**Information Required for a WOTUS Determination**

**in State-assumed Waters**

***Disclaimer:*** *This form is only intended to assist the Florida Department of Environmental Protection in administering their approved state Clean Water Act Section 404 program. This form is not a “jurisdictional determination” or “approved jurisdictional determination” as defined and governed by the U.S. Army Corps of Engineers’ regulations per 33 C.F.R. § 331.2. This form is not binding on the federal government. The U.S. Environmental Protection Agency has final authority to construe the jurisdictional term “waters of the United States” under the Clean Water Act.*

# I. General Information

The following information is necessary if an applicant is requesting that the Department perform a Waters of the United States (WOTUS) jurisdictional determination pursuant to the Navigable Waters Protection Rule ([40 C.F.R. 120](https://www.ecfr.gov/cgi-bin/text-idx?SID=f7d811d3aae57c6c79538f020e792a57&mc=true&node=pt40.24.120&rgn=div5)) during review of a State 404 Program permit application, a Formal Determination under Chapter 62-340, F.A.C., or a request for verification that no permit is required under the State 404 Program. This form is provided as a service to applicants and petitioners. Use of the form may assist efficient review.

# II. Findings

## A. Summary

Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

* The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area).

Rationale: (N/A or describe rationale)

* There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.B).
* There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.C)

## B. Clean Water Act Section 404 Jurisdiction (40 C.F.R. 120)

Please expand tables or use additional sheets as needed. Include measurement units in size column (acres, linear feet, etc.).

Traditional Navigable Waters ((1)(i) waters)

|  |  |  |  |
| --- | --- | --- | --- |
| (1)(i) Name | (1)(i) Size | (1)(i) Criteria | Rationale for (1)(i) Determination |
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Note: All Territorial Seas and any Traditional Navigable Water (TNW) listed in Appendix B of the 404 Handbook (Retained Waters List) are not assumable under the State 404 Program. If your project site contains or borders one of these waters and you are proposing or plan to propose dredge or fill activities in adjacent wetlands or other surface waters within 300 feet of the mean high tide line or ordinary high water mark, please apply to the US Army Corps of Engineers (USACE) for a permit or jurisdictional determination under Section 404 of the Clean Water Act.

Authority: The Department does not have authority to determine whether a waterbody is a TNW and must rely on USACE determinations. All waters listed in Appendix B of the 404 Handbook are TNWs. A TNW may also be any waterbody not listed in Appendix B of the 404 Handbook that has been previously designated as a TNW in a USACE-issued Approved Jurisdictional Determination (AJD).

Tributaries ((1)(ii) waters)

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| --- | --- | --- | --- |
| (1)(ii) Name | (1)(ii) Size  | (1)(ii) Criteria | Rationale for (1)(ii) Determination |
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Lakes and ponds, and impoundments of jurisdictional waters ((1)(iii) waters)

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| --- | --- | --- | --- |
| (1)(iii) Name | (1)(iii) Size | (1)(iii) Criteria | Rationale for (1)(iii) Determination |
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Adjacent wetlands ((1)(iv) waters)

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| (1)(iv) Name | (1)(iv) Size | (1)(iv) Criteria | Rationale for (1)(iv) Determination |
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## C. Excluded Waters or Features

Excluded waters ((2)(i) – (2)(xii))

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| --- | --- | --- | --- |
| Name | Size  | (2) Exclusion | Rationale for Exclusion Determination |
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# III. Supporting Information

## A. Resources Used

Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

* Information submitted by, or on behalf of, the applicant/consultant (Title(s) and date(s)):
* Current 62-340, F.A.C. delineation:
* Aerial photographs:
* Other photographs:
* Previous WOTUS jurisdictional determinations (Corps PJD or AJD/Department WOTUS determination):
* Previous or current 62-340, F.A.C. formal jurisdictional determination:
* Antecedent Precipitation Tool (provide detailed discussion in Section III.B.):
* USDA NRCS Soil Survey (Title(s) and/or date(s)):
* USFWS NWI maps (Title(s) and/or date(s)):
* USGS topographic maps (Title(s) and/or date(s)):

Other data sources used to aid in this determination:

|  |  |
| --- | --- |
| Data source | Name and/or date and other relevant information |
| USGS Sources |  |
| USDA Sources |  |
| NOAA Sources |  |
| USACE Sources |  |
| State/Local/Tribal Sources |  |
| Other Sources |  |

## B. Typical Year Assessments

N/A or provide typical year assessment for each relevant data source used to support the determination:

## C. Additional comments to support the WOTUS jurisdictional determination

N/A or provide additional discussion as appropriate: