



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
COCOA REGULATORY FIELD OFFICE  
400 HIGH POINT DRIVE, SUITE 600  
COCOA, FLORIDA 32926

REPLY TO  
ATTENTION OF

North Permits Branch  
Cocoa Section  
SAJ-2010-00489 (JD-JSC)  
JURISDICTIONAL VERIFICATION

March 24, 2017

Pineloch Management Corporation  
C/o Mr. Richard Gonzalez  
102 West Pineloch Street, Suite 10  
Orlando, FL 32806-6133

Dear Mr. Gonzalez:

Reference is made to information submitted to the U.S. Army Corps of Engineers (Corps) regarding the potential extent of Federal jurisdiction at the Center Lake Development of Regional Impact (DRI) site located north of Nova Road, east of Narcossee Road, on the west side of Lake Center, in Sections 27, 28, 29, 32, 33, 34, and 35, Township 24 South, Range 28 East, in Narcossee, Osceola County, Florida. The evaluation of this jurisdictional determination involved many factors and included field visits, review of aerial photographs, geological quad sheets, county soils maps, and site specific information provided by your agent, Modica & Associates. A copy of the approved jurisdictional determination form and any information used by our office to support our decision is enclosed. A Department of the Army permit will be required for any areas identified as jurisdictional wetlands or as waters of the United States.

**Instructions for Objecting to an Approved Jurisdictional Determination:**

Enclosed you will find a Notification of Appeal Process fact sheet and Request for Appeal (RFA) form. If you object to this determination, you may request an administrative appeal under Corps' regulations at 33 CFR Part 331. If you request to appeal this determination, you must submit a completed RFA form to the South Atlantic Division Office at the following address:

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

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

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division office within 60 days of the date of the RFA. Should you decide to submit an RFA form, it must be received at the above address by May 23, 2017.

The determination shown on the enclosed information represents the upland/wetland boundary for purposes of determining the Corps jurisdictional line. As depicted on the enclosed drawings, it has been determined you have waters of the United States onsite, which are subject to regulation by the Corps, and you have wetlands onsite which are considered to be isolated, and thus not subjected to regulation by the Corps. The following wetland (W) areas have been determined to be isolated, non-navigable waters: W1, W2, W3, W4, W5, W6, W7, W12, W16, W19, W20, W21 and surface water (SW) areas SW1, SW2, SW3, SW4, SW5, SW6, SW6, SW7 and SW 10.

The following areas have been determined to be Waters of the U.S. and therefore within the Corps' jurisdiction: Wetlands: W8E = 14.09 acres; W8W = 6.36 acres; W9 = 27.38 acres; W10 = 183.64 acres; W11 = 136.95 acres; W13 = 236.98 acres; W15 = 1.46 acres; W17 = 4.92 acres; W18 = 219.56 acres and W14 = 175.71 acres. Surface water areas: SW8A = 0.44 acre; SW8B = 0.61 acre and SW 9 = 0.09 acre. (Total jurisdictional area on the parcel is 1,008.14 acres.)

Please be advised that the jurisdictional determination shown in the attached exhibits is based on the Atlantic & Gulf Coastal Plain Regional Supplement, and is valid for a period no longer than 5 years from the date of this letter unless new information warrants a revision of the determination before the expiration date. If, after the 5-year period, the Corps has not specifically revalidated this jurisdictional determination, it shall automatically expire. Any reliance upon this jurisdictional determination beyond the expiration date may lead to possible violation of current Federal laws and/or regulations. You may request revalidation of the jurisdictional determination prior to the expiration date. Any revalidation or updating will be considered under the method of jurisdictional determination and other applicable regulations in use at the time of the request. Additionally, this determination has been based on information provided by you or your agent; should we determine that the information was incomplete or erroneous this delineation would be invalid.

This determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

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

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 <http://per2.nwp.usace.army.mil/survey.html> and complete our automated Customer Service Survey. Your input is appreciated – favorable or otherwise. Please be aware this web address is case sensitive and should be entered as it appears above.

Thank you for your cooperation with our permit program. If you have any questions concerning this matter please contact me by mail at the letterhead address, by electronic mail at [jeffrey.s.collins@usace.army.mil](mailto:jeffrey.s.collins@usace.army.mil), or by telephone at 321-504-3771 extension 13.

Sincerely,

Donald W. Kinard  
Chief, Regulatory Division

Enclosures

Copy Furnished:

Mr. Jim Modica, Modica & Associates (via email: [jimm@modica.cc](mailto:jimm@modica.cc))

Ms. Darla Miller, Modica & Associates (via email: [darlam@modica.cc](mailto:darlam@modica.cc))

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

Applicant: Pineloch Management Corporation/Center Lake Ranch DRI		File Number: SAJ-2010-00489	Date: 24 Mar 2017
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
<b>X</b>	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

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

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

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

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

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

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

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

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

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

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

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

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

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

If you have questions regarding this decision and/or the appeal process you may contact:  
**Tamy Dabu, Project Manager**  
**321-504-3771 ext 11**

If you only have questions regarding the appeal process you may also contact:  
**Jason Steele**  
**404-562-5137**

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

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

Date:

Telephone number:

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

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 03/24//2017**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Cocoa Section, Pineloch Management Corporation/Center Lake Ranch; SAJ-2010-00489 (JD-JSC)**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: FL County/parish/borough: Osceola City:  
Center coordinates of site (lat/long in degree decimal format): Lat. 28.27334° **N**, Long. -81.210613° **W**.  
Universal Transverse Mercator:

Name of nearest waterbody: Center Lake

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

Name of watershed or Hydrologic Unit Code (HUC):

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

Office (Desk) Determination. Date:

Field Determination. Date(s): November 5 and 12, 2009.

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There **Are** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.  
Explain: .

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There **are and are not** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: linear feet: width (ft) and/or acres.

Wetlands: 1,046.32 acres.

**c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual**

Elevation of established OHWM (if known): .

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.  
Explain: **Wetland areas: W1, W2, W3, W4, W5, W6, W7, W12, W16, W19, W20, W21 and Surface water areas (SW): SW1, SW2, SW3, SW4, SW5, SW6, SW7, and SW10 have all been determined to be isolated. These wetland and surface water areas do not connected hydrologically to any relatively permanent water or to a traditional navigable water and does not appear to have an effect on the chemical, physical and/or biological integrity of the TNW.**

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

<sup>3</sup> Supporting documentation is presented in Section III.F.

**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs**

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

**1. TNW**

Identify TNW: **Center Lake**.

Summarize rationale supporting determination: Pursuant to Appendix D of the Rapanos Guidance.

**2. Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is “adjacent”: W14 wetland area is contiguous to Center Lake.

**B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):**

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

**1. Characteristics of non-TNWs that flow directly or indirectly into TNW**

**(i) General Area Conditions:**

Watershed size: 3,500 acres

Drainage area: 2500 acres

Average annual rainfall: 50 inches

Average annual snowfall: inches

**(ii) Physical Characteristics:**

**(a) Relationship with TNW:**

Tributary flows directly into TNW.

Tributary flows through 2 tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.

Project waters are **Pick List** river miles from RPW.

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

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

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

Identify flow route to TNW<sup>5</sup>: from wetland to RPW to TNW.

Tributary stream order, if known: .

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

<sup>5</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

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

Tributary is:  Natural  
 Artificial (man-made). Explain: man made .  
 Manipulated (man-altered). Explain: .

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

Average width: 30-50 feet  
Average depth: 2-5 feet  
Average side slopes: **2:1**.

Primary tributary substrate composition (check all that apply):

Silts  Sands  Concrete  
 Cobbles  Gravel  Muck  
 Bedrock  Vegetation. Type/% cover: 50-90% depending upon location; pickerelweed, arrowhead, cattail, saw grass, juncus, pine trees on top of bank or cypress trees dependent upon location  
 Other. Explain: .

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: side slopes are not eroding.

Presence of run/riffle/pool complexes. Explain: .

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Seasonal flow**

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

Describe flow regime: .

Other information on duration and volume: .

Surface flow is: **Discrete**. Characteristics: .

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

Dye (or other) test performed: .

Tributary has (check all that apply):

Bed and banks  
 OHWM<sup>6</sup> (check all indicators that apply):  
 clear, natural line impressed on the bank  the presence of litter and debris  
 changes in the character of soil  destruction of terrestrial vegetation  
 shelving  the presence of wrack line  
 vegetation matted down, bent, or absent  sediment sorting  
 leaf litter disturbed or washed away  scour  
 sediment deposition  multiple observed or predicted flow events  
 water staining  abrupt change in plant community  
 other (list):  
 Discontinuous OHWM.<sup>7</sup> Explain: .

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

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

(iii) **Chemical Characteristics:**

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

Explain: tannic in some of the RPW otherwise clear. The project site for decades has been an improved pasture used to graze cattle. The east side of Center Lake has residential parcels that drain directly to Center Lake. .

Identify specific pollutants, if known: upstream and on-site nutrient loading from cattle operations and residential development.

<sup>6</sup>A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

<sup>7</sup>Ibid.



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

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
  - Federally Listed species. Explain findings: wood stork.
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: 1,007 acres (Wetland 8E = 14.09 acres; W8W = 6.36 acres; W9 = 27.38 acres; W10 = 183.64 acres; W11 = 136.95 acres; W13 = 236.98 acres; W15 = 1.46 acres; W17 = 4.92 acres; W18 = 219.56 acres and portion of W14 = 175.71 acres)

Wetland type. Explain: Herbaceous and forested.

Wetland quality. Explain: moderate function.

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: **Perennial flow**. Explain: sheet flow across shallow marsh system.

Surface flow is: **Discrete and confined**

Characteristics:

Subsurface flow: **Unknown**. Explain findings: based on the topography, it appears subsurface flow takes place during dry season.

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- Directly abutting
- Not directly abutting
  - Discrete wetland hydrologic connection. Explain:
  - Ecological connection. Explain:
  - Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

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

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

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

Estimate approximate location of wetland as within the **50 - 100-year** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

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

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain: herbaceous: pickerelweed, arrowhead, juncus, cordgrass, carolina willow, water primrose, sedges, ferns/70 - 90% Forested systems: pine, cypress, bay, holly and magnolia trees with sedges, ferns 70-90%.
- Habitat for:
  - Federally Listed species. Explain findings: wood stork.
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

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

All wetland(s) being considered in the cumulative analysis: **10**

Approximately ( 1,007 ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
Wetland 8E (Y)	14.09	W8W(Y)	6.33
Wetland 9(Y)	27.38	W10(Y)	183.64
Wetland 11 (Y)	136.95	W13 (Y)	236.98
Wetland 15 (Y)	1.46	W14 (Y)	175.71

Summarize overall biological, chemical and physical functions being performed: These wetlands provide nutrient uptake and water quality treatment, foraging habitat for wildlife species, and some flood attenuation to adjacent areas on this very level/flat parcel. Wetland 17 (Y) 4.92 acres AND Wetland 18 (Y) 219.56 acres. .

### C. SIGNIFICANT NEXUS DETERMINATION

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

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

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

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

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .
4. **Significant nexus findings for wetlands directly abutting an RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its abutting wetlands, then go to Section III.D: The tributary has the capacity to carry pollutants or flood waters to the TNW, as well as provide flood water storage and pollutant treatment prior to waters reaching the TNW. The tributary also has the capacity to provide habitat and lifecycle support to various amphibians and reptiles as well as foraging and nesting habitat for various avian species, all of which provides for higher level organisms in the food web including species downstream in the TNW. The tributary has the capacity to transfer nutrients and detritus downstream to the TNW further supporting the food web. There are water stains and signs of inundation that indicate that hydrological patterns reach into the abutting wetlands from the RPW, and that there is a significant level of interconnection between the RPW and abutting wetlands. Therefore, the abutting wetlands and tributary significantly contribute to the downstream TNW.
5. **Significant nexus findings for an RPW (perennial or seasonal).** Explain findings of presence or absence of significant nexus below, based on the tributary, then go to Section III.D: The tributary has the capacity to carry pollutants or flood waters to the TNW, as well as provide flood water storage and pollutant treatment prior to waters reaching the TNW. The tributary also has the capacity to provide habitat and lifecycle support to various amphibians and reptiles as well as foraging and nesting habitat for various avian species, all of which provides for higher level organisms in the food web including species downstream in the TNW.

The tributary has the capacity to transfer nutrients and detritis downstream to the TNW further supporting the food web. These indicators show a significant level of interconnection between the RPW and TNW. Therefore, the RPW (tributary) significantly contributes to the downstream TNW.

**D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):**

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

- TNWs: linear feet width (ft), Or, 370 acres.  
 Wetlands adjacent to TNWs: 70 acres.

2. **RPWs that flow directly or indirectly into TNWs.**

- Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: These ditches are inundated year round. Based upon site inspections conducted by agent and Corps..  
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .

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

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

3. **Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

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

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

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.  
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: **Wetland areas: 8E, 8W, 9, 10, 11, 13, 15, 17, and 18 all directly connect to a RPW.**  
 Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: **Wetland 8E = 14.09 acres; W8W = 6.36 acres; W9 = 27.38 acres; W10 = 183.64 acres; W11 = 136.95 acres; W13 = 236.98 acres W15 = 1.46 acres; W17 = 4.92 acres; W18 = 219.56 acres total approximately = 831.31 acres.**

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

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

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

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

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

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

**7. Impoundments of jurisdictional waters.<sup>9</sup>**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from “waters of the U.S.,” or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

**E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>10</sup>**

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

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

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

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

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

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

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

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: SW 1 = 0.16 acre; SW 2 = 0.46 acre; SW 3 = 0.41 acre; SW4 = 0.61 acre; SW5 = 0.63 acre; SW 6 = 0.72 acre; SW7 = 0.55 acre and SW10 = 0.44 acres. List type of aquatic resource: drainage ditch, isolated cattle depression pond areas.
- Wetlands: W1 = 2.57 acres, W2 = 8.33 acres; W3 = 8.13 acres; W4 = 3.72 acres; W5 = 1.05 acres; W6 = 7.27 acres; W7 = 1.01 acres; W12 = 0.41 acres; W16 = 0.57 acres; W19 = 1.00 acres; W20 = 0.09 acre; W21 = 0.06 acres.

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

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

**SECTION IV: DATA SOURCES.**

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

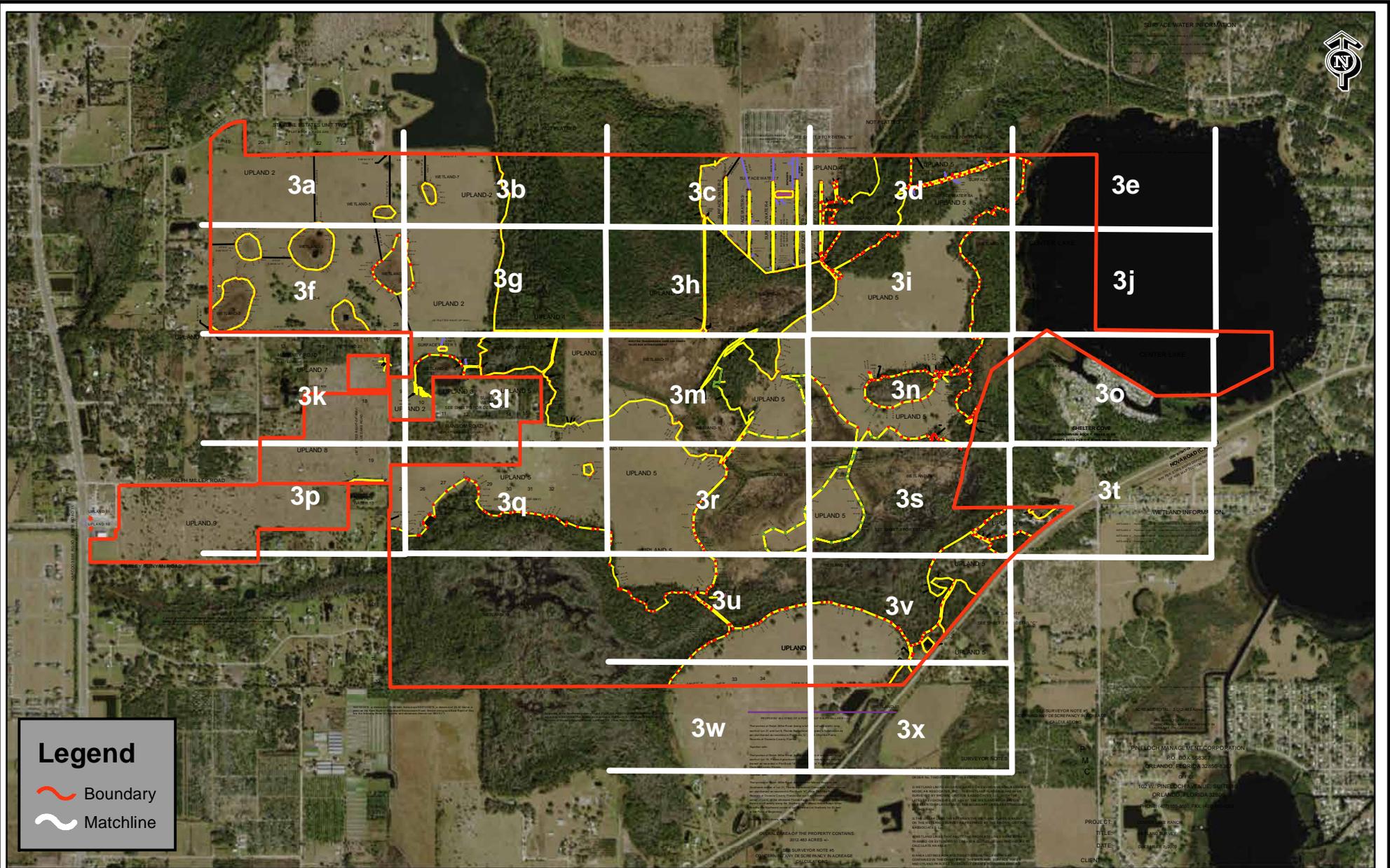
- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.

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

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

- Office concurs with data sheets/delineation report.
- Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters' study: .
- U.S. Geological Survey Hydrologic Atlas: .
- USGS NHD data.
- USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name:Narcoosee.
- USDA Natural Resources Conservation Service Soil Survey. Citation: Osceola.
- National wetlands inventory map(s). Cite name: .
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: dated June 6, 2001.
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date):2006, 2009, 2010.  
or  Other (Name & Date): .
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify):Site inspection conducted 5 and 12 November 2009.

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** Wetland areas: W1, W2, W3, W4, W5, W6, W7, W12, W16, W19, W20, W21 and Surface water areas (SW): SW1, SW2, SW3, SW4, SW5, SW6, SW7, and SW10 have all been determined to be isolated. These areas do not connected hydrologically to any relatively permanent water or to an traditional navigable water. These isolated wetlands and surface waters have no significant nexus to waters of the United States and these wetlands and surface waters have no demonstrable ecological inter-relationship (including biological, chemical or physical factors) within the TNW that is beyond speculation.



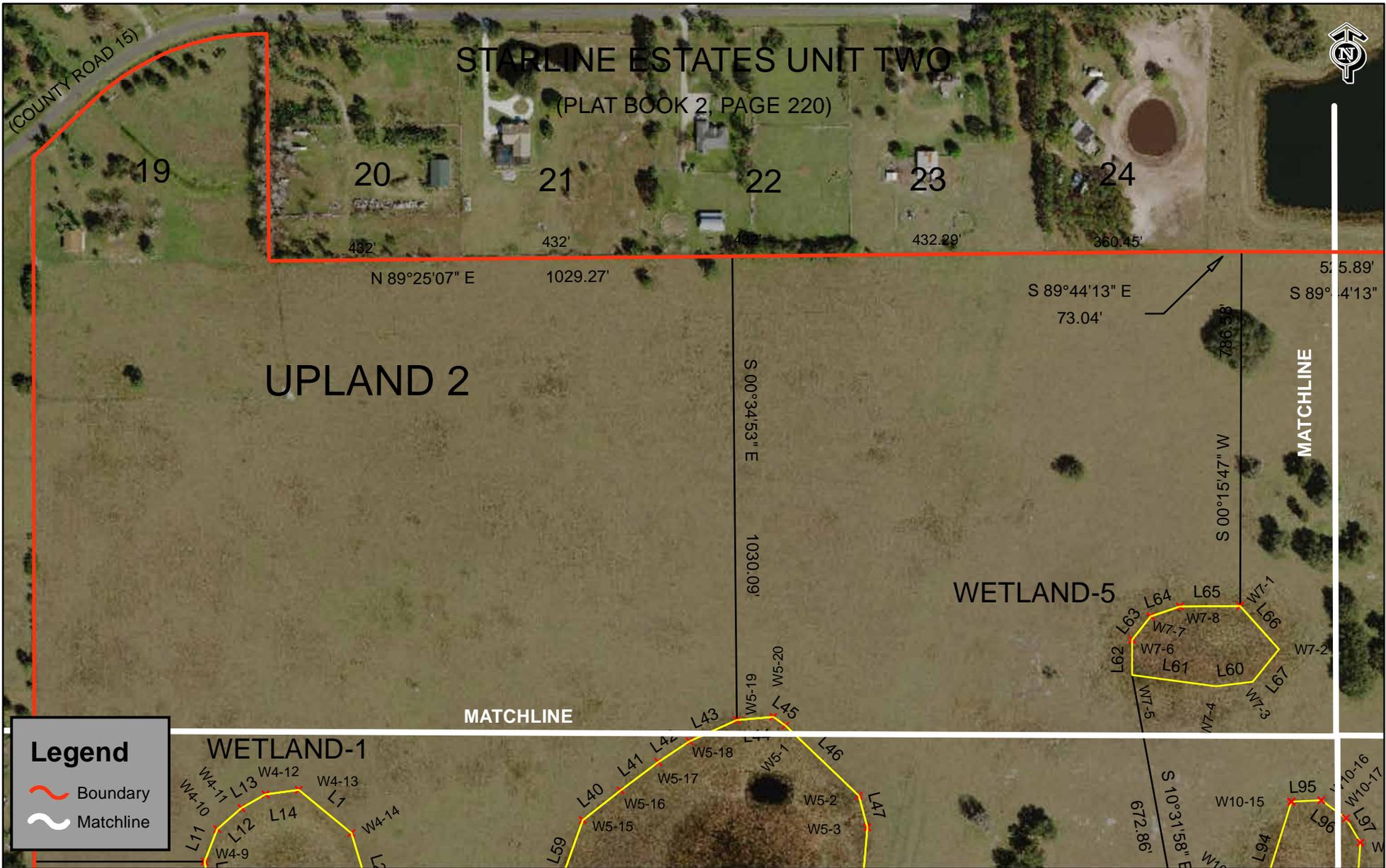
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-  Boundary
-  Matchline

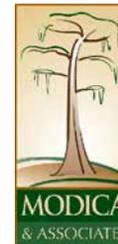
**Center Lake Ranch**  
 Formal Wetland Determination  
 Figure 3 - 2014 Aerial Imagery - INDEX  
 Osceola County, Florida



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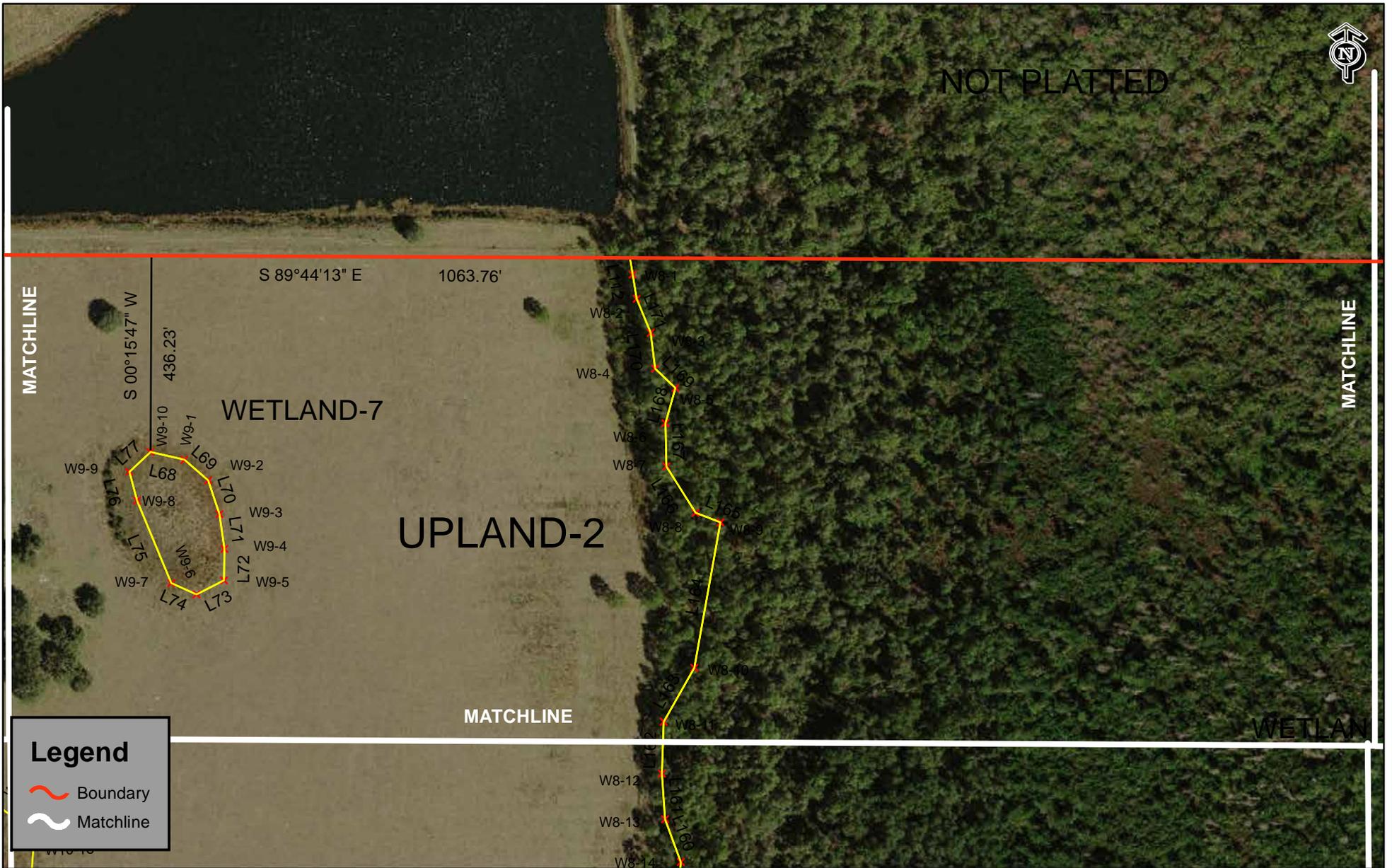
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NOT PLATTED



