



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):** October 20, 2016

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Jacksonville District/Tampa Permits Section / North Park Isles / SAJ-2015-03049

**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. 28.055961° N, Long. -82.111345° W.  
Universal Transverse Mercator:  
Name of nearest waterbody: East Canal

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

Name of watershed or Hydrologic Unit Code (HUC): Hillsborough - 03100205

- 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: September 16, 2016
- Field Determination. Date(s): March 22, 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):<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 10.83 acres.  
Wetlands: 113 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: **The Corps reviewed historic aerials from 1948, 1957 and 1968, and performed a field inspection in March 2016, and made the following determinations of non-jurisdiction:**

<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.

1.) The Corps determined five wetlands on-site are isolated and non-jurisdictional. These wetlands (Wetland F - 1.42 ac, Wetland L - 0.67 ac, Wetland N - 0.30 ac, Wetland O - 7.39 ac and Wetland W - 0.57 acre) have no apparent hydrologic connection with jurisdictional tributaries. The site has been extensively ditched and drained since the 1940s or earlier. These alterations have lowered the groundwater table on the site and reduced the areal extent of several of these wetlands as well as their hydrologic connections to other waters.

2.) The Corps determined four ditches on-site are non-jurisdictional (OSW 3, OSW 6, OSW 8 and OSW 9).

OSW 3 can be seen as early as 1948 and was excavated primarily in uplands to aid in draining wetlands to the East Canal, located along the western perimeter of the site. This ditch historically connected to the East Canal at its northern terminus and continued south off the subject property where it intersected wetlands. Development on the contiguous property to the south and west of the subject site resulted in the filling/removal of the ditch outside of the subject property's boundary. A field investigation showed that the ditch terminates in uplands and does not serve as a connection between waters of the U.S. The ditch is currently more accurately described as a wide, dry swale which does not have the characteristics of a tributary. This ditch is considered non-jurisdictional based on the preamble to 33 CFR Part 328 in the November 13, 1986, Federal Register (51 FR 41217, Section 328.3).

OSW 6 can be seen in 1948, 1957 and 1968 aerials as a man-made ditch excavated in both uplands and wetlands for the purpose of draining wetlands. This ditch originated in wetlands east of the property and terminated in historic OSW 3 west of the property, allowing wetlands to be drained to the East Canal. A 1968 aerial shows the adjacent wetlands as having less surface water and areal extent. Development on the contiguous properties to the east and west eliminated the portions of the ditch outside of the subject site, eliminating its connection to the East Canal. The ditch currently terminates in uplands at the east and west property boundaries and does not serve to connect waters of the U.S. The ditch is considered non-jurisdictional based on the preamble to 33 CFR Part 328 in the November 13, 1986, Federal Register (51 FR 41217, Section 328.3).

OSW 8 and OSW 9 appear to have been excavated from uplands, based on the historic aerials. A recent field inspection revealed that these ditches terminate in uplands, do not have the characteristics of a tributary and do not serve to connect waters of the U.S. These ditches are considered non-jurisdictional based on the preamble to 33 CFR Part 328 in the November 13, 1986, Federal Register (51 FR 41217, Section 328.3).

3.) The Corps determined one relict stream channel, OSW 2, is non-jurisdictional. This is a remnant feature of a historic stream channel which can be seen in the historic aerials as apparently connecting Wetland X to a wetland which was historically present along the western border of the site, but has since been drained and filled. The stream's flow was removed/rerouted by the excavation of major drainage ditches on the site, particularly OSW 4, which lowered the groundwater table. These alterations took place in the 1940s through 1960s. The remnant channel (OSW 2) is now a dry, faint feature which no longer carries flow.

### 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<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: 775 square miles

Drainage area: 28,461 acres

Average annual rainfall: 52.55 inches

Average annual snowfall: 0 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through 3 tributaries before entering TNW.

Project waters are 15-20 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.

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

Identify flow route to TNW<sup>5</sup>: The on-site tributaries have a connection to East Canal (RPW) along the western boundary of the subject site. East Canal flows north to Itchepackesassa Creek (RPW) which, in turn, flows north to Blackwater Creek (RPW). Blackwater Creek flows west to 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 ditches.  
 Manipulated (man-altered). Explain: The southern extent of OSW 2 was ditched/channelized

into what is now OSW 4.

