IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

SEDIGHEH ZOLFAGHARI, Plaintiff, v. UNITED STATES ARMY CORPS OF ENGINEERS; LIEUTENANT GENERAL WILLIAM H. GRAHAM JR., in his official capacity as Commander and Chief of the Engineers of the Corps; and ALISA ZARBO, in her official capacity as Chief Engineer of the Palm Beach Section of the Corps, Defendants.	**Civ. Case No. 9:25-80850-CIV-Artau/Reinhart** **FIRST AMENDED COMPLAINT**

INTRODUCTION

Sedigheh Zolfaghari grew up spending her summers on the farm. While her father worked as a pharmacist in the city, he still helped out on the old family farm whenever he could, and Sedigheh has always fondly remembered her time riding and caring for the horses. It was an idyllic—if far from luxurious—environment in which to grow up, and she has dreamed of recreating it ever since.

Sedigheh followed in her father's footsteps and, after moving to the United States with nothing but a backpack, began her career as a pediatrician. Dr. Zolfaghari established a successful practice in New Jersey and raised two wonderful children. Eventually, however, she grew tired of city life and the cold Northeastern winters, and decided to relocate to sunny Florida. She found the perfect piece of property in Lake Worth, the middle of the State's horse country, intending to spend her well-earned retirement raising horses and spending time with her family. To that end, she wants to construct a small stable and pasture on the property, just as authorized under the property's Agricultural-Rural zoning designation, *see* Palm Beach County Zoning Ordinance 2005-002, Ex. O (2005).

The government is currently prohibiting her from doing so unless she obtains a permit from the United States Army Corps of Engineers ("the Corps") under Section 404 of the Clean Water Act ("CWA"), claiming that her property contains federally protected wetlands. The Corps is also threatening her with litigation and more than $64,000 in fines for purported violations of an earlier permit she received to construct a guest house on the property. Notice of Noncompliance (May 23, 2024) (*Ex.* 1). Dr. Zolfaghari's property, however, does not contain any federally protected wetlands; with the Corps itself acknowledging that "it appears that these wetlands may no longer

fall under jurisdiction according to the current definition of [waters of the United States]." Email from Jonathan Pempek to Sedigheh Zolfaghari (May 29, 2024) (*Ex.* 2). The Supreme Court has limited the Corps' jurisdiction under the CWA to traditional navigable waters of the United States and those adjacent wetlands with a "continuous surface connection" to such waters, such as to be virtually indistinguishable from them. *See Sackett v. EPA*, 598 U.S. 651, 671 (2023). If a wetland does not satisfy these conditions, it is, as a matter of law, not among the regulable "navigable waters" and outside the jurisdiction of the CWA.

Despite the Corps publicly acknowledging these limits to its jurisdiction and announcing its intention to conduct a rulemaking to bring its regulations in conformity with the *Sackett* decision, it continues to enforce CWA compliance on property that lies outside its jurisdiction. Since the Corps forced many owners of non-jurisdictional property to comply with inapplicable CWA permitting requirements under threat of civil and criminal penalties prior to *Sackett*, the Corps now asserts that those owners have voluntarily contracted away their right to use their property as they see fit. As the Corps told Dr. Zolfaghari, it was going to enforce the terms of the permit "[r]egardless of [the land's] jurisdictional status." NWP Verification Letter (Feb. 21, 2025) (*Ex.* 3). In other words, the Corps demands that Americans comply with its demands—even if those demands were and are illegal—forever, or face prison time or punishing fines of tens of thousands of dollars a day.

Years ago, the Corps saddled Dr. Zolfaghari with onerous and costly environmental mitigation mandates as conditions for the granting of residential building permits over which the Corps had no lawful authority, yet claimed purported authority. Originally, the Corps justified these mandates by asserting that her property in Florida contained jurisdictional wetlands protected by

the CWA, but the Corps today admits the property never contained jurisdictional wetlands. Essentially, the Corps admits it has no constitutional or statutory authority to interfere with Dr. Zolfaghari's plans for her property, but it continues to demand she heed its authority anyway.

According to the Corps, since Dr. Zolfaghari signed building permits containing mitigation requirements two decades ago, she is bound by those permits in perpetuity, regardless of the underlying illegality of those permits. The Corps essentially extracted material concessions from Dr. Zolfaghari on false pretenses and under threat of onerous fines and prison. Now, the Corps hides behind that decades-old agreement even though the Supreme Court of the United States held in *Sackett* that properties like Dr. Zolfaghari do not contain jurisdictional wetlands. The Corps' continuing enforcement of its requirements contravenes *Sackett*. If the earlier permits were ever enforceable, they certainly are no longer enforceable after *Sackett*. This Court must hold unlawful and set aside the Corps' continued illegal regulation of private property that is patently beyond the Corps' jurisdiction to regulate.

JURISDICTION AND VENUE

1. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question jurisdiction).

2. This Court has the authority to provide the relief requested against the Defendants under the Fifth Amendment's Due Process Clause, 28 U.S.C. §§ 2201 (Declaratory Judgment Act) and 2412 (Equal Access to Justice Act), 5 U.S.C. § 702 (the Administrative Procedure Act), and 42 U.S.C. § 1988 (relief for violation of civil rights).

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1) and (2) because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred, and the property that is the subject of this action is located within, this judicial district.

PARTIES

4. Plaintiff Sedigheh Zolfaghari owns a home in Lake Worth, Florida, where she has lived for more than 20 years.

5. Defendant Corps is a branch of the United States Army charged with, *inter alia*, issuing permits for the discharge of dredged and fill material into waters of the United States and adjacent wetlands.

6. The Corps is the U.S. government agency responsible for issuing and enforcing the permits challenged in this action.

7. Defendant Lieutenant General William H. Graham Jr. is the Commander and Chief of Engineers of the Corps.

8. In his capacity as Commander and Chief of Engineers of the Corps, Defendant Graham is charged with enforcing Section 404 of the Clean Water Act, including the issuing of permits authorizing the discharge of dredged and fill material, as well as overseeing the promulgation of rules and regulations interpreting the Corps' authority under the statute.

9. Defendant Graham is sued in his official capacity.

10. Defendant Alisa Zarbo is the Chief Engineer of the Palm Beach Gardens Section of the Corps.

11. In her capacity as Chief Engineer, Defendant Zarbo oversees the review and issuance of Corps permits for the Palm Beach Gardens Section in southern Florida.

12. Defendant Zarbo refuses to conduct a jurisdictional determination and asserts that Dr. Zolfaghari was required to comply with the terms of her permits "regardless" of whether her property was jurisdictional or not. *Ex.* 3.

13. Defendant Zarbo is sued in her official capacity.

LEGAL BACKGROUND

14. Congress enacted the CWA in 1972 to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." 33 U.S.C. § 1251(a).

15. The CWA prohibits "the discharge of any pollutant" into "navigable waters," 33 U.S.C. §§ 1311(a), 1362(12)(A), and jointly empowers the Environmental Protection Agency ("EPA") and the Corps with its enforcement. *See* 33 U.S.C. §§ 1319(a), 1344(a).

16. The text of the CWA facially applies only to the "navigable waters" of the United States, defined as "the waters of the United States, including the territorial seas." 33 U.S.C. §§ 1251(a), 1362(7).

17. The precise definition of "waters of the United States" has been the subject of considerable controversy in the decades since the CWA's enactment. *See Sackett*, 598 U.S. at 663.

18. At first, the Corps kept to its traditional role of ensuring the navigability of America's interstate shipping lanes, asserting jurisdiction over only those navigable waters "capab[le] of use by the public for purposes of transportation or commerce." 33 C.F.R. § 209.260(e)(1) (1975).

19. The Corps' interpretation of its own authority under the CWA gradually expanded over the years, culminating in a 2008 rulemaking asserting authority over "[a]ll . . . waters" that "could affect interstate or foreign commerce," including "intrastate lakes, rivers streams (including

intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds." 40 C.F.R. § 230.3(s)(3) (2008).

20. Further, the Corps expanded its authority over "adjacent" wetlands—any wetland areas (also broadly defined) that happen to be "bordering, contiguous, or neighboring" a covered water, including those wetlands that are physically separated from covered waters by natural or man-made barriers. 40 C.F.R. §§ 230.3(b), 230.3(s)(7).

21. The U.S. Supreme Court, while inclined at the time to defer to the agencies' interpretations, repeatedly expressed concern over the EPA and Corps' arrogation of power to themselves, attempting to cabin the worst excesses. *See United States v. Riverside Bayview Homes, Inc.*, 474 U.S. 121, 132–33, 135 (1985) (expressing concern over the Corps' expansive interpretation of the CWA, but nevertheless deferring to the agency on where to draw the line); *Solid Waste Agency of N. Cook Cnty. v. U.S. Army Corps of Eng'rs*, 531 U.S. 159, 168 (2001) (rejecting the migratory bird rule, which extended jurisdiction to any waters or wetlands that "are or would be used as habitat" by migratory birds or endangered species, holding that CWA jurisdiction does not extend "to ponds that are not adjacent to open water").

22. The Corps and the EPA continued to seek opportunities to expand their CWA jurisdiction, largely through the increase in individualized determinations and promulgation of vague regulations, *see Sackett*, 598 U.S. at 667, eventually requiring the Supreme Court to step in again to rein the agencies in.

23. In *Rapanos v. United States*, 547 U.S. 715 (2006), the Court reversed a lower court decision holding that the CWA covered wetlands near ditches and drains that eventually emptied into navigable waters at least 11 miles away, but no opinion was able to win a Court majority.

24. Following *Rapanos*, the EPA and the Corps "issued guidance documents that 'recognized larger grey areas and called for more fact-intensive individualized determinations in those grey areas.'" *Sackett*, 598 U.S. at 667 (quoting N. Parrillo, *Federal Agency Guidance and the Power To Bind: An Empirical Study of Agencies and Industries*, 36 Yale J. on Reg. 165, 231 (2019)), culminating in a situation where the Corps was asserting that "almost all waters and wetlands across the country theoretically could be subject to a case-specific jurisdictional determination." 80 Fed. Reg. 37054, 37056 (June 29, 2015).

25. This controversy over the extent of the agencies' jurisdiction under the CWA came to a head in *Sackett*. The Sacketts had purchased a piece of property in Idaho to build a home, which required backfill of dirt and rocks. The EPA then came in and asserted the property was a jurisdictional wetland and threatened the Sacketts with thousands of dollars of daily fines if they did not restore the site to its previous state. Only, the Sacketts' property did not include any waters of the United States, being located across a 30-foot highway from "an unnamed tributary," which feeds into a non-navigable creek, which feeds into a navigable lake. *Sackett*, 598 U.S. at 662–63.

26. The Supreme Court refused to accept the EPA's (and by extension, the Corps') broad interpretation of EPA jurisdiction, and reaffirmed that the government's authority to regulate land under the CWA is limited to actual waters as traditionally conceived (i.e., oceans, lakes, rivers, and streams) and those wetlands with a "continuous surface connection" to actual waters, such that the wetland is "indistinguishably part of a body of water that itself constitutes 'waters' under the CWA." *Sackett*, 598 U.S. at 676–78. The CWA does not extend—and has never extended—to wetlands that lack a continuous surface connection to waters of the United States.

27. Under its CWA Section 404 authority, the Corps issues a series of Nationwide Permits ("NWPs") every 5 years (after which each NWP expires and must be amended or reissued). Each NWP provides a broad authorization for a certain category of CWA-regulated activity, setting basic contours within which regional and individualized permit decisions can be made. For example, NWP 29, reissued in 2021, applies to residential developments and authorizes the discharge of dredged or fill material "for the construction or expansion of a single residence, a multiple unit residential development, or a residential subdivision," while requiring individual permittees to "submit a pre-construction notification to the district engineer prior to commencing the activity." 86 Fed. Reg. 2744, 2861 (Jan. 13, 2021).

FACTUAL ALLEGATIONS

28. Sedigheh Zolfaghari is a (now retired) physician of more than 25 years.

29. After completing her medical studies in her home country of Iran, she fled to the freedom and security of the United States shortly before the Ayatollah's revolution.

30. In America, Dr. Zolfaghari raised two wonderful children and enjoyed a long and successful career as a pediatrician.

31. Upon her retirement, Dr. Zolfaghari purchased a picturesque piece of property in Lake Worth, Florida, in 2002, where she has happily lived for more than 20 years.

32. The property she purchased is located at 5862 Homeland Road, Lake Worth, Florida 33449.

33. The property is roughly triangular in shape, with Homeland Road along its western boundary, a neighboring residential property along its southern boundary, and a canal along its eastern boundary, as shown in this satellite imagery obtained from Google Maps:

34. The interior of the property includes some areas of marshy soil that can be described as wet, but these areas of the property are separated from the canal by at least 30 feet of dry land with no continuous surface connection to the canal or any other body of water that could be construed as a water of the United States.

35. In March 2000, the Corps conducted a jurisdictional determination at the request of the property's previous owner and determined that "the majority of the lot" included jurisdictional wetlands. Jurisdictional Determination (Mar. 23, 2000) (*Ex.* 4).

36. In January 2009, the Corps described the purported wetlands on the property as "adjacent [to a] non-relatively permanent waterbody," Guest House Permit at 3 (Jan. 6, 2009) (*Ex.* 5), a basis for CWA jurisdiction that the Supreme Court and the Corps itself have explicitly

rejected. *See Sackett*, 598 U.S. at 671 ("[T]he CWA's use of 'waters' encompasses 'only those relatively permanent . . . bodies of water . . . that are described in ordinary parlance as 'streams, oceans, rivers, and lakes.'") (quoting *Rapanos*, 547 U.S. at 739); 88 Fed. Reg. 61964, 61965 (Sept. 8, 2023).

37. Dr. Zolfaghari was informed when purchasing the property that it included jurisdictional wetlands.

38. The property came with a pre-existing transferable Corps permit authorizing the construction of a single-family home and stating the planned construction complied with the terms of NWP 26. Original Army Corps Permit (*Ex.* 6).

39. NWP 26 expired in 2000 and was replaced, in relevant part, by NWP 29. NWP 29 was reissued in 2007, 2012, 2017, and 2021, and is the NWP that would apply to Dr. Zolfaghari's property—if it included jurisdictional wetlands.

40. The Corps' building permit asserted that nearly the entirety of Dr. Zolfaghari's property was made up of jurisdictional wetlands.

41. In 2003, Dr. Zolfaghari received a construction permit from the Palm Beach County Planning, Zoning & Building Department to build her home on the property.

42. Dr. Zolfaghari built the home in accordance with the permit terms—recognizing she had no choice in the matter because otherwise the Corps could imprison and fine her, *see* 33 C.F.R. §§ 326.5 (describing availability of judicial action against violators of Section 404); 326.6 (describing availability of administrative penalties under Section 404), and lived on the property for several years without any further interactions with the Corps.

43. In 2008, Dr. Zolfaghari wished to build a guest house on the property for her son to live in, and—recognizing the risk of fines or prison if she built without the supposedly-required permission of the Corps—she sought a new permit from the Corps to impact another half-acre of purported wetlands.

44. The Corps approved construction of the guest house but conditioned its approval on Dr. Zolfaghari agreeing to engage in certain mitigation activities, including maintaining two acres of purported wetland in its natural state in perpetuity. *Ex.* 5, at 2–3.

45. Dr. Zolfaghari constructed the guest house in compliance with the Corps' permit terms.

46. In 2024, Dr. Zolfaghari wished to build a stable on the property to raise horses, an authorized use under the property's Agricultural-Rural zoning designation, *see* Palm Beach County Zoning Ordinance 2005-002, Ex. O (2005), and sought permission from the Corps to do so.

47. While conducting an inspection of the property related to this request on April 3, 2024, the Corps claims to have identified a violation of Dr. Zolfaghari's mitigation obligations under Special Permit Condition 3 of the 2008 permit.

48. In a May 23, 2024, letter, the Corps accused Dr. Zolfaghari of placing fill material in "jurisdictional wetlands" required to be maintained in their natural state in perpetuity by the permit, and threatened her with litigation and more than $64,000 in fines unless she comes into compliance with their demands.

49. After learning of the Supreme Court's decision in *Sackett*, Dr. Zolfaghari recognized that according to the decision none of the purported wetlands on her property satisfied the Court's test for determining the appropriate scope of CWA jurisdiction.

50. Simply put, no continuous surface connection to any body of water that could be plausibly described as a water of the United States exists that extends the Corps' jurisdiction over the canal to Dr. Zolfaghari's non-jurisdictional property.

51. Throughout the summer of 2024, Dr. Zolfaghari attempted to raise her concerns about the non-applicability of the CWA to her property with local Corps officials.

52. In an email dated May 29, 2024, Corps compliance and enforcement officer Jonathan Pempek told Dr. Zolfaghari that "it appears that these wetlands may no longer fall under jurisdiction according to the current definition of [waters of the United States]." *Ex.* 2.

53. On May 31, 2024, Dr. Zolfaghari sought a reverification of the jurisdictional status of her property from the Corps, considering the Supreme Court's explication of the law in *Sackett*. Request for Corps Jurisdictional Determination (May 31, 2024) (*Ex.* 7).

54. In an email dated July 22, 2024, Kyle Nichols, a Senior Project Manager at the Corps' Regulatory Division in Miami, informed Dr. Zolfaghari that a site visit had been conducted "which appears to be sufficient to make our determination" regarding her request for a jurisdictional determination. The email states that a jurisdictional determination would be completed, posted online, and sent to Dr. Zolfaghari.

55. On information and belief, no jurisdictional determination has been published, either online or to Dr. Zolfaghari directly.

56. On February 21, 2025, Dr. Zolfaghari received a letter from Alisa Zarbo, Chief of the Corps' Palm Beach Gardens Section. *Ex.* 3.

57. The Corps refused to provide a jurisdictional determination for the property, asserting Dr. Zolfaghari's permit gave it all the authority it needed, "[r]egardless of [the land's] jurisdictional status." *Ex. 3*.

58. The Corps told Dr. Zolfaghari that it may consider *modifying* the terms of her permit, should she apply for it, but that any modification would still require a mitigation plan to offset the impacts of construction. In other words, the Corps not only illegally asserts authority over her property, it asserts that the permits it issued are contracts that are perpetual and last forever.

59. Dr. Zolfaghari now brings this action seeking a declaration that the permit conditions requiring CWA mitigation and compliance with Nationwide Permit 26 are null and void *ab initio* as an ultra vires abuse of the Corps' statutory authority, an injunction prohibiting the Corps from attempting to regulate Dr. Zolfaghari's non-jurisdictional property going forward, and nominal damages for the violation of Dr. Zolfaghari's Fifth Amendment rights under *Bivens v. Six Unknown Named Agents of Fed. Bureaus of Narcotics*, 403 U.S. 388 (1971).

60. Alternatively, if they were not void *ab initio*, the Court should declare them no longer enforceable since they are premised on the Corps' continued illegal assertion of jurisdiction—post *Sackett*—over Dr. Zolfaghari's property.

CLAIMS FOR RELIEF

Count I

The Corps' Assertion of Jurisdiction is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law

(APA, 5 U.S.C. § 706(2)(A))

61. Plaintiff realleges and incorporates the factual allegations in the preceding paragraphs.

62. The Administrative Procedure Act ("APA") requires this Court to hold unlawful and set aside any agency action that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

63. The CWA prohibits the discharge of pollutants into the "navigable waters" or "waters of the United States," and jointly charges the Corps and the EPA with the statute's enforcement.

64. "[T]he CWA's use of 'waters' encompasses 'only those relatively permanent, standing or continuously flowing bodies of water "'forming geographic[al] features' that are described in ordinary parlance as 'streams, oceans, rivers, and lakes.'" *Sackett*, 598 U.S. at 671 (quoting *Rapanos*, 547 U.S. at 739).

65. While Congress has amended the CWA to extend to "wetlands adjacent" to waters of the United States, wetlands are not, themselves, waters of the United States, and this expansion of jurisdiction was strictly limited to "adjacent" wetlands. *See* 33 U.S.C. § 1344(g)(1).

66. In *Sackett*, the Supreme Court made it clear that agencies may only regulate (1) "those relatively permanent, standing or continuously flowing bodies of water 'forming geographic[al] features' that are described in ordinary parlance as 'streams, oceans, rivers, and lakes,'" *Sackett*, 598 U.S. at 671 (quoting *Rapanos*, 547 U.S. at 739 (plurality opinion)); and (2) "wetlands" (i) with a "continuous surface connection" to such waters (ii) that are "'as a practical matter indistinguishable from waters of the United States,' such that it is 'difficult to determine where the "water" ends and the "wetland" begins,'" *id.* at 678 (quoting *Rapanos*, 547 U.S. at 742 (plurality opinion)). If a wetland does not satisfy these conditions, it is, as a matter of law, not among the regulable "waters of the United States."

67. Supreme Court decisions applying a rule of federal law must be given full retroactive effect, "regardless of whether such events predate or postdate [the Supreme Court's] announcement of the rule." *Harper v. Va. Dep't of Tax'n*, 509 U.S. 86, 97 (1993).

68. Any purported wetlands on Dr. Zolfaghari's property lack a continuous surface connection to a body of water that can be described as a water of the United States in its own right.

69. In asserting authority over non-jurisdictional private property "regardless" of whether the CWA applies, prohibiting Dr. Zolfaghari full use and enjoyment of that same property, and continuing to hold Dr. Zolfaghari responsible for rewilding and other environmental mitigation activities on the property, the Corps is acting in direct contravention of the Supreme Court's command in *Sackett* to cease attempting to regulate wetlands that lack a continuous surface connection to a water of the United States.

70. By these acts or omissions, the Corps violated the APA, 5 U.S.C. § 706(2)(A). The permits at issue in this case are therefore invalid and must be set aside.

Count II

The Corps' Assertion of Jurisdiction is in excess of statutory jurisdiction, authority, or limitations, or short of statutory right

(APA, 5 U.S.C. § 706(2)(C))

71. Plaintiff realleges and incorporates the factual allegations contained in paragraphs 1–60.

72. The APA requires this Court to hold unlawful and set aside any agency action that exceeds the agency's statutory authority. 5 U.S.C. § 706(2)(C).

73. For the reasons articulated above at Paragraphs 63–69, the Corps' assertion of authority to regulate Plaintiff's property regardless of its jurisdictional status under the CWA

directly contravenes *Sackett*'s test for federal wetlands authority, and as a result the CWA's limited grant of jurisdiction for the Corps to regulate "navigable waters," defined as "the waters of the United States." 33 U.S.C. § 1362(7).

74. Further, when an agency claims broad authority to exercise powers of "vast economic and political significance," it "must point to 'clear congressional authorization' for the power it claims." *West Virginia v. EPA*, 597 U.S. 697, 716, 723 (2022) (quoting *Util. Air Regul. Grp. v. EPA*, 573 U.S. 302, 324 (2014)).

75. In *Sackett*, the Supreme Court recognized that tens of millions of non-adjacent lands the Corps claimed authority over were outside the jurisdiction conferred by Section 404 of the CWA, a reduction of up to 84%. *See* National Resources Defense Council, Report, *Mapping Destruction: Using GIS Modeling to Show the Disastrous Impacts of* Sackett v. EPA *on America's Wetlands* 6, 13 (Mar. 2025), https://www.nrdc.org/sites/default/files/2025-03/Wetlands_Report_R_25-03-B_05_locked.pdf (analyzing data from the United States Geological Survey and the United States Fish and Wildlife Service's Wetland Inventory Map).

76. A substantial proportion of Section 404 permits issued prior to 2023 likely do not encompass jurisdictional wetlands.

77. The Corps' assertion of "highly consequential power," *Georgia v. President of the United States*, 46 F.4th 1283, 1296 (11th Cir. 2022), to continue enforcement over lands outside its jurisdiction and attempted end-run around the Supreme Court's decision in *Sackett* is thus an extraordinary attempt to unilaterally expand the scope of its authority in the face of explicit rebuke from the Supreme Court.

78. The Corps' assertion of authority here therefore concerns an issue of vast economic and political significance.

79. That assertion of authority also requires a clear statement from Congress because it would "significantly alter the balance between federal and state power and the power of the Government over private property." *Sackett*, 598 U.S. at 679. By continuing to enforce the CWA where it has no jurisdiction over private property, the Corps is undermining the "core of traditional state authority" to regulate land and water use. *Id.* at 680.

80. If accepted, the Corps' view of its power will also have the widespread consequence of forcing any landowners victimized by the pre-*Sackett* regulatory regime to continue abiding by the costly impacts of illegal permits under the threat of severe civil and criminal liability for normal use of their property. To assert that authority would also require a clear statement from Congress. *Id.* at 680–81.

81. The Corps cannot identify a clear statement authorizing it to exercise this sweeping power. Indeed, there is nothing in the statute authorizing the continued enforcement over non-jurisdictional wetlands under the CWA. *See La. Pub. Serv. Comm'n v. FCC*, 476 U.S. 355, 374 (1986) ("[A]n agency literally has no power to act . . . unless and until Congress confers power upon it.").

82. By these acts or omissions, the Corps violated the APA, 5 U.S.C. § 706(2)(C). The permits at issue are invalid and must be set aside.

Count III

The Permits place unconstitutional conditions on the use of Plaintiff's property

(5th Amendment)

83. Plaintiff realleges and incorporates the factual allegations contained in paragraphs 1–60.

84. The Fifth Amendment to the United States Constitution prohibits the government from taking private property for public use without just compensation. U.S. Const. amend. V.

85. Courts have long recognized takings may take forms other than direct appropriations of property. *See Lucas v. S.C. Coastal Council*, 505 U.S. 1003, 1014 (1992) ("[W]hile property may be regulated to a certain extent, if the regulation goes too far it will be recognized as a taking.") (quoting *Pa. Coal Co. v. Mahon*, 260 U.S. 393, 415 (1922)). These types of takings are referred to as "regulatory takings." *Id.* at 1015.

86. The government "may not deny a benefit to a person on a basis that infringes his constitutionally protected interests." *Sheetz v. Cnty. of El Dorado*, 601 U.S. 267, 275 (2024) (quoting *Perry v. Sindermann*, 408 U.S. 593, 597 (1972)).

87. In the Fifth Amendment land use context, this "unconstitutional conditions" doctrine prohibits the government from "requir[ing] a person to give up a constitutional right—here the right to receive just compensation when property is taken for a public use—in exchange for a discretionary benefit conferred by the government where the benefit sought has little or no relationship to the property." *Dolan v. City of Tigard*, 512 U.S. 374, 385 (1994).

88. There must be an "essential nexus" between some "legitimate state interest" and the specific conditions exacted in exchange for the approval of a permit. *Id.* at 386.

89. The fact that a particular property owner may have agreed to an unconstitutional condition prior to subsequent judicial precedent making it clear the condition was unconstitutional is irrelevant to the fact that the condition is, in reality, unconstitutional. *See generally City of Venice*

v. Neal Communities of SW FL, LLC, No. 2017-CA-3532-NC, 2019 WL 495769 (Fla. Cir. Ct. Feb. 8, 2019).

90. Here, the lack of jurisdictional wetlands on Plaintiff's property means there is no substantial nexus between the conditions placed on Plaintiff's permits and the Corps' legitimate interest in enforcing the CWA.

91. Forcing a property owner "to choose between the building permit and her right under the Fifth Amendment to just compensation for the public easements" when the government has not conferred any "special benefits" in exchange constitutes an unconstitutional condition in violation of the Fifth Amendment. *Dolan*, 512 U.S. at 385.

92. In conditioning its approval of Plaintiff's ordinary, lawful use of her private property on compliance with mitigation requirements that it lacks any statutory authority to apply to the property in question, the Corps has saddled Plaintiff with an unconstitutional burden on her right to use her property that it could not impose on her directly. The Corps has no legitimate interest in regulating land it has no jurisdiction over, and certainly no legitimate interest in requiring Plaintiff give up what is essentially a private easement over much of her property to protect jurisdictional wetlands that do not exist.

PRAYER FOR RELIEF

For the injuries outlined above, Plaintiff respectfully requests that this Court enter judgment in her favor and provide the following relief:

1. Declare the Corps' assertion over Plaintiff's non-jurisdictional property is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

2. Set aside the Corps' assertion of jurisdiction over Plaintiff's non-jurisdictional property as unlawful pursuant to Section 706 of the APA;
3. Permanently enjoin Defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them from enforcing against Plaintiff the terms of any permit premised on a theory of CWA jurisdiction incompatible with the meaning of the statute, as explained by the U.S. Supreme Court in *Sackett v. EPA*, 598 U.S. 651 (2023);
4. Award Plaintiff nominal money damages in compensation for the violation of her Fifth Amendment rights;
5. Award Plaintiff reasonable attorney fees and costs, pursuant to 28 U.S.C. § 2412, 42 U.S.C. § 1988, or any other appropriate authority; and
6. Order such additional relief as justice may require.

DATED: October 8, 2025.

Respectfully submitted,

/s/ Mark Miller
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EXHIBIT 1

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FL 32207-8137

May 23, 2024

Regulatory Division
Enforcement Section
SAJ-2008-03599

Sedigheh Zolfaghari
5862 Homeland Road
Lake Worth, Florida 33449

NOTICE OF NONCOMPLIANCE

Dear Ms. Zolfaghari:

On April 3, 2024, the U.S. Army Corps of Engineers, Jacksonville District (Corps) conducted a site inspection indicating you have not complied with the terms and/or conditions of your nationwide verification letter number SAJ-2008-03599, which authorized the permanent impacts to 0.5 acre of jurisdictional wetlands. More specifically, the inspection documented fill material placed within wetlands that are required to be preserved, enhanced, and protected in perpetuity in accordance with Special Permit Condition 3 of your permit. Section 404 of the Clean Water Act, 33 U.S.C. 1344, prohibits violations of the terms and/or conditions of a Department of the Army permit. The project site is located at 5862 Homeland Road, Lake Worth (Section 35, Township 44 South, Range 41 East), Palm Beach County, Florida.

It is my responsibility, as District Engineer, to issue this Notice of Noncompliance. My staff is conducting an investigation to determine the most appropriate enforcement action to address the alleged violation.

Among the enforcement options available are actions in Federal District Court for fines and injunctions requiring work cessation and/or restoration. The Court may also require that the restoration be performed by a third-party contract and be funded through a money judgment against the Permittee.

On an administrative level, the permit may be suspended, revoked, or modified and/or administrative penalties assessed. The Corps may levy a Class I Administrative penalty in an amount not exceeding $64,619.

You are advised to acknowledge receipt of this letter within 15 days. You should provide any information concerning why the terms and conditions of your Department of the Army permit have not been complied with.

If you have any questions, please contact Jonathan Pempek at the letterhead address or by telephone at (561) 685-1708.

Sincerely,

Robert Halbert

for James L. Booth
Colonel, U.S. Army
District Commander

EXHIBIT 2

From: Pempek, Jonathan C CIV USARMY CESAJ (USA)

Sent: Wednesday, May 29, 2024 8:08 AM

To: Sedigheh Zolfaghari <sedighehz@yahoo.com>

Subject: RE: [Non-DoD Source] SAJ-2008-03599

Ms. Zolfaghari,

Thank you for reaching out. I received the project details from the permitting section. I've carefully reviewed your message and understand your concerns. Rest assured; I am fully committed to resolving all issues.

Despite the potential misinformation I received, there remains a significant challenge. Your permit currently mandates the preservation of the onsite wetlands indefinitely, while you seek to make alterations to them. Complicating matters further, it appears that these wetlands may no longer fall under jurisdiction according to the current definition of WOTUS.

To navigate this situation effectively, I propose a proactive approach. We could explore the option of obtaining credits from a mitigation bank to offset the impact of your proposed changes on preserved areas. Subsequently, we can formalize this arrangement through a settlement agreement or a similar document to ensure clarity and compliance moving forward. I am trying to find a way to help you develop the site in a way that meets federal requirements while navigating this problematic administrative issue.

Looking forward to discussing this further and finding a satisfactory resolution. Friday, I am going out of the country for a few weeks and am hoping to identify a path forward before I leave. Please respond or call with your thoughts.

Very respectfully,

Jonathan Pempek

U.S. Army Corps of Engineers Jacksonville District

Compliance and Enforcement

(561) 685-1708

EXHIBIT 3

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
4400 PGA BOULEVARD, SUITE 500
PALM BEACH GARDENS, FLORIDA 33410

February 21, 2025

Regulatory Division
South Permits Branch
Palm Beach Gardens Section
SAJ-2008-03599 (NWP-DW)

Sedigheh Zolfaghari
5862 Homeland Road
Lake Worth, Florida 33449
Sent via email: sedighehz@yahoo.com

Dear Ms. Zolfaghari:

The U.S. Army Corps of Engineers (Corps) received your request to conduct a jurisdictional determination on your property on June 10, 2024. Your application was assigned file number SAJ-2008-03599. The project is located at 5862 Homeland Road, in Section 35, Township 44 South, Range 41 East, Lake Worth, Palm Beach County, Florida.

In your recent request to re-verify jurisdiction of your property, you stated that you do not believe that the 2.0 acres of wetlands on your property are jurisdictional to the Corps in light of the definition of waters of the United States in accordance with the Supreme Court's decision in *Sackett.* We understand that you seek to impact the remaining 2.0 acres of wetlands on your property, but we have not received a permit application or a request for modification of your existing permit, discussed in more detail below.

On April 1, 2009, the Corps issued a verification for a Nationwide Permit (NWP) 29 which authorized impacts to 0.50 acre of jurisdicational wetlands under Section 404 of the Clean Water Act (33 U.S.C. § 1344) to construct a home addition. In connection with your application for that permit, you proposed to mitigate the loss of the 0.50 acre of jurisdictional wetlands by avoiding, enhancing, restoring, and preserving 2.0 acres of onsite wetlands. The Corps accepted your compensatory mitigation plan and included several permit conditions to effectuate the mitigation. Special Condition #3 required the 2.0 acres of wetlands to be avoided. Special Condition #5 required the 2.0 acre-mitigation area to be enhanced, restored, and preserved in in accordance with the approved migiation plan. Special Condition #13 required that the 2.0 acres of wetlands be maintained in their natural state in perpetuity. This compensatory mitigation was needed to ensure the impacts of the project were minimal to meet the terms and

condition of the NWP, and to ensure that the project complies with the 404(b)(1) Guidelines.

Regardless of their jurisdictional status, in accordance with your permit verification, the 2.0 acres of wetland mitigation must still meet the requirements in Special Conditions 3, 5 and 13 in perpetuity unless that authorization is modified, suspended or revoked. The Corps can consider modifying the special conditions to allow the 2.0 acres of wetlands to be impacted, but would need a request for a modification, including a mitigation plan that would offset the 0.50 acre of wetlands impacted under the original permit verification in addition to any impacts to remaining jurisdictional areas. The Corps would need to assess your request under the applicable regulations, which includes the 2008 Compensatory Miigation Rule.

Thank you for your cooperation with our permit program. The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at https://regulatory.ops.usace.army.mil/customer-service-survey/. Please be aware this Internet address is case sensitive and you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Should you have any questions related to this NWP verification or have issues accessing the documents referenced in this letter, please contact David White at the Palm Beach Gardens Permits Section at the letterhead address, by telephone at 728-219-6138, or by email at David.N.White@usace.army.mil.

Sincerely,

Alisa Zarbo

Alisa Zarbo
Chief, Palm Beach Gardens Section

Enclosures:
DA permit dated April 1, 2009
Compliance Report dated June 21, 2010

Permit

Number: SAJ-2008-03599 (NW-MJW)

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
4400 PGA BOULEVARD, SUITE 500
PALM BEACH GARDENS, FLORIDA 33410

REPLY TO
ATTENTION OF

APR 0 1 2009

Palm Beach Gardens Regulatory Section
SAJ-2008-3599(NW-MJW)

Sedigheh Zolfaghari
5862 Homeland Road
Lake Worth, Florida 33449

Dear Ms. Zolfaghari:

Your application for a Department of the Army permit received on March 24, 2009, has been assigned number SAJ-2008-3599. A review of the information and drawings provided shows the proposed work is for the construction of a single-family residential home addition resulting in permanent impacts to 0.5 acre of jurisdictional wetlands. This permit supersedes SAJ-2008-3599(NW-SLF) issued on January 6, 2009, and includes a site plan modification to accommodate setback requirements for the septic tank, no additional wetland impacts are authroized. The project is located at 5862 Homeland Road, Lake Worth (Section 35, Township 44 south, Range 41 east), Palm Beach County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) Number 29. In addition, project specific conditions have been enclosed. This verification is valid until two years from the date of this permit. Please access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory web to access web links to view the Final Nationwide Permits, Federal Register Vol. 72, dated March 12, 2007, the Corrections to the Final Nationwide Permits, Federal Register 72, May 8, 2007, and the List of Regional Conditions. Our website address is as follows:

http://www.saj.usace.army.mil/Divisions/Regulatory/permitting_types_NWP.htm.

These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for NWP 29. Additionally, enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all of the special and general conditions and any project specific conditions of this authorization or you may be subject to enforcement action. In the event you have not completed construction of your project

within the specified time limit, a separate application or re-verification may be required.

The following special conditions are included with this verification:

1. **Reporting Address:** All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, Cameron Shaw, 701 San Marco Blvd, Jacksonville, FL 32207. The Permittee shall reference this permit number, SAJ-2008-3599(NW-MJW), on all submittals.

2. **Commencement Notification:** Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

3. **Wetland Avoidance/Minimization Areas:** The Permittee shall avoid the remaining 2.0 acre(s) of onsite wetlands. These natural wetland areas were avoided as part of the permit application review process and therefore will not be disturbed by any dredging, filling, mechanized land clearing, agricultural activities, or other construction work whatsoever. The Corps reserves the right to deny review of any requests for future impacts to these natural wetland areas.

4. **Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

5. **Compensatory Mitigation:** Within 6 months from the date of initiating the authorized work or 12 months from the effective date of this permit, whichever first occurs, the Permittee shall complete the following mitigation objectives in accordance with the approved compensatory mitigation plan (Attached):

a. Onsite Mitigation

(1) Wetland Enhancement: Manually remove Category I and II invasive exotic plant species from 2.0 acres of the remaining onsite wetlands while maintaining the hydrologic connection to the adjacent non-relatively permanent waterbody.

(2) Wetland Restoration: Plant 25 3-gallon Dahoon Holly (*Ilex cassine*), 14 3-gallon Swamp Bay (*Persea palustris*), 30 1-gallon Cocoplum (*Chrysobalanus icaco*), 30 liners of Swamp Fern (*Blechnum serrulaturm*), and 30 2-foot Pond Cypress (*Taxodium ascendens*) to restore 2.0 acres of former forested wetlands as referenced in the attached planting plan.

(3) Wetland Preservation: Maintain the enhanced 2.0 acres of freshwater forested wetlands in perpetuity.

These onsite compensatory mitigation areas shall be preserved in perpetuity in accordance with the special conditions of this permit.

6. **Performance Standards:** To meet the objectives of the approved compensatory mitigation plan, the Permittee shall achieve the following performance standards:

a. At least 80 percent cover by appropriate wetland species (i.e., FAC or wetter).

b. Cover of Category I and II invasive exotic plant species, pursuant to the most current list established by the Florida Exotic Pest Plant Council at http://www.fleppc.org, and the nuisance species, dogfennel (Eupatorium capillifolium), Bermudagrass (Cynodon spp.), Bahiagrass (Paspalum notatum), and cattail (Typha spp.). shall total less than 5 percent.

c. Less than 20 percent mortality of planted wetland species.

The Permittee shall achieve the above performance standards by the end of the 3-year monitoring period, with no maintenance during the 3rd year of monitoring. In the event that the above performance standards have not been achieved, the Permittee shall undertake a remediation program approved by the Corps in accordance with the Special Conditions of this permit.

7. **Monitoring and Reporting Timeframes:** To show compliance with the performance standards the Permittee shall complete the following:

a. Perform a time-zero monitoring event of the wetland mitigation area(s) within 60 days of completion of the compensatory mitigation objectives identified in the **Compensatory Mitigation** Special Condition of this permit.

b. Submit the time-zero report to the Corps within 60 days of completion of the monitoring event. The report will include at least one paragraph depicting baseline conditions of the mitigation site(s) prior to initiation of the compensatory mitigation objectives and a detailed plan view drawing of all created, enhanced and/or restored mitigation areas.

c. Subsequent to completion of the compensatory mitigation objectives, perform semi-annual monitoring of the wetland mitigation areas for the first 2 years and annual monitoring thereafter for a total of no less than 3 years of monitoring.

d. Submit annual monitoring reports to the Corps within 60 days of completion of the monitoring event. Semi-annual monitoring will be combined into one annual monitoring report.

e. Monitor the mitigation area(s) and submit annual monitoring reports to the Corps until released in accordance with the Special Conditions of this permit.

8. **Reporting Format:** Annual monitoring reports shall follow a 10-page maximum report format for assessing compensatory mitigation sites. The Permittee shall submit all documentation to the Corps on 8½-inch by 11-inch paper, and include the following:

a. Project Overview (1 Page):

(1) Department of the Army Permit Number

(2) Name and contact information of Permittee and consultant

(3) Name of party responsible for conducting the monitoring and the date(s) the inspection was conducted

(4) A brief paragraph describing the purpose of the approved project, acreage and type of aquatic resources impacted, and mitigation acreage and type of aquatic resources authorized to compensate for the aquatic impacts.

(5) Written description of the location, any identifiable landmarks of the compensatory mitigation project including information to locate the site perimeter(s), and coordinates of the mitigation site (expressed as latitude, longitudes, UTMs, state plane coordinate system, etc.).

(6) Dates compensatory mitigation commenced and/or was completed

(7) Short statement on whether the performance standards are being met

(8) Dates of any recent corrective or maintenance activities conducted since the previous report submission

(9) Specific recommendations for any additional corrective or remedial actions.

b. Requirements (1 page): List the monitoring requirements and performance standards, as specified in the approved mitigation plan and special conditions of this permit, and evaluate whether the compensatory mitigation project site is successfully achieving the approved performance standards or trending towards success. A table is a recommended option for comparing the performance standards to the conditions and status of the developing mitigation site.

c. Summary Data (maximum of 4 pages): Summary data should be provided to substantiate the success and/or potential challenges associated with the compensatory mitigation project. Photo documentation may be provided to support the findings and recommendations referenced in the monitoring report and to assist the PM in assessing whether the compensatory mitigation project is meeting applicable performance standards for that monitoring period. Submitted photos should be formatted to print on a standard 8 ½" x 11" piece of paper, dated, and clearly labeled with the direction from which the photo was taken. The photo location points should also be identified on the appropriate maps.

d. Maps and Plans (maximum of 3 pages): Maps shall be provided to show the location of the compensatory mitigation site relative to other landscape features, habitat types, locations of photographic reference points, transects, sampling data points, and/or other features pertinent to the mitigation plan. In addition, the submitted maps and plans should clearly delineate the mitigation site perimeter(s). Each map or diagram should be formatted to print on a standard 8 ½" x 11" piece of paper and include a legend and the location of any photos submitted for review. As-built plans may be included.

e. Conclusions (1 page): A general statement shall be included that describes the conditions of the compensatory mitigation project. If performance standards are not being met, a brief explanation of the difficulties and potential remedial actions proposed by the Permittee or sponsor, including a timetable, shall be provided. The District Commander will ultimately determine if the mitigation site is successful for a given monitoring period.

9. **Remediation:** If the compensatory mitigation fails to meet the performance standards 3 years after completion of the compensatory mitigation objectives, the compensatory mitigation will be deemed unsuccessful. Within 60 days of notification by the Corps that the compensatory mitigation is unsuccessful, the Permittee shall submit to the Corps an alternate compensatory mitigation proposal sufficient to create the functional lift required under the permit. The alternate compensatory mitigation proposal may be required to include additional mitigation to compensate for the temporal loss of wetland function associated with the unsuccessful compensatory mitigation activities. The Corps reserves the right to fully evaluate, amend, and approve or reject the alternate compensatory mitigation proposal. Within 120 days of Corps approval, the Permittee will complete the alternate compensatory mitigation proposal.

10. **Mitigation Release:** The Permittee's responsibility to complete the required compensatory mitigation, as set forth in the special conditions of this permit will not be considered fulfilled until mitigation success has been demonstrated and written verification has been provided by the Corps. A mitigation area which has been released will require no further monitoring or reporting by the Permittee; however the Permittee, Successors and subsequent Transferees remain perpetually

responsible to ensure that the mitigation area(s) remain in a condition appropriate to offset the authorized impacts in accordance with General Condition 2 of this permit.

11. **Self-Certification:** Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form (Attached) and submit to the Corps. In the event that the completed work deviates, in any manner, from the authorized work, the Permittee shall describe, on the Self-Certification Form, the deviations between the work authorized by the permit and the work as constructed. Please note that the description of any deviations on the Self-Certification Form does not constitute approval of any deviations by the Corps.

12. **Notice of Permit:** The Permittee shall complete and record the Notice of Department of the Army Permit (Attached) with the Clerk of the Circuit Court, Registrar of Deeds or other appropriate official charged with the responsibility of maintaining records of title to or interest in real property within the county of the authorized activity. Within 90 days from the effective date of this permit the Permittee shall provide a copy of the recorded Notice of Permit to the Corps clearly showing a stamp from the appropriate official indicating the book and page at which the Notice of Permit is recorded and the date of recording.

13. **Perpetual Conservation:** The Permittee shall maintain the areas referenced in the Special Condition #5 in their natural state in perpetuity. The Permittee agrees that the only future utilization of these areas will be as a purely natural area and the following uses and/or activities will be prohibited except as required or authorized by this permit:

a. Construction or placing buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground. Elevated boardwalks, hiking trails and camping areas will be permitted as long as they do not involve any of the other prohibited uses listed below:

b. Dumping or placing soil or other substance or material as landfill or dumping or placing of trash, waste or unsightly or offensive material.

c. Removal or destruction of trees, shrubs, or other vegetation.

d. Excavation, dredging or removal of loam, peat, gravel, soil, rock, or other material substance in such a manner as to affect the surface.

e. Surface use, except for purposes that permit the land or water area to remain predominantly in its natural condition.

f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.

g. Acts or uses detrimental to such retention of land or water areas.

h. Acts or uses detrimental to the preservation of the structural integrity or the physical appearance of sites or properties of historical, architectural, or cultural significance.

14. **Eastern Indigo Snake Protection Measures:** The Permittee shall comply with U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake" dated February 12, 2004 and provided as an Attachment of this permit."

15. **Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

16. **Regulatory Agency Changes**: Should any other regulatory agency require changes to the work authorized or obligated by this permit, the Permittee is advised that a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit.

17. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Permittee or other party on the Permittee's behalf, shall conduct a search in the National Register Information System (NRIS). Information can be found at; http://www.cr.nps.gov/nr/research/nris.htm. Information on properties eligible for inclusion in the National Register can be identified by contacting the Florida Master File Office by email at fmsfile@dos.state.fl.us or by telephone at 850-245-6440.

If unexpected cultural resources are encountered at any time within the project area that was not the subject of a previous cultural resource assessment survey, work should cease in the immediate vicinity of such discoveries. The permittee, or other party, should notify the SHPO immediately, as well as the appropriate Army Corps of Engineers office. After such notifications, project activities should not resume without verbal and/or written authorization from the SHPO.

If unmarked human remains are encountered, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes, unless on Federal lands. After such notifications, project activities on non-Federal lands shall not resume without verbal and/or written authorization from the Florida State Archaeologist for finds under his or her jurisdiction.

This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. In Florida, projects qualifying for this NWP must be authorized under Part IV of Chapter 373 by the Department of Environmental Protection, a water management district under §. 373.069, F.S., or a local government with delegated authority under §. 373.441, F.S., and receive Water Quality Certification (WQC) and Coastal Zone Consistency Concurrence (CZCC) (or a waiver), as well as any authorizations required by the State for the use of sovereign submerged lands. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This letter does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced NWP, please contact Melody J White by telephone at 561-472-3508.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit the following link and complete our automated Customer Service Survey: http://regulatory.usacesurvey.com/. Your input is appreciated - favorable or otherwise.

Sincerely,

Alisa Zarbo

Alisa Zarbo
Acting Section Chief,
Palm Beach Gardens Office

Enclosures

Copies Furnished:

CESAJ-RD-PE, Cameron Shaw

GENERAL CONDITIONS
33 CFR PART 320-330
PUBLISHED FEDERAL REGISTER DATED 13 NOVEMBER 1986

1. The time limit for completing the work authorized ends on **date identified in the letter**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort of if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: NW-29
Application Number: SAJ-2008-3599

Permittee's Name & Address (please print or type):_____

_____

_____

Telephone Number:_____

Location of the Work:_____

_____

Date Work Started:_____ Date Work Completed:_____

Description of the Work (e.g., bank stabilization, residential or commercial filling, docks, dredging, etc.):_____

_____

_____

Acreage or Square Feet of Impacts to Waters of the United States:

_____

Describe Mitigation completed (if applicable):_____

_____

_____

Describe any Deviations from Permit (attach drawing(s) depicting the deviations): _____

_____

_____

****

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

_____
Signature of Permittee

_____
Date

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: SAJ-2008-3599 (NW-MJW)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019.

_____
(TRANSFEREE-SIGNATURE)

_____
(DATE)

_____
(NAME-PRINTED)

_____

_____
(MAILING ADDRESS)

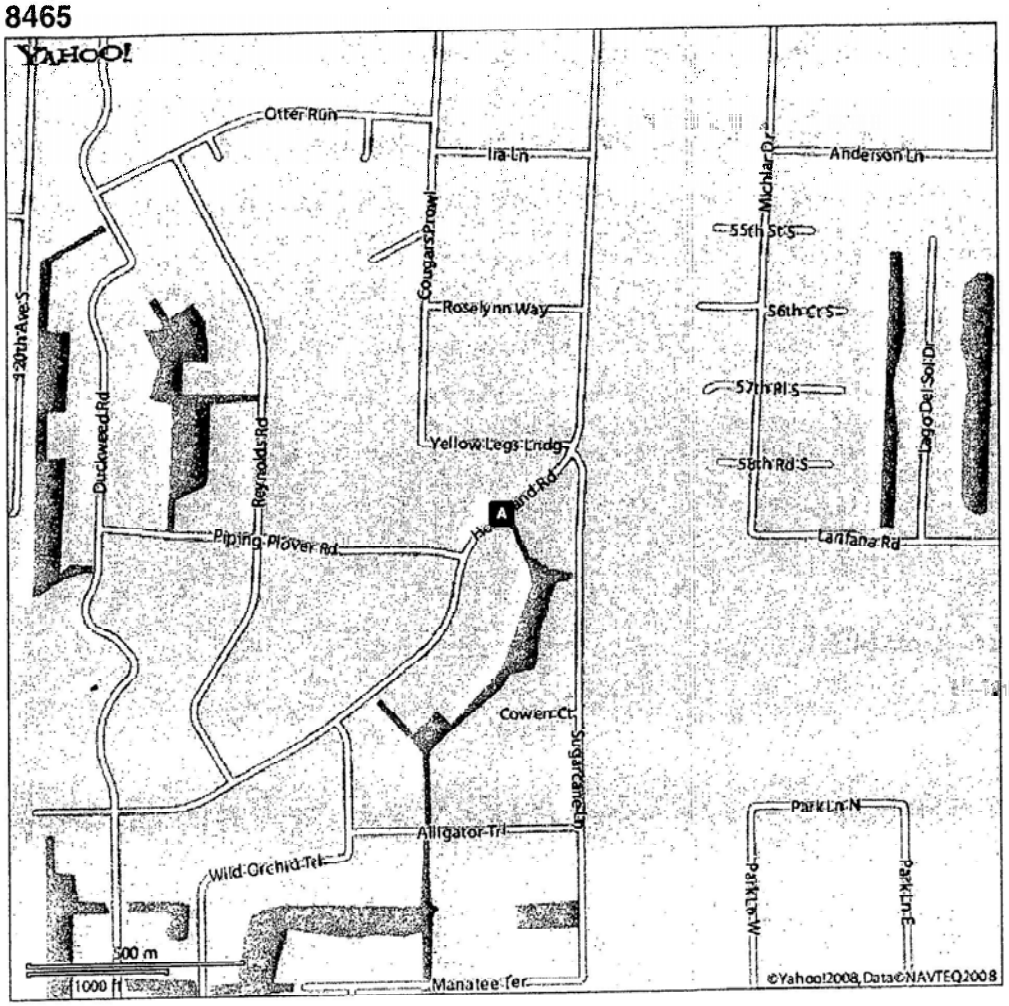
_____
(CITY, STATE, ZIP CODE)

_____
(SUBDIVISION)

_____ _____
(LOT) (BLOCK)

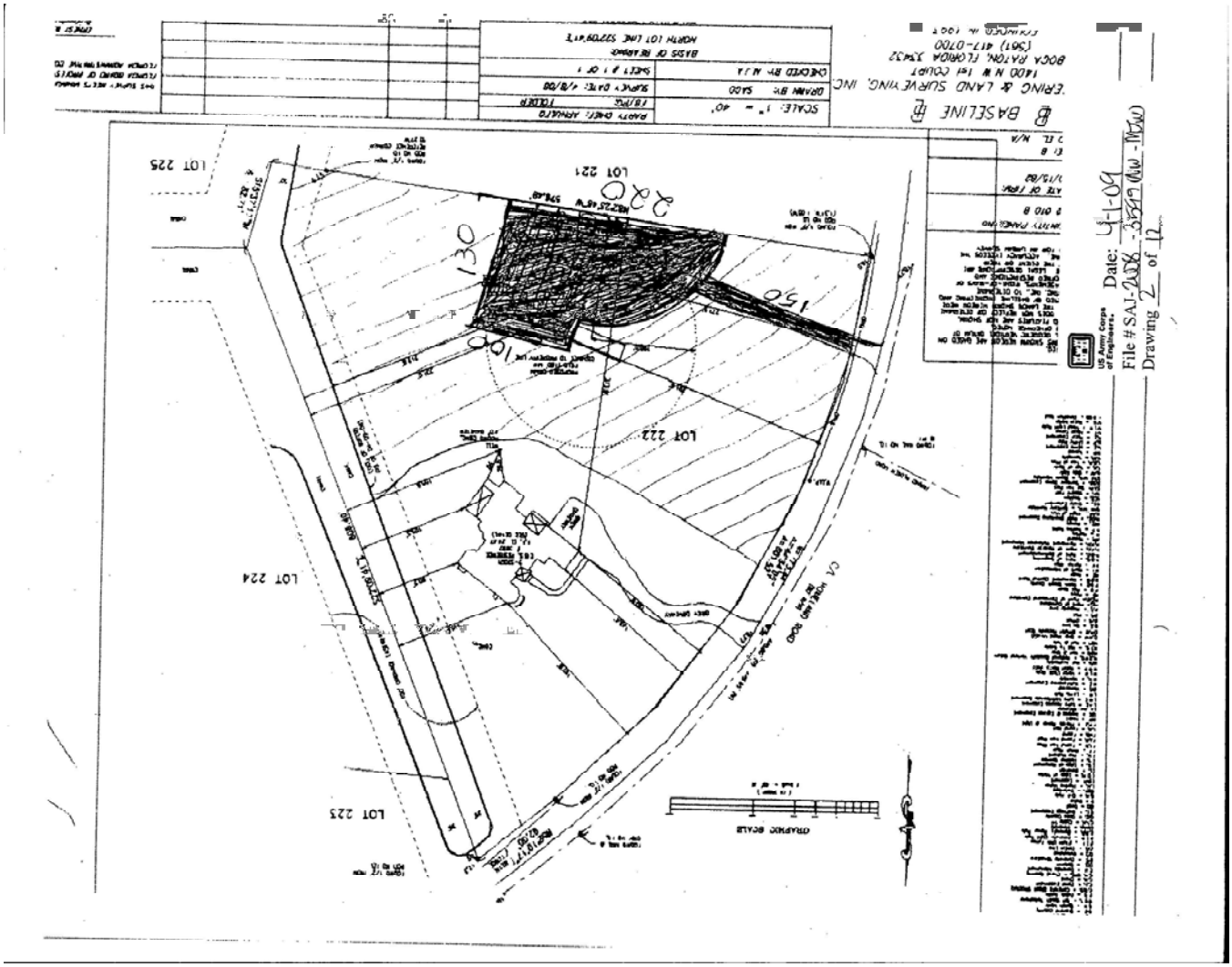
_____
(STREET ADDRESS)

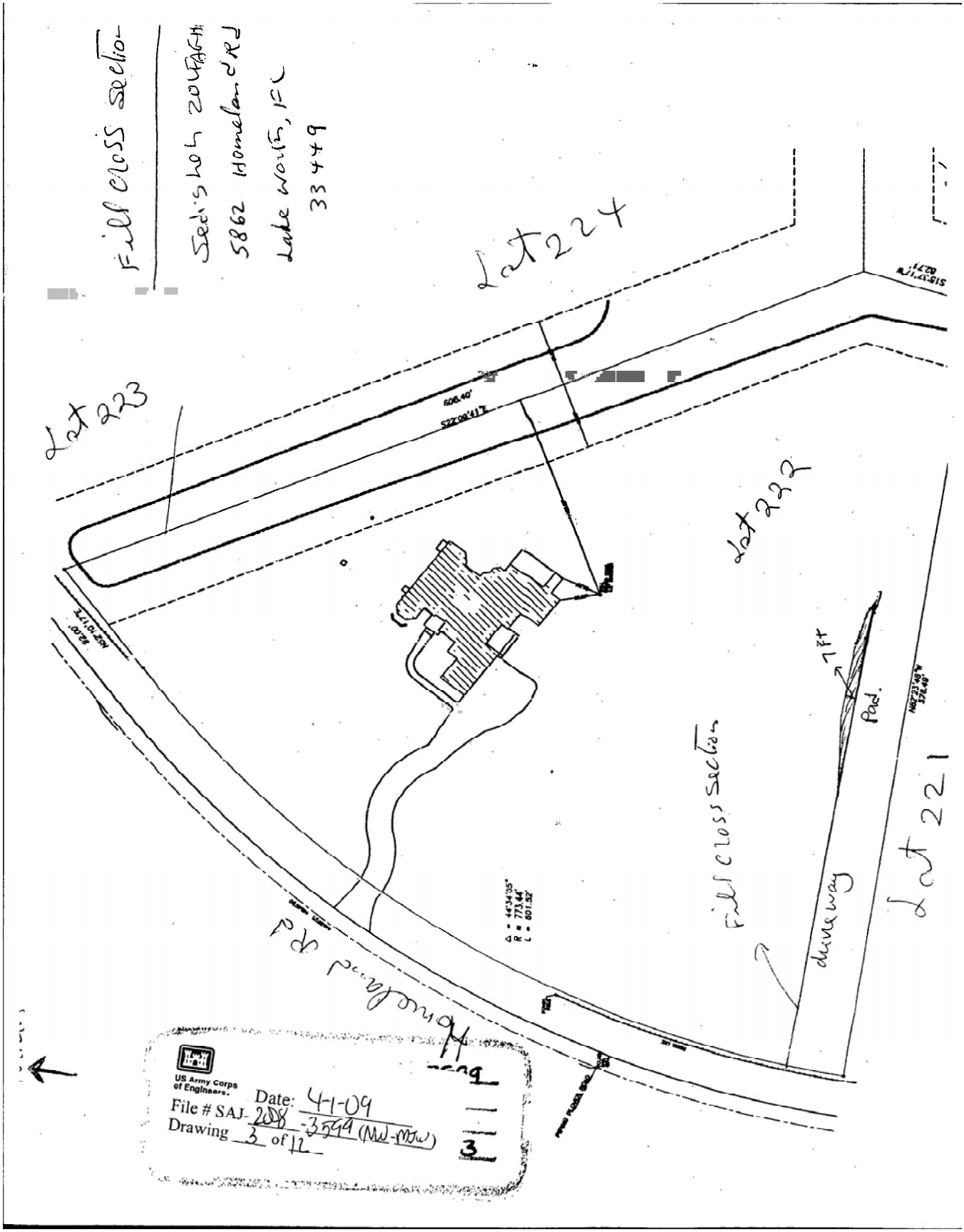
Map of 5862 Homeland Rd, Lake Worth, FL 33449- YAHOO! LOCAL Maps 8465



When using any driving directions or map, it's a good idea to do a reality check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning.

US Army Corps of Engineers.
Date: 4-1-09
File # SAJ- 2008 -3599 (MW-MJW)
Drawing 1 of 12


LOT 225
LOT 221
LOT 222
LOT 224
LOT 225
130
150
190
Date: 4-1-09
File # SAJ-2008-3569 (MW-MRW)
Drawing 2 of 12


Fill cross section
Sedisho 2014 FAM
5862 Homeland Rd
Lake Worth, FL
33449
Lot 224
Lot 223
Lot 222
Lot 221
606.40'
S22°08'41"E
Fill cross section
driveway
Pad.
7FT
Homeland Rd
US Army Corps of Engineers.
Date: 4-1-09
File # SAJ- 2008-3599 (MW-MW)
Drawing 3 of 12
3

December 26, 2008

Mitigation Maintenance and Monitoring Plan Revision
Sedigheh Zolfaghari property
Palm Beach County-Section 35 Township 44 S/Range 41E

There is about 2 acres of wetland consisting of small scattered ditches and ponds on the property. These areas are currently overgrown with heavy amount of exotic and nuisance vegetation.
All these exotic and nuisance species will be removed . The area will be restored with appropriate native plantings. The restoration plantings will consist of the following plant material:

Qty	Common Name	Scientific Name	Size
25	Dahoon Holly	Ilex cassine	3 Gal
15	Swamp Bay	Persea Palustris	3 Gal
30	Cocoplum	Chrysobalanus Icaco	1 Gal
30	Swamp Fern	Blenhnum Serrulatum	Liners
30	pond cypress	Taxodium ascendens	2 ft

These plant will restore and enhance about 2 acres of the mitigation area.(fig# 4 restoration plants landscape proposal)
Maintenace and Methodology

The following is the method for control and maintenance of the preserved wetland are for all environmental pest plant council category 1 exotic and Nuisance (EN) plant species.