S 89°44'13" E 1063.76'

MATCHLINE

MATCHLINE

WETLAND-7

UPLAND-2

MATCHLINE

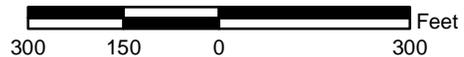
WETLAN

### Legend

- Boundary
- Matchline

## Center Lake Ranch

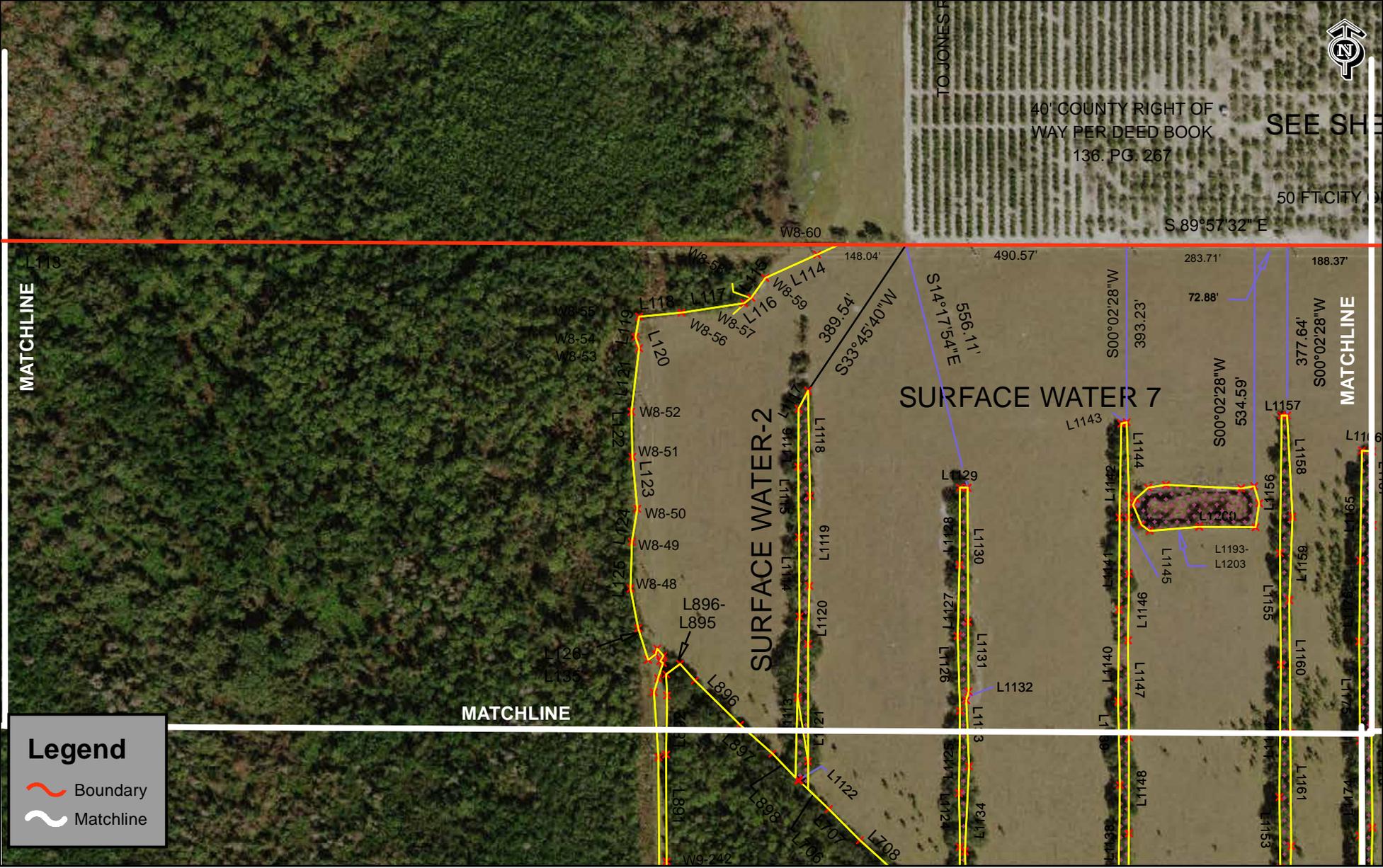
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 Figure 3b - 2014 Aerial Imagery  
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40' COUNTY RIGHT OF WAY PER DEED BOOK 136, PG. 267  
 SEE SHEET 50 FT. CITY  
 S 89°57'32" E



**Legend**

-  Boundary
-  Matchline

**Center Lake Ranch**  
 Formal Wetland Determination  
 Figure 3c - 2014 Aerial Imagery  
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SEE SHEET 3 FOR DETAIL 'A'

UPLAND 4

UPLAND 5

SURFACE WATER 8

SURFACE WATER 8A

UPLAND 5

WETLAND - 9

WETLAND-14

MATCHLINE

MATCHLINE

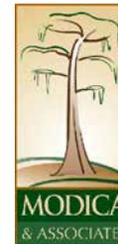
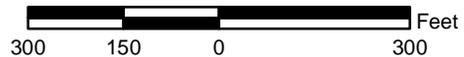
MATCHLINE

**Legend**

- Boundary
- Matchline

### Center Lake Ranch

Formal Wetland Determination  
Figure 3d - 2014 Aerial Imagery  
Osceola County, Florida



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SURFACE WATER ACREAGE TOTALS: 222,139 square feet or 5.101 Acres, +/-



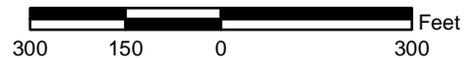
MATCHLINE

**Legend**

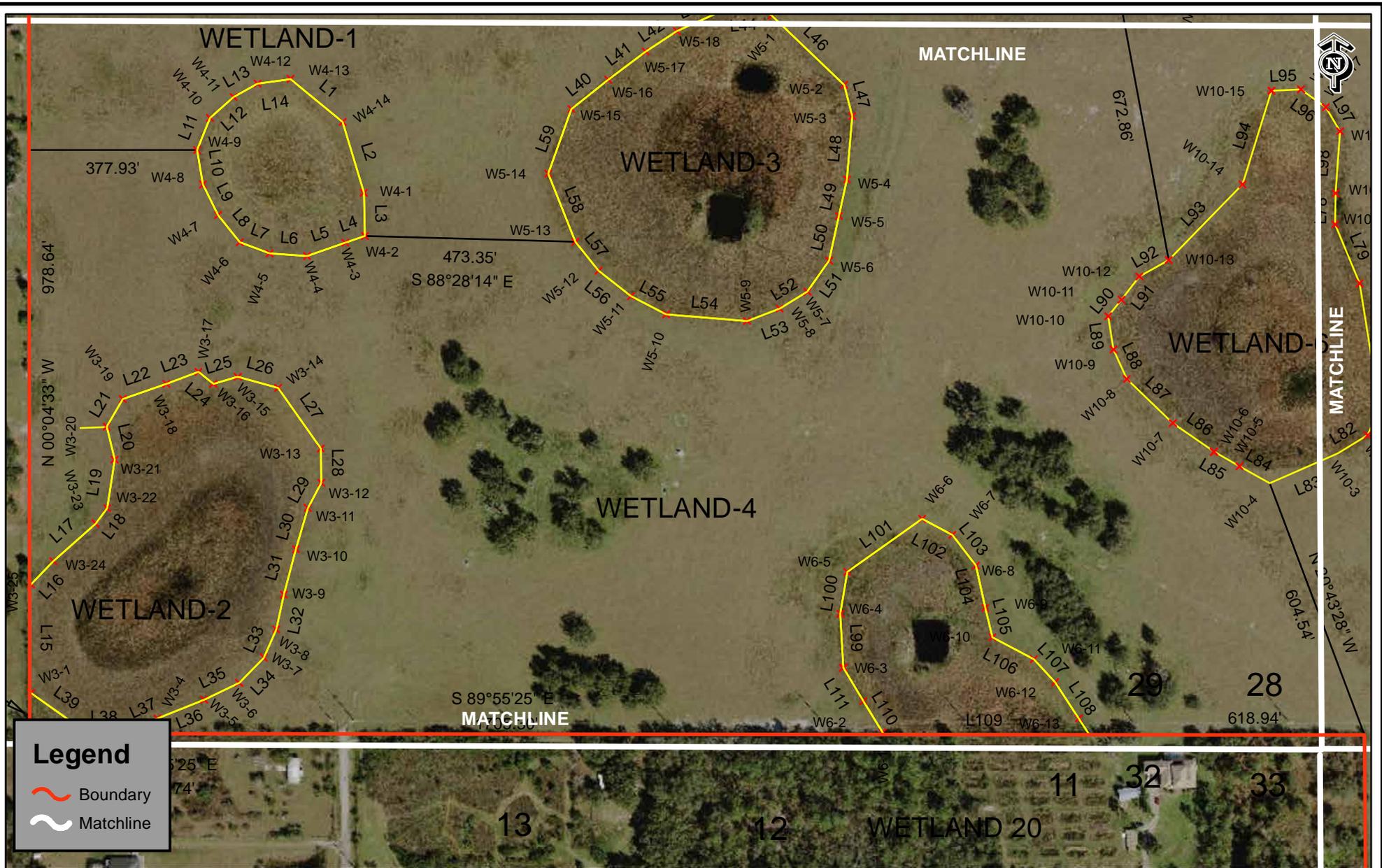
-  Boundary
-  Matchline

### Center Lake Ranch

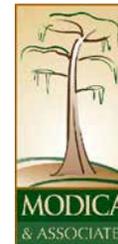
Formal Wetland Determination  
Figure 3e - 2014 Aerial Imagery  
Osceola County, Florida



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**Center Lake Ranch**  
 Formal Wetland Determination  
 Figure 3f - 2014 Aerial Imagery  
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**Center Lake Ranch**  
 Formal Wetland Determination  
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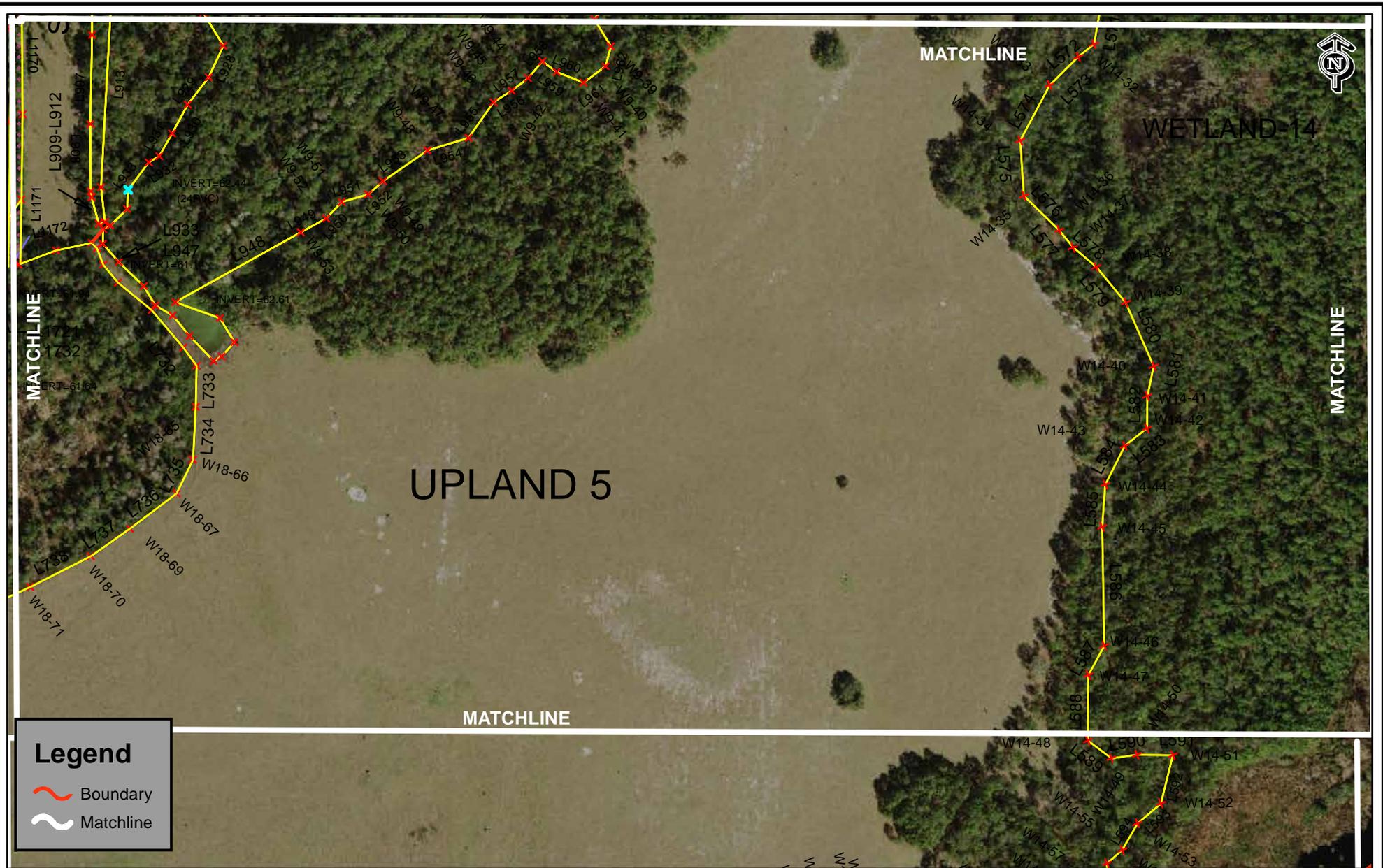


