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): August 25, 2016

B. DISTRICT OFFICE, FILE NAME, AND NUMBER:Jacksonville District, SAJ-2015-01111-Varrea

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State:FL County/parish/borough: Hillsborough City: Plant City
Center coordinates of site (lat/long in degree decimal format): Lat. 28.065259° **N**, Long. 82.079022° **W**.
Universal Transverse Mercator:
Name of nearest waterbody: The Itchepackesassa Creek is within 100-150 feet of the site.
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Hillsborough River
Name of watershed or Hydrologic Unit Code (HUC): Hillsborough River: HUC03100205
☒ 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: July 25, 2016
☒ Field Determination. Date(s): January 05, 2016

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [*Required*]

☐ Waters subject to the ebb and flow of the tide.
☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **are 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):** [1]
      ☐ TNWs, including territorial seas
      ☐ Wetlands adjacent to TNWs
      ☒ Relatively permanent waters[2] (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: 16,000 linear feet: width (ft) and/or 15.29 acres.
      Wetlands: *216.44* acres.

   c. **Limits (boundaries) of jurisdiction** based on: **1987 Delineation Manual**
      Elevation of established OHWM (if known): .

2. **Non-regulated waters/wetlands (check if applicable):**[3]
   ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
   Explain: **Wetlands 4, 5, 6, 7, 8, 9, 10, 11, 12, 17, 20, 21, 24, 25, 41, 42 and 49, and OSW 1, 3 and 5 are considered isolated as they have no apparent hydrologic connections to waters of the U.S. on or off the site.**

[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[3] Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

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

1. TNW
Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW
Summarize rationale supporting conclusion that wetland is "adjacent": .

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

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

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

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

If the waterbody[4] 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: 432, 254 **acres**
Drainage area: 675 **square miles**
Average annual rainfall: 51 inches
Average annual snowfall: 0 inches

(ii) Physical Characteristics:
(a) Relationship with TNW:
☐ Tributary flows directly into TNW.
☒ Tributary flows through **2** tributaries before entering TNW.

Project waters are **10-15** river miles from TNW.
Project waters are **1 (or less)** river miles from RPW.
Project waters are **5-10** 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: No.

Identify flow route to TNW[5]: Tributary (RPW ditch) flows north through the site, flows into Itchepackesassa Creek (RPW) and then flows into Blackwater Creek, then into the Hillsborough River (TNW).
Tributary stream order, if known: .

(b) General Tributary Characteristics (check all that apply):
Tributary is: ☒ Natural
☒ Artificial (man-made). Explain: Man-made water conveyance ditch. Portions of the tributary may have been natural systems which were channelized.

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.
[5] 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.

☒ Manipulated (man-altered). Explain: Portions are ditched or channelized, bermed, culverted.

Tributary properties with respect to top of bank (estimate):
Average width: 20-40 feet
Average depth: 1-3 feet
Average side slopes: **4:1 (or greater).**

Primary tributary substrate composition (check all that apply):

☒ Silts	☒ Sands	☐ Concrete
☐ Cobbles	☐ Gravel	☐ Muck
☐ Bedrock	☒ Vegetation. Type/% cover: Herbaceous 10% cover	
☐ Other. Explain: .		

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Stable banks.
Presence of run/riffle/pool complexes. Explain: No.
Tributary geometry: **Relatively straight**
Tributary gradient (approximate average slope): Based on U.S.G.S topograpic map, less than 1 %

(c) Flow:
Tributary provides for: **Seasonal flow**
Estimate average number of flow events in review area/year: **20 (or greater)**
Describe flow regime: Steady flow during wet season with increased flow after storm event; reduced flow during the dry season. The tributary had standing/flowing water during the January 05, 2016 site visit. The National Hydrographic Dataset (NHD) characterizes the ditch/tributary as intermittent. This tributary flows into a perennial stream, Itchepackesassa Creek.
Other information on duration and volume: None available.

Surface flow is: **Discrete and confined.** Characteristics: Flow is through a ditch, which is culverted in some areas.

Subsurface flow: **Unknown**. Explain findings: Subsurface flow is expected, but no tests were performed to confirm.
☐ Dye (or other) test performed: .

Tributary has (check all that apply):
☒ Bed and banks
☒ OHWM[6] (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.[7] Explain: In some places, the tributary is confined to a culvert for small road crossings.

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: Water is generally clear, tanic after storm events, with no oily film. Project site is associated with agricultural practices including cattle production. Water clarity and quality varies relative to disurbances associated with agricultural activities and cattle usage.
Identify specific pollutants, if known: Unknown. The general area supports multiple grazing and farming operations, which may contribute excess nutrients and bacteria.

[6]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.
[7]Ibid.

