



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
400 HIGH POINT DR., STE. 600
COCOA, FL 32926-6630

SAJ-2025-00938

14 November 2025

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023),¹ SAJ-2025-00938, MFR 1 of 1²

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.³ AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.⁴ For the purposes of this AJD, we have relied on section 10 of the Rivers and Harbors Act of 1899 (RHA),⁵ the Clean Water Act (CWA) implementing regulations published by the Department of the Army in 1986 and amended in 1993 (references 2.a. and 2.b. respectively), the 2008 *Rapanos-Carabell* guidance (reference 2.c.), and other applicable guidance, relevant case law and longstanding practice, (collectively the pre-2015 regulatory regime), and the *Sackett* decision (reference 2.d.) in evaluating jurisdiction.

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. The features addressed in this AJD were evaluated consistent with the definition of "waters of the United States" found in the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. This AJD did not rely on the 2023 "Revised Definition of 'Waters of the United States,'" as amended on 8 September 2023 (Amended 2023 Rule) because, as of the date of this decision, the Amended 2023 Rule is not applicable in Florida due to litigation.

¹ While the Supreme Court's decision in *Sackett* had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, interstate water, or territorial seas that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).

³ 33 CFR 331.2.

⁴ Regulatory Guidance Letter 05-02.

⁵ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

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1. SUMMARY OF CONCLUSIONS.

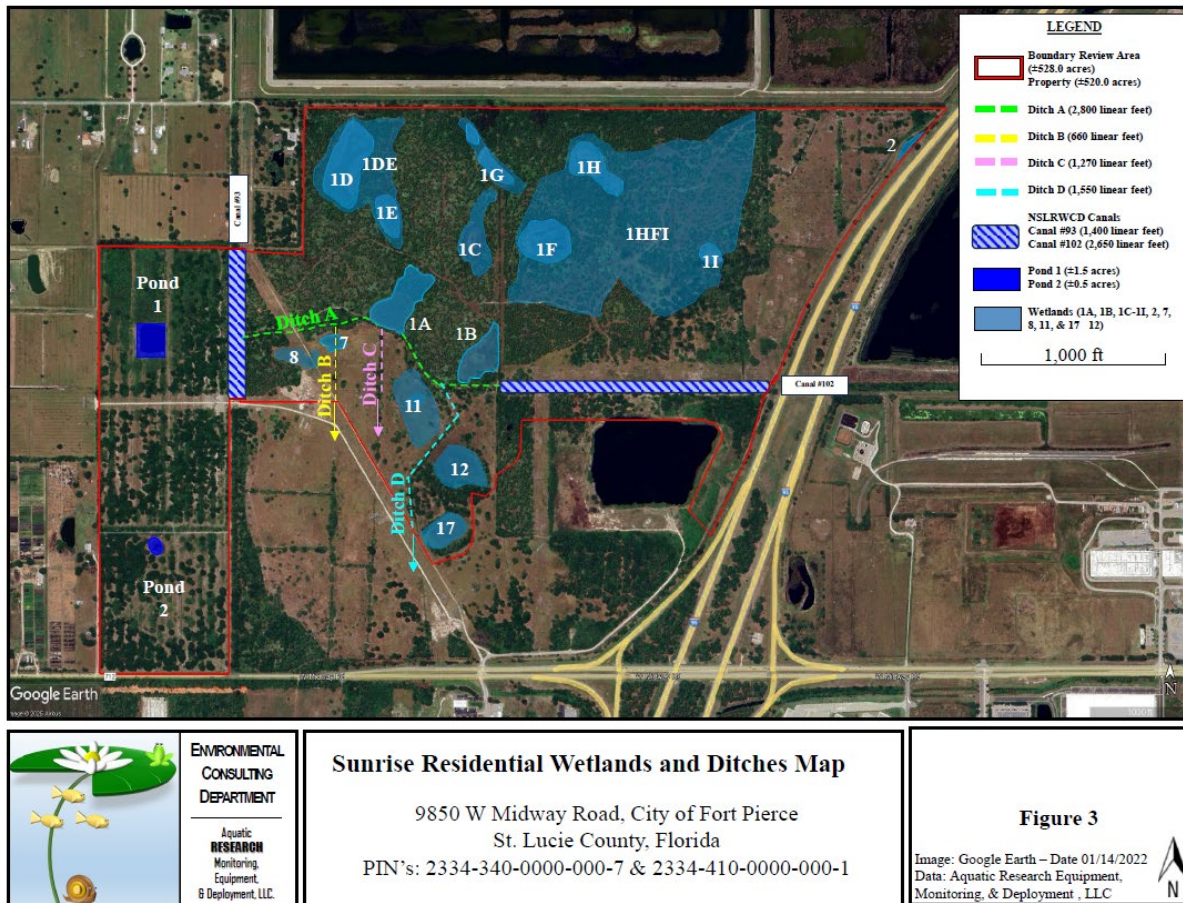
- a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).
 - i. Wetland 1A – 404 (4.20 acres) – jurisdictional
 - ii. Wetland 1B – 404 (2.90 acres) – jurisdictional
 - iii. Wetland 1C – 404 (3.50 acres) – non-jurisdictional
 - iv. Wetland 1DE – 404 (15 acres) – non-jurisdictional
 - v. Wetland 1G – 404 (3.10 acres) – non-jurisdictional
 - vi. Wetland 1HFI – 404 (71 acres) – non-jurisdictional
 - vii. Wetland 2 – 404 (0.40 acres) – non-jurisdictional
 - viii. Wetland 7 – 404 (0.60 acres) – jurisdictional
 - ix. Wetland 8 – 404 (1.20 acres) – non-jurisdictional
 - x. Wetland 11 – 404 (4.20 acres) – jurisdictional
 - xi. Wetland 12 – 404 (3.30 acres) – jurisdictional
 - xii. Wetland 17 – 404 (1.90 acres) – non-jurisdictional
 - xiii. Canal 93 – 404 (1,400 linear ft.) – jurisdictional
 - xiv. Canal 102/Ditch A – 404 (5,450 linear ft.) – jurisdictional
 - xv. Pond 1 – 404 (1.50 acres) – non-jurisdictional
 - xvi. Pond 2 – 404 (0.5 acres) – non-jurisdictional
 - xvii. Ditch B – 404 (660 linear ft.) – jurisdictional
 - xviii. Ditch C – 404 (1,270 linear ft.) – jurisdictional
 - xix. Ditch D – 404 (1,550 linear ft.) – jurisdictional