### Center Lake Ranch

Formal Wetland Determination  
 Figure 3h - 2014 Aerial Imagery  
 Osceola County, Florida



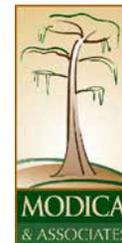
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**Legend**

-  Boundary
-  Matchline

**Center Lake Ranch**  
 Formal Wetland Determination  
 Figure 3i - 2014 Aerial Imagery  
 Osceola County, Florida



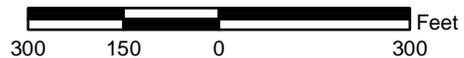
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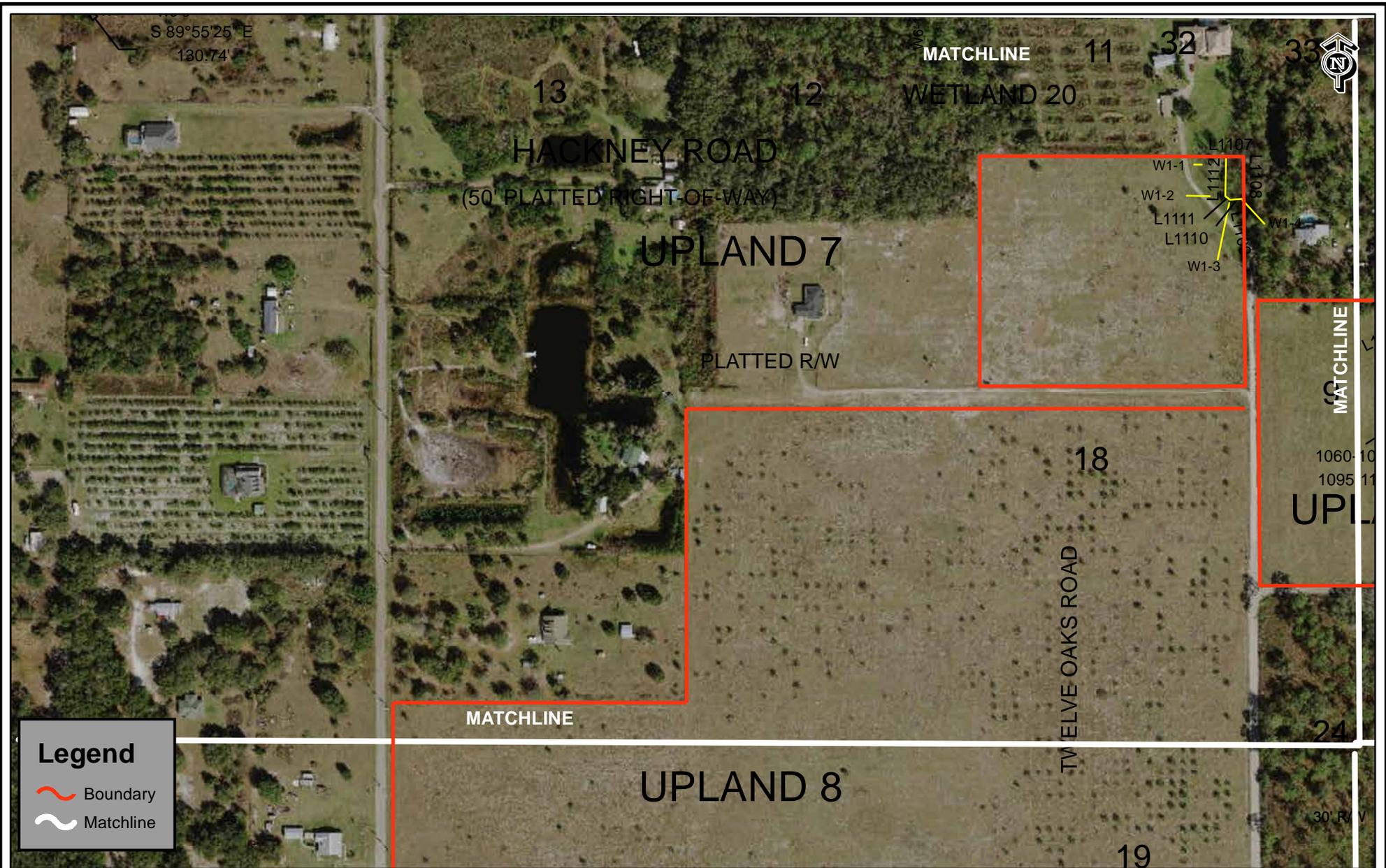
**Legend**

-  Boundary
-  Matchline

**Center Lake Ranch**  
 Formal Wetland Determination  
 Figure 3j - 2014 Aerial Imagery  
 Osceola County, Florida



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**Center Lake Ranch**

Formal Wetland Determination  
Figure 3k - 2014 Aerial Imagery  
Osceola County, Florida

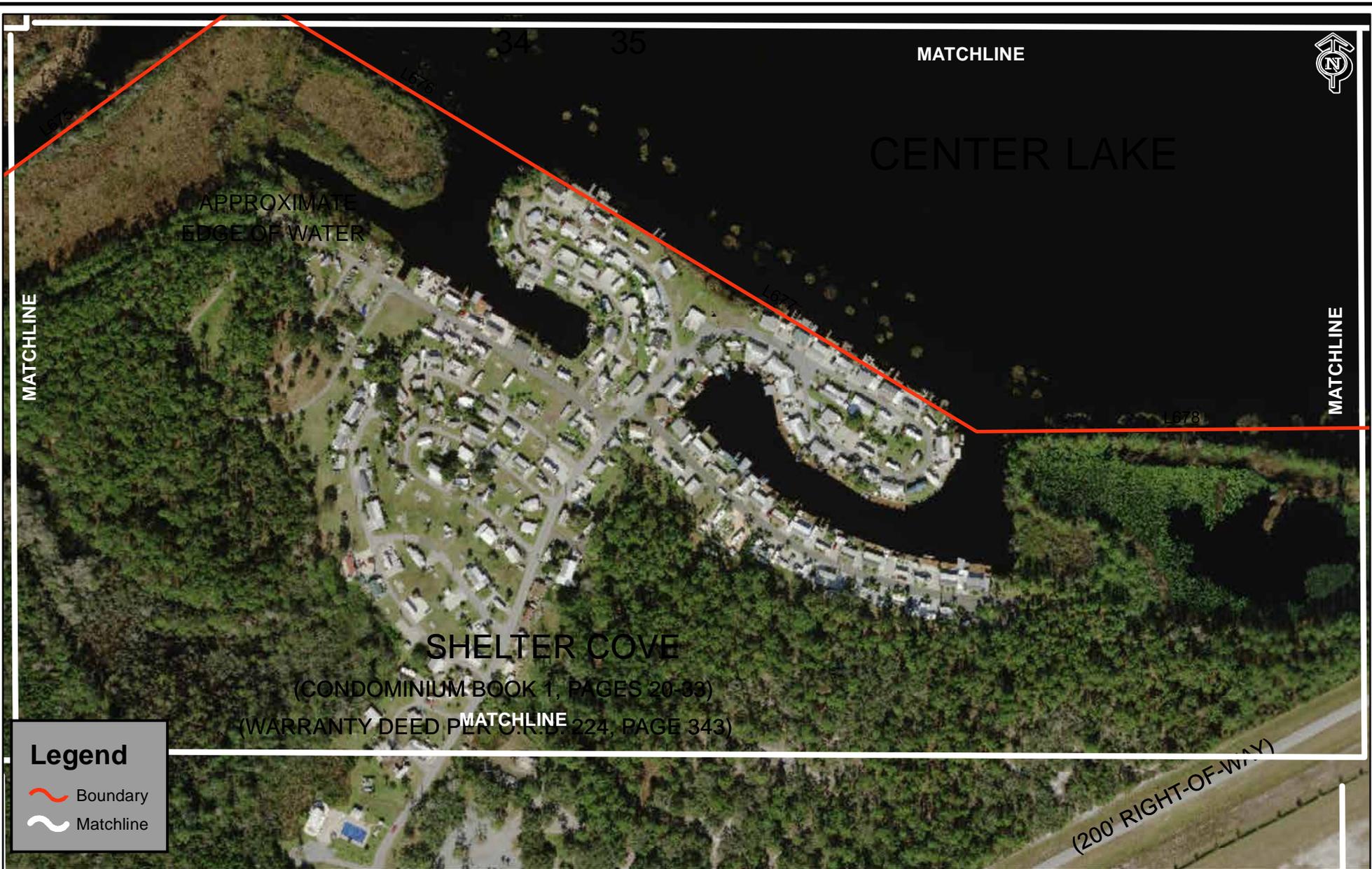


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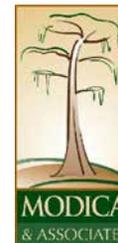