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

☐ Riparian corridor. Characteristics (type, average width): .
☒ Wetland fringe. Characteristics: Primarily pasture with scattered freshwater marshes and lesser forested wetlands.
☒ Habitat for:
☒ Federally Listed species. Explain findings: RPW may provide limited foraging habitat for wood stork.
☒ Fish/spawn areas. Explain findings: Could provide limited fish spawn areas for small fish (ie. mosquitofish, bluegill).
☐ Other environmentally-sensitive species. Explain findings: .
☒ Aquatic/wildlife diversity. Explain findings: Small fish, frogs, snakes, turtles, and aquatic insects.

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:216.44 acres

Wetland type. Explain: Primarily herbaceous marshes, with four (4) forested wetland areas.

Wetland quality. Explain:Variable relative to agricultural activities. Some wetlands have been excavated as open water features.

Project wetlands cross or serve as state boundaries. Explain: No.

(b) General Flow Relationship with Non-TNW:

Flow is: **Intermittent flow**. Explain: Many of the wetlands are directly connected to the RPW via a suface or piped connection, providing flow at least seasonally. Other wetlands on-site have more of an intermittent connection with the RPW and flow is greater during the wet season or primarily in response to rainfall. The NHD characterizes the ditch/tributary as intermittent. This tributary flows into a perennial stream, Itchepackesassa Creek.

Surface flow is**: Discrete**

Characteristics: Water enters RPW from wetlands via direct hydrologic connection or sheet flow.

Subsurface flow: **Unknown**. Explain findings: Subsurface flow is expected, but no tests were performed to confirm.

☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

☒ Directly abutting
☒ Not directly abutting
☒ Discrete wetland hydrologic connection. Explain: Some wetlands are connected to the RPW via culverts or high water overflow connections.
☐ Ecological connection. Explain: .
☒ Separated by berm/barrier. Explain: Some wetlands are separated from the RPW by a berm or by a short distance of uplands. The waters connect via sheetflow and/or likely subsurface groundwater interactions.

(d) Proximity (Relationship) to TNW

Project wetlands are **10-15** river miles from TNW.
Project waters are **5-10** aerial (straight) miles from TNW.
Flow is from: **Wetland to navigable waters.**
Estimate approximate location of wetland as within the **100 - 500-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: Water is generally clear. Water clarity and quality varies relative to disurbances associated with agricultural activities and cattle usage.

Identify specific pollutants, if known: Unknown. The general area supports multiple grazing and farming operations, which may contribute excess nutrients and bacteria.

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

☐ Riparian buffer. Characteristics (type, average width): .
☒ Vegetation type/percent cover. Explain:Primarily freshwater marshes with four forested sytems.
☒ Habitat for:
☒ Federally Listed species. Explain findings:Potentially wood stork foraging habitat.
☒ Fish/spawn areas. Explain findings:Wetlands with direct connection to RPW likely provide fish/spawn habitat in wetter months.
☐ Other environmentally-sensitive species. Explain findings: .
☒ Aquatic/wildlife diversity. Explain findings:Freshwater frogs, small fish, reptiles, and amphibian species presumed.

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

All wetland(s) being considered in the cumulative analysis: **30 (or more)**
Approximately (221) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)

SEE TABLE IN ATTACHED SHEET

Summarize overall biological, chemical and physical functions being performed: Storage of flood waters; reduction of downstream peak discharges and volumes; recharge of aquifers; maintenance of seasonal/baseflows; maintenance of groundwater supplies; removal of sediments and nutrients; provision of breeding grounds and wildlife habitat (e.g. feeding/foraging, nesting, spawning, rearing of young); supports diverse community of benthic invertebrates, a major food source for vertebrates.

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. 4. Signicant Nexus Determination: The Eleventh Circuit has concluded that the Kennedy standard is the sole method of determining CWA jurisdiction in that Circuit (United States v. McWane, Inc., et al., 505 F.3d 1208 [11th Cir. 2007]); therefore, unless the aquatic resources are traditional navigable waters or wetlands adjacent to traditional navigable waters, the Corps needs to conduct a significant nexus determination on all other waters in order to determine jurisdiction under the CWA. The Corps has determined that for this review, the subject tributary (RPW) and adjacent wetlands have more than an insubstantial or speculative effect on the physical, chemical, and biological integrity of the downstream TNW, as described below.
5.
6. The following represents the significant nexus finding for the RPW:
7. PHYSICAL: The tributary receives rainfall and stormwater runoff from a large agricultural area and transports this water and sediment load downstream. Flows from the tributary affect the duration, frequency and volume of flow into Itchepackesassa Creek, Blackwater Creek and the Hillsborough River.
8. CHEMICAL: The tributary has the capacity to transfer nutrients and organic carbon that supports downstream food webs, as well as transfer potential pollutants to the downstream TNW, which could negatively affect aquatic resources and contribute to algal blooms.
9. BIOLOGICAL: The tributary is important biologically as it provides habitat for reptiles, amphibians, fish, birds and other aquatic species, including species which move between aquatic and upland environments during their life cycles. The biological functions provided by the tributary addressed in this JD are expected to be exported downstream to, and provide benefits to, the downstream TNW.
10.
11. The following represents the significant nexus finding for the wetlands adjacent to the RPW:

12. PHYSICAL: The wetlands perform important flow maintenance functions including storage of flood waters and maintenance of groundwater supplies, and therefore directly affect the duration, frequency and volume of flow in the tributary and the downstream TNW. The wetlands provide a means of slowing water's velocity and reducing the amount of sediments entering downstream waters.
13. CHEMICAL: The wetlands improve water quality by removing sediments, nutrients and other pollutants that would otherwise reach the downstream TNW. The wetlands assimilate pesticide and fertilizer runoff from adjacent land uses prior to discharge to the TNW, reducing negative effects to downstream aquatic resources such as nutrient enrichment and algal blooms.
14. BIOLOGICAL: The wetlands are important biologically since a substantial amount of the historical wetland coverage in the watershed has been altered for residential and commercial development, mining and agriculture. They provide breeding grounds for species that cannot reproduce in faster-moving water and move between wetlands and uplands over their lifecycle, and provide habitat for a variety of species. The subject wetlands provide oases in an altered landscape and stopover points for birds. The biological functions provided by the wetlands discussed in this JD are expected to be exported downstream to, and provide benefits 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, acres.
   - ☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**
   - ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: .
   - ☒ 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: The National Hydrographic Dataset (NHD) characterizes the ditch/tributary as intermittent. Dry season observations of flowing or standing water in the tributary indicate that the system likely has steady flow during the wet season with increased flow after storm events, and reduced flow during the dry season. The tributary flows into a perennial stream, Itchepackesassa Creek.

   Provide estimates for jurisdictional waters in the review area (check all that apply):
   - ☒ Tributary waters: **16,000** linear feet width (ft).
   - ☒ Other non-wetland waters: **4.22** acres.
     Identify type(s) of waters: **These are open water (pond-like) features which were excavated in wetlands and/or have a direct surface water connection with wetlands and are considered adjacent to the RPW tributary. These include OSW 2, OSW 4 and OSW 8 and total 4.22 acres. These were included in the cumulative analysis in Section III(B)3**.

3. **Non-RPWs[8] 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: .
     - ☒ 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: As noted in Section III(B)3, certain wetlands on-site directly abut the RPW. These wetlands have a direct surface water connection and are not separated from the tributary by a berm or barrier.

   Provide acreage estimates for jurisdictional wetlands in the review area: **186.44** 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 jurisidictional. Data supporting this conclusion is provided at Section III.C.

[8]See Footnote # 3.

Provide acreage estimates for jurisdictional wetlands in the review area: **30** acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**
   ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

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

7. **Impoundments of jurisdictional waters.[9]**
   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):[10]
☐ 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: 1.90 acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☒ Wetlands: 27.15 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):