* Stump cut all woody EN plants with a chainsaw to a height less than6" above the existing grade.
* Apply the appropriate herbicide (Garlon 4%) to the remaining stump within the required time frame.
* hand remove the cut stems of the woody EN plants from within the wetland boundaries and stack them for proper on-site disposal
* Cut all vines in native tree canopies within at least 3' above grade
* Leave vines in trees and palms to die back.
* Apply appropriate herbicide (Rodeo)to the remaining root area/rhizome
* Herbicide application will be done by or under the direct supervision of a state licensed applicator.

Monitoring
The preserved wetland area will be monitored for success and maintenance beginning at the Time Zero event and continue for a period of 3 years. Time Zero Monitoring Report will be provided to the DEP/ACOE along with annual monitoring remainder of the three years period.

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Drawing 4 of 12

The success of the native plantings within the enhanced wetland will be at least 80% coverage of native species within 2 years or less of the Time Zero event. The EN plants will be monitored to ensure not to exceed 5% of the overall coverage of the wetland area.
Entity responsible for maintenance and monitoring

Sedigheh Zolfaghari will be responsible for meeting the obligations of the maintenance and monitoring plan in perpetuity.

S. Zolfaghari

US Army Corps of Engineers.
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Drawing 5 of 12

Maintenance and Monitoring Plan

Zolfaghari property
Palm Beach County- Section 35-Township 44 S/ Range41E
December 26, 2008

Wetland preserve plan Time Schedule

Completion Date	Activity
February 2009	commence development activity for the approved project after installing Silt fence or other approved devices to protect preserve area boundaries
March 2009	submit recorded conservation easement for wetland Area
May 2009	Remove invasive EN plants as outlined in the maintenance and Monitoring plan. This will be done for all area under Conservation Easement.
July 2009	Prepare and submit Time Zero Wetland Monitoring report to DEP/ACOE
July 2010	prepare and submit 1st Annual Wetland Monitoring report to DEP/ACOE
July 2011	Prepare and Submit 2nd Annual Wetland Monitoring Report to DEP/ACOE
July 2012	Prepare and submit 3rd Annual Wetland Monitoring Report to DEP/ACOE

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Drawing 6 of 12

ACOE

Sedigheh Zolfaghari
5862 Homeland Road Guest house project site
mitigation monitoring and maintance plan

Introduction,

This guest house project at Lot 222 of Homeland Subdivision, Lake Worth Located in section 35 township 44 south , range 41 east, palm Beach County, Florida. The file has been assigned Department of the army Number SAJ-2008-3599. The proposed project will unavoidably directly impact +/-0.5 acres of Federal (US Army corps of Engineers) wetlands (figure 1)
the applicant proposes to fill approximately 0.49 acres of wetland.
The applicant proposes to preserve and enhance +/-1.5 acres of remaining wetland area in that lot (222) consistant of mixed hardwoods and wet prairie.
The applicant proposes to remove all exotic and nuisance plant species listed in Category 1 Invasive Exotic species by the Florida Exotic pest Plant Council (table 1).
Listed plants will be treated with a State approved Herbicide, removed from the site or stacked and left to decomposed-on-site.
The wet land preserve area will be monitored semi- annually for a 3 years period. A base line monitoring report will be completed following enhancement activities. Following the baseline monitoring report, Monitoring will be conducted semiannally during the dry season (April/May) and the wet season(October/ November) , Annual repports, documenting the results of the monitoring iterations will be prepared to document the progress of the mitigation areas located on site.

The reports will include vegetatation analysis wildlife utilization, macroinvertbrate and fish sampling, panoramic photographs and conclusions of the semiannual monitoring iterations.

Vegetation survey,
The applicant will conduct a semiannual (April/May and October/november) vegetation survey for a period of 3 years.Vegatation will be identified to species where possible and recorded. percent coverage of each epecies will be recorded.

Panoramic photograph,
During each sample iteration the applicant will take a color panoramic photographs of each corner of the wetland area. A range pole will be provided in each photograph for scaling vegetation growth. The photograph will provide physical documentation of the conditions within the preserve area.photographs of the semiannual monitoring iteration will be included in each of the annual reports.

Wild life Utilization,
A quatitaive study of wildlife Utilization (birds mammals amphibians, and reptiles) will be conducted during each sample iteration. Wildlife utilization will be determined by sighting scat calls nest,burrows, tracks, etc. a species list of observed wildlife will be compiled and included in each of the annual report.
Fish and aquatic macroinvertebrates sampling,
Quantitative sampling for the presence of fish and aquatic macroinvertebrates will be conducted bu the applicant during each semiannual sample iteration. The fish and aquatic macroinvertebrates will be collected with cast nests, seins, and or dipnets, whichever is more applicable at the time of sampling. A species list of the semiannual fish and aquatic macroinvertebrate sampling will be included in the annual reports.

Exotic plant species,
Exotic and nuisance plant species will be controlled in perpetuity, within the mitigation areas. Brazilain pepper, maleleuca and austalian pine will be either cut and stacked according to the SFWMD maleleuca stacking guidelines or they will be cut and removed from the site. An appropriate herbicide will be applied to the stumps to prevent regrowth. Other exotics and nuisance species will be treated with an approved herbicide or pulled by hand. exotic maintenance will be performed on a

COE APPLY SAJ-2008-3599

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ACOE

semiannual basis depending on the existing conditions. the wetland area will be maintained free of exotic vegetation defined as category I plants by the Florida Exotic Pest Plant Council (Table I)Other exotic or nuisance vegetation will be maintained to comprise less than 5% of the total acreage of the wetland. maintenance will be conducted in perpetuity and will run with the land.

Success Criteria,
The wetland area will achieve an eighty percent coverage and survival rate of desirable obligate native and facultative vegetation at the end of the second year of monitoring. Repalnting of native, desirable vegetation will occure if the targeted covrage for any portion of a wetland area is not achieved within the specific time frame.

Restoration Plan,
Areas lacking vegetation following exotic removal will be restored to natural grade and planted with vegetation as depited in figure 2 . wetland Area will be re-vegetated with native epecies. Best Management practices (BMP's) will be followed via the installation of turbidity screens and silt fencing around project building site.

Monitoring reports,
Annual repoet containing results of the semiannual monitoring iteration will be submitted to the South Florida Water Management District (SFWMD), according to the following schedule of events.

January/February 2009	Baseline monitoring and report
April/May 2010	semiannual monitoring
October/November2010	semiannual monitoring report #1
April/may 2011	semannual monitoring
October/November 2011	semannual monitoring Report #2
Apri/May 2012	semiannual monitoring
October/November 2012	semiannual monitoring Report #3 (Final report)

Baseline and annual reports will be submitted within (30) days of sampling the preserve areas. The monitoring reports will contain the following data.
Results of the semiannual vegetation surveys
results of the semiannual wildlife utilization surveys
semiannual panoramic photographs
results of the semiannual fish and aquatic macroinvertebrate survey
discussion of the project issues related to vegetation changes, fish and wild life utilization, percent-coverage exotic species and proposed changes as necessary for improving the success of the preserve areas.

Sedigheh Zolfagghari
5862 Homeland Road
Lake Worth, FL 33449

Tel 561-204-4203

sedighehz@yahoo.com

SAJ-2008-3599

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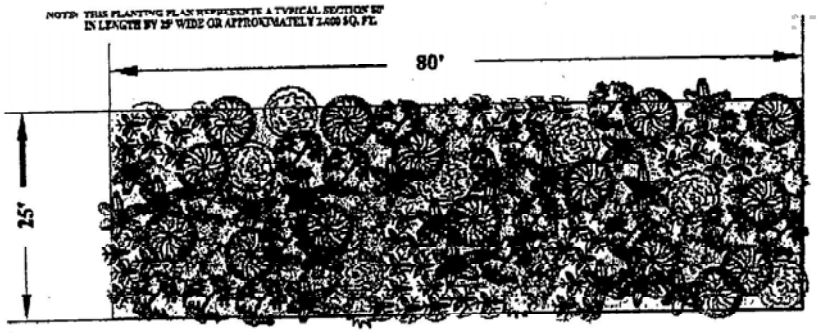
p.04

"Figure 2"

NOT TO SCALE

WETLAND PLANTING DETAIL FOR MIXED WETLAND HARDWOOD COMMUNITIES

NOTE: THIS PLANTING PLAN REPRESENTS A TYPICAL SECTION 80' IN LENGTH BY 25' WIDE OR APPROXIMATELY 2,000 SQ. FT.



	SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING
	PINUS ELLIOTTII	SLASH PINE	3 GALLON	10' O.C.
	QUERCUS LAURIFOLIA	LAUREL OAK	3 GALLON	10' O.C.
	ILEX CASSINE	DAHOON HOLLY	3 GALLON	10' O.C.
	SABAL PALMETTO	CABBAGE PALM	TRANSPLANTS OR 5' CLEAR TRUNK	10' O.C.
	ILEX GLABRA	GALLBERRY	1 GALLON	5' O.C.
	BLECHNUM SERRULATUM	SWAMP FERN	1 GALLON	5' O.C.
	WOODWARDIA VIRGINICA	CHAIN FERN	1 GALLON	3' O.C.
	ARISTIDA SPICIFORMIS	THREE AWN GRASS	LINER	
	ANTHOCEROPORA SPP.	HEADRUSH	BARE ROOT	

1. PLANTS NATIVE TO FLORIDA MAY BE SUBSTITUTED FOR THOSE LISTED, ACCORDING TO AVAILABILITY AND SIZE, WITH THE WRITTEN AUTHORIZATION OF THE AGENCIES AND THE ENVIRONMENTAL CONSULTANT.

2. LOCATION OF PLANTS MAY BE FIELD ADJUSTED IN ORDER TO PROVIDE THE BEST GROWING CONDITIONS.

3. PLANT MATERIAL SHALL BE INSPECTED BY THE ENVIRONMENTAL CONSULTANT PRIOR TO INSTALLATION.

4. ALL PLANTS SHALL BE INSTALLED IN HEALTHY AND VIGOROUS CONDITION, AND SHALL BE FREE OF WEEDS, DISEASE, AND INSECT PESTS, EGGS OR LARVAE.

5. CONTRACTOR IS RESPONSIBLE FOR THE PROPER WATERING AND FERTILIZATION OF THE INSTALLED PLANTS FOR A PERIOD OF NOT LESS THAN ONE (1) YEAR.

6. ROOT BOUND CONTAINER PLANTS WILL NOT BE ACCEPTED.

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SAJ-2008-3599

Table 1. Florida Exotic Pest Plant Council's Category I Invasive Exotic Species (2007).

Scientific Name	Common Name
Abrus precatorius	rosary pea
Acacia auriculiformis	earleaf acacis
Albizia julibrissin	mimosa, silk tree
Albizia lebbeck	woman's tongue
Ardisia crenata (= *A. crenulata*)	coral ardisia
Ardisia elliptica (= *A. humilis*)	shoebutton ardisia
Asparagus aethiopicus (= *A. sprengeri*; *A. densiflorus* misapplied)	Asparagus fern
Bauhinia variegata	Orchid tree
Bischofia javanica	bischoffia
Calophyllum antillarum (= *C. calaba*; *C. inophyllum*, misapplied)	santa maria (names "mast wood", "Alexandrian laurel" used in cultivation)
Casuarina equisetifolia	Australian pine
Casuarina glauca	suckering Australian pine
Cinnamomum camphora	camphor-tree
Colocasia esculenta	wild taro
Colubrina asiatica	lather leaf
Cupaniopsis anacardioides	carrotwood
Dioscorea alata	winged yam
Dioscorea bulbifera	air potato
Eichornia crassipes	water hyacinth
Eugenia uniflora	Surinam cherry
Ficus microcarpa (= *Ficus nitida*; *F. retusa* var. *nitida* misapplied)	laurel fig
Hydrilla verticillata	hydrilla
Hygrophila polysperma	green hygro
Hymenachne amplexicaulis	West Indian marsh grass
Imperata cylindrica (= *I. brasiliensis* misapplied)	cogon grass
Ipomoea aquatica	waterspinach
Jasminum dichotomum	Gold Coast jasmine
Jasminum fluminense	Brazilian jasmine
Lantana camara	lantana, shrub verbena
Ligustrum lucidum	glossy privet
Ligustrum sinense	Chinese privet, hedge privet
Lonicera japonica	Japanese honeysuckle
Ludwigia peruviana	Peruvian primrose willow
Lygodium japonicum	Japanese climbing fern
Lygodium microphyllum	Old World climbing fern
Macfadyena unguis-cati	cats claw vine
Mantikara zapota	sapodilla
Melaleuca quinquenervia	melaleuca, paper bark
Mimosa pigra	catclaw mimosa
Nandina domestica	nandina, heavenly bamboo

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Table 1. Continued.

Nephrolepis cordifolia	sword fern
Nephrolepis multiflora	Asian sword fern
Neyraudia reynaudiana	Burma reed, cane grass
Paederia cruddasiana	sewer vine, onion vine
Paederia foetida	skunk vine
Panicum repens	torpedo grass
Pennisetum purpureum	napier grass
Pistia stratiotes	water lettuce
Psidium cattleianum (= *P. littorale*)	strawberry guava
Psidium guajava	guava
Pueraria montana var. *lobata* (= *P. lobata*)	kudzu
Rhodomyrtus tomentosa	downy rose-myrtle
Rhynchelytrum repens (= *Melinis repens*)	Natal grass
Ruellia tweediana (*R. brittoniana*)	Mexican petunia
Sapium sebiferum (= *Triadeca sebifera*)	popcorn tree, Chinese tallow tree
Scaevola taccada (= *Scaevola sericea*; *S. frutescens*)	scaevola, half-flower, beach naupaka
Schefflera actinophylla (= *Brassaia actinophylla*)	schefflera, Queensland umbrella tree
Schinus terebinthifolius	Brazilian pepper
Senna pendula var. *glabrata* (= *Cassia coluteoides*)	climbing cassia, Christmas cassia, Christmas senna
Solanum tampicense (= *S. houstonii*)	wetland night shade, aquatic soda apple
Solanum viarum	tropical soda apple
Syngonium podophyllum	Arrowhead vine
Syzygium cumini	jambolan, Java plum
Tectaria incisa	incised halberd fern
Thespesia populnea	seaside mahoe
Tradescantia fluminensis	white-flowered wandering jew
Urochloa mutica (= *Brachiaria mutica*)	Para grass

Source: Florida Exotic Pest Plant Council, 2007 List of Invasive Species

SAJ-2008-3599   Sedighch ZOLFAGHARI

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US Army Corps of Engineers

Date: 4-1-09

File # SAJ-2008-3599 (NW-MAD)

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Eastern Indigo Snake
Drymarchon corais couperi
(Holbrook)

The eastern indigo snake is a non-poisonous, federally protected snake and is also known as gopher snake, blue indigo snake or blue bull snake. The eastern indigo snake is state and federally protected. It may occur in any habitat traversed within the construction area. They may not be captured, harmed, harassed, wounded, hunted, etc. The U.S. Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission need your cooperation to help protect this threatened species.

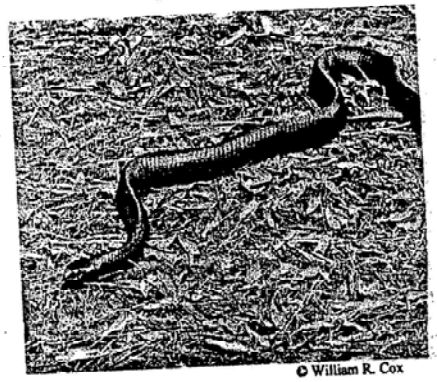
DESCRIPTION

The eastern indigo snake is shiny, blue-black in color with white, coral or rust reddish color around the chin, throat and cheeks. It is a thick-bodied snake that averages 6 feet in length and can grow to 8.6 feet. Young are similar to adults but some are lighter and show a blotched dorsal pattern.

LIFE HISTORY AND ECOLOGY

Within the construction area, the indigo snake is most likely to be found along the edges of swamps and marshes where food is abundant. This snake is also found in pine flatwoods and hardwoods communities. It feeds on fish, frogs, toads, lizards, snakes, small turtles, birds, and small mammals. It is diurnal, i. e., active during the day. Eggs are laid in May or June (5-10 eggs), and hatchlings are 18-24 inches long. Hatchlings may appear as late as August and September. State law prohibits the "taking, attempting to take, pursuing, hunting, molesting, capturing or killing, possessing, transporting, or selling of this species or parts thereof or their nests or eggs" (Wildlife Code of the State of Florida, Chapter 39, F.A.C., Rule 39-27:002). Similarly, federal law prohibits "harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing or collecting, or attempting to engage in any such conduct (collectively defined as taking); or possessing, selling, delivering, carrying, transporting, or shipping protected species" [Endangered Species Act of 1973, as amended, 16. U.S.C. 1531(a)].

If You Should See an Eastern Indigo Snake...



© William R. Cox

If the snake is observed, do not disturb it. Any disturbance of this snake's activity is prohibited. If an eastern indigo snake is sighted, construction shall cease and a qualified biologist at Kevin L. Erwin Consulting Ecologist, Inc. will immediately be contacted (see Kevin L. Erwin Consulting Ecologist, Inc. address and phone number). The eastern indigo snake will be allowed sufficient time to move away from the site or be relocated by a qualified biologist before construction or clearing is resumed. Only a qualified biologist will be permitted to come in contact with the eastern indigo snake. Construction can resume after the eastern indigo snake has moved from the area or has been relocated.

Please report any sighting of this snake. If a dead eastern indigo snake is found, the specimen should be thoroughly soaked in water, frozen immediately and the South Florida Ecosystem office contacted within 24 hours at (561) 562-3909. Sightings of eastern indigo snakes should be reported immediately to the following:

Additional Information

Jay Slack
South Florida Ecosystem Office
U. S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
(561) 562-3909

William R. Cox
Kevin L. Erwin Consulting Ecologist, Inc.
2077 Bayside Parkway
Fort Myers, Florida 33901
(941) 337-1505

James Beever
Florida Fish and Wildlife Conservation Commission
Office of Environmental Services
29200 Tuckers Grade
Punta Gorda, Florida 33955
(941) 575-5765

References

Ashton, R. E., Jr. and P. S. Ashton. 1988. Handbook of Reptiles and Amphibians of Florida, Part One, The Snakes. Windward Publishing, Inc., Miami, Florida.

Logan, T.H. 1997. Florida's Endangered Specie Threatened Species, and Species of Special Concern. Florida Game and Fresh Water Fish Commission, Tallahassee, FL

Moler, P. E. 1992. Rare and Endangered Biota of Florida, Amphibians and Reptiles. Volume III. University Press of Florida, Tallahassee, Florida.

Smith, H. M. and E. D. Brodie, Jr. 1982. A Guide to Field Identification; Reptiles of North America, Golden Press, New York.

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US Army Corps of Engineers
Date: 4-1-09
File # SAJ-2008-3549 (NW-MRV)
Drawing 12 of 12

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
POST OFFICE BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

June 21, 2010

Regulatory Division
Special Projects and Enforcement Branch
SAJ-2008-3599(NW-MJW)(wsz)

Ms. Sedigheh Zolfaghari
5862 Homeland Road
Lake Work, Florida 33449

Dear Ms. Zolfaghari:

Reference is made to the Nationwide Permit (NW) verification letter SAJ-2008-3599 issued on April 1, 2009. The U.S. Army Corps of Engineers (Corps) verified impacts in waters of the United States in association with construction of a single-family residential home pursuant to NW-29. The project is located in jurisdictional wetlands, at 5862 Homeland Road, in Section 35, Township 44 south, Range 41 east, Lake Worth, Palm Beach County, Florida.

A representative of the Corps conducted a site inspection on May 19, 2010. The inspection confirmed the work authorized by the verification has been completed. Corps personnel reviewed the file for this project and noted all conditions of the verification have been met and no further action will be required. Additionally, a one year mitigation site inspection was also performed on May 19, 2010. At the time of this inspection the on-site mitigation is doing well and removal of exotic vegetation is on-going. Please be advised the wetland mitigation areas must be maintained in perpetuity, including exotic and nuisance vegetation treatment and removal.