**Legend**

-  Boundary
-  Matchline

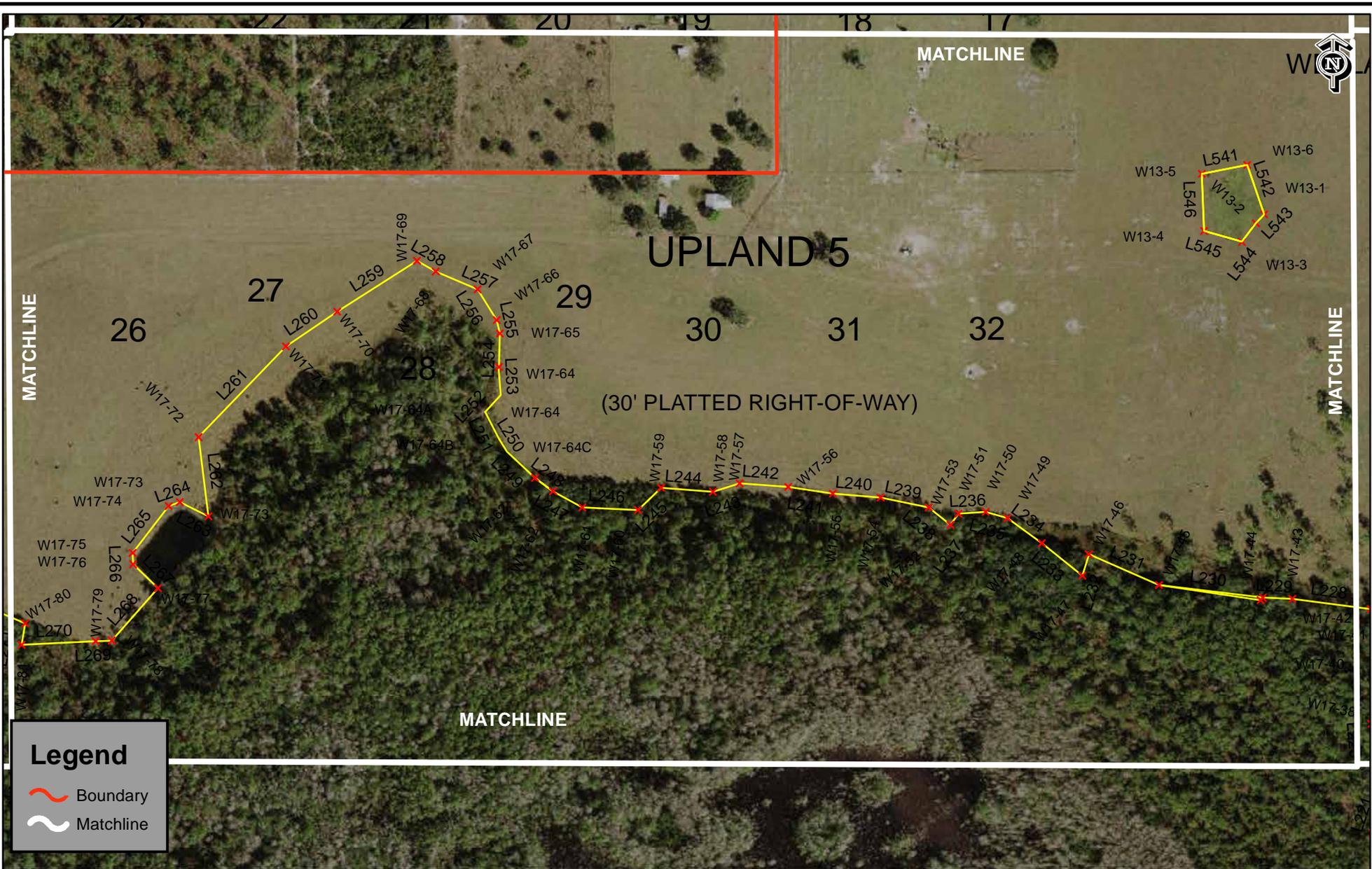
**Center Lake Ranch**

Formal Wetland Determination  
Figure 3o - 2014 Aerial Imagery  
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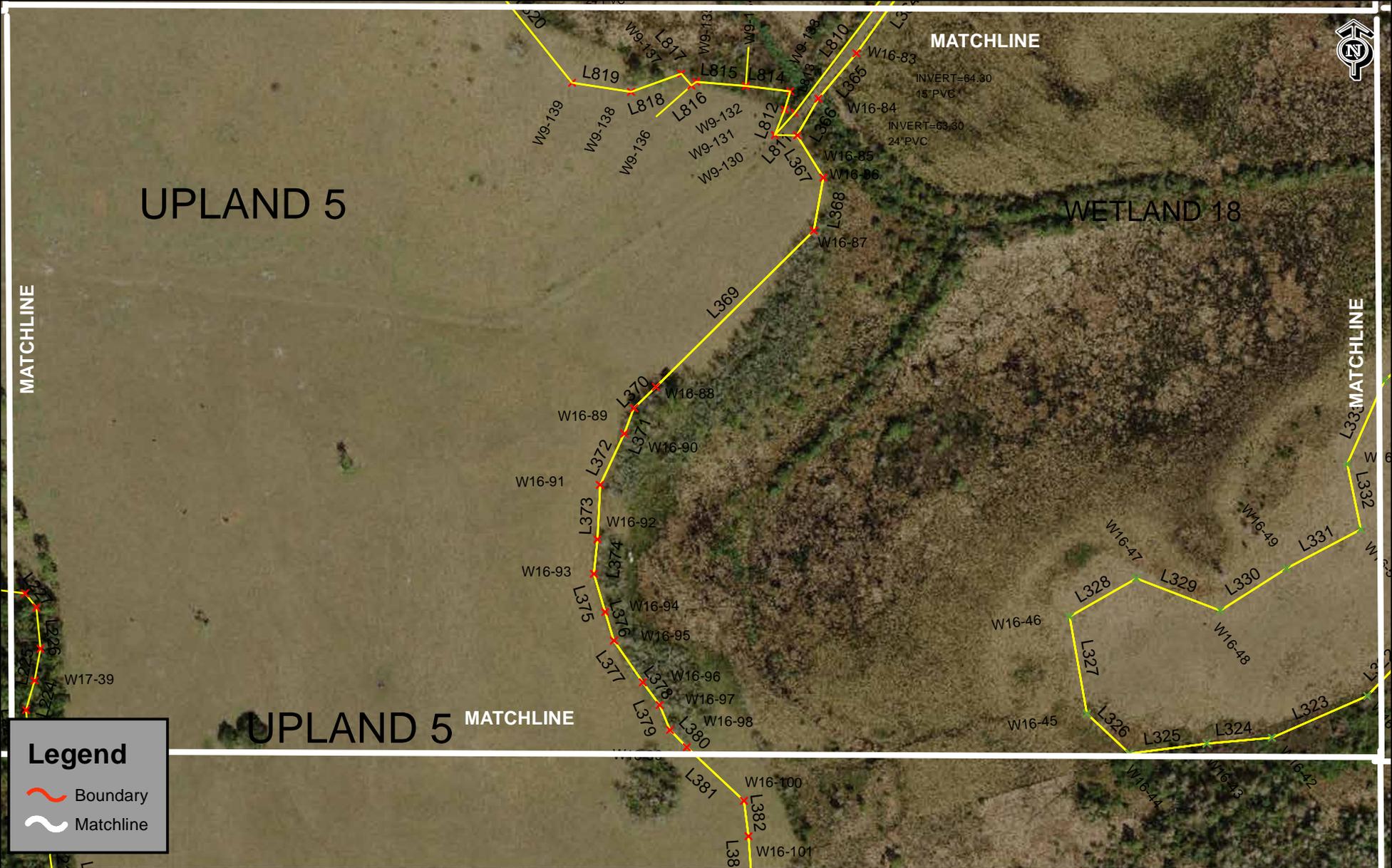




**Center Lake Ranch**  
 Formal Wetland Determination  
 Figure 3q - 2014 Aerial Imagery  
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UPLAND 5

WETLAND 18

MATCHLINE

MATCHLINE

UPLAND 5 MATCHLINE

MATCHLINE

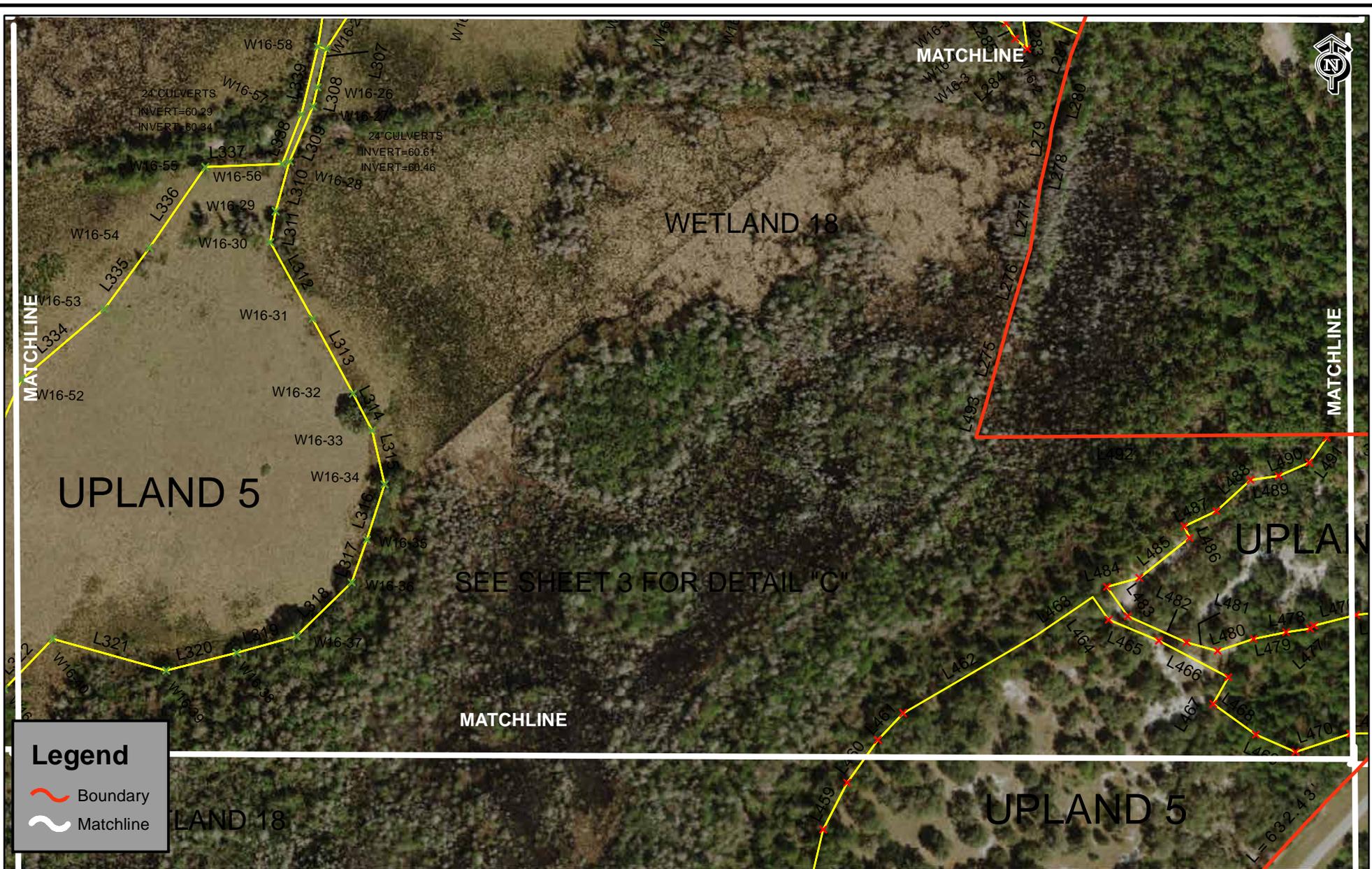
**Legend**

-  Boundary
-  Matchline

**Center Lake Ranch**  
 Formal Wetland Determination  
 Figure 3r - 2014 Aerial Imagery  
 Osceola County, Florida



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**Legend**

- Boundary
- Matchline

**Center Lake Ranch**  
 Formal Wetland Determination  
 Figure 3s - 2014 Aerial Imagery  
 Osceola County, Florida



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### Center Lake Ranch

Formal Wetland Determination  
 Figure 3t - 2014 Aerial Imagery  
 Osceola County, Florida



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**Legend**

- Boundary
- Matchline

**Center Lake Ranch**  
 Formal Wetland Determination  
 Figure 3u - 2014 Aerial Imagery  
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**Legend**

- Boundary
- Matchline

**Center Lake Ranch**  
 Formal Wetland Determination  
 Figure 3v - 2014 Aerial Imagery  
 Osceola County, Florida



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UPLAND

MATCHLINE

33

34

S 89°46'27" W

1189.34'

S 89°46'16" W

MATCHLINE

PROPOSED VACATING OF A PORTION OF

That portion of Ralph Miller Road (being a full right of way south of Lot 21 and Lot 8, Florida Agricultural Company per plat thereof as recorded in Plat Book "A", Page 2 Records of Osceola County, Florida.

Together with:

That portion of Ralph Miller Road (being a half right of way south of Lot 19, Florida Agricultural Company's Subdivision thereof as recorded in Plat Book "A", Page 29 of the

Legend

- Boundary
- Matchline

**Center Lake Ranch**  
 Formal Wetland Determination  
 Figure 3w - 2014 Aerial Imagery  
 Osceola County, Florida



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UPLAND 5

MATCHLINE

UPLAND

WETLAND

S 89°46'16" W

2325.18'

MATCHLINE

WETLAND-15

**Legend**

-  Boundary
-  Matchline

**Center Lake Ranch**

Formal Wetland Determination  
 Figure 3x - 2014 Aerial Imagery  
 Osceola County, Florida



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

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 07/22/2010**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Cocoa Section, Pineloch Management Corporation/Center Lake Ranch; SAJ-2010-00489 (JD-TSD)**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: FL County/parish/borough: Osceola City: Saint Cloud  
Center coordinates of site (lat/long in degree decimal format): Lat. 28.27334° N, Long. -81.210613° W.  
Universal Transverse Mercator:

Name of nearest waterbody: Center Lake

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

Name of watershed or Hydrologic Unit Code (HUC):

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

Office (Desk) Determination. Date:

Field Determination. Date(s): November 5 and 12, 2009.

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There ~~are~~ **are** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain:

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There ~~are and are not~~ "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: linear feet: width (ft) and/or acres.

Wetlands: 1,046.32 acres.

**c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual**

Elevation of established OHWM (if known):

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **Wetland areas: W1, W2, W3, W4, W5, W6, W7, W12, W16, W19, W20, W21 and Surface water areas (SW): SW1, SW2, SW3, SW4, SW5, SW6, SW7, and SW10 have all been determined to be isolated. These wetland and surface water areas do not connected hydrologically to any relatively permanent water or to a traditional navigable water and does not appear to have an effect on the chemical, physical and/or biological integrity of the TNW.**

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

<sup>3</sup> Supporting documentation is presented in Section III.F.

### SECTION III: CWA ANALYSIS

#### A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: Center Lake.

Summarize rationale supporting determination: Pursuant to Appendix D of the Rapanos Guidance.

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": W14 wetland area is contiguous to Center Lake.

#### B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 3,500 acres

Drainage area: 2500 acres

Average annual rainfall: 50 inches

Average annual snowfall: inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through 2 tributaries before entering TNW.

Project waters are Pick List river miles from TNW.

Project waters are Pick List river miles from RPW.

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

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

Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW<sup>5</sup>: from wetland to RPW to TNW.

Tributary stream order, if known:

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

<sup>5</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

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

Tributary is:  Natural  
 Artificial (man-made). Explain: man made .  
 Manipulated (man-altered). Explain:

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

Average width: 30-50 feet

Average depth: 2-5 feet

Average side slopes: 2:1.

Primary tributary substrate composition (check all that apply):

Silts  Sands  Concrete  
 Cobbles  Gravel  Muck  
 Bedrock  Vegetation. Type/% cover: 50-90% depending upon location; pickerelweed,

arrowhead, cattail, saw grass, juncus, pine trees on top of bank or cypress trees dependent upon location

Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: side slopes are not eroding.

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: Relatively straight

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: Seasonal flow

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

Describe flow regime:

Other information on duration and volume:

Surface flow is: Discrete. Characteristics:

Subsurface flow: Unknown. Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks

OHWM<sup>6</sup> (check all indicators that apply):

clear, natural line impressed on the bank

changes in the character of soil

shelving

vegetation matted down, bent, or absent

leaf litter disturbed or washed away

sediment deposition

water staining

other (list):

the presence of litter and debris

destruction of terrestrial vegetation

the presence of wrack line

sediment sorting

scour

multiple observed or predicted flow events

abrupt change in plant community

Discontinuous OHWM.<sup>7</sup> Explain:

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

High Tide Line indicated by:

oil or scum line along shore objects

fine shell or debris deposits (foreshore)

physical markings/characteristics

tidal gauges

other (list):

Mean High Water Mark indicated by:

survey to available datum;

physical markings;

vegetation lines/changes in vegetation types.