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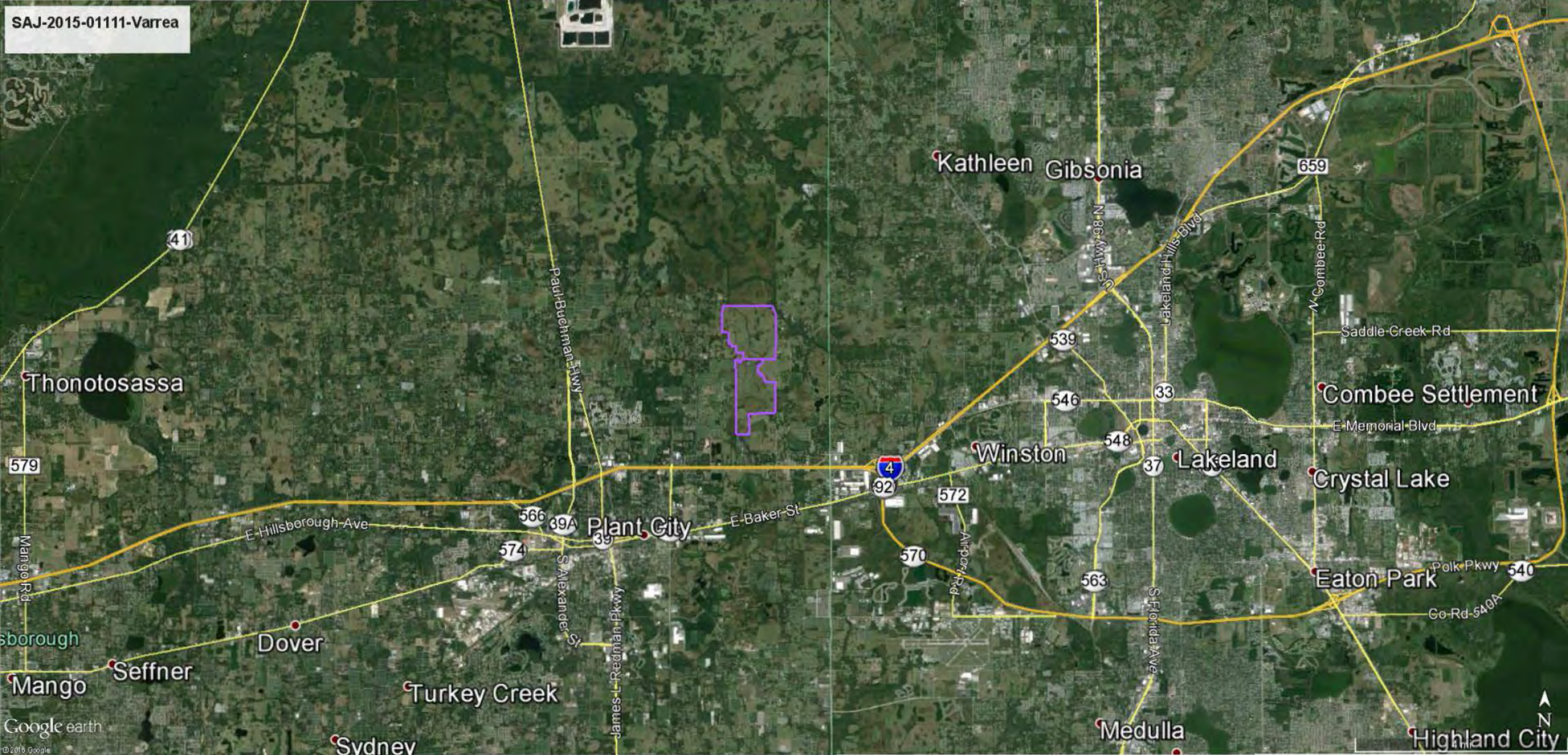
[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
[10] **Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.***

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:Wetland maps and aerials provided by Stantec.
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  ☒ Office concurs with data sheets/delineation report.
  ☐ Office does not concur with data sheets/delineation report.
☐ Data sheets prepared by the Corps: .
☐ Corps navigable waters' study: .
☒ U.S. Geological Survey Hydrologic Atlas:http://viewer nationalmap.gov.
  ☒ USGS NHD data.
  ☒ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: .
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: .
☐ National wetlands inventory map(s). Cite name: .
☐ State/Local wetland inventory map(s): .
☐ FEMA/FIRM maps: .
☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
☐ Photographs: ☒ Aerial (Name & Date):Google Earth (2016) and aerials provided by Stantec.
  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): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: See attached table for list of wetlands included in cumulative analysis (Section III(B)3.

ATTACHMENT TO SECTION III(B)3

Wetland ID	Size (acre)	Directly Abuts? (Y/N)
Wetland 1	0.59	Y
Wetland 2	0.44	N
Wetland 3	5.71	N
Wetland 13	4.66	N
Wetland 14	2.35	N
Wetland 15	1.61	N
Wetland 16	0.09	N
Wetland 18	3.24	N
Wetland 19	1.80	Y
Wetland 22	0.65	Y
Wetland 23	0.13	N
Wetland 26	0.22	Y
Wetland 27	15.27	Y
Wetland 28	5.40	Y
Wetland 29	3.62	Y
Wetland 30	0.64	N
Wetland 31	2.67	Y
Wetland 32	1.05	N
Wetland 33	0.02	Y
Wetland 34	2.85	Y
Wetland 35	8.55	N
Wetland 36	1.51	Y
Wetland 37	5.19	Y
Wetland 38	3.13	Y
Wetland 39	0.64	N
Wetland 40	24.41	Y
Wetland 43	88.53	Y
Wetland 44	20.59	Y
Wetland 45	2.37	Y
Wetland 46	4.41	Y
Wetland 47	0.17	N
Wetland 48	0.72	N
Wetland 50	2.04	Y
Wetland 50A	0.08	Y
Wetland 51	0.02	Y
Wetland 52	0.14	Y
Wetland 53	0.34	Y
Wetland 54	0.45	Y
Wetland 55	0.14	Y
OSW 2	1.24	Y
OSW 4	2.88	Y
OSW 8	0.10	Y


