neutral Test (D5) <u>x</u> Sphagnum Moss (D8) (LRR T,U)
---	--

<b>Field Observations:</b> Surface Water Present? Yes _____ No <u>x</u> Depth (inches): _____ Water Table Present? Yes _____ No <u>x</u> Depth (inches): _____ Saturation Present? Yes _____ No <u>x</u> Depth (inches): _____ (includes capillary fringe)	Wetland Hydrology Present? Yes <u>X</u> No _____
--	--

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:  
 Isolated freshwater marsh water levels dependent on rainfall and sheetflow from adjacent uplands

**VEGETATION (Four Strata) – Use scientific names of plants.**

Sampling Point: 2

Tree Stratum (Plot size: <u>1/10 acre</u> )	Absolute % Cover	Dominant Species?	Indicator Status
1. <u><i>Pinus elliottii</i></u>	<u>4</u>	<u>Yes</u>	<u>FACW</u>
2. <u><i>Nyssa biflora</i></u>	<u>12</u>	<u>Yes</u>	<u>OBL</u>
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
	<u>16</u> =Total Cover		
	50% of total cover: <u>8</u>	20% of total cover: <u>4</u>	

Sapling/Shrub Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u><i>Myrica cerifera</i></u>	<u>5</u>	<u>Yes</u>	<u>FAC</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
	<u>5</u> =Total Cover		
	50% of total cover: <u>3</u>	20% of total cover: <u>1</u>	

Herb Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u><i>Andropogon glomeratus</i></u>	<u>7</u>	<u>No</u>	<u>FACW</u>
2. <u><i>Panicum hemitomon</i></u>	<u>32</u>	<u>Yes</u>	<u>OBL</u>
3. <u><i>Lachnanthes caroliniana</i></u>	<u>12</u>	<u>No</u>	<u>UPL</u>
4. <u><i>Woodwardia virginica</i></u>	<u>38</u>	<u>Yes</u>	<u>OBL</u>
5. <u><i>Xyris caroliniana</i></u>	<u>5</u>	<u>No</u>	<u>FACW</u>
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____
	<u>94</u> =Total Cover		
	50% of total cover: <u>47</u>	20% of total cover: <u>19</u>	

Woody Vine Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
	_____ =Total Cover		
	50% of total cover: _____	20% of total cover: _____	

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 5 (A)

Total Number of Dominant Species Across All Strata: 5 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0% (A/B)

**Prevalence Index worksheet:**

Total % Cover of:	Multiply by:
OBL species <u>82</u>	x 1 = <u>82</u>
FACW species <u>16</u>	x 2 = <u>32</u>
FAC species <u>5</u>	x 3 = <u>15</u>
FACU species <u>0</u>	x 4 = <u>0</u>
UPL species <u>12</u>	x 5 = <u>60</u>
Column Totals: <u>115</u> (A)	<u>189</u> (B)
Prevalence Index = B/A = <u>1.64</u>	

**Hydrophytic Vegetation Indicators:**

   1 - Rapid Test for Hydrophytic Vegetation

2 - Dominance Test is >50%

3 - Prevalence Index is ≤3.0<sup>1</sup>

   Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Four Vegetation Strata:**

**Tree** – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/Shrub** – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody Vine** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?** Yes  No

Remarks: (If observed, list morphological adaptations below.)

**SOIL**

Sampling Point: 2

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-1.75	10YR 2/1	65					Mucky Sand	remaining soil unmasked 10YR 6/1
1.75-8	10YR 6/1	70	10YR 5/1	15	D	M	Sandy	remaining soil unmasked 10YR 6/1
8-20	10YR 2/2	85					Sandy	15% 10YR 3/1; Spodic