(iii) Chemical Characteristics:

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

Explain: tannic in some of the RPW otherwise clear. The project site for decades has been an improved pasture used to graze cattle. The east side of Center Lake has residential parcels that drain directly to Center Lake.

Identify specific pollutants, if known: upstream and on-site nutrient loading from cattle operations and residential development.

<sup>6</sup>A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

<sup>7</sup>Ibid.

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

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
  - Federally Listed species. Explain findings: wood stork.
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: 1,007 acres (Wetland 8E = 14.09 acres; W8W = 6.36 acres; W9 = 27.38 acres; W10 = 183.64 acres; W11 = 136.95 acres; W13 = 236.98 acres; W15 = 1.46 acres; W17 = 4.92 acres; W18 = 219.56 acres and portion of W14 = 175.71 acres)

Wetland type. Explain: Herbaceous and forested.

Wetland quality. Explain: moderate function.

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: Perennial flow. Explain: sheet flow across shallow marsh system.

Surface flow is: Discrete and confined

Characteristics:

Subsurface flow: Unknown. Explain findings: based on the topography, it appears subsurface flow takes place during dry season.

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

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

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

Flow is from: Wetland to navigable waters.

Estimate approximate location of wetland as within the 50-100-year floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

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

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain: herbaceous: pickerelweed, arrowhead, juncus, cordgrass, carolina willow, water primrose, sedges, ferns/70 - 90% Forested systems: pine, cypress, bay, holly and magnolia trees with sedges, ferns 70-90%.
- Habitat for:
  - Federally Listed species. Explain findings: wood stork.
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

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

All wetland(s) being considered in the cumulative analysis: 10

Approximately ( 1,007 ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
Wetland 8E (Y)	14.09	W8W(Y)	6.33
Wetland 9(Y)	27.38	W10(Y)	183.64
Wetland 11 (Y)	136.95	W13 (Y)	236.98
Wetland 15 (Y)	1.46	W14 (Y)	175.71

Summarize overall biological, chemical and physical functions being performed: These wetlands provide nutrient uptake and water quality treatment, foraging habitat for wildlife species, and some flood attenuation to adjacent areas on this very level/flat parcel. Wetland 17 (Y) 4.92 acres AND Wetland 18 (Y) 219.56 acres. .

### C. SIGNIFICANT NEXUS DETERMINATION

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

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

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

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

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
4. **Significant nexus findings for wetlands directly abutting an RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its abutting wetlands, then go to Section III.D: The tributary has the capacity to carry pollutants or flood waters to the TNW, as well as provide flood water storage and pollutant treatment prior to waters reaching the TNW. The tributary also has the capacity to provide habitat and lifecycle support to various amphibians and reptiles as well as foraging and nesting habitat for various avian species, all of which provides for higher level organisms in the food web including species downstream in the TNW. The tributary has the capacity to transfer nutrients and detritus downstream to the TNW further supporting the food web. There are water stains and signs of inundation that indicate that hydrological patterns reach into the abutting wetlands from the RPW, and that there is a significant level of interconnection between the RPW and abutting wetlands. Therefore, the abutting wetlands and tributary significantly contribute to the downstream TNW.
5. **Significant nexus findings for an RPW (perennial or seasonal).** Explain findings of presence or absence of significant nexus below, based on the tributary, then go to Section III.D: The tributary has the capacity to carry pollutants or flood waters to the TNW, as well as provide flood water storage and pollutant treatment prior to waters reaching the TNW. The tributary also has the capacity to provide habitat and lifecycle support to various amphibians and reptiles as well as foraging and nesting habitat for various avian species, all of which provides for higher level organisms in the food web including species downstream in the TNW.

The tributary has the capacity to transfer nutrients and detritus downstream to the TNW further supporting the food web. These indicators show a significant level of interconnection between the RPW and TNW. Therefore, the RPW (tributary) significantly contributes to the downstream TNW.

**D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):**

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

TNWs: linear feet width (ft), Or, 370 acres.  
 Wetlands adjacent to TNWs: 70 acres.

2. **RPWs that flow directly or indirectly into TNWs.**

Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: These ditches are inundated year round. Based upon site inspections conducted by agent and Corps..  
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

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

Tributary waters: linear feet width (ft).  
 Other non-wetland waters: acres.

Identify type(s) of waters:

3. **Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.**

Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

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

Tributary waters: linear feet width (ft).  
 Other non-wetland waters: acres.

Identify type(s) of waters:

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.

Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: **Wetland areas: 8E, 8W, 9, 10, 11, 13, 15, 17, and 18 all directly connect to a RPW.**

Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: **Wetland 8E = 14.09 acres; W8W = 6.36 acres; W9 = 27.38 acres; W10 = 183.64 acres; W11 = 136.95 acres; W13 = 236.98 acres W15 = 1.46 acres; W17 = 4.92 acres; W18 = 219.56 acres total approximately = 831.31 acres.**

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

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

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

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

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

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

7. **Impoundments of jurisdictional waters.**<sup>9</sup>

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):**<sup>10</sup>

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

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

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

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

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

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

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

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: SW 1 = 0.16 acre; SW 2 = 0.46 acre; SW 3 = 0.41 acre; SW4 = 0.61 acre; SW5 = 0.63 acre; SW 6 = 0.72 acre; SW7 = 0.55 acre and SW10 = 0.44 acres. List type of aquatic resource: drainage ditch, isolated cattle depression pond areas.
- Wetlands: W1 = 2.57 acres; W2 = 8.33 acres; W3 = 8.13 acres; W4 = 3.72 acres; W5 = 1.05 acres; W6 = 7.27 acres; W7 = 1.01 acres; W12 = 0.41 acres; W16 = 0.57 acres; W19 = 1.00 acres; W20 = 0.09 acre; W21 = 0.06 acres.

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

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

**SECTION IV: DATA SOURCES.**

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

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.

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

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

- Office concurs with data sheets/delineation report.
- Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
- USGS NHD data.
- USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name:Narcoosee.
- USDA Natural Resources Conservation Service Soil Survey. Citation: Osceola.
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps: dated June 6, 2001.
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date):2006, 2009, 2010.  
or  Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):Site inspection conducted 5 and 12 November 2009.

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** Wetland areas: W1, W2, W3, W4, W5, W6, W7, W12, W16, W19, W20, W21 and Surface water areas (SW): SW1, SW2, SW3, SW4, SW5, SW6, SW7, and SW10 have all been determined to be isolated. These areas do not connected hydrologically to any relatively permanent water or to an traditional navigable water. These isolated wetlands and surface waters have no significant nexus to waters of the United States and these wetlands and surface waters have no demonstrable ecological inter-relationship (including biological, chemical or physical factors) within the TNW that is beyond speculation.

# Center Lake DRI

Sections 27-29, 33, 34, Township 25 South, Range 31 East  
 Osceola County, Florida

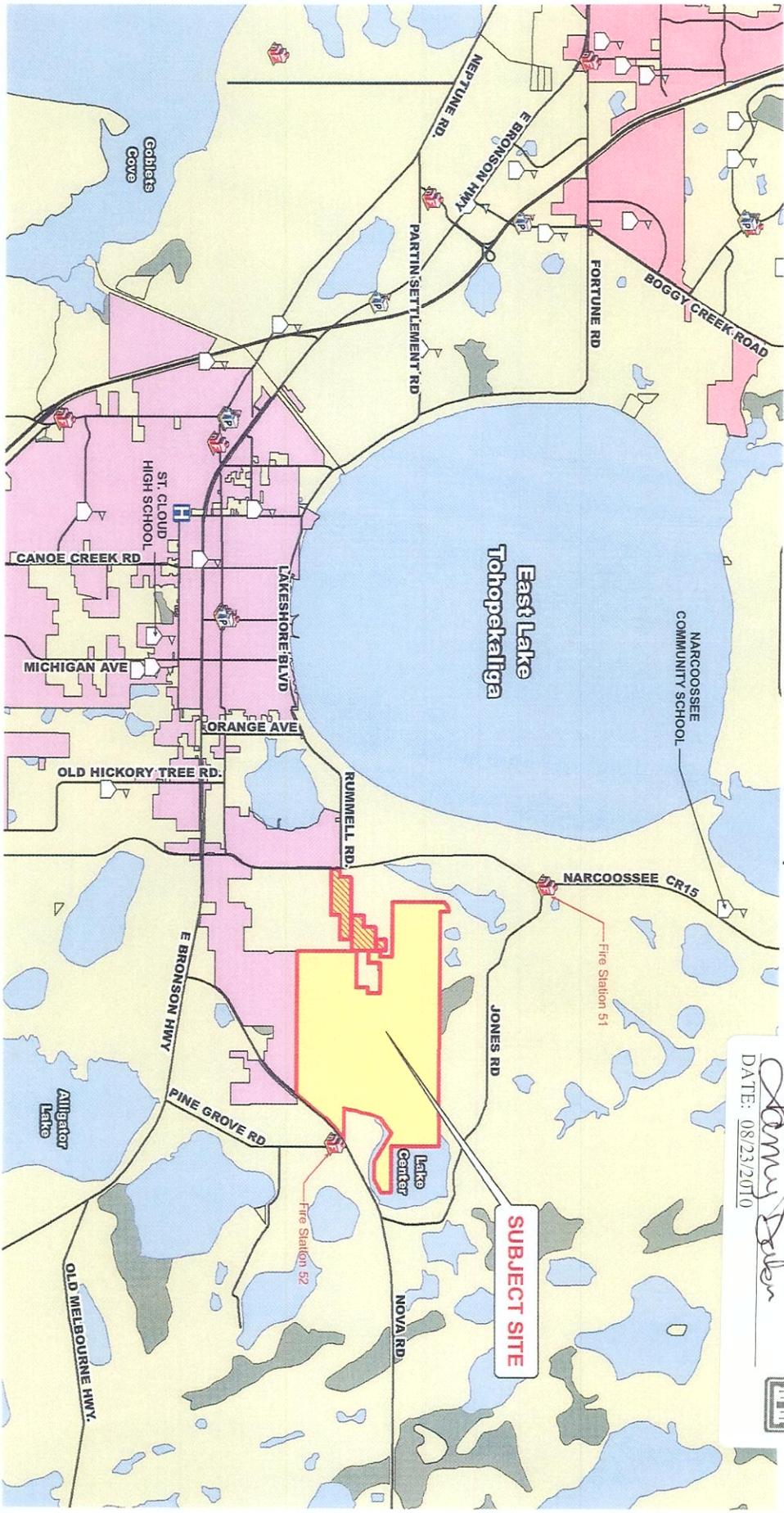
## General Location Map

Map A

United States Army Corps of Engineers  
 DELINEATION OF JURISDICTIONAL  
 WATERS OF THE U. S.  
 FILE NO: SAJ-2010-00489  
 SHEET 1 OF 10

United States Army Corps of Engineers  
 VERIFIED BY:

*Jenny Sehn*  
 DATE: 08/23/2010

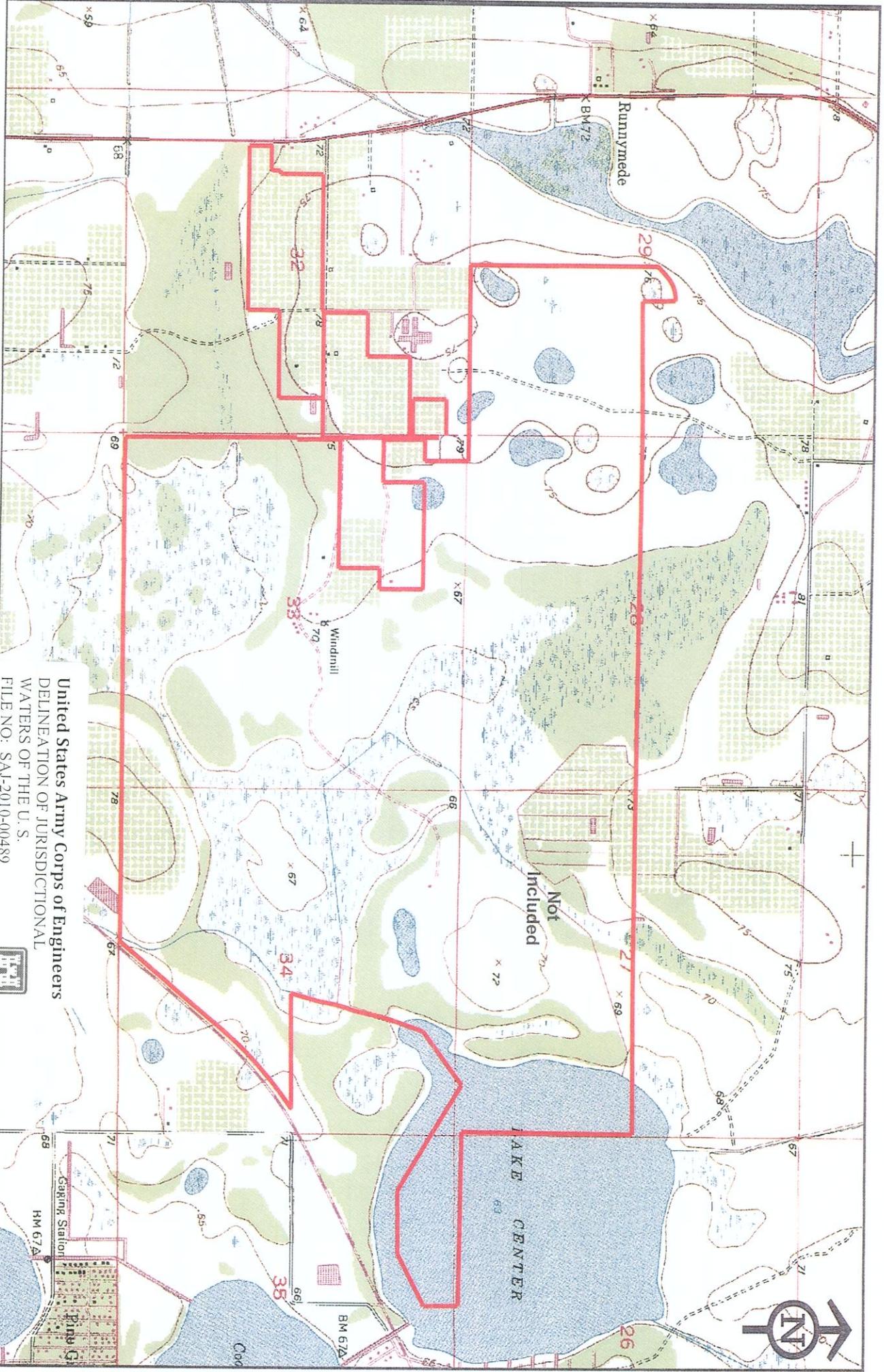


### Legend

- DRI Boundary
- Additional Property
- Kissimmee
- St. Cloud
- Hospitals
- Law Enforcement Facilities
- Public Schools
- Fire Stations