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

Average width: 10 feet

Average depth: 5 feet

Average side slopes: **Vertical (1:1 or less).**

Primary tributary substrate composition (check all that apply):

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

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Ditches were excavated in the 1940s through the 1960s with apparently little maintenance since then. The resultant spoil formed berms on either side of the ditches. The banks are relatively stable.

Presence of run/riffle/pool complexes. Explain: None.

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): <1 %

(c) Flow:

Tributary provides for: **Seasonal flow**

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

Describe flow regime: Field observations of OSW 1, OSW 4, OSW 5 and OSW 11 confirm these are deep ditches which carry flow at least seasonally and are relatively permanent. OSW 7 and OSW 10 were excavated through wetlands and are expected to flow seasonally, with steady flow during the wet season and increased flow after storm events; and reduced flow during the dry season.

Other information on duration and volume:

Surface flow is: **Discrete and confined.** Characteristics: Flow in the tributaries is within the channel banks. OSW 1, OSW 4, OSW 5, OSW 7 and OSW 10 were excavated through wetlands and exhibit and/or receive sheetflow. OSW 11 is confined to a culvert where it connects with Wetland E.

Subsurface flow: **Unknown.** Explain findings: Subsurface flow is expected to occur given the interconnectedness of the tributaries and the wetlands, as well as the historical effect the excavated ditches have had on successfully draining many of the wetlands in the review area; however, no tests were performed to confirm.

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: OHWM is discontinuous where flow is confined to culverts.

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

<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.

<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.

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

**(iii) Chemical Characteristics:**

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

Explain: Some film noted on water surface. The watershed supports agricultural practices including farming and livestock operations, as well as industrial practices. The East Canal, which receives flows from the site, is considered an impaired waterbody according to the State of Florida's Impaired Waters Rule.

Identify specific pollutants, if known: The East Canal is impaired for dissolved oxygen and chlorophyll-a. Monitored pollutants include nitrogen and phosphorus.

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

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics: Adjacent wetlands are forested or emergent systems.
- Habitat for:
  - Federally Listed species. Explain findings: Potential wood stork foraging habitat.
  - Fish/spawn areas. Explain findings: Could provide fish spawn areas for small fish (i.e. 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: Wetland D: 4.89 acres; Wetland E: 32.47 acres; Wetland G: 0.23 acres; Wetland H: 0.05 acres; Wetland I: 1.69 acres; Wetland K: 3.58 acres; Wetland M: 2.35 acres; Wetland P: 3.95 acres; Wetland Q: 1.80 acres; Wetland R: 23.98 acres; Wetland T: 16.01 acres; Wetland U: 20.98 acres; Wetland V: 0.60 acres; Wetland X: 0.38 acres

Wetland type. Explain: The site supports both forested wetland hardwoods and emergent wetlands.

Wetland quality. Explain: Good overall. Minimal exotic vegetation encroachment. Hydrology has been altered due to ditching.

Project wetlands cross or serve as state boundaries. Explain: NA.

(b) General Flow Relationship with Non-TNW:

Flow is: **Intermittent flow**. Explain: Field observations of OSW 1, OSW 4, OSW 5 and OSW 11 confirm these are deep ditches which carry flow at least seasonally and are relatively permanent. OSW 7 and OSW 10 were excavated through wetlands and are expected to flow seasonally, with steady flow during the wet season and increased flow after storm events; and reduced flow during the dry season.

Surface flow is: **Overland sheetflow**

Characteristics: Wetlands interact with RPWs via surface water (sheetflow) and subsurface interactions.

Subsurface flow: **Unknown**. Explain findings: Subsurface flow is expected to occur given the interconnectedness of the tributaries and the wetlands, as well as the historical effect the excavated ditches have had on successfully draining many of the wetlands in the review area; however, 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: Wetland M is connected to OSW 4 by a swale.

Ecological connection. Explain: The proximity of the adjacent wetlands to the RPWs is reasonably close and provides an ecological interconnectedness between the wetlands and RPWs. The wetlands provide breeding grounds for species that cannot reproduce in faster-moving water and/or move between wetlands and uplands over their lifecycle, and provide habitat for a variety of species.