In accordance with the General Conditions the Permittee is required to maintain the project in good condition and if the property is sold, the permit should be transferred to the new property owner. Although there is a time limit for completing the authorized work, the permit with its conditions does not expire.

Thank you for your cooperation with our regulatory program. If you have any questions or concerns regarding this matter contact Ms. Wendy Zerby at the letterhead address or by telephone at 904-232-2272.

Sincerely,

Deborah L Wegmann

Deborah L. Wegmann
Chief, Special Projects
and Enforcement Branch

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FILE INSPECTION RECORD
PERMITTED WORK IN NAVIGABLE WATERS
JACKSONVILLE DISTRICT, CORPS OF ENGINEERS

Permit No. SAJ-2008-8599 (NW-MJW) File Review Date: 5/19/2010

Permittee: Sedigheh Zolfaghari

Work Authorization Expiration Date: _____

Aerials Reviewed/Source: _____

PROJECT STATUS:

Authorized Work Completed: Yes

Mitigation Required: Yes, ongoing; 1 year monitoring inspection - coming along great; owner is doing her own work; increased cocoplum to ~100; ↓ Holly; photos

PROJECT VARIATIONS: Brown + dead vegetation is where she sprayed. - killed cattails

Describe whether variations were for the Authorized Work, the General Conditions or the Special Conditions of the Permit. *If a variation of permit condition, please provide condition number.

PROJECT NON-COMPLIANCE: Describe reasons for non-compliance, provide attachments of permit and/or permit drawings as needed to clarify issue.

5/19/2010
DATE

Wendy A. Zerby
SIGNATURE OF INVESTIGATOR

4/1/2009 permit not on file

PDC

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SELF-CERTIFICATION STATEMENT OF COMPLIANCE

RECEIVED
APR 19 2010
JACKSONVILLE DISTRICT
USACE

Permit Number: NW-29
Application Number: SAJ-2008-3599

Permittee's Name & Address (please print or type): SEDIGHEH ZOLFAGHARI
5862 Homeland Road. Lake Worth, FL 33449

Telephone Number: 561-628-6459

Location of the Work: 5862 Homeland Rd. L.W. FL 33449

Date Work Started: 4/1/09 Date Work Completed: 3/1/2010

Description of the Work (e.g., bank stabilization, residential or commercial filling, docks, dredging, etc.): Residential filling (Residential building)

Acreage or Square Feet of Impacts to Waters of the United States: 0.5

Describe Mitigation completed (if applicable): on site cleaning & restoring/enhancement of remaing 2 acres of fresh water wet land.

Describe any Deviations from Permit (attach drawing(s) depicting the deviations): none

****

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

S. Zolfaghari
Signature of Permittee

4/15/2010
Date

Permit date April 1, 2009

"Time Zero Monitoring Report"

To: U.S. Army Corps of Engineers
Regulatory Division, Enforcement Section, Cameron Shaw,
701 san Marco BLVD
Jacksonville, FL 322 07

From: Sedigheh Zolfaghari (permittee and responsible party for inspection /monitoring)
5862 Homeland Road
Lake worth, FL 33449

Re: SAJ-2008-3599 (NW-MJW)

Project overview, This 0.5 acre of wetland impact was granted for construction of a guest house (single family residence) . An onsite compensation mitigation of the remaining 2 acres of fresh water forested wetland has been required.

The project and the onsite mitigation area is located at 5862 Homeland Road, Lake Worth (Section 35, township 44 south, Range 41 east) Palm Beach County, Florida

Compensatory mitigation was completed on 05/01/2009 meeting all the following standards.
1- Wetland Enhancement by removal of all Category I and II invasive plants and maintaining the hydrologic connection to the adjacent non-relatively permanent waterbody. Area had heavy infestation of Lygodiums nearly every where. 3 truckloads of them where removed .

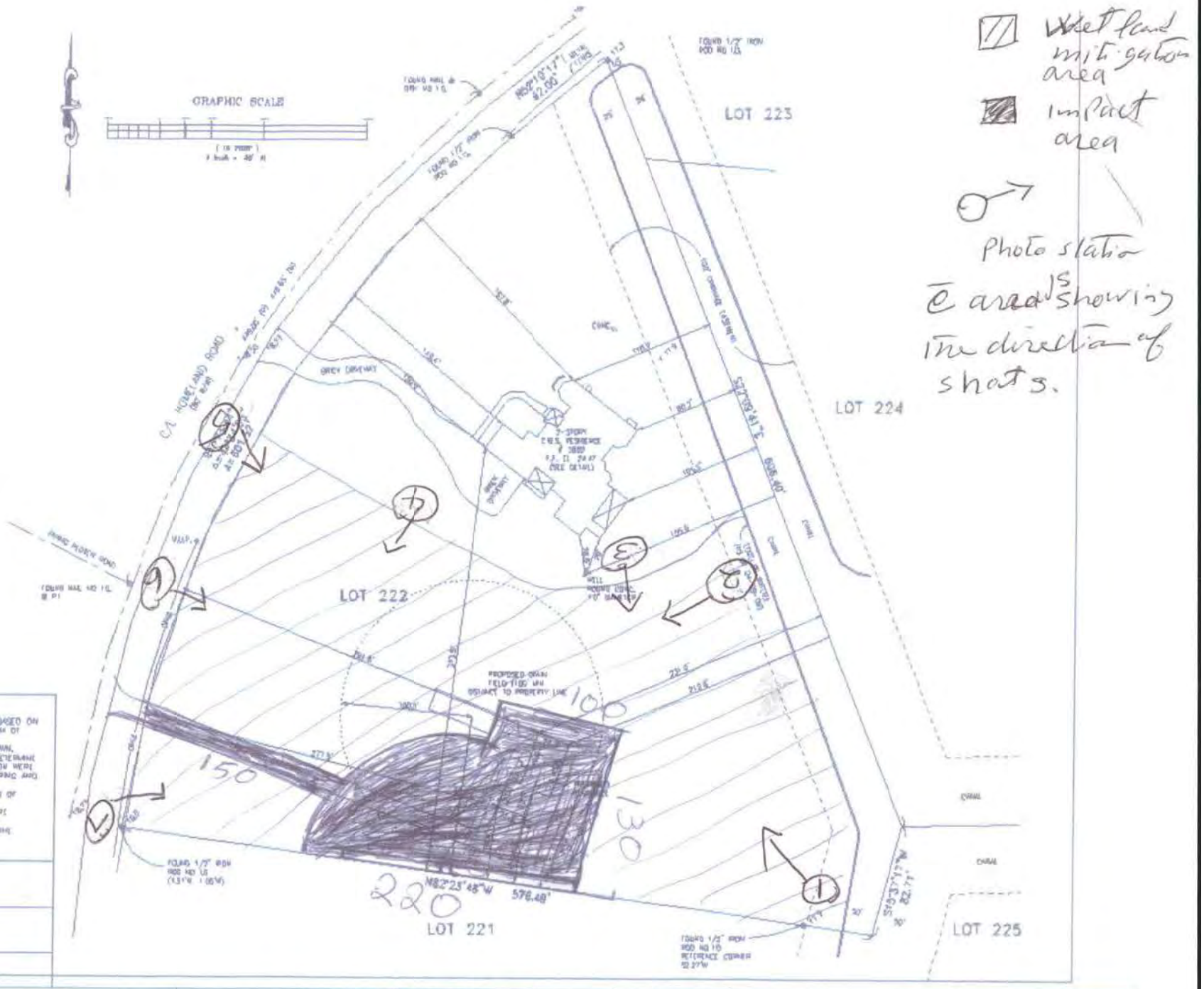
2-Wetland Restoration , after removal of the exotic/ envasive plants (brazilian pepper, melaleucas' cattails grass, Lygodiums and Acacias) native plants especially Ferns are reemerging vigorously, currenctly there is no empty area for replanting however I am planning to use all of the 130 native plants earmarked for this restoration in impacted area as soon as construction process allows it to be done (final grading and irrigation system installation). I am confident that by next year all these plants will be part of this lot landscape.

Summary Data, This wetland area is very fertile and plants are easily growing there including envasive plants. Lygodiums catclaw vine and grape vines are growing back rapidly, I have contracted an aquatic maintanence company (Aquagenix) for regular maintenance and up keeping of the area according to the ACOE standards.
Area map with location of the photo stations is enclosed along with seven photos showing the condition of the plants growing in there. These photos shows young shoots of ferns and native trees(cypress and Marlberry salt myrtles wax myrtles and blue maidencane grass that are growing in areas used to be covered by invasive vines).

Could these reports be done by emails? Photos would be much better and more detailed that way.

Regards, S. Zolfaghari, 5/14/09

Sedigheh Zolfaghari
5862 Homeland Road
Lake Worth, FL 33449
561-628-6459



GENERAL NOTES:
THE ELEVATIONS SHOWN HEREON ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 UNLESS OTHERWISE NOTED.
UNDERGROUND FEATURES ARE NOT SHOWN.
THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED BY BASELINE ENGINEERING AND LAND SURVEYING, INC., TO DETERMINE UNRELATED EASEMENTS, RIGHT-OF-WAYS OF RECORD OR OTHER RESTRICTIONS AND REGULATIONS. LEGAL DESCRIPTIONS ARE PROVIDED BY THE CLIENT OR THEIR REPRESENTATIVE. ACCURACY EXCEEDS THE REQUIREMENTS FOR AN URBAN SURVEY.

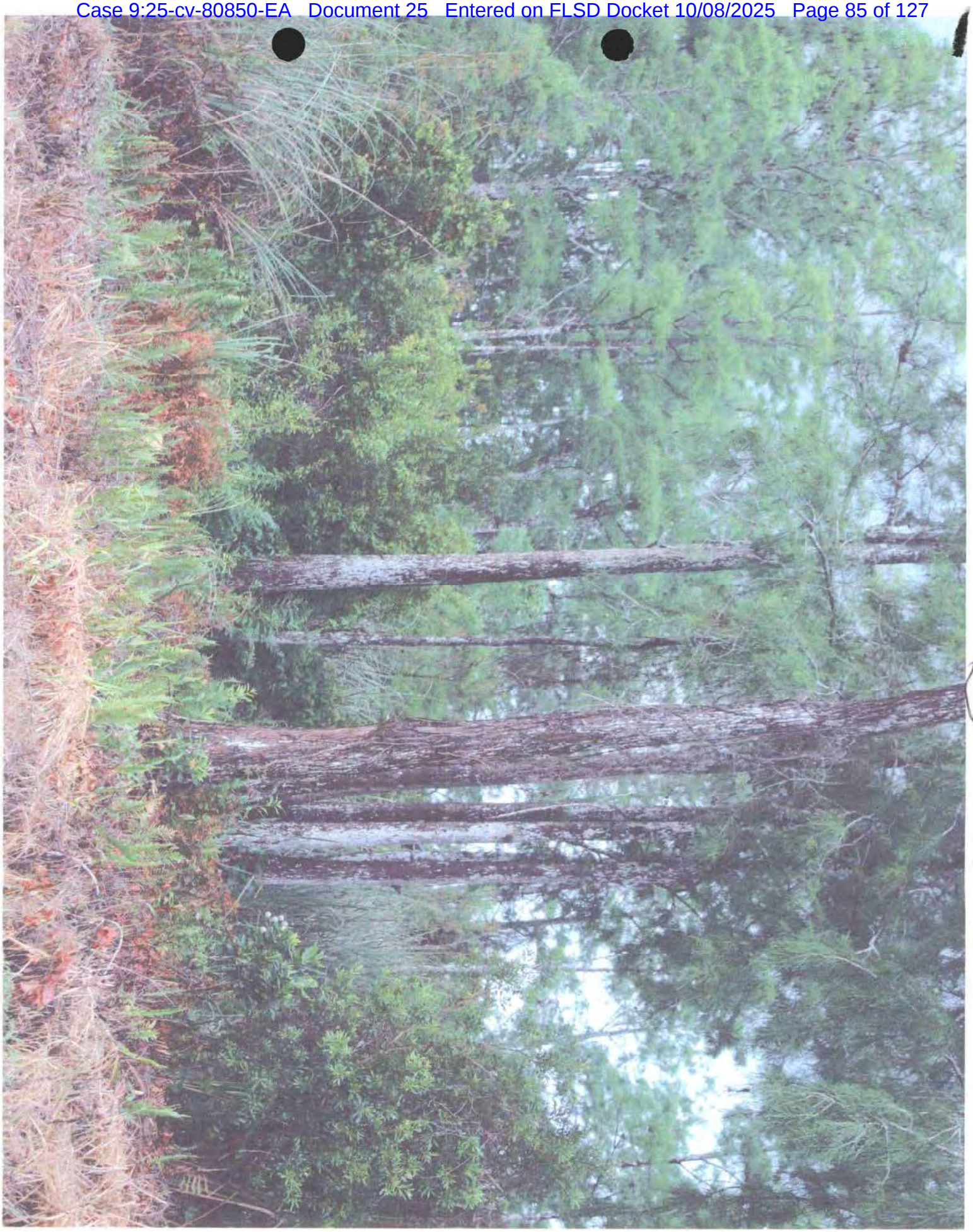
COMMUNITY PANEL NO 120032 0110 B	
DATE OF FIRM: 10/15/82	
FLOOD ZONE: B	
BASE FLOOD EL. N/A	

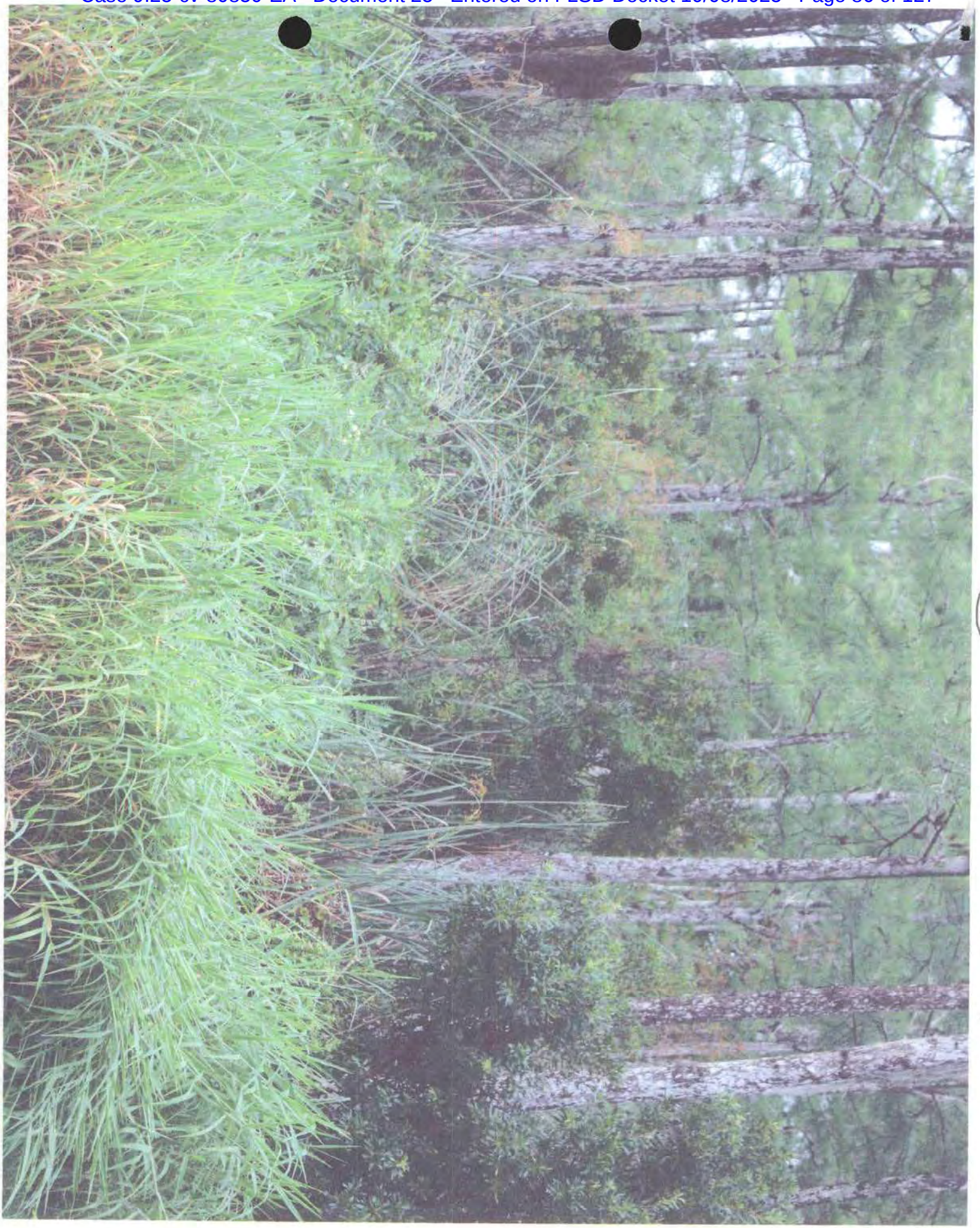
BASELINE
ENGINEERING & LAND SURVEYING, INC.
1400 N.W. 1st COURT
BOCA RATON, FLORIDA 33432

SCALE: 1" = 40'	PARTY CHIEF: ARNULFO
DRAWN BY: SAOO	FB/PG: FOLDER
CHECKED BY: N.J.A.	SURVEY DATE: 4/8/08
	SHEET # 1 OF 1

THIS SURVEY MEETS MINIMUM FLORIDA BOARD OF PROFESSIONAL FLORIDA ADMINISTRATIVE CO


1
abandon Farm shacks


(2)
Image from shoot #5


(3)
v. maiden cane 'grass'

(4) "Young Salt myrtle" + fern shoots

(5) Salt myrtle & wax myrtle shoot

(6) "New Cypress & Marlberry"

AQUAGENIX / DEANGELO BROTHERS, INC.

SERVICE REPORT

CUSTOMER Zolfaghari Residence

TECHNICIAN Steve S. Santana, M. Martinez

DATE 5-1-25 ACCOUNT # 6645

SITE	INSPECTION	TREATMENT	AIRBOAT #	JONBOAT #	AQUA-MULE #	ATV #	HARVESTER	TRUCK # 644	BACKPACK	WEEDEATER	ALGAE	GRASSES	SUBMERSED	FLOATING	CHEMISTRY	WATER LEVEL	RESTRICTION # DAYS	WEATHER CONDITIONS
Preserve		X						X	X							—	—	Sunny

COMMENTS: Treated for vines and Brazilian pepper.

Thank you for the chance to serve you.

"PRESERVING YOUR LIQUID ASSETS"

- Algae & Aquatic Weed Control Programs
- Restoration of Neglected Sites
- Fish Stocking Programs
- Water Quality Testing
- Wetland Creation, Restoration & Management
- Floating Fountains & Lighting Systems
- Lake Aeration Systems
- Mechanical Weed Removal
- Noxious Tree & Brush Control
- Monitoring & Mitigation Services
- Right-of-way Weed Control

Central Florida Branch Office
Orlando, FL
(407) 843-7887

Southeast Florida Branch Office
Fort Lauderdale, FL
(954) 943-5118

West Central Florida Branch Office
Sarasota, FL
(941) 371-8081

Southwest Florida Branch Office
Ft. Myers, FL
(941) 561-1420

West Palm/Treasure Coast Office
West Palm Beach, FL
(561) 881-1291

Tampa Bay Area Branch Office
Tampa, FL
(813) 627-8710

North Florida Branch Office
Jacksonville, FL
(904) 262-2001

Carolinas Branch Office
Myrtle Beach, SC
(843) 448-5525

LAKE MANAGEMENT • AQUATIC SERVICES • ENVIRONMENTAL PLANNING

Aquagenix
Managing Your Liquid Assets

PRESERVE MAINTENANCE AGREEMENT

This agreement, dated April 23, 2008 is made between AQUAGENIX and CUSTOMER:

Zolseghari Residence
5862 Homeland Road
Lake Worth, FL 33449

Both CUSTOMER and AQUAGENIX agree to the following terms and conditions:

1. **General Conditions**: AQUAGENIX will provide management services on behalf of the CUSTOMER in accordance with the terms and conditions of this agreement at the following site(s):

   1 preserve located in Lake Worth, FL

2. **Contract Term**: The term of this Agreement shall be 12 months or as otherwise provided by Contract Addendum.

3. **Contract Services**: CUSTOMER agrees to pay AQUAGENIX the following amounts during the terms of this Agreement for these specific management services.

   Nuisance and Exotic Vegetation control within preserve maintaining compliance with Army Corps of Engineers specifications

TOTAL PROGRAM INVESTMENT: Annual $1,080.00 Bi-Monthly: $180.00

6 inspections per year with treatment as necessary.