NOTE: All Hospital, Law Enforcement, Fire Station, and School Data shown hereon has downloaded from F-GDL.Org.





**Center Lake Ranch**

Formal Jurisdictional Determination  
 USGS Topographic Map - Narcossee Quadrangle  
 Sections 27, 28, 29, 32, 33 and 34, T25S, R31E  
 Osceola County, Florida



**United States Army Corps of Engineers**  
 DELINEATION OF JURISDICTIONAL  
 WATERS OF THE U.S.  
 FILE NO: SAL-2010-00489  
 SHEET 2 OF 10



**United States Army Corps of Engineers**  
 VERIFIED BY:

*Jenny Poliv*



DATE: 08/23/2010

**Modica & Associates, Inc.**  
 Environmental Planning, Design & Permitting

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 Clermont, FL 34715  
 Phone: (352) 394-2000  
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 www.ModicaAndAssociates.com



# Center Lake DRI

Sections 27-29, 33, 34, Township 25 South, Range 31 East  
Osceola County, Florida

Map B  
Aerial Photograph



-  DRI Boundary
-  Additional Property

United States Army Corps of Engineers  
DELINEATION OF JURISDICTIONAL  
WATERS OF THE U. S.  
FILE NO: SAJ-2010-00489  
SHEET 3 OF 10



United States Army Corps of Engineers  
VERIFIED BY:

*James Deben*  
DATE: 08/23/2010




**WHIDDEN and ASSOCIATES, INC.**  
LAND PLANNERS AND DEVELOPMENT CONSULTANTS

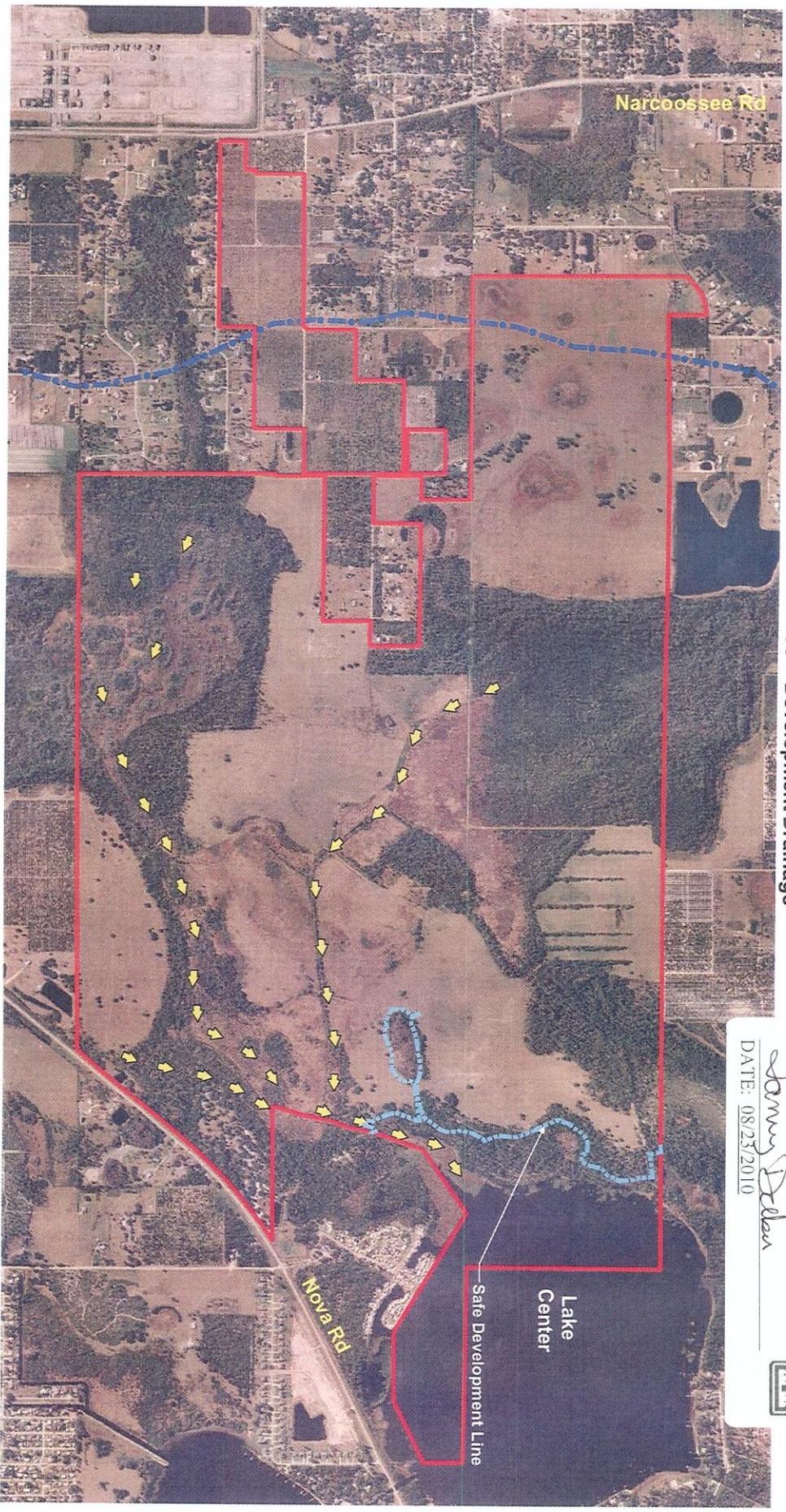


NOTE: Aerial Photograph was flown in the year 2008

# Center Lake DRI

Sections 27-29, 33, 34, Township 25 South, Range 31 East  
Osceola County, Florida

Map I - 1  
Pre - Development Drainage



United States Army Corps of Engineers  
DELINEATION OF JURISDICTIONAL  
WATERS OF THE U. S.  
FILE NO: SAJ-2010-00489  
SHEET 4 OF 10

United States Army Corps of Engineers  
VERIFIED BY: *Jenny Steben*

DATE: 08/23/2010

DRI Boundary

### Legend

- Basin Divide
- Flow Direction

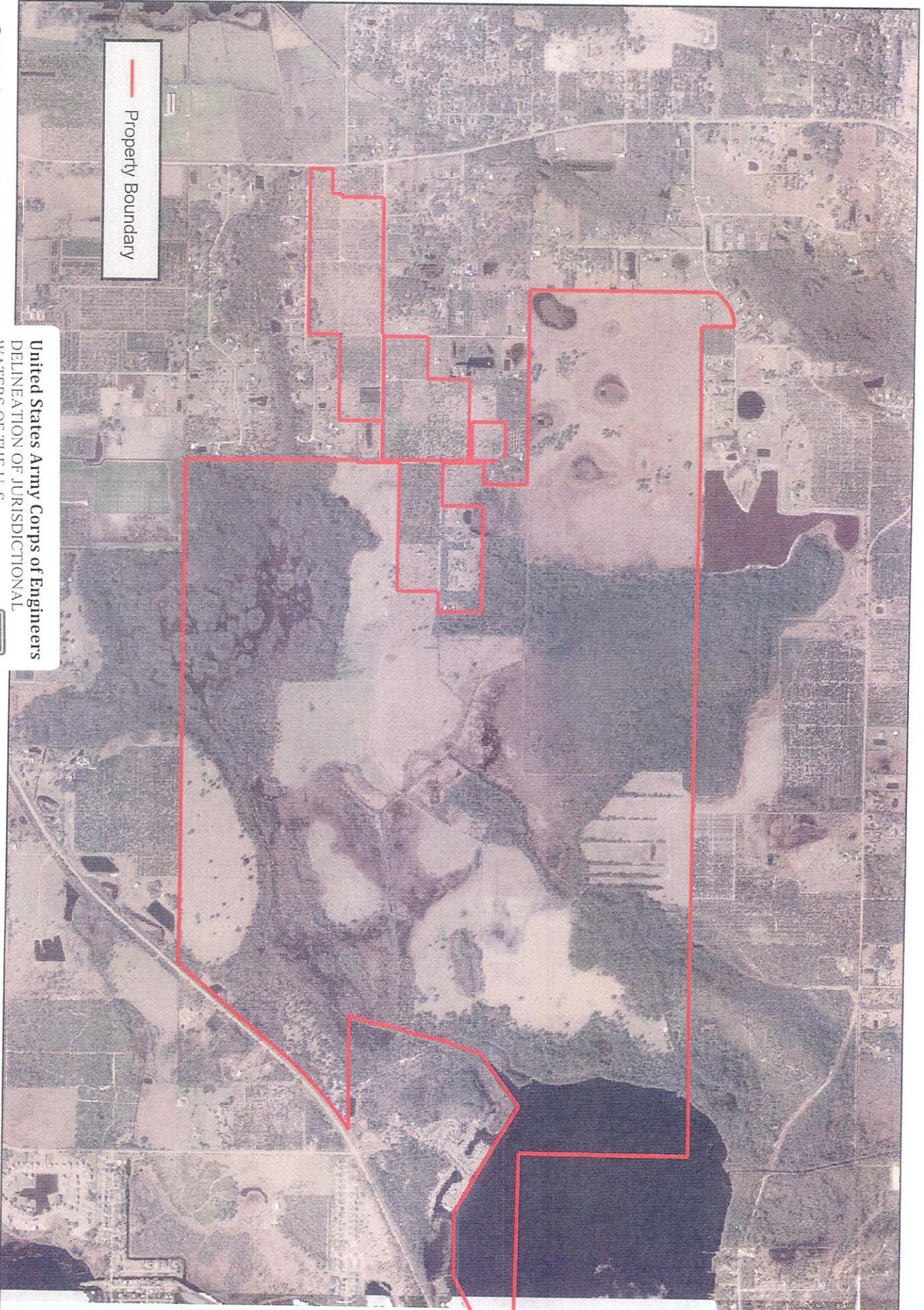
**VHB** Kanasse Hanger Brustin, Inc.

17700 E. West Street, 42, Suite 300  
Tampa, FL 33610  
813.944.6000  
www.vhb.com

Note: All Drainage information hereon has been provided by VHB.