2. REFERENCES.

- a. Final Rule for Regulatory Programs of the Corps of Engineers, 51 FR 41206 (November 13, 1986).
- b. Revised Definition of Waters of the United States; Conforming 88 FR 61964 (Sept. 8, 2023).
- c. *Sackett v. EPA*, 598 U.S. 651, 143 S. Ct. 1322 (2023)
- d. Memorandum to the Field Between the U.S. Department of the Army, U.S. Army Corps of Engineers, and the U.S. Environmental protection Agency Concerning the Proper Implementation of “Continuous Surface Connection” Under the Definition of “Waters of the United States” Under the Clean Water Act (March 12, 2025)

3. REVIEW AREA. The AJD review area is 528 acres in size and is located over two parcels located north of W. Midway Rd. and just west of I-95 in Section 34, Township 35S, Range 39E; at Latitude 27.38183 and Longitude -80.42176; in Fort

Pierce, St. Lucie County, Florida. The easterly parcel number is: 2334-410-0000-000-1 and the westerly parcel number is: 2334-340-0000-000-7.



4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), INTERSTATE WATER, OR THE TERRITORIAL SEAS TO WHICH THE AQUATIC RESOURCE IS CONNECTED. The nearest TNW is Ten Mile Creek, which is located approximately 0.5 miles northwest of the northwest corner of the review area.⁶ Ten Mile Creek is a Section 10 intrastate freshwater river that flows eastward, discharging into the north fork of the St. Lucie River. It is listed on the Jacksonville District's Section 10 Navigable Waters List.

⁶ This MFR should not be used to complete a new stand-alone TNW determination. A stand-alone TNW determination for a water that is not subject to Section 9 or 10 of the Rivers and Harbors Act of 1899 (RHA) is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established.

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5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS. Wetlands 1A, 1B, 7, 11 & 12 directly abut a(5) tributaries Ditches A-D and Canal 102, all of which flow westward into a(5) tributary Canal 93. Canal 93 then flows northward and discharges directly into Ten Mile Creek.