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

**Indicators for Problematic Hydric Soils<sup>3</sup>:**

<input type="checkbox"/> Histosol (A1)	<input checked="" type="checkbox"/> Thin Dark Surface (S9) (LRR S, T, U)	<input type="checkbox"/> 1 cm Muck (A9) (LRR O)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Barrier Islands 1 cm Muck (S12)	<input type="checkbox"/> 2 cm Muck (A10) (LRR S)
<input type="checkbox"/> Black Histic (A3)	<b>(MLRA 153B, 153D)</b>	<input type="checkbox"/> Coast Prairie Redox (A16)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (LRR O)	<b>(outside MLRA 150A)</b>
<input type="checkbox"/> Stratified Layers (A5)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Reduced Vertic (F18)
<input type="checkbox"/> ? Organic Bodies (A6) (LRR, P, T, U)	<input type="checkbox"/> Depleted Matrix (F3)	<b>(outside MLRA 150A, 150B)</b>
<input checked="" type="checkbox"/> 5 cm Mucky Mineral (A7) (LRR P, T, U)	<input type="checkbox"/> Redox Dark Surface (F6)	<input type="checkbox"/> Piedmont Floodplain Soils (F19) (LRR P, T)
<input type="checkbox"/> Muck Presence (A8) (LRR U)	<input type="checkbox"/> Depleted Dark Surface (F7)	<input type="checkbox"/> Anomalous Bright Floodplain Soils (F20)
<input type="checkbox"/> 1 cm Muck (A9) (LRR P, T)	<input type="checkbox"/> Redox Depressions (F8)	<b>(MLRA 153B)</b>
<input checked="" type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Marl (F10) (LRR U)	<input type="checkbox"/> Red Parent Material (F21)
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Depleted Ochric (F11) (MLRA 151)	<input type="checkbox"/> Very Shallow Dark Surface (F22)
<input type="checkbox"/> Coast Prairie Redox (A16) (MLRA 150A)	<input type="checkbox"/> Iron-Manganese Masses (F12) (LRR O, P, T)	<b>(outside MLRA 138, 152A in FL, 154)</b>
<input type="checkbox"/> Sandy Mucky Mineral (S1) (LRR O, S)	<input type="checkbox"/> Umbric Surface (F13) (LRR P, T, U)	<input type="checkbox"/> Barrier Islands Low Chroma Matrix (TS7)
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Delta Ochric (F17) (MLRA 151)	<b>(MLRA 153B, 153D)</b>
<input checked="" type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> Reduced Vertic (F18) (MLRA 150A, 150B)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> ? Stripped Matrix (S6)	<input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 149A)	
<input type="checkbox"/> Dark Surface (S7) (LRR P, S, T, U)	<input type="checkbox"/> Anomalous Bright Floodplain Soils (F20)	
<input type="checkbox"/> Polyvalue Below Surface (S8)	<b>(MLRA 149A, 153C, 153D)</b>	
<b>(LRR S, T, U)</b>	<input type="checkbox"/> Very Shallow Dark Surface (F22)	
	<b>(MLRA 138, 152A in FL, 154)</b>	

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if observed):**

Type: \_\_\_\_\_  
Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes X No \_\_\_\_\_

**Remarks:**

This data form is revised from Atlantic and Gulf Coastal Plain Regional Supplement Version 2.0 to include the NRCS Field Indicators of Hydric Soils, Version 8.0, 2016.



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P. O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

**June 15, 2007**

Regulatory Division  
North Permits Branch  
Atlantic Permits Section  
SAJ-2006-4268 (JD-MLH)

Mr. Clinton Smith  
Palm Coast Forest, LLC  
1 Corporate Drive, Suite 3A  
Palm Coast, Florida 32137

Dear Mr. Smith:

Reference is made to your request for verification of a U.S. Army Corps of Engineers (Corps) jurisdictional determination on the project site referred to as Sawmill at the Park. The evaluation of this jurisdictional determination involved many factors and may have included a field visit, review of aerial photographs, geological quad sheets, county soils maps, and site specific information provided by you. Enclosed are drawings of the delineated site, which illustrate the landward limits of the Corps jurisdiction of the property in question. The property is located on the west side of United States Highway (US) 1, from Matanzas Woods Parkway north just past Old Kings Road, in Sections 9, 16, 17, 20, 21, 28, 29 and 47, Township 10 South, Range 30 East, Flagler County, Florida. A Department of the Army permit will be required in areas marked as wetlands or waters of the United States on Figure 2, enclosed. The jurisdictional determination has been assigned number SAJ-2006-4268 (JD-MLH). **Please refer to this number in any future correspondence concerning this site.** The following wetlands as shown on Figure 4, enclosed, are isolated under SWANCC and not jurisdictional to the Corps; 2, 3, 6, 9-13, 15-27, 31 and 33. All other onsite wetlands are jurisdictional.

This letter contains an approved jurisdictional determination for your subject site. If you object to this determination/decision, you may request an administrative appeal under Corps' regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process fact sheet and Request for Appeal (RFA) form. If you request to appeal this

determination/decision, you must submit a completed RFA form to the South Atlantic Division Office at the following address:

Mr. Michael F. Bell  
South Atlantic Division  
U.S. Army Corps of Engineers  
CESAD-CM-CO-R, Room 9M15  
60 Forsyth St., SW.  
Atlanta, Georgia 30303-8801.

Mr. Bell can be reached by telephone number at 404-562-5137, or by facsimile at 404-562-5138.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division office within 60 days of the date of the RFA. Should you decide to submit an RFA form, it must be received at the above address by August 14, 2007. It is not necessary to submit an RFA form to the Division office, if you do not object to the determination/decision in this letter.

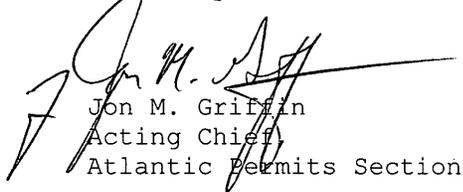
The delineation shown on the enclosed survey represents the approximate upland/wetland boundary for purposes of determining the Corps jurisdictional line. Please be advised that the jurisdictional delineation shown is based on the Corps of Engineers Wetlands Delineation Manual (1987) and is valid for a period **no longer than 5 years** from the date of this letter unless new information warrants a revision of the determination before the expiration date. If, after the five-year period, this jurisdictional delineation has not been specifically revalidated by the Corps, it shall automatically expire. Any reliance upon this jurisdictional determination beyond the expiration date may lead to possible violation of current Federal laws and/or regulations. You may request to revalidate the jurisdictional delineation prior to the expiration date. Any revalidation or updating will be considered under the method of jurisdictional determination and other applicable regulations in use at the time of the request. Additionally, this delineation has been based on information provided by your office. Should we determine that the information was incomplete or erroneous this delineation would be invalid.

The Corps, pursuant to Section 404 of the Clean Water Act of 1977 and/or Section 10 of the Rivers and Harbors Act of 1899, regulates the jurisdictional areas noted on the survey. It is requested that when specific plans for the site are developed, you submit a joint permit application reflecting all proposed encroachment into wetlands within the Corps jurisdiction. It is possible that a State permit from the Florida Department of Environmental Protection (DEP) or the appropriate Water Management District (WMD) may also be required. Permits may also be required from other local entities.

You are cautioned that work performed below the mean high water line or ordinary high water line in waters of the United States, or the discharge of dredged or fill material into adjacent wetlands, without a Department of the Army permit could subject you to enforcement action. Receipt of a permit from the DEP or the WMD does not obviate the requirement for obtaining a Department of the Army permit for the work described above prior to commencing work.

Thank you for your cooperation with our permit program. If you have any questions concerning this matter please contact me by telephone at 904-232-1683, by mail at the letterhead address, or by electronic mail at *marie.l.huber@saj02.usace.army.mil*.