SAJ-2015-01111-Varrea
Kathleen
Gibsonia
659
41
Paul Buchman Hwy
N US Hwy 98
Lakeland Hills Blvd
N Combee Rd
Saddle Creek Rd
539
Thonotosassa
546
33
Combee Settlement
E Memorial Blvd
548
Winston
Lakeland
37
Crystal Lake
579
4
92
572
566
39A
Plant City
E Hillsborough Ave
E Baker St
574
39
Mango Rd
S Alexander St
James L Redman Pkwy
570
Airport Rd
563
S Florida Ave
Eaton Park
Polk Pkwy
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Co Rd 540A
Dover
Seffner
Mango
Turkey Creek
Medulla
Sydney
Highland City
N
Google earth
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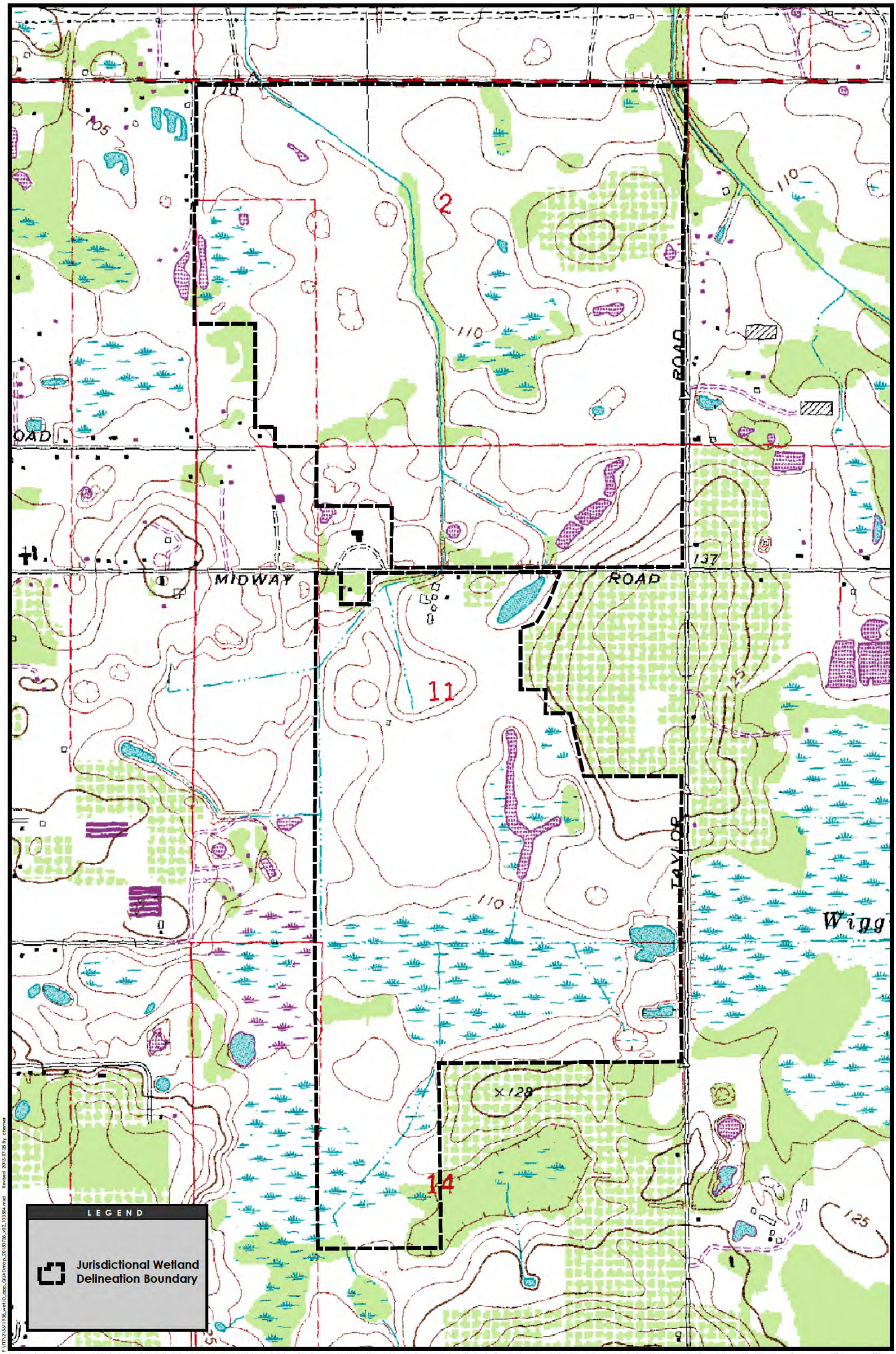

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0 450 900 Feet

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Notes
1 Coordinate System: NAD 1983 StatePlane Florida West FIPS 0902 Feet

VARREA

USGS QUAD MAP (PLANT CITY EAST)