6. SECTION 10 JURISDICTIONAL WATERS⁷: NA.⁸

7. SECTION 404 JURISDICTIONAL WATERS:
 - a. TNWs (a)(1): N/A
 - b. Interstate Waters (a)(2): N/A
 - c. Other Waters (a)(3): N/A
 - d. Impoundments (a)(4): N/A
 - e. Tributaries (a)(5):

Canal 102/Ditch A – 404 (5,450 linear ft.) – jurisdictional

Canal 102/Ditch A flows west and connects wetland 1A, wetland 1B, wetland 7, wetland 11, and wetland 12 to canal 93, which discharges to Ten Mile Creek. Canal 102/Ditch A is a tributary to Ten Mile Creek that has relatively permanent flow as evidenced by its well-defined channel with a clear bed, bank and Ordinary High-Water Line (OHWL). These features, including standing water, were observed on-site on 10 June 2025 by Corps staff. Also, the Antecedent Precipitation Tool (APT) report that was subsequently generated indicated that these observations were made during normal precipitation conditions. Finally, this ditch is recognized as a National Hydrography Dataset (NHD) flow line on

⁷ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as “navigable in law” even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁸ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

the Corps Regulatory Viewer. Therefore, based on the information gathered Canal 102/Ditch A meets the definition of a water of the United States.

Ditch B – 404 (660 linear ft.) – jurisdictional

Ditch B connects to Canal 102/Ditch A, which then travels westward to canal 93, which discharges to Ten Mile Creek. Ditch B is a tributary to Ten Mile Creek that has relatively permanent flow as evidenced by its well-defined channel with a clear bed, bank and OHWL. These features, including standing water, were observed on-site on 10 June 2025 by Corps staff. Also, the Antecedent Precipitation Tool (APT) report that was subsequently generated indicated that these observations were made during normal precipitation conditions. Finally, this ditch is recognized as a National Hydrography Dataset (NHD) flow line on the Corps Regulatory Viewer. Therefore, based on the information gathered Ditch B meets the definition of a water of the United States.

Ditch C – 404 (1,270 linear ft.) – jurisdictional

Ditch C connects to Canal 102/Ditch A, which then travels westward to canal 93, which discharges to Ten Mile Creek. Ditch C is a tributary to Ten Mile Creek that has relatively permanent flow as evidenced by its well-defined channel with a clear bed, bank and OHWL. These features, including standing water, were observed on-site on 10 June 2025 by Corps staff. Also, the Antecedent Precipitation Tool (APT) report that was subsequently generated indicated that these observations were made during normal precipitation conditions. Finally, this ditch is recognized as a National Hydrography Dataset (NHD) flow line on the Corps Regulatory Viewer. Therefore, based on the information gathered Ditch C meets the definition of a water of the United States.

Ditch D – 404 (1,550 linear ft.) – jurisdictional

Ditch D connects to Canal 102/Ditch A, which then travels westward to canal 93, which discharges to Ten Mile Creek. Ditch D is a tributary to Ten Mile Creek that has relatively permanent flow as evidenced by its well-defined channel with a clear bed, bank and OHWL. These features, including standing water, were observed on-site on 10 June 2025 by Corps staff. Also, the Antecedent Precipitation Tool (APT) report that was subsequently generated indicated that these observations were made during normal precipitation conditions. Finally, this ditch is recognized as a National Hydrography Dataset (NHD) flow line on the Corps Regulatory Viewer. Therefore, based on the information gathered Ditch D meets the definition of a water of the United States.

Canal 93 – 404 (1,400 linear ft.) – jurisdictional

Canal 93 is a drainage ditch running north to south along the easterly side of the westerly parcel that discharges directly into Ten Mile Creek. Canal 93 is a tributary to Ten Mile Creek that has relatively permanent flow as evidenced by its well-defined channel with a clear bed, bank and OHWL. These features, including standing water, were observed on-site on 10 June 2025 by Corps staff. Also, the Antecedent Precipitation Tool (APT) report that was subsequently generated indicated that these observations were made during normal precipitation conditions. Finally, this canal is recognized as a National Hydrography Dataset (NHD) flow line on the Corps Regulatory Viewer. Therefore, based on the information gathered Canal 93 meets the definition of a water of the United States.

- f. The territorial seas (a)(6): N/A
- g. Adjacent wetlands (a)(7): N/A

Wetland 1A (4.20 acres)- jurisdictional

Wetland 1A is a 4.20-acre wetland. A site inspection by the Corps and agent on 10 June 2025 using the federal delineation methodology found in the Corps' 1987 delineation manual and 2010 regional supplement indicated the presence of the three necessary parameters: at least one primary hydrologic indicator, satisfaction of the dominance test for hydrophytic vegetation, and identification of at least one hydric soil indicator. Wetland 1A is located within the central portion of the property, and as observed on 10 June 2025, this wetland directly abuts the OHWL of Canal102/Ditch A, which is a tributary to Ten Mile Creek. Based on site inspection findings, and desktop review that included aerial photographs, Lidar, Hillshade, Wetland 1A has a continuous surface connection to a relatively permanent tributary connecting to a TNW and is therefore classified as a water of the US (WOTUS).

Wetland 1B (2.90 acres)- jurisdictional

Wetland 1B is a 2.90-acre wetland. A site inspection by the Corps and agent on 10 June 2025 using the federal delineation methodology found in the Corps' 1987 delineation manual and 2010 regional supplement indicated the presence of the three necessary parameters: at least one primary hydrologic indicator, satisfaction of the dominance test for hydrophytic vegetation, and identification of at least one hydric soil indicator. Wetland 1B is located within the central portion

of the property, and as observed on 10 June 2025, this wetland directly abuts the OHWL of Canal 102/Ditch A, which is a tributary to Ten Mile Creek. Based on site inspection findings, and desktop review that included aerial photographs, Lidar, Hillshade, Wetland 1B has a continuous surface connection to a relatively permanent tributary connecting to a TNW and is therefore classified as a water of the US (WOTUS).

Wetland 7 (0.60 acres)- jurisdictional

Wetland 7 is a 0.60-acre wetland. A site inspection by the Corps and agent on 10 June 2025 using the federal delineation methodology found in the Corps' 1987 delineation manual and 2010 regional supplement indicated the presence of the three necessary parameters: at least one primary hydrologic indicator, satisfaction of the dominance test for hydrophytic vegetation, and identification of at least one hydric soil indicator. Wetland 7 is located within the central portion of the property, and as observed on 10 June 2025, this wetland directly abuts the OHWL of Ditch B, which is a tributary to Ten Mile Creek. Based on site inspection findings, and desktop review that included aerial photographs, Lidar, Hillshade, Wetland 7 has a continuous surface connection to a relatively permanent tributary connecting to a TNW and is therefore classified as a water of the US (WOTUS).

Wetland 11 (4.20 acres)- jurisdictional

Wetland 11 is a 4.20-acre wetland. A site inspection by the Corps and agent on 10 June 2025 using the federal delineation methodology found in the Corps' 1987 delineation manual and 2010 regional supplement indicated the presence of the three necessary parameters: at least one primary hydrologic indicator, satisfaction of the dominance test for hydrophytic vegetation, and identification of at least one hydric soil indicator. Wetland 11 is located within the central portion of the property, and as observed on 10 June 2025, this wetland directly abuts Canal 102/Ditch A, which is a tributary to Ten Mile Creek. Based on site inspection findings, and desktop review that included aerial photographs, Lidar, Hillshade, Wetland 11 has a continuous surface connection to a relatively permanent tributary connecting to a TNW and is therefore classified as a water of the US (WOTUS).

Wetland 12 (3.30 acres)- jurisdictional

Wetland 12 is a 3.30-acre wetland. A site inspection by the Corps and agent on 10 June 2025 using the federal delineation methodology found in the Corps' 1987 delineation manual and 2010 regional supplement indicated the presence

of the three necessary parameters: at least one primary hydrologic indicator, satisfaction of the dominance test for hydrophytic vegetation, and identification of at least one hydric soil indicator. Wetland 12 is located within the central portion of the property, and as observed on 10 June 2025, this wetland directly abuts Ditch D, which is a tributary to Ten Mile Creek. Based on site inspection findings, and desktop review that included aerial photographs, Lidar, Hillshade, Wetland 12 has a continuous surface connection to a relatively permanent tributary connecting to a TNW and is therefore classified as a water of the US (WOTUS).