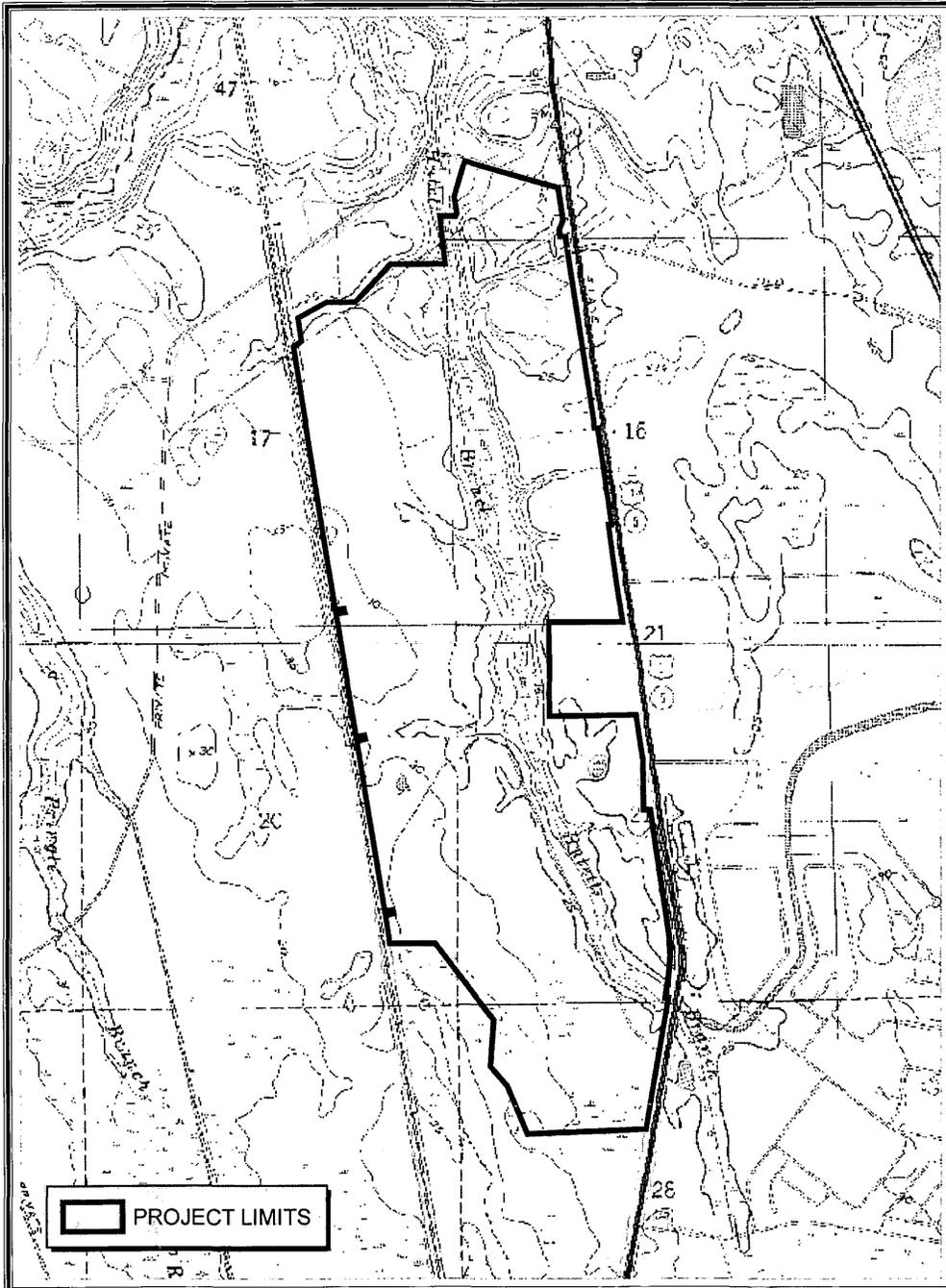
Sincerely,

  
Jon M. Griffin  
Acting Chief,  
Atlantic Permits Section

Enclosures

Copy Furnished: (w/o encls)