JULY 2015

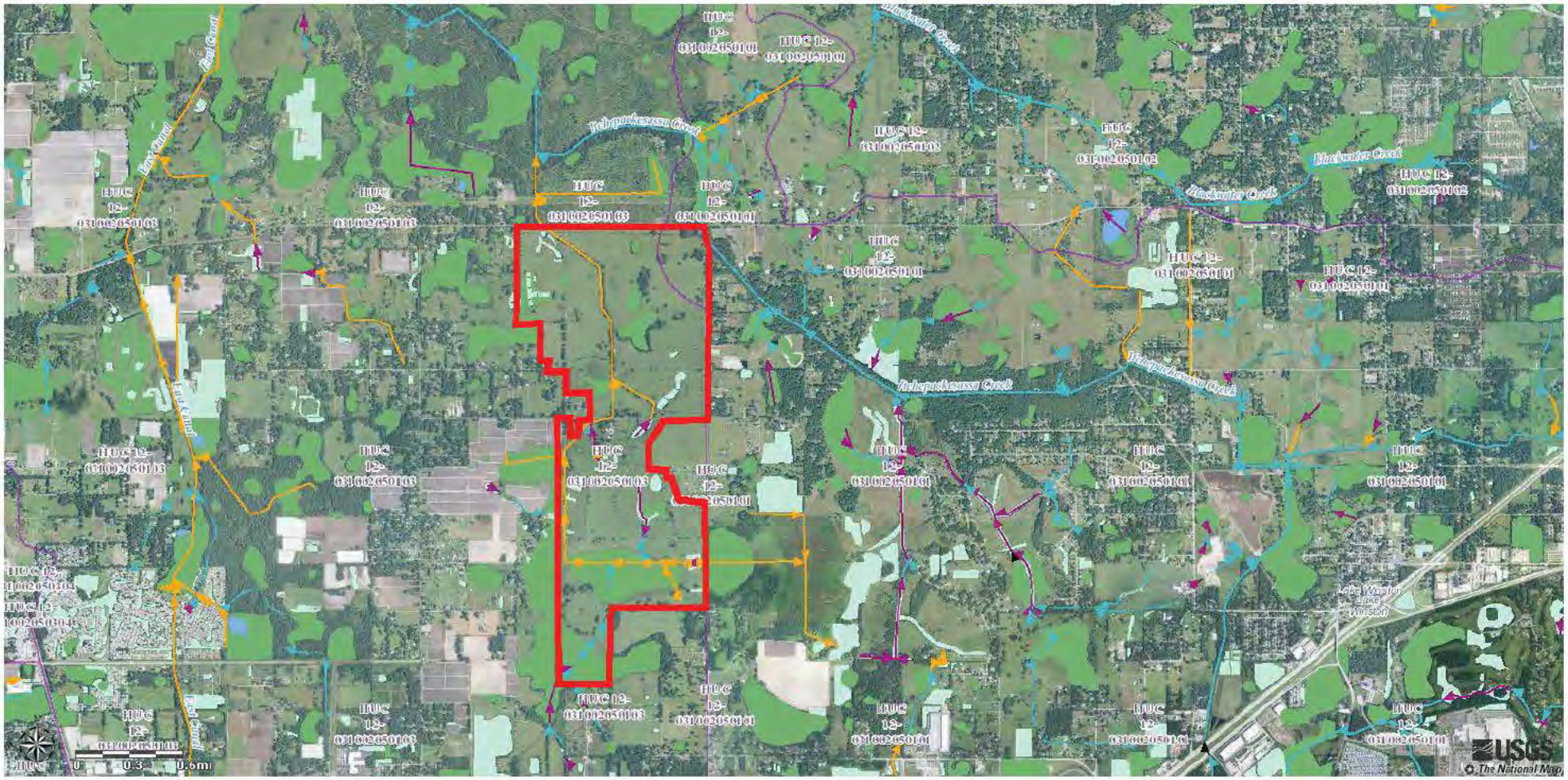
Stantec Consulting Services Inc.
2205 N. 20th Street
Tampa FL 33605
tel 813 223.9500
fax 813 223.0009

N

Prepared by: C.J.B. 07/28/2015
Technical Review by: N/A
Independant Review by: N/A

SAJ-2015-01111-Varrea

NOTES: Data available from U.S. Geological Survey, National Geospatial Program.