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

- a. Describe aquatic resources and other features within the review area identified as “generally non-jurisdictional” in the preamble to the 1986 regulations (referred to as “preamble waters”).⁹ Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA as a preamble water. N/A
- b. Describe aquatic resources and features within the review area identified as “generally not jurisdictional” in the *Rapanos* guidance. Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA based on the criteria listed in the guidance. N/A
- c. Describe aquatic resources and features identified within the review area as waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA. Include the size of the waste treatment system within the review area and describe how it was determined to be a waste treatment system. N/A
- d. Describe aquatic resources and features within the review area determined to be prior converted cropland in accordance with the 1993 regulations (reference 2.b.). Include the size of the aquatic resource or feature within the review area and describe how it was determined to be prior converted cropland. N/A
- e. Describe aquatic resources (i.e. lakes and ponds) within the review area, which do not have a nexus to interstate or foreign commerce, and prior to the January 2001 Supreme Court decision in “*SWANCC*,” would have been jurisdictional based solely on the “Migratory Bird Rule.” Include the size of the aquatic resource or feature, and how it was determined to be an “isolated water” in accordance with *SWANCC*.

⁹ 51 FR 41217, November 13, 1986.

Pond 1 – 404 (1.50 acres) – non-jurisdictional

Pond 1 is a 1.50-acre pond located within the northerly section of the westerly parcel and is surrounded by uplands. A site inspection by the Corps and agent on 10 June 2025 using the federal delineation methodology found in the Corps' 1987 delineation manual and 2010 regional supplement indicated the lack of the three necessary parameters to classify the areas circumferential to the pond as wetlands (this information is also reflected on the submitted data sheets). Based on site inspection findings, and desktop review that included aerial photographs, Lidar, Hillshade, Pond 1 is an isolated water in accordance with SWANCC.

Pond 2 – 404 (0.5 acres) – non-jurisdictional

Pond 2 is an 0.5-acre pond located within the southerly section of the westerly parcel and is surrounded by uplands. A site inspection by the Corps and agent on 10 June 2025 using the federal delineation methodology found in the Corps' 1987 delineation manual and 2010 regional supplement indicated the lack of the three necessary parameters to classify the areas circumferential to the pond as wetlands (this information is also reflected on the submitted data sheets). Based on site inspection findings, and desktop review that included aerial photographs, Lidar, Hillshade, Pond 2 is an isolated water in accordance with SWANCC.

- f. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the pre-2015 regulatory regime consistent with the Supreme Court's decision in *Sackett* (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water):

Wetland 1C (3.50 acres)- non-jurisdictional

Wetland 1C is a 3.50-acre wetland surrounded by uplands. A site inspection by the Corps and agent on 10 June 2025 using the federal delineation methodology found in the Corps' 1987 delineation manual and 2010 regional supplement indicated the presence of the three necessary parameters to classify 1C as a wetland: at least one primary hydrologic indicator, satisfaction of the dominance test for hydrophytic vegetation, and identification of at least one hydric soil indicator. However, the areas circumferential to Wetland 1C lacked the required presence of the three parameters and therefore were classified as uplands. Based on site inspection findings, and desktop review that included aerial photographs, Lidar, Hillshade, Wetland 1C does not abut any a(1-6) water, and therefore does not meet the definition of a WOTUS.

Wetland 1DE (15 acres)- non-jurisdictional

Wetland 1DE is a 7.80-acre wetland that encloses Wetland areas 1D & 1E shown on the aquatic resource delineation map and contains uplands on all sides. A site inspection by the Corps and agent on 10 June 2025 using the federal delineation methodology found in the Corps' 1987 delineation manual and 2010 regional supplement indicated the presence of the three necessary parameters to classify 1DE as a wetland: at least one primary hydrologic indicator, satisfaction of the dominance test for hydrophytic vegetation, and identification of at least one hydric soil indicator. However, the areas circumferential to Wetland 1DE lacked the required presence of the three parameters and therefore were classified as uplands. Based on site inspection findings, and desktop review that included aerial photographs, Lidar, Hillshade, Wetland 1DE does not abut any a(1-6) water, and therefore does not meet the definition of a WOTUS.