Todd Zehner, Lowe Destinations Development-Southeast,  
1 Corporate Drive, Suite 2B, Palm Coast, Florida 32137  
Aaron Darley, England-Thims and Miller, Inc., 14775  
St. Augustine Road, Jacksonville, Florida 32258  
Craig McCammon, EMS scientists, engineers, planners, Inc.,  
4475 U.S. 1 South, Suite 404, St. Augustine, Florida 32086



SCIENTISTS  
ENGINEERS  
PLANNERS  
904.794.0244

**PROJECT BOUNDARY  
SAWMILL CREEK  
FLAGLER COUNTY, FL**

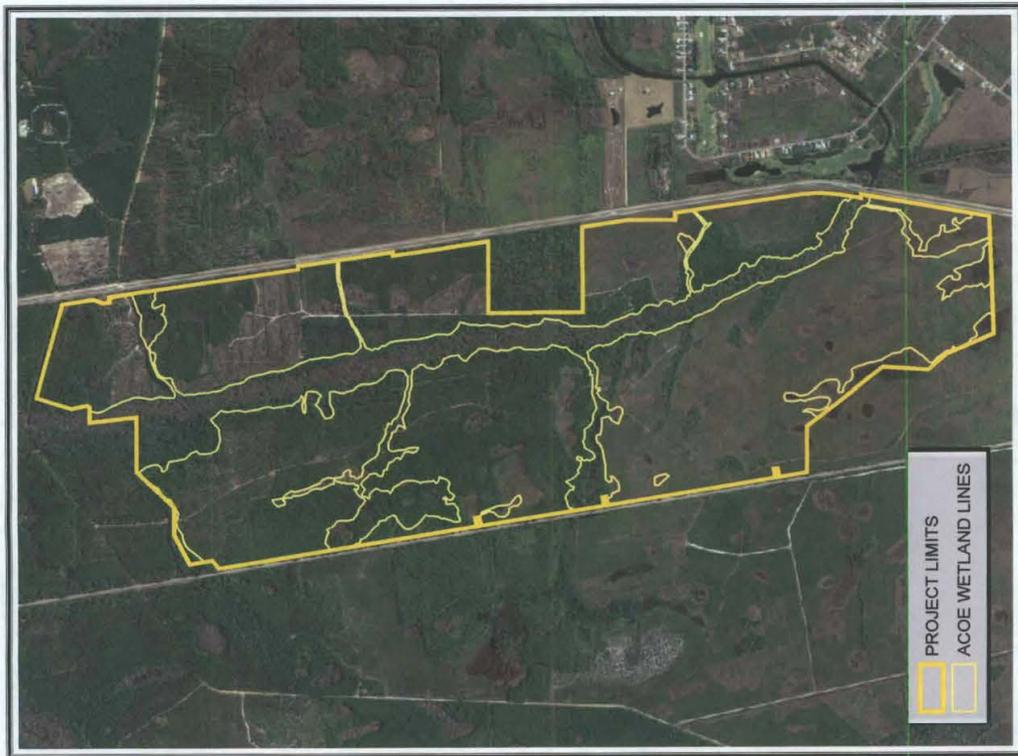
Date: 6/07/2007

Figure 1

1" equals 2,000'

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 PROJECT LIMITS  
 ACOE WETLAND LINES