Open in The National Map Viewer

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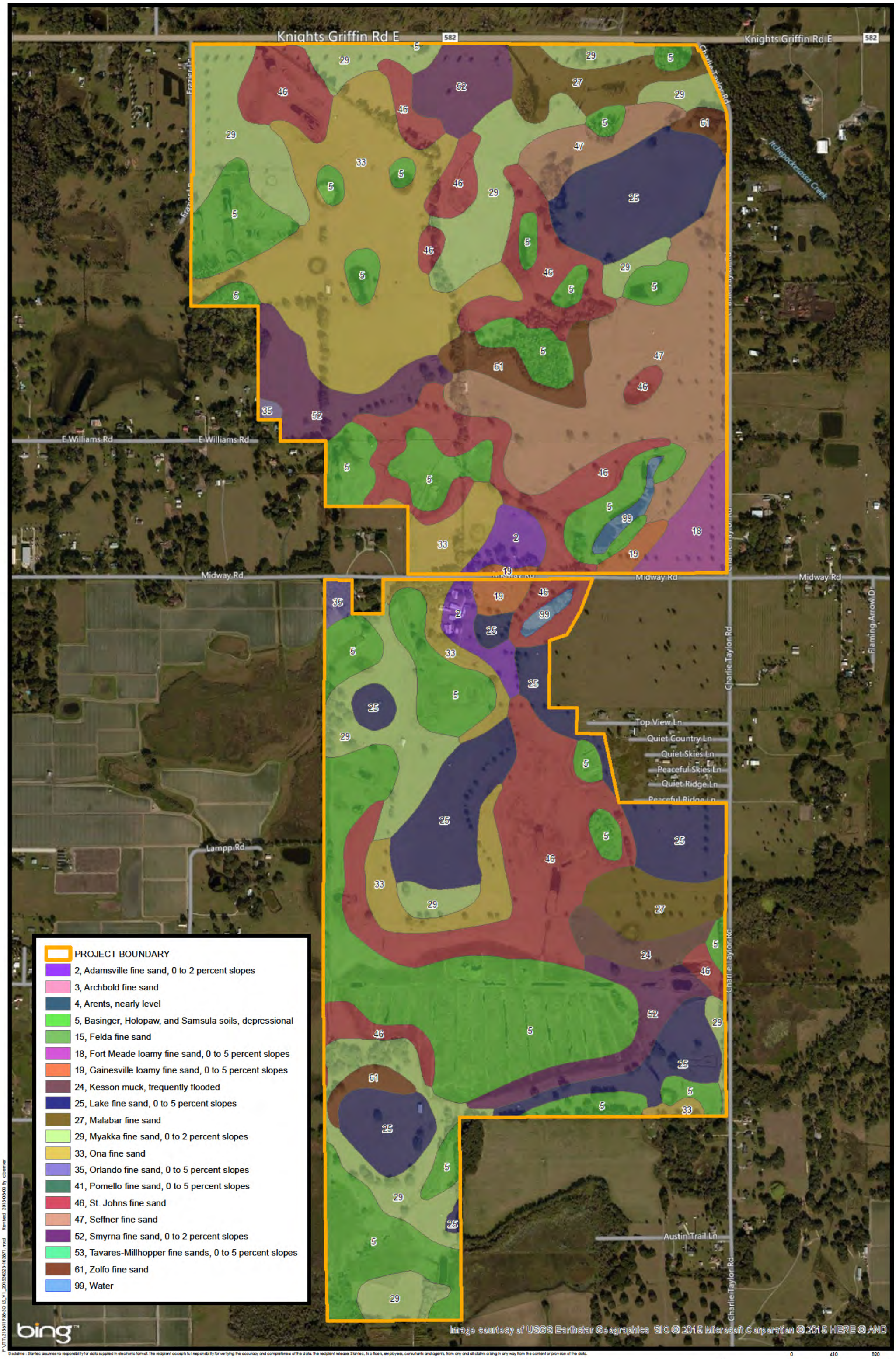

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Notes

1. 2011 AERIAL PHOTOGRAPH (LABINS)
2. SOIL DATA OBTAINED FROM WEB SOIL SURVEY SITE (NRCS)