8368 Garden Road, Riviera Beach, FL 33404
(561) 881-1291 – Fax: (561) 881-1293
Aquagenix is a subsidiary of DeAngelis Brothers, Inc.

4. **Starting Date**: The starting Date of this Agreement is the first day of the month in which services are first provided without regard to the actual days unless otherwise agreed to in writing, by both parties. Effective date of contract to be determined by parties. Services shall be continuous without interruption.

5. **Schedule of Payment**: $ 180.00 (First Month) shall be due and payable upon execution of this Agreement; the balance shall be payable upon receipt of invoice for treatment. CUSTOMER agrees to pay AQUAGENIX within thirty (30) days after date of invoice at AQUAGENIX's home office in Hazleton, PA. Failure to pay any amount when due shall constitute a Default under this Agreement.

6. **Limited Offer**: The offer contained in this Agreement is valid for thirty (30) days only and must be returned to our office for acceptance within that period. If not accepted within that time, the offer shall be void.

7. **Safety**: AQUAGENIX agrees to use specialized equipment and products, which in its sole discretion, will provide safe and effective results for the specific site(s).

8. **Address Change:** In the event that AQUAGENIX or CUSTOMER undergoes a change of address, notification to the other party shall be made by first class mail. Written instructions including the new address and telephone number will be enclosed in the notification.

9. **Termination Procedure**: This Agreement may be terminated by either party with sixty (60) days written notice. Notification must be sent by certified mail, return receipt requested, to AQUAGENIX, 100 N. Conahan Dr., Hazleton, PA 18201. AQUAGENIX reserves the right, under special circumstances, to initiate surcharges relating to extraordinary price increases of water treatment products.

   a. "Date of Termination" will be defined as: two (2) months after the last day of the month in which "Notice of Cancellation" was received by AQUAGENIX in accordance with Paragraphs 9b and 9c.

   b. In the event that your account is not settled in full at the same time as your cancellation letter is received, AQUAGENIX will continue to bill you until the contract expires. Settlement in full includes payment for two (2) months' service after the last day of the month in which the cancellation letter is received by AQUAGENIX.

   c. Payment in full shall be defined as payment to AQUAGENIX through the effective "Date of Termination" as determined by the procedure outlined above in Paragraphs 9a and 9b.

10. **Insurance:** AQUAGENIX agrees to maintain, at its sole expense, the following insurance coverage: Worker's Compensation, General Liability, Automobile Liability, Property and Casualty, Excess Liability and Business Interruption Coverage. Upon written request, CUSTOMER may be listed as and "Additional Insured" at no extra charge. A Certificate of Insurance will be provided at CUSTOMER's request.

11. **Automatic Renewal**: This Agreement shall automatically renew for term equal to its original term, unless a "Notice of Cancellation" has been received as outlined in Paragraph 9. The contract amount may be adjusted at a rate of 4% increase per year on the anniversary date of this Agreement. Unless otherwise agreed to in writing, by both parties, services shall be continuous without interruption.

12. **Default**: If CUSTOMER defaults on any provision of this Agreement, CUSTOMER hereby Agrees that AQUAGENIX may at its sole discretion seek any or all of the following remedies:

    a. Termination of this Agreement. In this event, CUSTOMER agrees to make immediate payment of the Total Contract Amount through the end of its term (less previously paid payments) as liquidated and agreed upon damages.

    b. Imposition of "Collections Charge" for monies due. If this action is deemed necessary in the sole judgement of AQUAGENIX, CUSTOMER agrees to pay AQUAGENIX's reasonable attorney fees (including those on appeal), court costs, collection costs and other expenses incurred by AQUAGENIX resulting from this collection activity.

    c. Filing of a mechanics lien on property for all monies due plus interest, costs and attorney fees.

13. **Addenda**: See attached map, survey, and report (where applicable)

    a. Water testing and bacteria monitoring shall be conducted at the sole discretion of AQUAGENIX, for the specific purpose of improving the Aquatic Weed Control Program results.

    b. Work as requested by CUSTOMER such as trash clean-up, physical cutting and/or plant removal (other than initial cleanup) and other manual maintenance may be performed by our staff. Extra service work will be invoiced separately at our current hourly equipment and labor rates.

14. **Contract Documents**: This Agreement constitutes the entire agreement of AQUAGENIX and the CUSTOMER. In the event that any portion of this Agreement shall be held invalid or unenforceable, the remaining portions of this Agreement shall be binding upon both parties. No oral or written modification of the terms contained herein shall be valid unless made in writing and accepted by an authorized agent of both AQUAGENIX and CUSTOMER.

AQUAGENIX	CUSTOMER
Mel Willis	S. ZOLFAGHARI
PRINT NAME	PRINT NAME
4/24/09	4/23/09
DATE	DATE

To: U.S Army Corps of Engineers
Regulatory Division, Enforcement Section Cameron Shaw
701 San Marco Blvd
Jacksonville, FL 32207

From : Sedigheh Zolfaghari
5862 Homeland Road
Lake Worth, FL 33449
Tel # 561-317-8133
sedighehz@yahoo.com

Re: SAJ-2008-3599 (NW-SLR)

This is to notify your office that the authorized work has been intiated as of 01/28/2009.
Attached is a copy of the recorded notice of the permit.
Regards,

S. Zolfaghari

Sedigheh Zolfaghari
Tuesday, February 03, 2009

CFN 20090029483
OR BK 23051 PG 1840
RECORDED 01/27/2009 14:58:39
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 1840 - 1841; (2pgs)

Prepared by:
Permittee: Sedigheh ZOLFAGHARI
Address: 5862 Homeland Rd
Lake Worth, FL 33449
Phone: 561-317-8133

NOTICE OF DEPARTMENT OF THE ARMY PERMIT

TAKE NOTICE that the United States Army Corps of Engineers has issued Department of the Army Permit SAJ-2008-3599 (NW-SLR) to Sedigheh Zolfaghari(Permittee) on January6, 2009, authorizing impacts to waters of the United States (including wetlands) in accordance with Section 404 of the Clean Water Act on a parcel of land known as Folio/Parcel ID: Lot 222 Homeland encompassing 2.5 acres located within a portion of Section 35, Township 44 South, Range 41 East, Lake Worth, Palm Beach County, Florida.

Within thirty (30) days of any transfer of interest or control of that portion of the premises containing the area authorized to be filled (or any portion thereof), the Permittee must notify the U.S. Army Corps of Engineers in writing of the property transfer by submitting the completed permit transfer page of the permit. Notification of the transfer does not by itself constitute a permit transfer. Therefore, purchasers of that portion of the premises containing the area authorized to be filled (or any portion thereof) are notified that it is unlawful for any person to construct, alter, operate, maintain, remove or abandon any works, including dredging or filling, without first having obtained a permit from the Corps of Engineers in the purchaser's name.

The subject Permit concerns only that portion of the property determined to fall within the jurisdiction of the U.S. Army Corps of Engineers and this notice is applicable only to those portions of the subject property containing areas authorized to be filled and wetland mitigation/conservation areas subject to the Permit.

Conditions of the Permit: The Permit is subject to General Conditions and Special Conditions which may affect the use of the subject property. Accordingly, interested parties should closely examine the entire Permit, all associated applications, and any subsequent modifications.

To obtain a copy of the permit in its entirety submit a written request to:
U.S. Army Corps of Engineers
Regulatory Division - Special Projects & Enforcement Branch
Post Office Box 4970
Jacksonville, Florida 32232-0019

Questions regarding compliance with these conditions should be directed to:
U.S. Army Corps of Engineers
Enforcement Section
Post Office Box 4970
Jacksonville, Florida 32232-0019

Conflict Between Notice and Permit

This Notice of Permit is not a complete summary of the Permit. Provisions in this Notice of Permit shall not be used in interpreting the Permit provisions. In the event of conflict between this Notice of Permit and the Permit, the Permit shall control.

This Notice is Not an Encumbrance
This Notice is for informational purposes only. It is not intended to be a lien, encumbrance, or cloud on the title of the premises.

Release
This Notice may not be released or removed from the public records without the prior written consent of the U.S. Army Corps of Engineers.

This Notice of Permit is executed on this 9th day of January, 2009.

This document is being submitted for recordation in the Public Records of Palm Beach County, Florida as part of the requirement imposed by Department of the Army Permit No SAJ-2008-3599 issued by the United States Army Corps of Engineers. J. Zolfaghari

Permittee: SEDIGHEH ZOLFAGHARI
Address: 5862 Homeland Rd
Lake Worth, FL 33449
Phone: 561-317-8133

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 9th day of JANUARY, 2009, by SEDIGHEH ZOLFAGHARI, who is personally known to me or has produced FLORIDA DRIVERS LIC as identification.

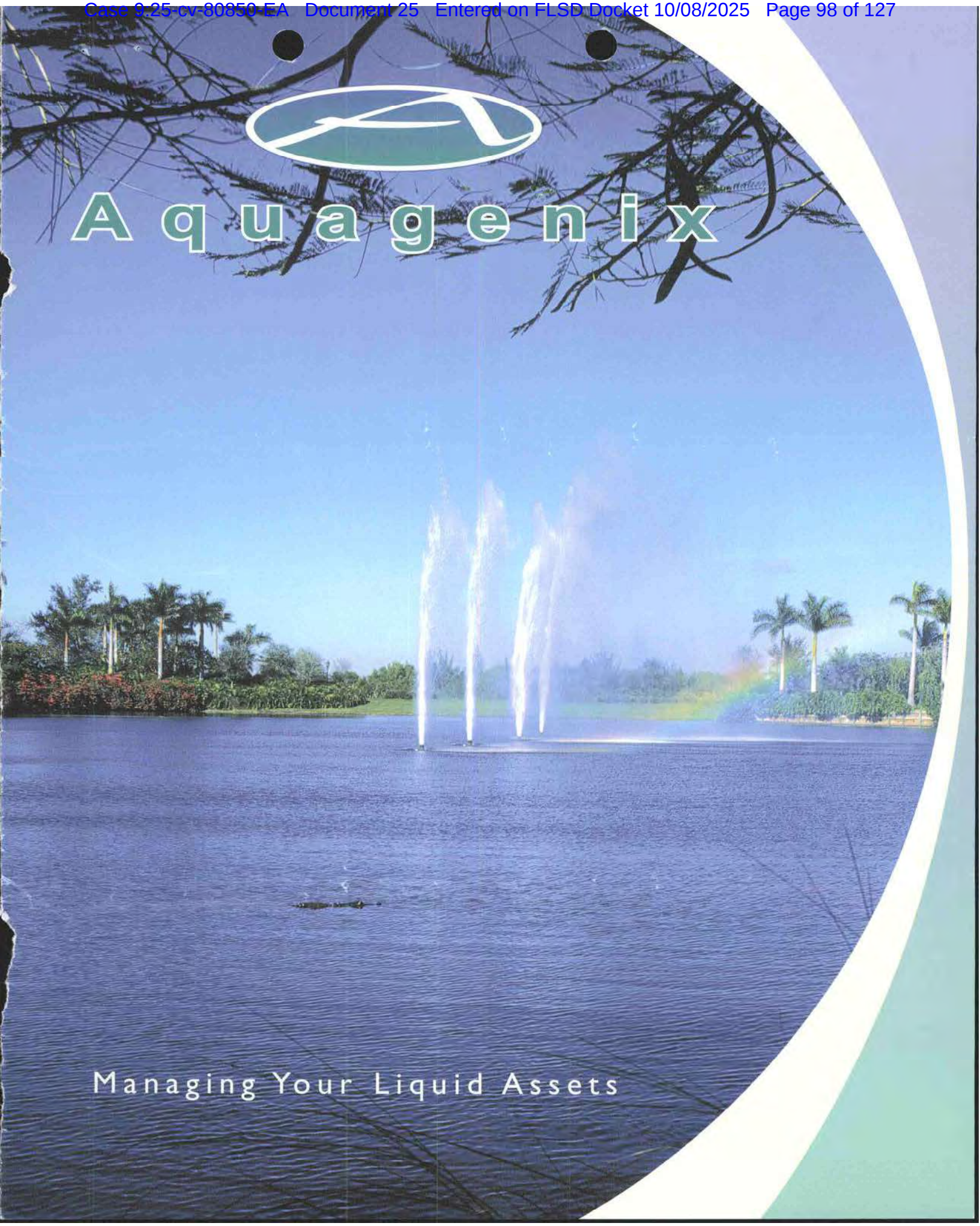
Alana Martin
Notary Public

(seal)

ALANA MARTIN
Print

My Commission Expires 8/19/2011

ALANA K. MARTIN
Notary Public - State of Florida
My Commission Expires Aug 19, 2011
Commission # DD 768887

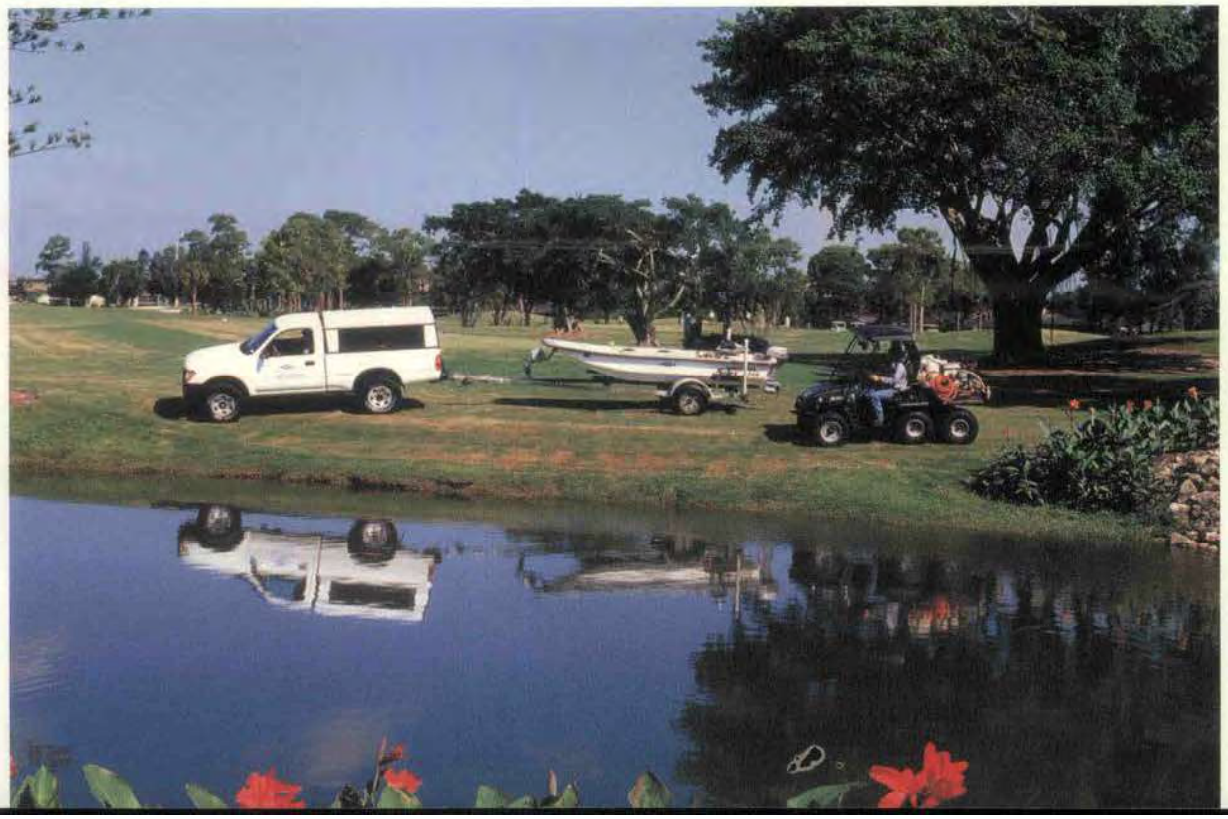

Aquagenix
Managing Your Liquid Assets

Aquagenix is the aquatic division of DeAngelo Brothers, Incorporated; a diversified company offering services throughout North America. For over 20 years, **Aquagenix** has been the industry leader in quality lake and wetland management. **Aquagenix** sets the industry standard in providing a unique approach to customize and deliver exceptional service to private, commercial and governmental customers in all aspects of aquatic vegetation management.

Aquagenix provides the very best in algae and aquatic weed control, exotic and nuisance vegetation control, wetland planting, restoration and maintenance by practicing uncompromising quality, friendly service and customer satisfaction.

Aquagenix employs a staff of highly trained and licensed technicians, branch managers, sales managers, regional managers and administration personnel. Our technicians are dedicated to provide quality service and complete customer satisfaction. **Aquagenix** technicians follow the best management practices to deliver reliable management of your lakes and wetlands.

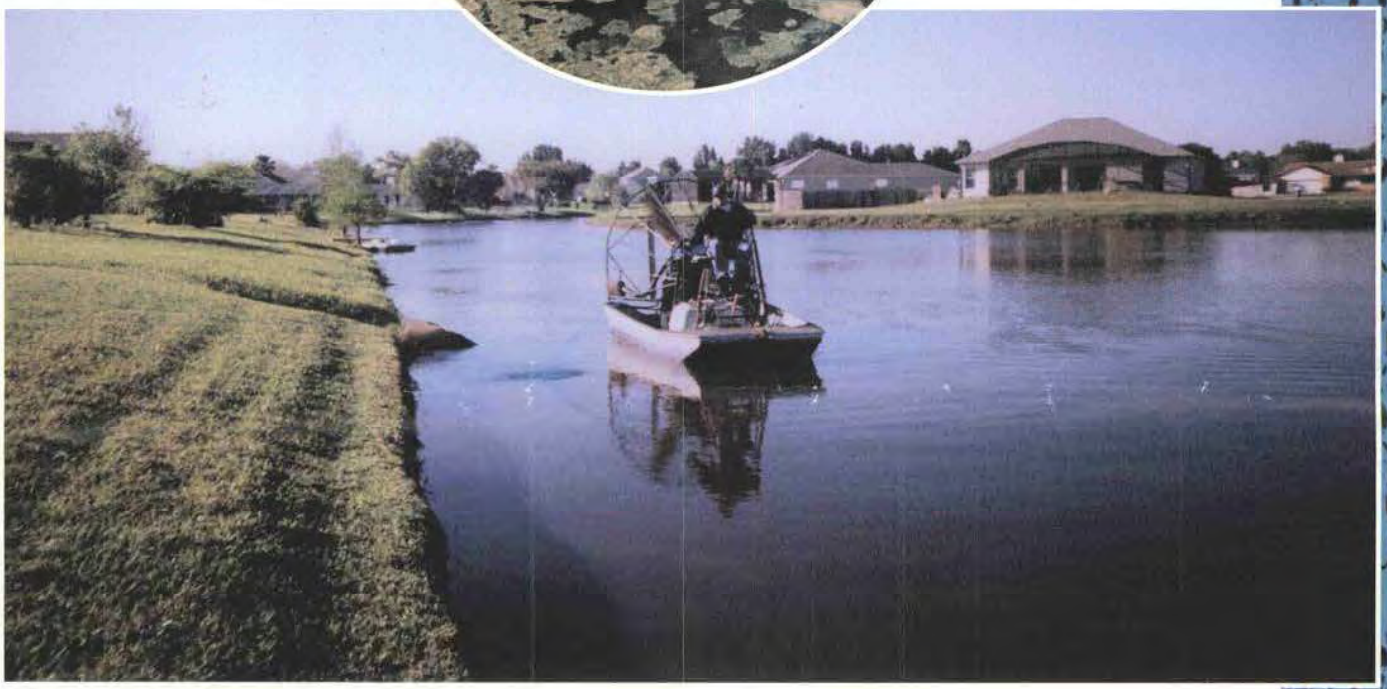
Aquagenix has top of the line equipment designed to effectively provide quality service, while still being non-intrusive. All equipment is maintained and marked with the company logo, making them easily recognized in the field. Whether it's algae and aquatic weed control, exotic and nuisance vegetation control, or wetland planting, restoration or maintenance; **Aquagenix** will utilize the right equipment to provide you with service sensitive to your needs.



Aquagenix • Lake Management Services

Algae and Aquatic Weed Control

Lakes, ponds and canals offer recreational opportunities for boating, swimming and fishing, as well as serving the needs for irrigation, aesthetics and storm-water control. Heavy algae and aquatic weed growth can prevent recreational use of these areas, interfere with irrigation and storm-water drainage, as well as becoming very unsightly. All of these problems lead to reduced real estate values for the surrounding property.



Aquagenix has a variety of methods to selectively control and maintain your desired level of aesthetics. We use only EPA approved products along with the latest in technology and equipment, all at a reasonable price. **Aquagenix** has both the expertise and experience to fulfill your aquatic needs.