Separated by berm/barrier. Explain: Wetland G is separated from the tributaries by a man-made berm.

(d) Proximity (Relationship) to TNW

Project wetlands are **15-20** 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: No apparent water quality issues observed in the wetlands within the review area. The watershed supports agricultural practices including farming and livestock operations, as well as industrial practices. The East Canal, which receives flow from the site, is considered an impaired waterbody according to the State of Florida's Impaired Waters Rule.

Identify specific pollutants, if known: The East Canal is impaired for dissolved oxygen and chlorophyll-a. Monitored pollutants include nitrogen and phosphorus.

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

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain: Wetland hardwood or mixed forested systems and emergent, persistent wetlands.
- Habitat for:

- Federally Listed species. Explain findings: Potential wood stork foraging habitat.
- Fish/spawn areas. Explain findings:Wetlands with a direct surface connection to the RPW may provide fish/spawn habitat in wetter months.
- Other environmentally-sensitive species. Explain findings: .
- Aquatic/wildlife diversity. Explain findings:Small fish, frogs, snakes, turtles, and aquatic insects.

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

All wetland(s) being considered in the cumulative analysis: **15-20**

Approximately ( 113 ) 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>
Y	4.89	Y	20.98
Y	32.47	Y	0.60
N	0.23	Y	0.38
Y	0.05		
Y	1.69		
Y	3.58		
N	2.35		
Y	3.95		
Y	1.80		
Y	23.98		
Y	16.01		

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. **Significant 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 tributaries (RPWs) 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 RPWs:
7. **PHYSICAL:** The tributaries receive rainfall and stormwater runoff from a large area and transports this water and sediment load downstream. Flows from the tributaries affect the duration, frequency and volume of flow into the East Canal and ultimately the Hillsborough River and Tampa Bay.
8. **CHEMICAL:** The tributaries have 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 tributaries are important biologically as they provide 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 tributaries addressed in this JD are expected to be exported downstream to, and provide benefits to, the Hillsborough River (TNW).
- 10.
11. The following represents the significant nexus finding for the wetlands adjacent to the RPWs:
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 tributaries 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 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, major roadway 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 resting and wading habitats 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 Hillsborough River and ultimately Tampa Bay.

**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: Field observations of OSW 1, OSW 4, OSW 5 and OSW 11 confirm these are deep ditches which carry flow at least seasonally and are relatively permanent. OSW 7 and OSW 10 were excavated through wetlands and are expected to flow seasonally, with steady flow during the wet season and increased flow after storm events; and reduced flow during the dry season.

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

- Tributary waters: **12,250** 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.

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

- 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: The wetlands share a surface water connection with the subject ditches. Several of the ditches were excavated through the wetlands.

Provide acreage estimates for jurisdictional wetlands in the review area: **110** 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: **2.58** 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.<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: .

<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.

Other: (explain, if not covered above): **See Section II(B)2 on page 1.**

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:          acres. List type of aquatic resource:          .  
 Wetlands: 10.35 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.  
 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:          .

USDA Natural Resources Conservation Service Soil Survey.

Citation:<http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>.

National wetlands inventory map(s). Cite name:<https://www.fws.gov/wetlands/data/mapper.html>.

State/Local wetland inventory map(s):          .

FEMA/FIRM maps:          .

100-year Floodplain Elevation is:          (National Geodetic Vertical Datum of 1929)

Photographs:  Aerial (Name & Date): Google Earth (2016), 1948, 1957 and 1968 aerials (<http://ufdc.ufl.edu/aerials>).  
or  Other (Name & Date): Field visit photos (March 22, 2016).

Previous determination(s). File no. and date of response letter:          .

Applicable/supporting case law:          .

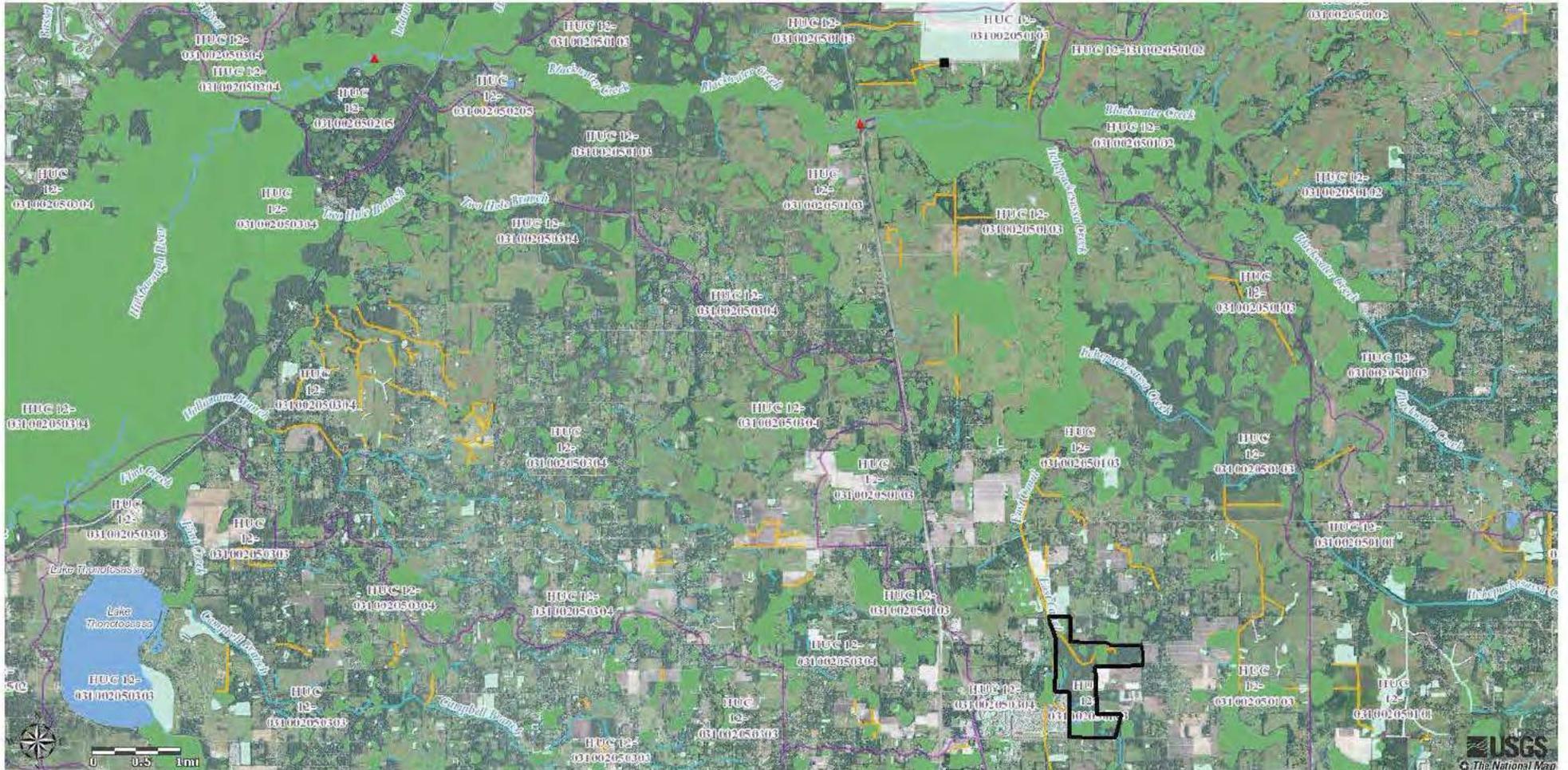
Applicable/supporting scientific literature:          .

Other information (please specify): Tampa Bay Water Atlas  
(<http://www.tampabay.wateratlas.usf.edu/river/waterquality.asp?wbodyid=32&wbodyatlas=river>).