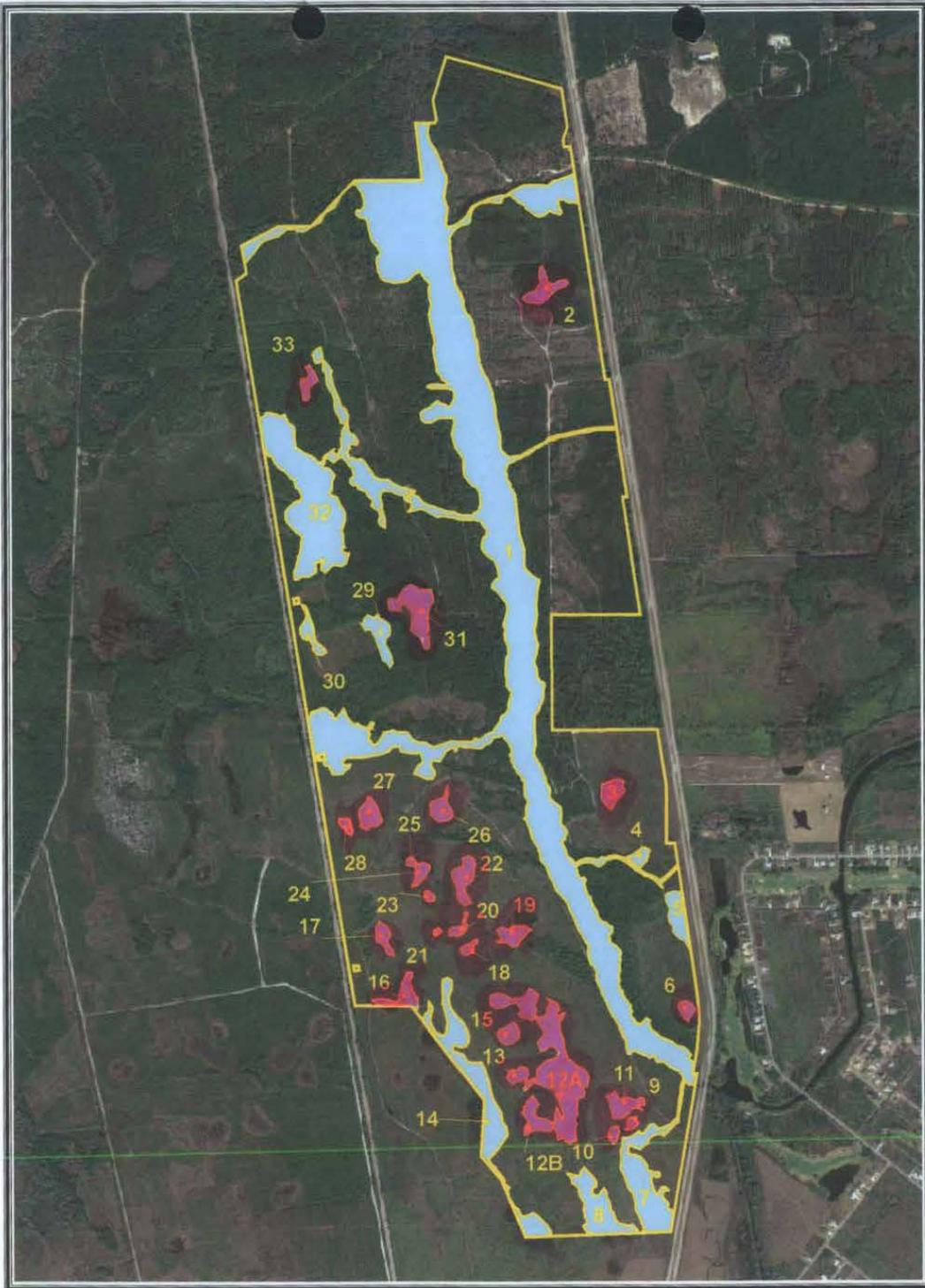


SCIENTISTS  
 ENGINEERS  
 PLANNERS  
 904.794.0244

**WETLAND LINES**  
**SAWMILL CREEK**  
**FLAGLER COUNTY, FL**

Date: 01/07/2007  
 Figure 2  
 1" equals 1,000'  
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SCIENTISTS  
ENGINEERS  
PLANNERS  
904.794.0244

**WETLAND IDENTIFICATION MAP  
SAWMILL CREEK  
FLAGLER COUNTY, FLORIDA**

Date: 6/07/2006

Figure 4

1 inch equals 1,500 feet

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**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

Applicant: Palm Coast Forest, LLC		File Number: SAJ-2006-4268	Date: June 15, 2007
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- *ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.*
- *OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.*

B: PROFFERED PERMIT: You may accept or appeal the permit

- *ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.*
- *APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.*

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- *ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.*
- *APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.*

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

**Project Manager as noted in letter**

If you only have questions regarding the appeal process you may also contact:

**Michael F. Bell  
404-562-5137**

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:

**JURISDICTIONAL DETERMINATION**  
U.S. Army Corps of Engineers

Revised 8/13/04

DISTRICT OFFICE: CESAJ-RD-NA-J  
FILE NUMBER: SAJ-2006-4268

**PROJECT LOCATION INFORMATION:**

State: Florida  
County: Flagler  
Center coordinates of site (latitude/longitude): 29.6256/-81.2892  
Approximate size of area (parcel) reviewed, including uplands: 1,077 acres.  
Name of nearest waterway: Hulett Branch  
Name of watershed: Pellicer Creek and Matanzas River

**JURISDICTIONAL DETERMINATION**

Completed: Desktop determination  Date:  
Site visit(s)  Date(s): 9-13-06

**Jurisdictional Determination (JD):**

Preliminary JD - Based on available information,  there appear to be (or)  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).  
Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area.  
Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1.422.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:**

**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: All 3 wetland parameters are present in the following onsite wetlands, which are either contiguous or within 200 feet of an ordinary high water line within a water of the U.S.: wetlands 28 and 30 are adjacent, wetlands 1, 4, 5, 7, 8, 14 and 32 are directly contiguous.*

**Lateral Extent of Jurisdiction:** (Reference: 33 CFR parts 328 and 329)

Ordinary High Water Mark indicated by:

- clear, natural line impressed on the bank
- the presence of litter and debris
- changes in the character of soil
- destruction of terrestrial vegetation

High Tide Line indicated by:

- oil or scum line along shore objects
- fine shell or debris deposits (foreshore)
- physical markings/characteristics
- tidal gages

- shelving  other:  
 other:

- Mean High Water Mark indicated by:  
 survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.

- Wetland boundaries, as shown on the attached national wetland inventory map prepared by: King Engineering Associates, Inc.

**Basis For Not Asserting Jurisdiction:**

- The reviewed area consists entirely of uplands.  
 Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  
 Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  
 The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  
 Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  
 Artificially irrigated areas, which would revert to upland if the irrigation ceased.  
 Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  
 Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  
 Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  
 Isolated, intrastate wetland with no nexus to interstate commerce.  
 Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  
 Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  
 Other (explain): The following wetlands are isolated under SWANCC and are non-jurisdictional: wetlands 2, 3, 6, 9-13, 15-27, 29, 31 and 33.

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant.  
 Data sheets prepared/submitted by or on behalf of the applicant.  
 This office concurs with the delineation report, dated \_\_\_\_\_, prepared by (company):  
 This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):  
 Data sheets prepared by the Corps.  
 Corps' navigable waters' studies:  
 U.S. Geological Survey Hydrologic Atlas:  
 U.S. Geological Survey 7.5 Minute Topographic maps:  
 U.S. Geological Survey 7.5 Minute Historic quadrangles:  
 U.S. Geological Survey 15 Minute Historic quadrangles:  
 USDA Natural Resources Conservation Service Soil Survey:  
 National wetlands inventory maps:  
 State/Local wetland inventory maps:  
 FEMA/FIRM maps (Map Name & Date):  
 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)  
 Aerial Photographs (Name & Date): 1995, 1999, 2005  
 Other photographs (Date):  
 Advanced Identification Wetland maps:  
 Site visit/determination conducted on: 8-3-06  
 Applicable/supporting case law:  
 Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.