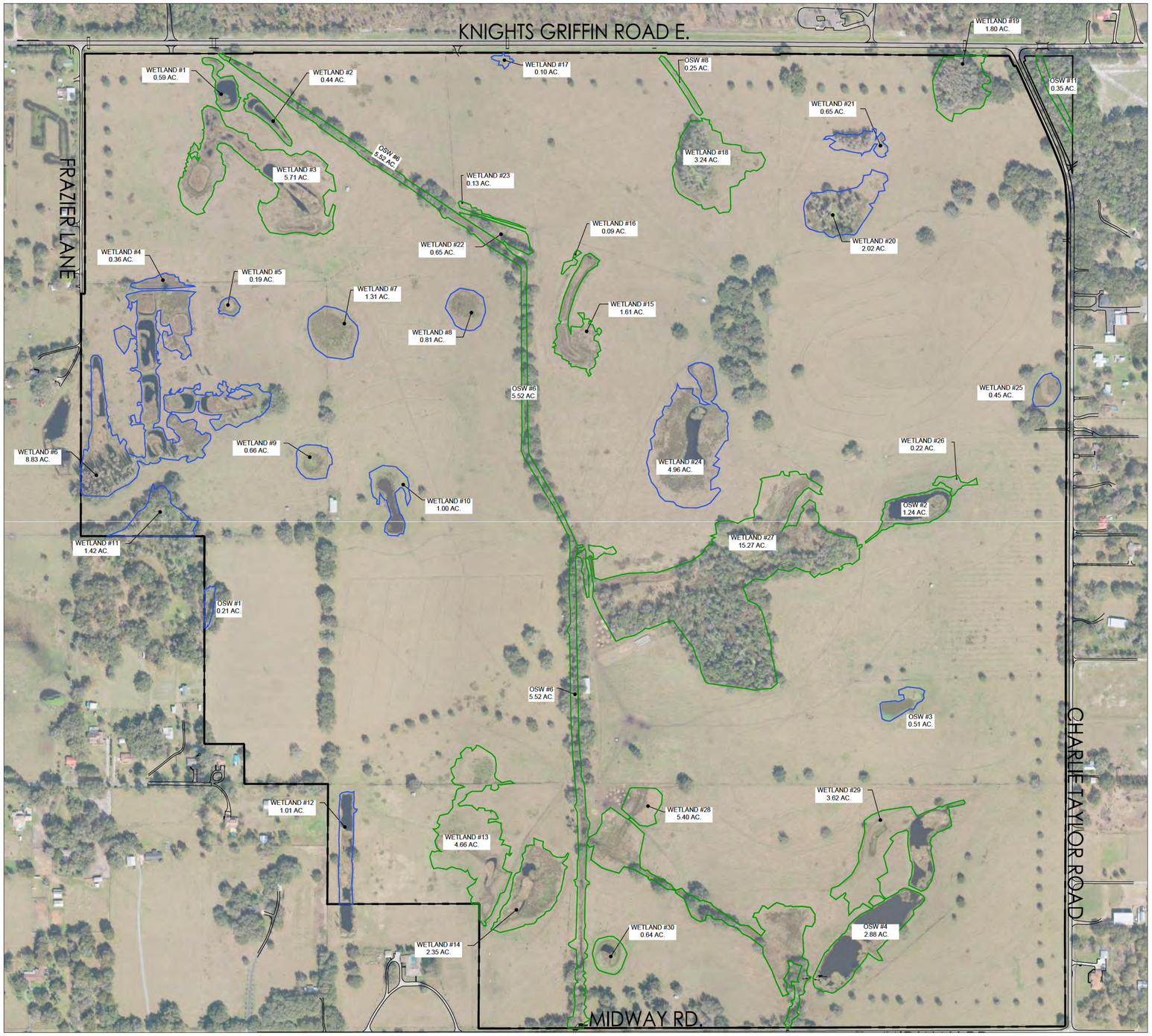
CONCEPTUAL ERP - WALTON ACQUISITIONS, FL LLC
VARREA - SOILS MAP
PLANT CITY, FL
AUGUST 2015

Stantec Consulting Services Inc
3200 Bailey Ln Ste 200
Naples FL 34105
tel 239 649 4040
fax 239 649 5716

N

0 410 820
Feet

Prepared by: C.J.B. 08/03/2015
Technical Review by:
Independant Review by:



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Certificate of Authorization #27013
FL Lic. # LC-C000170

USACE WETLANDS
VARREA - PHASE 2
PART OF SECTION 2, 11, AND 14, TOWNSHIP 28 SOUTH, RANGE 22 EAST
PLANT CITY, FL
WALTON ACQUISITIONS FL, LLC

LEGEND
USACE JURISDICTIONAL
USACE NON-JURISDICTIONAL

0 150' 300' 600'

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USACE - WETLANDS
VARREA - PHASE 1
PART OF SECTION 2, 11, AND 14, TOWNSHIP 28 SOUTH, RANGE 22 EAST
PLANT CITY, FL
WALTON ACQUISITIONS FL, LLC

LEGEND
USACE JURISDICTIONAL
USACE NON-JURISDICTIONAL

0 150' 300' 600'

NOT TO SCALE

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USACE R.P.W TO T.N.W
VARREA PHASE 2
PART OF SECTION 2, 11, AND 14, TOWNSHIP 28 SOUTH, RANGE 22 EAST
PLANT CITY, FL
WALTON ACQUISITIONS FL, LLC

LEGEND
RELATIVE PERMANENT WATERWAY
TRADITIONAL NAVIGABLE WATERS

NOT TO SCALE

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USACE R.P.W TO T.N.W
VARREA PHASE 1
PART OF SECTION 2, 11, AND 14, TOWNSHIP 28 SOUTH, RANGE 22 EAST
PLANT CITY, FL
WALTON ACQUISITIONS FL, LLC

LEGEND
RELATIVE PERMANENT WATERWAY
TRADITIONAL NAVIGABLE WATERS