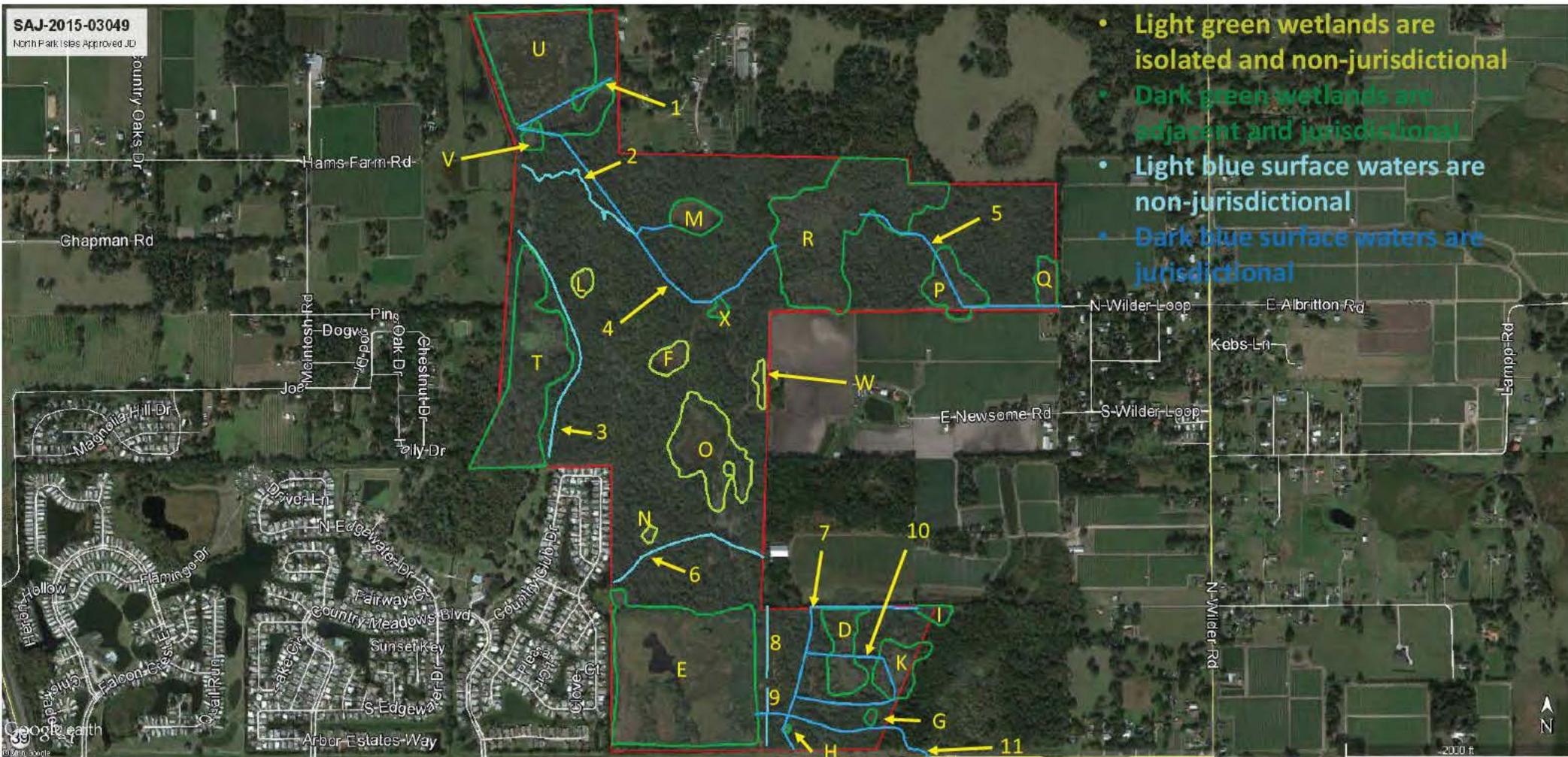
**B. ADDITIONAL COMMENTS TO SUPPORT JD:** See attached table summarizing all waters on-site.