Aquagenix • Additional Lake Services

Fish Stocking Services

An important link in a thriving, well maintained aquatic system is a diverse fish population. **Aquagenix** can help walk you through the permitting process associated with the stocking of triploid grass carp. Triploid grass carp can provide effective control of some submersed and floating aquatic weeds. **Aquagenix** can assist you in analyzing and recommending the introduction of native fish.

Fountain and Aeration System Design

Aquagenix offers an extensive line of floating fountain/aeration systems that enhance the natural beauty of lakes and ponds, while assisting the natural biological process of healthy aquatic systems. Bottom lake aeration can alleviate seasonal fish kills, minimize unpleasant odors and reduce maintenance costs. Every system we install is designed to last for years.

Water Testing, Clarify and Dye Treatments

Aquagenix can provide testing for your lake for critical water analysis, as well as applications for clarity/nutrient reduction and blue-dye treatments.

Aquagenix • Wetland Planting, Restoration and Maintenance

Wetland Program

Wetlands perform many valuable functions in the ecosystem. They act as filters for industrial, farm and residential run-off; they provide habitat for aquatic life and water-fowl, and they reduce erosion. **Aquagenix** can provide you with a turn-key wetland program tailored to your particular property. We can act as your wetlands contractor, in addition to serving as your Environmental Consultant, interfacing with the various governmental agencies. Whether it is the installation of aquatic plants to aid in the removal of nutrient and pollutants from your waterway system (littoral zones), or the re-creation of impacted native wetland (mitigation sites), **Aquagenix** has all the personnel and equipment to make the creation of these systems an attainable reality.

The **Aquagenix** wetland staff stands ready to provide you with our analysis and review of your project from an implementation point of view. We will provide site specific plant information, a review of the site hydrology and plant compatibility, along with cost estimates at no initial charge. Because we are acutely aware of the potential problems that can occur with the installation of native plant materials, we go the extra mile to ensure that your project will be in compliance with permit requirements. You can count on our close cooperation with design engineers, various governmental agencies, consulting firms and the native plant industry to ensure that your project will be a success.

Long Term Maintenance

Aquagenix can provide the long-term maintenance services and monitoring functions required by many governmental regulatory agencies. Whether it is a lake littoral zone or a created mitigation site, **Aquagenix** can provide the maintenance activities to fit your site needs and budget. Without a long- term maintenance program, sites can be taken over by exotic or nuisance species, causing desirable plants to be displaced. Property owners often then face the added cost of exotic and nuisance weed removals and replanting, and may also face fines from the permitting agencies. If wetland maintenance is not a priority, a wetland will stand little chance of ever becoming a viable part of the environment.

Wetland Monitoring

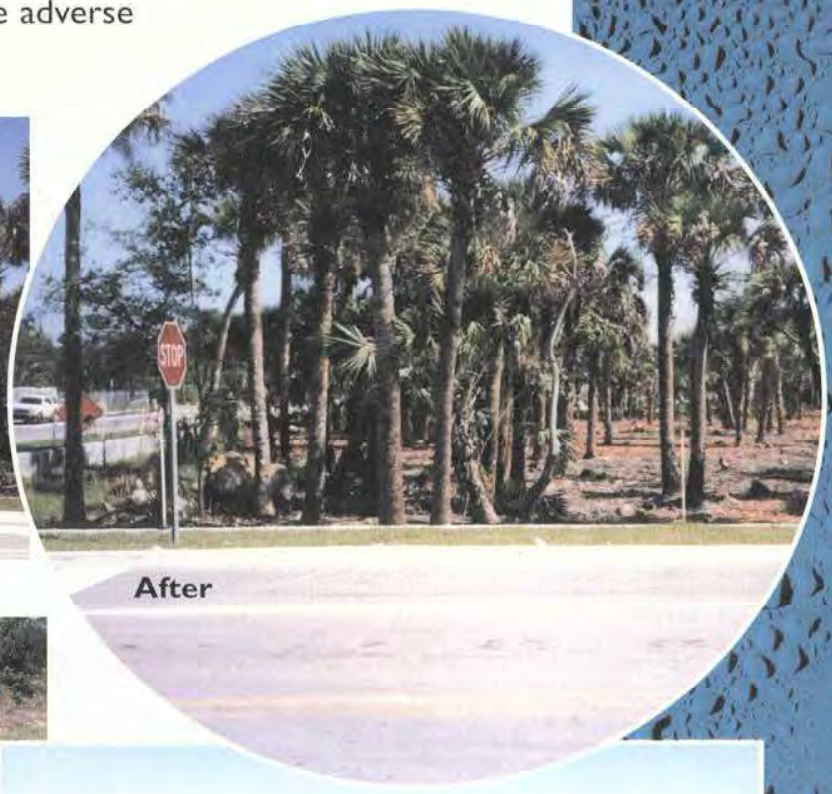
Aquagenix can provide the environmental monitoring required by regulatory governmental agencies. We will act as your liaison with the various agencies, departments and water management districts should any question arise. Whatever your project needs are, our professionalism, reputation, quality work and excellent value is the industry standard. **Aquagenix** will work with you to achieve successful mitigation results.

Aquagenix • Exotic and Nuisance Vegetation Control

Preservation of Native Plants and their Environment

Controlling the spread of exotic and nuisance vegetation is crucial to the preservation of required beneficial native plant species and their environment. Exotic and nuisance vegetation represents an escalating problem that the Department of Agriculture and other government agencies are becoming increasingly concerned about. **Aquagenix** has the experience and knowledge to identify and eliminate unwanted species with minimal impact to surrounding native plants. Even the most creatively designed site can become a breeding ground for the opportunistic exotic and nuisance vegetation that will thrive and out-compete native vegetation. Since **Aquagenix** is uniquely qualified in the area of exotic and nuisance vegetation control, we realize the adverse impact it may cause.

Before



After

Aquagenix operates mechanical equipment designed for the specific removal of exotic and nuisance vegetation. We have carefully developed this specialized service in order to better serve our customers. Whether it is mechanical harvesting, deep water cutting or heavy mowing, **Aquagenix** can provide its clients with customized programs designed to rid your site of unwanted exotic and nuisance vegetation.

Industry Related Affiliations

Aquagenix is proud to present our membership in the following associations:

- Golf Course Superintendents Association (numerous chapters)
- Turf Grass Association
- Apartment Association (numerous chapters)
- Community Association Institute (numerous chapters)
- Association of Special Districts
- City and County Management Association
- Rural Water Association

Customer Service

At Aquagenix exemplary customer service is our primary intent. With our quick response and numerous years of experience, Aquagenix has the means necessary to deal with all aspects required in developing and maintaining a healthy, aesthetically pleasing aquatic system, no matter what size or complexity. Our operations are fully computerized, designed to track vital information of the customer's site, treatment conditions, herbicide use, application technique, vegetation type and other reports. Management and field staff are committed to functioning as a team. Our people understand the importance of our customers and the importance of their concerns. Uncompromising quality, friendly service and customer satisfaction are our shared goals.

Let us demonstrate the difference that has made Aquagenix the leader in the industry for over 20 years. The staff at Aquagenix is eager to serve your environmental needs, so please call for a free site survey.

Aquagenix

Managing Your Liquid Assets

1-800-832-5253

www.dbiservices.com/aquagenix

Aquagenix is a Division of DeAngelo Brothers, Inc.

EXHIBIT 4

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
WEST PALM BEACH REGULATORY OFFICE
400 NORTH CONGRESS AVENUE, SUITE 130
WEST PALM BEACH, FLORIDA 33401

March 23, 2000

Regulatory Division
South Permits Branch
200001122(JF-BM)

Gary Czajkowski
9376 Sun Point Drive
Boynton Beach, Florida 33437

Dear Applicant:

Reference is made to your request for a jurisdictional determination for Lot 222, Homeland Subdivision, Lake Worth, located in Section 35, Township 44 south, Range 41 east, Palm Beach County, Florida. The file has been assigned Department of the Army (DA) number 20001122(JF-BM). Please refer to this file number in future correspondence concerning this lot.

On March 15, 2000, Brice McKoy and Dale Beter from the U.S. Army Corps of Engineers (Corps), South Permits Branch met with you on site and conducted a jurisdictional determination on the location site referenced above. The jurisdictional determination revealed the majority of the lot has wetlands present. Enclosed is a site map showing the approximate upland/wetland boundary for the purpose of determining the Corps jurisdictional line. It is your responsibility to obtain State, local or other Federal approvals for your project, if required. If any changes in the location of this project are necessary, another jurisdictional determination should be conducted.

Please be advised that this jurisdictional delineation shown reflects current policy and regulations and is valid for a period no longer than 5 years from the date of this letter. If after the 5-year period this jurisdictional determination has not been specifically revalidated by the Corps, it shall automatically expire. Any reliance upon jurisdictional correspondence beyond that time frame may lead to incorrect planning and design efforts as well as possible violations of current Federal laws and/or regulations. You may revalidate or update the jurisdiction guidance as appropriate for your project duration. Any revalidation or updating will then reflect current Federal laws and regulations.

The jurisdictional areas are regulated by the Corps pursuant to Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbor Act of 1899. Any activities undertaken in these areas may require Department of the Army authorization. Other Federal, State or local permits may also be required.

Thank you for your cooperation with the U.S. Army Corps of Engineers Regulatory Program. If you have any questions, please contact Brice McKoy at the above letterhead or by telephone at 561-683-0792 or fax 561-683-4941.

Sincerely,

for Linda S. Ferrell
Chief, South Permits Branch

Enclosure(s)

CC:
Century 21
C/o: Cheryl Speziale
6528 Hypoluxo Road
Lake Worth, Florida 33467

EXHIBIT 5

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
4400 PGA BOULEVARD, SUITE 500
PALM BEACH GARDENS, FLORIDA 33410

REPLY TO
ATTENTION OF

06 JAN 2009

Palm Beach Gardens Regulatory Section
SAJ-2008-3599 (NW-SLR)

Sedigheh Zolfaghari
5862 Homeland Road
Lake Worth, Florida 33449

Dear Ms. Zolfaghari:

Your application for a Department of the Army permit received on September 16, 2008 and considered complete on December 2, 2008, has been assigned number SAJ-2008-3599. A review of the information and drawings provided shows the proposed work is for the construction of a single-family residential home addition resulting in the permanent impacts to 0.5 acre of jurisdictional forested wetlands. The project is located at 5862 Homeland Road, Lake Worth (Section 35, Township 44 south, Range 41 east), Palm Beach County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) Number 29. In addition, project specific conditions have been enclosed. This verification is valid until two years from the date of this letter. Please access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory web to access web links to view the Final Nationwide Permits, Federal Register Vol. 72, dated March 12, 2007, the Corrections to the Final Nationwide Permits, Federal Register 72, May 8, 2007, and the List of Regional Conditions. Our website address is as follows:

http://www.saj.usace.army.mil/Divisions/Regulatory/permitting_types_NWP.htm.

These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for NWP 29. Additionally, enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In the event you have not completed construction of your project within the specified time limit, a separate application or re-verification may be required.

The following special conditions are included with this verification:

1. All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, Cameron Shaw, 701 San Marco Blvd, Jacksonville, FL 32207. The Permittee shall reference this permit number, SAJ-2008-3599(NW-SLR), on all submittals.

2. Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

3. The Permittee shall avoid the remaining 2.0 acre(s) of onsite wetlands. These natural wetland areas were avoided as part of the permit application review process and therefore will not be disturbed by any dredging, filling, mechanized land clearing, agricultural activities, or other construction work whatsoever. The Corps reserves the right to deny review of any requests for future impacts to these natural wetland areas.

4. Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

5. Within 6 months from the date of initiating the authorized work or 12 months from the effective date of this permit, whichever first occurs, the Permittee shall complete the following mitigation objectives in accordance with the approved compensatory mitigation plan (Attached):

Onsite Mitigation:

(1) Wetland Enhancement: Manually remove Category I and II invasive exotic plant species from 2.0 acres of the remaining onsite wetlands while maintaining the hydrologic connection to the adjacent non-relatively permanent waterbody.

(2) Wetland Restoration: Plant 25 3-gallon Dahoon Holly (Ilex cassine), 15 3-gallon Swamp Bay (Persea Palustris), 30 1-gallon Cocoplum (Chrysobalanus icaco), 30 liners of Swamp Fern (Blechnum serrulatum), and 30 2-foot Pond Cypress (Taxodium ascendens) to restore 2.0 acres of former forested wetlands as referenced in the attached planting plan.

(3) Wetland Preservation: Maintain the enhanced 2.0 acres of freshwater forested wetlands in perpetuity.

These onsite compensatory mitigation areas shall be preserved in perpetuity in accordance with the special conditions of this permit.

6. To meet the objectives of the approved compensatory mitigation plan, the Permittee shall achieve the following performance standards:

a. At least 80 percent cover by appropriate wetland species (i.e., FAC or wetter).

b. Cover of Category I and II invasive exotic plant species, pursuant to the most current list established by the Florida Exotic Pest Plant Council at http://www.fleppc.org, and the nuisance species, dogfennel (Eupatorium capillifolium), Bermudagrass (Cynodon spp.), Bahiagrass (Paspalum notatum), and cattail (Typha spp.). shall total less than 5 percent.

c. Less than 20 percent mortality of planted wetland species.

The Permittee shall achieve the above performance standards by the end of the 3-year monitoring period, with no maintenance during the 3rd year of monitoring. In the event that the above performance standards have not been achieved, the Permittee shall undertake a remediation program approved by the Corps in accordance with the special conditions of this permit.

7. To show compliance with the performance standards the Permittee shall complete the following:

a. Perform a time-zero monitoring event of the wetland mitigation area(s) within 60 days of completion of the compensatory mitigation objectives identified in the special conditions of this permit.

b. Submit the time-zero report to the Corps within 60 days of completion of the monitoring event. The report will include at least one paragraph depicting baseline conditions of the mitigation site(s) prior to initiation of the compensatory mitigation objectives and a detailed plan view drawing of all created, enhanced and/or restored mitigation areas.

c. Subsequent to completion of the compensatory mitigation objectives, perform semi-annual monitoring of the wetland mitigation areas for the first 2 years and annual monitoring thereafter for a total of no less than 3 years of monitoring.

d. Submit annual monitoring reports to the Corps within 60 days of completion of the monitoring event. Semi-annual monitoring will be combined into one annual monitoring report.

e. Monitor the mitigation area(s) and submit annual monitoring reports to the Corps until released in accordance with the special conditions of this permit.

8. Annual monitoring reports shall follow a 10-page maximum report format for assessing compensatory mitigation sites. The Permittee shall submit all documentation to the Corps on 8½-inch by 11-inch paper, and include the following:

a. Project Overview (1 Page):

(1) Department of the Army Permit Number

(2) Name and contact information of Permittee and consultant

(3) Name of party responsible for conducting the monitoring and the date(s) the inspection was conducted

(4) A brief paragraph describing the purpose of the approved project, acreage and type of aquatic resources impacted, and mitigation acreage and type of aquatic resources authorized to compensate for the aquatic impacts.

(5) Written description of the location, any identifiable landmarks of the compensatory mitigation project including information to locate the site perimeter(s), and coordinates of the mitigation site (expressed as latitude, longitudes, UTMs, state plane coordinate system, etc.).

(6) Dates compensatory mitigation commenced and/or was completed

(7) Short statement on whether the performance standards are being met

(8) Dates of any recent corrective or maintenance activities conducted since the previous report submission

(9) Specific recommendations for any additional corrective or remedial actions.

b. Requirements (1 page): List the monitoring requirements and performance standards, as specified in the approved mitigation plan and special conditions of this permit, and evaluate whether the compensatory mitigation project site is successfully achieving the approved performance standards or trending towards success. A table is a recommended option for comparing the performance standards to the conditions and status of the developing mitigation site.

c. Summary Data (maximum of 4 pages): Summary data should be provided to substantiate the success and/or potential challenges associated with the compensatory mitigation project. Photo documentation may be provided to support the findings and recommendations referenced in the monitoring report and to assist the PM in assessing whether the compensatory mitigation project is meeting applicable performance standards for that monitoring period. Submitted photos should be formatted to print on a standard 8 ½" x 11" piece of paper, dated, and clearly labeled with the direction from which the photo was taken. The photo location points should also be identified on the appropriate maps.

d. Maps and Plans (maximum of 3 pages): Maps shall be provided to show the location of the compensatory mitigation site relative to other landscape features, habitat types, locations of photographic reference points, transects, sampling data points,

and/or other features pertinent to the mitigation plan. In addition, the submitted maps and plans should clearly delineate the mitigation site perimeter(s). Each map or diagram should be formatted to print on a standard 8 ½" x 11" piece of paper and include a legend and the location of any photos submitted for review. As-built plans may be included.

e. Conclusions (1 page): A general statement shall be included that describes the conditions of the compensatory mitigation project. If performance standards are not being met, a brief explanation of the difficulties and potential remedial actions proposed by the Permittee or sponsor, including a timetable, shall be provided. The District Commander will ultimately determine if the mitigation site is successful for a given monitoring period.

9. If the compensatory mitigation fails to meet the performance standards 3 years after completion of the compensatory mitigation objectives, the compensatory mitigation will be deemed unsuccessful. Within 60 days of notification by the Corps that the compensatory mitigation is unsuccessful, the Permittee shall submit to the Corps an alternate compensatory mitigation proposal sufficient to create the functional lift required under the permit. The alternate compensatory mitigation proposal may be required to include additional mitigation to compensate for the temporal loss of wetland function associated with the unsuccessful compensatory mitigation activities. The Corps reserves the right to fully evaluate, amend, and approve or reject the alternate compensatory mitigation proposal. Within 120 days of Corps approval, the Permittee will complete the alternate compensatory mitigation proposal.

10. The Permittee's responsibility to complete the required compensatory mitigation, as set forth in the special conditions of this permit will not be considered fulfilled until mitigation success has been demonstrated and written verification has been provided by the Corps. A mitigation area which has been released will require no further monitoring or reporting by the Permittee; however the Permittee, Successors and subsequent Transferees remain perpetually responsible to ensure that the mitigation area(s) remain in a condition appropriate to offset the authorized impacts in accordance with General Condition 2 of this permit.

11. Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form (Attached) and submit to the Corps. In the event that the completed work deviates, in any manner, from the authorized work, the Permittee shall describe, on the Self-Certification Form, the deviations between the work authorized by the permit and the work as constructed. Please note that the description of any deviations on the Self-Certification Form does not constitute approval of any deviations by the Corps.

12. The Permittee shall complete and record the Notice of Department of the Army Permit (Attached) with the Clerk of the Circuit Court, Registrar of Deeds or other appropriate official charged with the responsibility of maintaining records of title to or interest in real property within the county of the authorized activity. Within 90 days from the effective date of this permit the Permittee shall provide a copy of the recorded Notice of Permit to the Corps clearly showing a stamp from the appropriate official indicating the book and page at which the Notice of Permit is recorded and the date of recording.

13. The Permittee shall maintain the areas referenced in Special Condition #5 in their natural state in perpetuity. The Permittee agrees that the only future utilization of these areas will be as a purely natural area and the following uses and/or activities will be prohibited except as required or authorized by this permit:

a. Construction or placing buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground. Elevated boardwalks, hiking trails and camping areas will be permitted as long as they do not involve any of the other prohibited uses listed below:

b. Dumping or placing soil or other substance or material as landfill or dumping or placing of trash, waste or unsightly or offensive material.

c. Removal or destruction of trees, shrubs, or other vegetation.

d. Excavation, dredging or removal of loam, peat, gravel, soil, rock, or other material substance in such a manner as to affect the surface.

e. Surface use, except for purposes that permit the land or water area to remain predominantly in its natural condition.

...ghari

...ne proposed site plan submitted to the Building Department depicts a fill pad area for the project of approximately 1.6 acres. Please be advised that you currently have no authorization from the ACOE to fill any wetlands on the parcel, of which the majority of your proposed site plan will impact. Also be advised that Nationwide 26 authorizations for single family dwelling construction limit wetland dredge and fill activities to no more than 0.99 acres. Please provide ERM with either a revised site plan which depicts total wetland impacts at no more than 0.99 acres, or a permit from the ACOE which accounts for all currently proposed dredge and fill activities.

3. The proposed site plan submitted to the Building Department does not show the location of the septic tank and drainfield for this project. Please provide ERM with a site plan which includes the location of this feature. Please be advised that Health Department code requires that septic drainfields maintain a minimum distance of 100 feet from any surface water, which includes wetlands. If you need to place fill in additional wetland area to meet this code requirement, please provide ERM with the ACOE authorization to do so.