Wetland 1G (3.10 acres)- non-jurisdictional

Wetland 1G is a 3.10-acre wetland surrounded by uplands. A site inspection by the Corps and agent on 10 June 2025 using the federal delineation methodology found in the Corps' 1987 delineation manual and 2010 regional supplement indicated the presence of the three necessary parameters to classify 1G as a wetland: at least one primary hydrologic indicator, satisfaction of the dominance test for hydrophytic vegetation, and identification of at least one hydric soil indicator. However, the areas circumferential to Wetland 1G lacked the required presence of the three parameters and therefore were classified as uplands. Based on site inspection findings, and desktop review that included aerial photographs, Lidar, Hillshade, Wetland 1G does not abut any a(1-6) water, and therefore does not meet the definition of a WOTUS

Wetland 1HFI (71.0 acres)- non-jurisdictional

Wetland 1HFI is a 64.0-acre wetland that encloses Wetland areas 1F, 1H & 1I as shown on the aquatic resource delineation map, and is surrounded by uplands on all sides. A site inspection by the Corps and agent on 10 June 2025 using the federal delineation methodology found in the Corps' 1987 delineation manual and 2010 regional supplement indicated the presence of the three necessary parameters to classify 1HFI as a wetland: at least one primary hydrologic indicator, satisfaction of the dominance test for hydrophytic vegetation, and identification of at least one hydric soil indicator. However, the areas circumferential to Wetland 1HFI lacked the required presence of the three

parameters and therefore were classified as uplands. Based on site inspection findings, and desktop review that included aerial photographs, Lidar, Hillshade, Wetland 1FHI does not abut any a(1-6) water, and therefore does not meet the definition of a WOTUS.

Wetland 2 (0.40 acres)- non-jurisdictional

Wetland 2 is a 0.40-acre wetland surrounded by uplands. A site inspection by the Corps and agent on 10 June 2025 using the federal delineation methodology found in the Corps' 1987 delineation manual and 2010 regional supplement indicated the presence of the three necessary parameters to classify 2 as a wetland: at least one primary hydrologic indicator, satisfaction of the dominance test for hydrophytic vegetation, and identification of at least one hydric soil indicator. However, the areas circumferential to Wetland 1C lacked the required presence of the three parameters and therefore were classified as uplands. Based on site inspection findings, and desktop review that included aerial photographs, Lidar, Hillshade, Wetland 2 does not abut any a(1-6) water, and therefore does not meet the definition of a WOTUS.

Wetland 8 (1.20 acres)- non-jurisdictional

Wetland 8 is a 1.20-acre wetland surrounded by uplands. A site inspection by the Corps and agent on 10 June 2025 using the federal delineation methodology found in the Corps' 1987 delineation manual and 2010 regional supplement indicated the presence of the three necessary parameters to classify 8 as a wetland: at least one primary hydrologic indicator, satisfaction of the dominance test for hydrophytic vegetation, and identification of at least one hydric soil indicator. However, the areas circumferential to Wetland 8 lacked the required presence of the three parameters and therefore were classified as uplands. Based on site inspection findings, and desktop review that included aerial photographs, Lidar, Hillshade, Wetland 8 does not abut any a(1-6) water, and therefore does not meet the definition of a WOTUS

Wetland 17 (1.90 acres)- non-jurisdictional

Wetland 17 is a 1.90-acre wetland surrounded by uplands. A site inspection by the Corps and agent on 10 June 2025 using the federal delineation methodology found in the Corps' 1987 delineation manual and 2010 regional supplement indicated the presence of the three necessary parameters to classify 17 as a wetland: at least one primary hydrologic indicator, satisfaction of the dominance test for hydrophytic vegetation, and identification of at least one hydric soil indicator. However, the areas circumferential to Wetland 17 lacked the required

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presence of the three parameters and therefore were classified as uplands. Based on site inspection findings, and desktop review that included aerial photographs, Lidar, Hillshade, Wetland 17 does not abut any a(1-6) water, and therefore does not meet the definition of a WOTUS

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.
 - a. Corps site visit conducted on 10 June 2025.
 - b. AJD package that includes:
 - 1) Location Map*
 - 2) FLUCCS map*
 - 3) AJD review area map*
 - 4) Flow path map from resources to TNW#
 - 5) Soils map*
 - 6) Lidar map#
 - 7) NWI map#
 - 8) Hillshade map#
 - 9) Data points location maps*
 - 10) APT report #
 - 11)Wetland/ upland data sheets (data gathered by agent in August 2025)*

**provided by agent Sept. 2025*

provided by USACE Sept 2025

10. OTHER SUPPORTING INFORMATION. N/A

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.