# SAJ-2015-03049-North Park Isles

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



SAJ-2015-03049  
North Park Isles Approved JD



- Light green wetlands are isolated and non-jurisdictional
- Dark green wetlands are adjacent and jurisdictional
- Light blue surface waters are non-jurisdictional
- Dark blue surface waters are jurisdictional

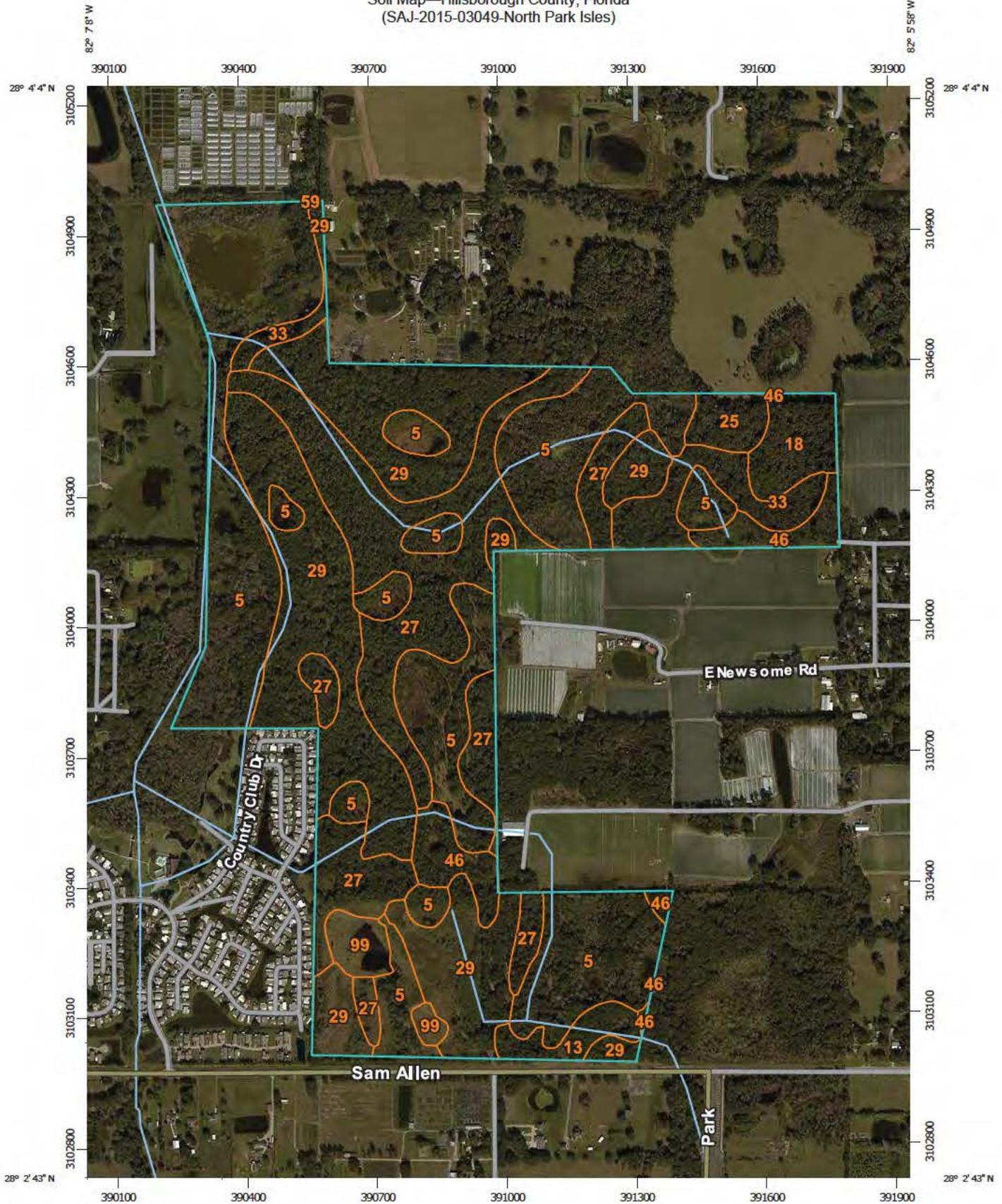
## SAJ-2015-03049-North Park Isles/Approved JD