4. Please provide ERM with a tabular tree list of all native trees, with a diameter at breast height of 7 inches or greater, proposed to be removed from the upland areas of the parcel. Please indicate the reason for removal (e.g. septic area, housepad, driveway, barn, detached garage, etc.).

Failure to submit this information by **May 24, 2003** will deactivate your application. If you have any questions, or wish to request a meeting, please contact me by telephone at (561) 233- 2475.

Sincerely,

Jamie L. Caston, Environmental Program Manager
Resources Protection

JLC:sp

cc: Richard Williams (5530 Duckweed Rd., Lake Worth, 33467)

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EXHIBIT 6

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
WEST PALM BEACH REGULATORY OFFICE
400 NORTH CONGRESS AVENUE, SUITE 130
WEST PALM BEACH, FLORIDA 33401

October 26, 2000

Regulatory Division
South Permits Branch
200001122(NW-RM)

Mr. Gary Czajkowski
9376 Sun Pointe Drive
Boynton Beach, Florida 33437-3354

Dear Agent:

Reference is made to your Department of the Army (DA) permit application for verification of your proposed project under Nationwide Permit number 26. The project consists of filling 0.99 acres of isolated freshwater wetlands to construction of a single-family residence. The project is located at Lot 222, Homeland Road, Homeland Subdivision, in Section 35, Township 44 south, Range 41 east, Palm Beach County, Florida.

This verifies that your proposal is authorized by nationwide Permit number 26 in accordance with the enclosed copy of our regulations as stated in 33 CFR Part 330, Appendix A. This verification is valid until February 11, 2002, unless this nationwide permit is modified, reissued, or revoked. It is incumbent on you to remain informed of changes in these nationwide permits. We will issue a public notice announcing any changes when they occur.

A separate DA permit is not required providing the work is done in accordance with the enclosed drawings/information submitted, the conditions listed in 33 CFR part 330, Appendix A, Subparagraph C (Nationwide Permit Conditions), any appropriate regional conditions and attached special conditions.

This letter does not obviate the requirement to obtain any State or local permits which may be necessary for your proposed work. Your nationwide permit verification is specifically conditioned by the State of Florida with the following language, "Projects qualifying for this nationwide permit must be individually reviewed by the State of Florida and receive water quality certification and coastal zone consistency as well as any authorizations required for the use of submerged lands." You should check State permitting requirements with the Florida Department of Environmental Protection or the appropriate water

management district. A list of addresses of the appropriate State offices are enclosed for your information and use.

This nationwide permit is being verified for the work shown on your permit application. As owner of the property or as a party with the requisite property interest to do the work, you are considered liable for any activities that are not in compliance with this verification. If at some point you no longer have the requisite property interests for this project, you are required to transfer the nationwide verification to the new owner by having them sign at the bottom of this letter. Please send a copy of this transfer to the U.S. Army Corps of Engineers (USACE) at the letterhead address.

A general condition of all the nationwide permits is to provide a certification of compliance. This certifies that the work performed under this verification was in accordance with the Corps's authorization, including any general or specific conditions. Once your project is completed, the attached compliance certification must be sent to the USACE office at the letterhead address.

Thank you for your cooperation with our regulatory program.

Sincerely,

Ronald C Mieden

for Linda S. Ferrell
Chief, South Permits Branch

Enclosures

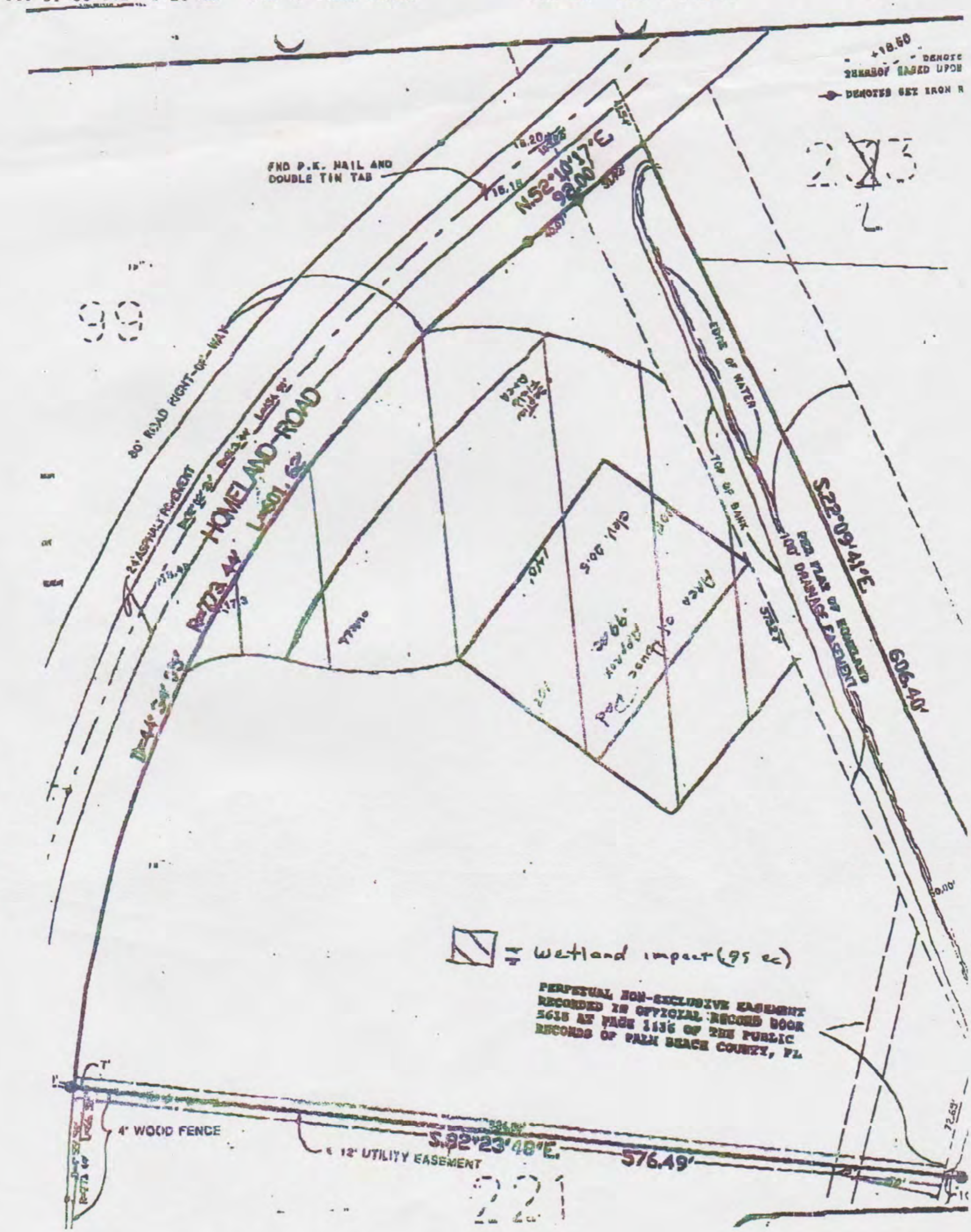
DENOTES SET IRON R
FND P.K. NAIL AND DOUBLE TIN TAB
N.52°10'37"E
92.00'
80' ROAD RIGHT-OF-WAY
24' ASPHALT PAVEMENT
HOMELAND ROAD
EDGE OF WATER
TOP OF BANK
S.22°09'41"E.
606.40'
100' DRAINAGE EASEMENT
= Wetland impact (.95 ac)
PERPETUAL NON-EXCLUSIVE EASEMENT RECORDED IN OFFICIAL RECORD BOOK 5615 AT PAGE 1136 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FL
4' WOOD FENCE
12' UTILITY EASEMENT
S.82°23'48"E.
576.49'
221
99

EXHIBIT 7

US Army Corps of Engineers

U.S. Army Corps of Engineers – Jacksonville District – Regulatory Division
REQUEST FOR CORPS JURISDICTIONAL DETERMINATION (JD)
(For Jurisdictional Status and Identifying Wetlands and Other Aquatic Resources)

I. PROPERTY AND AGENT INFORMATION

A. Site Details/Location:

Site Name: Lot 222 of Homeland PUD Date: 05/31/2024
Property Owner: Sedigheh Zolfaghari
Property Owner Address: 5862 Homeland Road Lake Worth , FL 33449
Phone: 561-628-6459 Email: sedighehz@yahoo.com
Property Address (es): 5862 Homeland Road Lake Worth , FL 33449
Acreage: 2 City/Parish/Section/Township/Range: HOMELAND TH PT OFLOT222LGY WITHIN SEC35-44-41
County: Palm Beach Parcel number(s): 00-41-44-35-01-000-2220
Latitude (decimal degrees):_____ Longitude (decimal degrees):_____

B. Requestor of Jurisdictional Determination: *(if there are multiple property owners please attach additional pages)*

Name: SEDIGHEH ZOLFAGHARI
Company Name (*if applicable*):_____
Address: 5862 HOMELAND ROAD LAKE WORTH, FL 33449
Phone: 561-628-6459 Email: SEDIGHEHZ@YAHOO.COM
Check one: ☑ I currently own this property
☐ I plan to purchase this property
☐ Other, please explain_____

C. Agent/Environmental Consultant Acting on Behalf of the Requestor *(if applicable)*:

Consultant/Agent Name: _____ Company Name: _____
Address: _____
Phone: _____ Email: _____

II. REASON FOR REQUEST *(check all that apply)*

☐ I intend to construct/develop a project or perform activities on this site which would be designed to avoid all aquatic resources.

☐ I intend to construct/develop a project or perform activities on this site which would be designed to avoid all jurisdictional aquatic resources under Corps authority.

☑ I intend to construct/develop a project or perform activities on this site which may require authorization from the Corps, and the Jurisdictional Determination would be used to avoid and minimize impacts to jurisdictional aquatic resources and as an initial step in a future permitting process.

☐ I intend to construct/develop a project or perform activities on this site which may require authorization from the Corps; this request is accompanied by my permit application and the jurisdictional determination is to be used in the permitting process.

☐ I intend to construct/develop a project or perform activities in a navigable water of the U.S., which is subject to the ebb and flow of the tide.

☐ A Corps jurisdictional determination is required in order to obtain my local/state authorization.

☐ I intend to contest jurisdiction over a particular aquatic resource and the request the Corps to confirm that jurisdiction does/does not exist over the aquatic resource on the parcel.

☐ I believe that the site may be comprised entirely of dry land.

☐ Other: _____

III. TYPE OF REQUEST: *(check all that apply)*

- [x] **Approved[1] Jurisdictional Determination (AJD) Only**
- [ ] **Preliminary[2] Jurisdictional Determination (PJD) Only**
- [ ] **Approved Jurisdictional Determination (AJD)** with submittal of Pre-Construction Notification or Department of the Army permit application
- [ ] **Preliminary Jurisdictional Determination (PJD)** with submittal of Pre-Construction Notification or Department of the Army permit application
- [ ] **Verify Delineation of Wetlands and/or Other Aquatic Resources Only Conducted by Agent/Environmental Consultant** with submittal of Pre-Construction Notification or Department of the Army permit application (No jurisdictional determination requested).
- [ ] **Verify Delineation of Wetlands and/or Other Aquatic Resources Only Conducted by Agent/Environmental Consultant** (No jurisdictional determination requested).
- [ ] I request that the **Corps delineate** the wetlands and/or other aquatic resources that may be present on the property with the attached Pre-Construction Notification or Department of the Army Permit Application.[3]
- [ ] I request that the **Corps delineate** the wetlands and/or other aquatic resources that may be present on my property with an AJD or PJD.[3]
- [ ] **No Permit Required (NPR) Letter** as I believe my proposed activity is not regulated.[4]
- [ ] **Unclear** as to which jurisdictional determination I would like and require additional information to inform my decision.

[1]Approved – An AJD is defined in Corps regulations at 33 CFR 331.2. As explained in further detail in RGL 16-01, an AJD is used to indicate that this office has identified the presence or absence of wetlands and/or other aquatic resources on a site, including their accurate location(s) and boundaries, as well as their jurisdictional status. AJDs are valid for 5 years.

[2]Preliminary – A PJD is defined in Corps regulations at 33 CFR 331.2. As explained in further detail in RGL 16-01, a PJD is used to indicate that this office has identified the approximate location(s) and boundaries of wetlands and/or other aquatic resources on a site that are presumed to be subject to regulatory jurisdiction of the Corps of Engineers. Unlike an AJD, a PJD does not represent a definitive, official determination that there are, or that there are not, jurisdictional aquatic resources on a site, and does not have an expiration date.

[3]Corps Delineations-Current workload and staffing limitations may substantially delay the Corps ability to perform a wetland delineation. The availability of the Corps to perform this service will be evaluated on a case by case basis. In general, the Corps will only perform an on-site delineation for non-commercial entities on parcels which total 5 acres or less. To ensure the accuracy of the supporting information and expedite review and processing, aquatic resource delineations should be completed by experienced/knowledgeable professionals in accordance with Corps established procedures and then submitted to the Corps for verification.

[4]No Permit Required" (NPR) Letter- A NPR letter may be provided by the Corps to notify the requestor that an activity will not require a permit (authorization) from the Corps; this letter can only be used if the proposed activity is not a regulated activity, regardless of where the activity may occur. A NPR letter cannot be used to indicate the presence or absence of wetlands and/or other aquatic resources, nor can it be used to determine their jurisdictional status.

*Please note that delineated boundaries of aquatic resources need to be flagged on-site in order for the Corps to field verify the delineation. This applies to all delineations conducted by an Agent/Environmental Consultant for all types of projects, permit applications, and JD requests. Additionally, the boundaries of the parcel should be clearly marked by staking, fences, cut lines, or other landmarks, and the interior of the property should be readily accessible. Transect cut lines may be required for access and physical reference in densely vegetated areas.

IV. LEGAL RIGHT OF ENTRY

By signing below, I am indicating that I have the authority, or am acting as the duly authorized agent of a person or entity with such authority, to and do hereby grant U.S. Army Corps of Engineers personnel right of entry to legally access the property(ies) subject to this request for the purposes of conducting on-site investigations (e.g., digging and refilling shallow holes) and issuing a jurisdictional determination. I acknowledge that my signature is an affirmation that I possess the requisite property rights to request a jurisdictional determination on the properties subject to this request.

5862 Homeland Road, Lake Worth, FL 33449	5862 Homeland Road, Lake worth, FL 33449
Mailing Address	Property Address/Parcel number(s)
sedighehz@yahoo.com	561-628-6459
Email Address	Daytime Phone Number
	SEDIGHEH ZOLFAGHARI/ 05/31/2024
*Signature	Printed Name and Date

Jacksonville Permits Section P.O. Box 4970 Jacksonville, FL 32232-0019 Corpsjaxreg-nj@usace.army.mil	Cocoa Permits Section 400 High Point Drive, Suite 600 Cocoa, FL 32926-6662 Corpsjaxreg-nc@usace.army.mil	Pensacola Permits Section 41 North Jefferson Street, Suite 301 Pensacola, FL 32502-5664 Corpsjaxreg-NL@usace.army.mil
Panama City Permits Section 1002 West 23rd Street, Suite 350 Panama City, FL 32405-3648 Corpsjaxreg-NP@usace.army.mil	Tampa Permits Section 10117 Princess Palm Avenue, Suite 120 Tampa, FL 33610-8302 tampareg@usace.army.mil	Fort Myers Permits Section 1520 Royal Palm Square Blvd, Suite 310 Fort Myers, FL 33919-1036 SF.New.Applications@usace.army.mil
Palm Beach Gardens Permits Section 4400 PGA Boulevard, Suite 500 Palm Beach Gardens, FL 33410-6557 Application-sp@usace.army.mil	Miami Permits Section 9900 SW 107th Avenue, Suite 203 Miami, FL 33176-2785 SEAPPLS@usace.army.mil	Antilles Permits Section Annex Building Fundacion Angel Ramos 383 F.D. Roosevelt Ave., Suite 202 San Juan, Puerto Rico 00918

*Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.
Principal Purpose: The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the project area subject to federal jurisdiction under the regulatory authorities referenced above.
Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in the approved jurisdictional determination (AJD), which will be made available to the public on the District's website and on the Headquarters USACE website.
Disclosure: Submission of requested information is voluntary; however, if information is not provided, the request for an AJD cannot be evaluated nor can an AJD be issued.

U.S Army Corps of Engineers, Jacksonville District Regulatory Division
Information Recommended For a Wetland Delineation Submittal

This document provides a list of detailed information that is recommended for all delineations of aquatic resources and upland determinations that are submitted to the Corps for approval. The information listed below should be submitted with Jurisdictional Determination Requests and/or Wetland Delineations. To reduce delays in verifying Jurisdictional Determinations and Wetland Delineations, it is recommended that the information provided is a complete and true representation of wetlands and other aquatic resources that may be present onsite utilizing methods outlined in the 87 Wetland Delineation Manual and appropriate Regional Supplement. Please note that disturbed or problematic sites as well as sites with previous land use practices such as agriculture and silviculture should utilize methods outlined in Chapter 5 of the Regional Supplement.

Jurisdictional Determination (JD) Request Form

- Current version from Jacksonville District website must be completed fully and signed.

Wetland Determination Data Forms

- Current version of appropriate data form must be used and completed fully.
- Data points should be taken to reflect the current site conditions and represent the vegetative communities on site.
- A sufficient number/location of data points should be taken to represent the wetland/non-wetland status of the entire investigation area.
- Data points locations should confirm or refute the potential for aquatic resource presence depicted on natural resource mapping (Google Earth historical aerial imagery, NWI mapping, NRCS soils mapping, USGS Quadrangle mapping, National Hydrography Data Set (NHDS) mapping, LiDAR, etc.).
- Data points must be located such that there is at least a pair of points for each wetland identified on both sides of the wetland line in positions that illustrate the distinction between wetland and non-wetland.

Maps, Figures, and Photos

- Location Maps: large and small scale maps including streets, intersections, cities, etc. clearly depicting the location of the site in relation to surroundings.

- Project Area/Investigation Area must be overlain on:
  - A representative time sequence of historical aerial imagery. Particularly images taken during the wet season.
  - USGS Topographic Map.
  - NRCS Hydric Rating By Map Unit Web Soil Survey Map.
  - National Wetlands Inventory Map.
  - LiDAR Mapping If Available.

- Site photographs from locations of data points and other relevant site features. Depict photo location and direction on the aquatic resources figure.

- Figure depicting all aquatic resources and other pertinent features identified as present preferably on an aerial image using no-fill polygons. Figure should include:

    - Title Block with project name, applicant, county, state, date.
    - Solid bold line depicting project area boundary with label.
    - North arrow.
    - Clearly marked boundaries of all wetlands and/or other aquatic resources and other pertinent features that are present (Wetlands, Tributaries, Lakes, Borrow Pits, Ponds, Rivers, Drainage Features, Ditches).
    - Size of the site (acres)
    - The size (acres) and length (linear feet) of each individual linear aquatic resource included on the depiction.
    - The size (acres) of each individual non-linear wetland and/or other aquatic resources included on the depiction.
    - Data point locations.
    - Photo locations and direction.

The following tables should be utilized for labeling aquatic resources on the delineated aquatic resource map (wetland delineation map).

Table 1: Aquatic Resource Map/Figure Labels for PJDs and Delineations Only

Label	Description
Wetland X (tidal, non-tidal)	All wetlands, including tidal wetlands.
Non-wetland waters X (tidal, non-tidal)	All non-wetland aquatic resources (ponds, linear features, tributaries, tidal open water).
Upland	Uplands should be labeled.
Non-aquatic resource X (optional)*	Features determined to be non-aquatic resources.

Table 2: Aquatic Resource Map/Figure Labels for AJDs

Jurisdictional Feature Label	Description
TNW X	Traditionally Navigable Water or tidal wetland.
Jurisdictional Tributary X	Tributary, relatively permanent water, or stream bed.
Jurisdictional Wetland X	Meeting 3 parameters or other wetland determination criteria as per 1987 Wetland Delineation Manual and appropriate Regional Supplement.
Other Jurisdictional WOUS X	Other Waters of the United States such as ponds, lakes, ditches, impoundments, etc.
Non-jurisdictional Wetland X	Wetland determined to be non-jurisdictional.
Non-jurisdictional Feature X	Non-jurisdictional ponds, borrow pits, linear features, ditches, etc.
Upland	Uplands should be labeled when wetlands or other waters, regardless of jurisdictional status, are present. When no wetlands or other waters are present, the Upland label is not necessary.

*Optional - Non-Jurisdictional Linear Features or ditches for AJDs and non-aquatic resources for PJDs are not required to be included on the depiction but should be shown and provided on a supplemental sketch.