RJ WHIDDEN and ASSOCIATES, INC.  
LAND PLANNERS AND DEVELOPMENT CONSULTANTS





— Property Boundary

**Center Lake Ranch**

Formal Wetland Determination  
2004 Aerial Imagery  
Osceola County, Florida



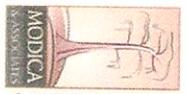
**United States Army Corps of Engineers**  
DELINEATION OF JURISDICTIONAL  
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SHEET 6 OF 10



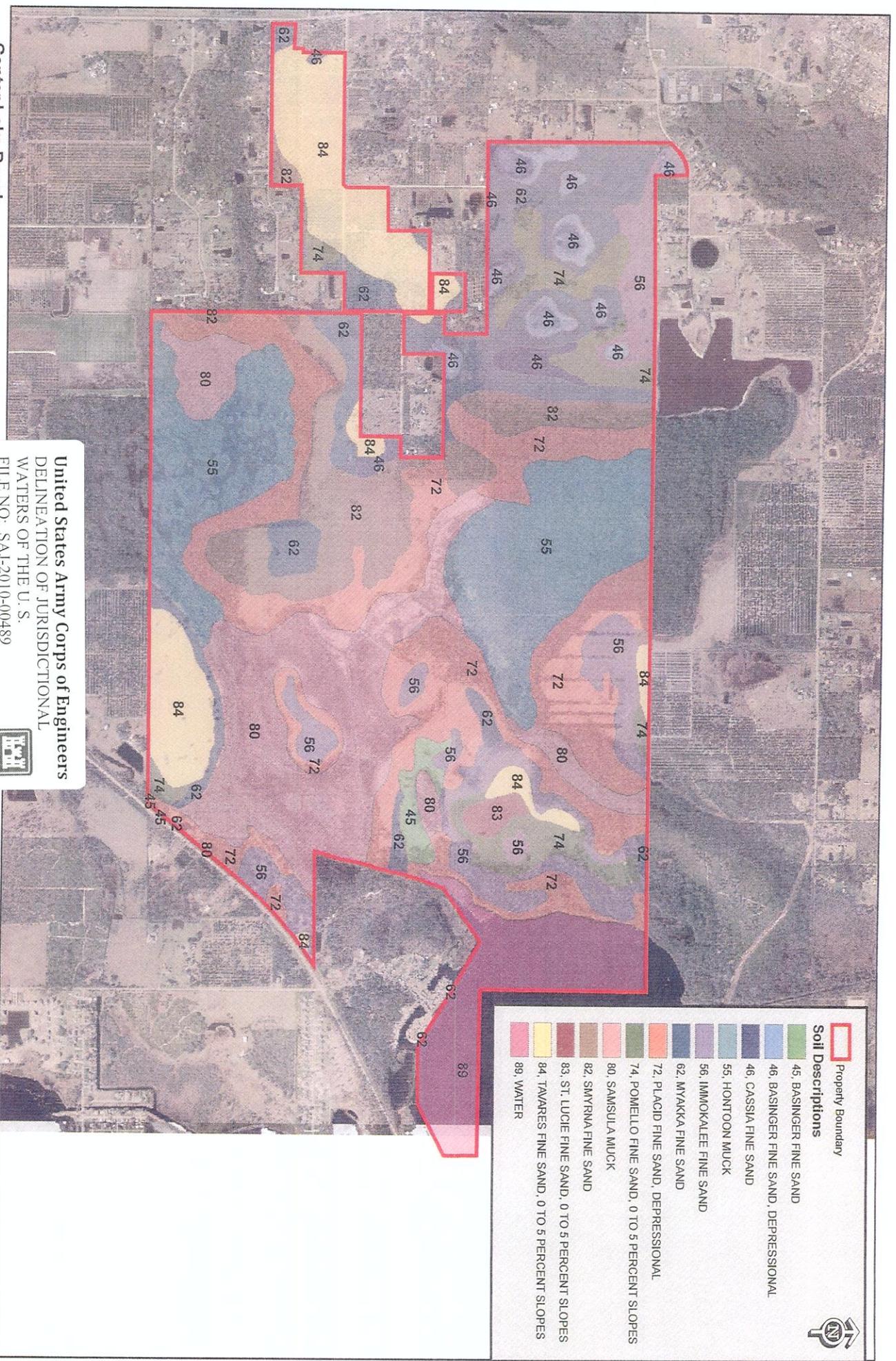
**United States Army Corps of Engineers**  
VERIFIED BY:

*Samy Slaw*

DATE: 08/23/2010



**Modica & Associates, Inc.**  
*Environmental Planning, Design & Permitting*  
302 Mohawk Road  
Clermont, FL 34715  
Phone: (352) 394-2000  
Fax: (352) 394-1159  
Email: Environmental@Modica.cc  
www.ModicaAndAssociates.com



Soil Descriptions	
[Red outline]	Property Boundary
[Green]	45. BASINGER FINE SAND
[Light Blue]	46. BASINGER FINE SAND, DEPRESSIONAL
[Blue]	46. CASSIA FINE SAND
[Light Green]	55. HONTOON MUCK
[Purple]	56. IMMOKALEE FINE SAND
[Dark Blue]	62. MYAKKA FINE SAND
[Light Purple]	72. PLACID FINE SAND, DEPRESSIONAL
[Orange]	74. POMELLO FINE SAND, 0 TO 5 PERCENT SLOPES
[Yellow]	80. SAMSULA MUCK
[Light Orange]	82. SMYRNA FINE SAND
[Red]	83. ST. LUCIE FINE SAND, 0 TO 5 PERCENT SLOPES
[Light Yellow]	84. TAVARES FINE SAND, 0 TO 5 PERCENT SLOPES
[Pink]	89. WATER

**Center Lake Ranch**

Soils Map (Soil Survey of Osceola County, FL)  
 Sections 27, 28, 29, 33 and 34, T25S, R31E  
 Osceola County, Florida



**United States Army Corps of Engineers**  
 DELINEATION OF JURISDICTIONAL  
 WATERS OF THE U. S.  
 FILE NO: SAL-2010-000489  
 SHEET 7 OF 10



**United States Army Corps of Engineers**  
 VERIFIED BY:

*[Signature]*



DATE: 08/23/2010

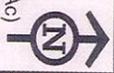


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— Property Boundary  
   Surveyed Wetland Boundaries  
   Jurisdictional (1,000:1Ac)  
   Non-Jurisdictional (30:18 Ac)  
● FJD data point locations

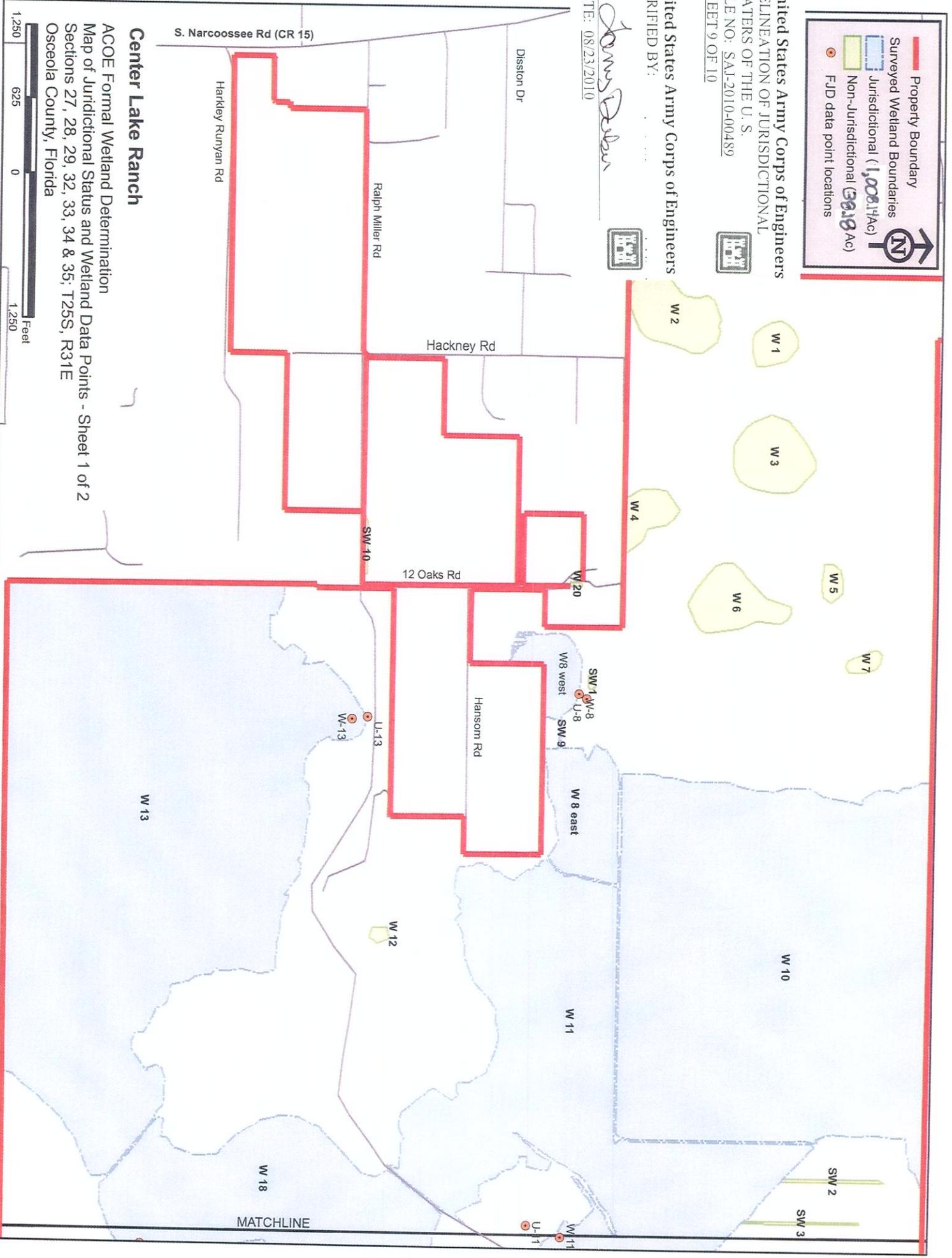


United States Army Corps of Engineers  
 DELINEATION OF JURISDICTIONAL  
 WATERS OF THE U. S.  
 FILE NO: SAL-2010-00489  
 SHEET 9 OF 10

United States Army Corps of Engineers  
 VERIFIED BY:

DATE: 08/23/2010

*John S. [Signature]*



**Center Lake Ranch**

ACOE Formal Wetland Determination  
 Map of Jurisdictional Status and Wetland Data Points - Sheet 1 of 2  
 Sections 27, 28, 29, 32, 33, 34 & 35; T25S, R31E  
 Osceola County, Florida





October 24, 2016

Jeff Collins  
400 High Point Drive, Suite 600  
Cocoa, Florida 32926  
Phone: 321-504-3771, x13



ENVIRONMENTAL  
PLANNING  
DESIGN &  
PERMITTING

**Re: Center Lake Ranch – Osceola County, Florida  
Formal Wetland Determination – Revalidation  
Application No. 161021-12**

Dear Jeff:

On October 21, 2016, an application package was submitted for a reverification of the Center Lake Ranch Formal Wetland Determination (FWD). This letter provides a couple changes to that application:

1. The project site is not in the City of Saint Cloud, as indicated on Page 2 of the Application form. That information was taken from the Osceola County Property Appraiser's website, but the property is actually located in the County. Therefore, Page 2 of the Application was corrected and is attached, herein.
2. One (1) parcel was not shown in the Ownership Map document. That image is attached, herein.

Please add this to our submittal, for your review.

I appreciate your assistance with this project and as always, please contact me directly if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Jim Modica".

Jim Modica

cc: Carla Ausherman  
Richard Gonzalez

Attachments: \_62\_330\_201\_petition\_formal\_determ\_rev1 Page 2 10.24.16.pdf  
\_OwnershipMapAdditionalParcel 10.24.16.pdf

D. NAME OF INDIVIDUAL WHO ESTABLISHED THE BOUNDARY LINE		
Name: Last: Modica	First: Jim	Middle:
Title:	Company: Modica & Associates, Inc.	
Address: 302 Mohawk Road		
City: Clermont	State: FL	Zip: 34715
Home Telephone:	Work Telephone: 352-394-2000	
Cell Phone: 407-616-0189	Fax: 352-394-1159	
E-mail Address: JimM@Modica.cc		
Will this individual be the representative to accompany staff during the site inspection? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no		

## PART 2: PROJECT INFORMATION

A. Name of Property/Project: Center Lake Ranch Acreage: 2,012.48  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ County: Osceola Zip: 34771  
 Tax Parcel ID No.: See \_Property Appraisers Ownership Maps.doc Section/Township/Range: S27,28,29,32,33,34/T25S/R31E

B. Amount of Fee Submitted: \$ 350.00

C. If the project includes any areas for which Agency permits, applications, declaratory statements or Consent Orders have been received, list name, file numbers, type of activity and provide a copy of all pertinent documents:

DEP: \_\_\_\_\_

WMD: 49-00009-F (App #080418-16)

COE: \_\_\_\_\_

D. Have you had a pre-application conference with Agency Staff?  yes  no

If yes, with Whom? Jennifer Thomson Date(s): 10.19.16

For What Purpose? To discuss re-validating the formal wetland determination

E. Have any Agency Staff or USDA/NRCS soil science personnel previously visited the site?  yes  
 no  I'm not sure

If yes, with Whom? Marc Ady Date(s): 2010

For What Purpose? For the issuance of the formal wetland determination (App#080418-16)

F. Briefly describe past and present land use activities within the boundaries of the property for which this determination is sought. The property is primarily Agriculture (pasture land)

Identify

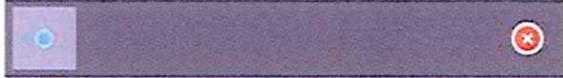


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2016 Trim Property Record Card Tax Collector

Info Values Building Land XFOB Sales

Parcel [32-25-31-3130-0001-0025](#)  
Owner Name CENTER LAKE PROPERTIES LTD  
Mailing Address 102 WEST PINELOCH ST STE 10  
ORLANDO, FL 32806  
Physical Address 5000 RALPH MILLER RD, SAINT CLOUD  
FL 34771  
Property Type PASTURELAND 1-VAC  
Tax District 300 - OSCEOLA COUNTY  
Acres 4.84  
Desc. FLA AGRI CO PB A PG 029 BEG SW  
COR OF LOT 4, W 330, N 660 FT, E 330  
FT, S 660 LESS RD R/W LESS C...