## Wetland/surface water table

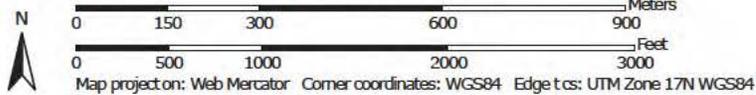
<b>Wetland/Waterbody ID</b>	<b>Size (acres or linear feet)</b>	<b>JD status</b>
Wetland D	4.89 acres	Adjacent to and directly abutting an RPW
Wetland E	32.47 acres	Adjacent to and directly abutting an RPW
Wetland F	1.42 acres	Isolated, non-jurisdictional
Wetland G	0.23 acre	Adjacent to, but not directly abutting an RPW
Wetland H	0.05 acre	Adjacent to and directly abutting an RPW
Wetland I	1.69 acres	Adjacent to and directly abutting an RPW
Wetland K	3.58 acres	Adjacent to and directly abutting an RPW
Wetland L	0.67 acre	Isolated, non-jurisdictional
Wetland M	2.35 acres	Adjacent to, but not directly abutting an RPW
Wetland N	0.30 acre	Isolated, non-jurisdictional
Wetland O	7.39 acres	Isolated, non-jurisdictional
Wetland P	3.95 acres	Adjacent to and directly abutting an RPW
Wetland Q	1.80 acres	Adjacent to and directly abutting an RPW
Wetland R	23.98 acres	Adjacent to and directly abutting an RPW
Wetland T	16.01 acres	Adjacent to and directly abutting an RPW
Wetland U	20.98 acres	Adjacent to and directly abutting an RPW
Wetland V	0.60 acre	Adjacent to and directly abutting an RPW
Wetland W	0.57 acre	Isolated, non-jurisdictional
Wetland X	0.38 acre	Adjacent to and directly abutting an RPW
OSW 1	991 linear ft	RPW
OSW 2	1520 linear ft	Non-jurisdictional relict stream bed; flow removed/rerouted prior to CWA

OSW 3	2,303 linear ft	Non-jurisdictional per preamble to 1986 Regs
OSW 4	3,422 linear ft	RPW
OSW 5	2,307 linear ft	RPW
OSW 6	1,570 linear ft	Non-jurisdictional per preamble to 1986 Regs
OSW 7	2,154 linear ft	RPW
OSW 8	587 linear ft	Non-jurisdictional per preamble to 1986 Regs
OSW 9	455 linear ft	Non-jurisdictional per preamble to 1986 Regs
OSW 10	1,882 linear ft	RPW
OSW 11	1,500 linear ft	RPW

Soil Map—Hillsborough County, Florida  
(SAJ-2015-03049-North Park Isles)



Map Scale: 1:12,300 if printed on A portrait (8.5" x 11") sheet.



Map project on: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 17N WGS84

## MAP LEGEND

<b>Area of Interest (AOI)</b>			Spoil Area
	Area of Interest (AOI)		Stony Spot
<b>Soils</b>			Very Stony Spot
	Soil Map Unit Polygons		Wet Spot
	Soil Map Unit Lines		Other
	Soil Map Unit Points		Special Line Features
<b>Special Point Features</b>		<b>Water Features</b>	
	Blowout		Streams and Canals
	Borrow Pit	<b>Transportation</b>	
	Clay Spot		Rails
	Closed Depression		Interstate Highways
	Gravel Pit		US Routes
	Gravelly Spot		Major Roads
	Landfill		Local Roads
	Lava Flow	<b>Background</b>	
	Marsh or swamp		Aerial Photography
	Mine or Quarry		
	Miscellaneous Water		
	Perennial Water		
	Rock Outcrop		
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Hillsborough County, Florida  
Survey Area Data: Version 14, Nov 19, 2015

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Dec 1, 2014—Jan 8, 2015

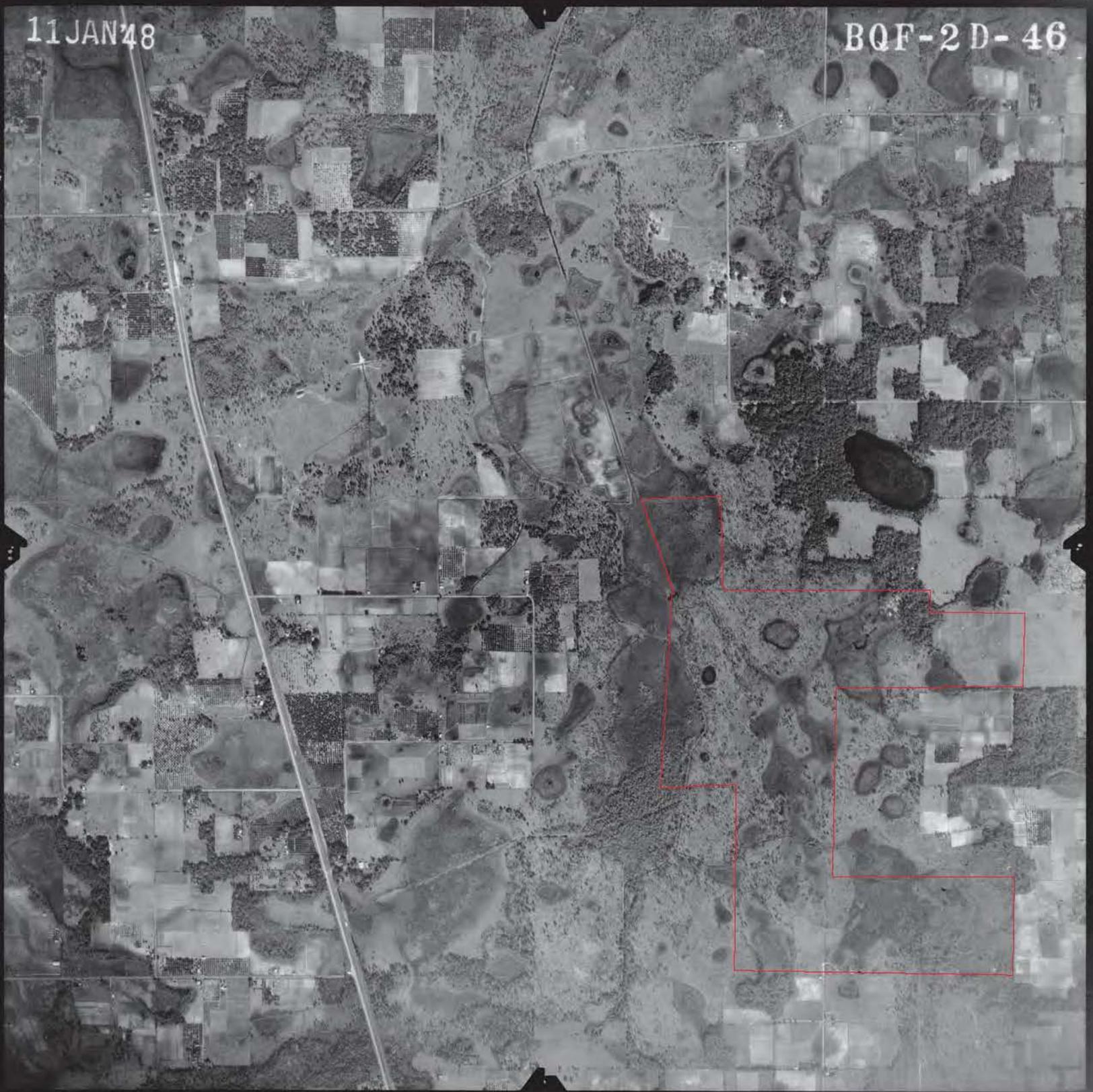
The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Hillsborough County, Florida (FL057)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
5	Basinger, Holopaw, and Samsula soils, depressional	130.5	36.4%
13	Eaton fine sand	5.7	1.6%
18	Fort Meade loamy fine sand, 0 to 5 percent slopes	9.4	2.6%
25	Lake fine sand, 0 to 5 percent slopes	5.5	1.5%
27	Malabar fine sand	72.5	20.2%
29	Myakka fine sand, 0 to 2 percent slopes	99.9	27.9%
33	Ona fine sand	15.3	4.3%
46	St. Johns fine sand	13.7	3.8%
59	Winder fine sand, 0 to 2 percent slopes	0.0	0.0%
99	Water	5.9	1.7%
<b>Totals for Area of Interest</b>		<b>358.4</b>	<b>100.0%</b>

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1-22-68

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