US Army Corps of Engineers

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): October 05, 2017

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Jacksonville District/SAJ-2014-00670-Wilds at Hawks Landing

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: FL County/parish/borough: Pinellas City:
Center coordinates of site (lat/long in degree decimal format): Lat. 28.095665° **N**, Long. 82.672543° **W**.
Universal Transverse Mercator:
Name of nearest waterbody: Lake Tarpon
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows:
Name of watershed or Hydrologic Unit Code (HUC): 0310020601--Moccasin Creek-Double Branch Frontal

☒ 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 20, 2017
☒ Field Determination. Date(s): May 21, 2015; February 25, 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: 660 linear feet: width (ft) and/or acres.
   Wetlands: 8.11 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: **Pond 1 (0.28 acre), Pond 2 (0.55 acre), Pond 3 (0.33 acre) and Pond 4 (0.28 acre) are surface waters excavated several decades ago in dry land from non-hydric soils for irrigation purposes or obtaining fill. These features 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).**

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[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: 337 **square miles**
Drainage area: 25,641 **acres**
Average annual rainfall: 52 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 **2-5** river miles from TNW.
Project waters are **1 (or less)** river miles from RPW.
Project waters are **1-2** 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: NA.

Identify flow route to TNW[5]: Wetland 2 and Wetland 3 are hydrologically connected via a ditch which runs along the northern property boundary, as well as via a shallow swale on the property. Wetland 2 and Wetland 1 are the same

[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.

system with the majority of the wetland off-site within the Brooker Creek Preserve. Wetland 2/1 is connected to Wetland 5 via an RPW ditch which flows off-site to the southwest and through culverts under Hawks Landing Blvd. From there, the tributary flows through several wetlands (where it may or may not have a defined channel), crosses under roadways via culverts, and joins Brooker Creek, which empties into Lake Tarpon.
Tributary stream order, if known: .

(b) General Tributary Characteristics (check all that apply):
Tributary is: ☐ Natural
☒ Artificial (man-made). Explain: Excavated ditch.
☐ Manipulated (man-altered). Explain: .

Tributary properties with respect to top of bank (estimate):
Average width: 4 feet
Average depth: 2 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:
☒ Other. Explain: Leaf litter.

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Relatively stable.
Presence of run/riffle/pool complexes. Explain: NA.
Tributary geometry: **Meandering**
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: Steady flow in wet season, lighter flow during dry season. The tributary had standing/flowing water during the May 21, 2015, and February 25, 2016 site visits. Additional dry season observations via available aerial and street view photographs of standing and flowing water during dry season months over several years indicate that the tributary has relatively permanent flowing or standing water for most of the year.
Other information on duration and volume: The stormwater management report submitted by the applicant states that the seasonal high water lines (SHWL) of Wetlands 1, 2 and 3 are at 16.01 ft NAVD, 16.52 ft and 16.52 ft respectively. These SHWLs are above most of the adjacent upland grade. Elevation on the site decreases from northeast to southwest. Upland soils are somewhat poorly drained, associated with flatwoods. Most/all of the drainage from the site drains to the southwest and exits through the culverts under Hawks Landing Blvd.

Surface flow is: **Discrete.** Characteristics: Ditch flow originates in Wetland 1 and Wetland 5. Flow is carried off-site through a culvert. The ditch also receives overland sheet flow and subsurface flow from the rest of the site due to the site's soil characteristics and high water table.

Subsurface flow: **Yes**. Explain findings: Subsurface flow is expected based on the high water table present. The stormwater management report submitted by the applicant states that the seasonal high water lines (SHWL) of Wetlands 1, 2 and 3 are at 16.01 ft NAVD, 16.52 ft and 16.52 ft respectively. These SHWLs are above most of the adjacent upland grade. Upland soils are somewhat poorly drained flatwoods soils. The water table is near the surface.
☐ 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):

[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.

☐ Discontinuous OHWM.[7] 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: Water is tannic colored. No visual evidence of impaired water quality observed during the field inspections. The site does not support agricultural practices. The watershed in general is approximately 44% urban and built-up. The second most common land use is agriculture. Stormwater runoff contributes to high nutrient and bacteria levels in downstream waters.

Identify specific pollutants, if known: The Tampa Bay Water Atlas rates Brooker Creek, the tributary into which the subject tributary flows, as good to poor throughout the whole river range. Brooker Creek is deemed an impaired waterbody by the Florida Department of Environmental Protection for fecal coliform bacteria, and by the Environmental Protection Agency for dissolved oxygen and fecal coliform bacteria.

[7] Ibid.

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

☐ Riparian corridor. Characteristics (type, average width): .

☒ Wetland fringe. Characteristics: Adjacent wetlands are cypress swamps.

☒ 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).

☐ Other environmentally-sensitive species. Explain findings: .

☒ Aquatic/wildlife diversity. Explain findings: Amphibians, reptiles, aquatic insects, wading birds.

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 1: 4.17 acres; Wetland 2: 0.73 acre; Wetland 3: 1.81 acres; Wetland 4: 0.21 acre; Wetland 5: 1.19 acres

Wetland type. Explain: Cypresss swamp.

Wetland quality. Explain: Overall quality good. Low presence of nuisance/exotic vegetation.

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

(b) General Flow Relationship with Non-TNW:

Flow is: **Intermittent flow**. Explain: Water flows directly from the on-site wetlands into the RPW. Wetland 3 has a surface water connection to Wetland 1/2, which has a direct surface water connection with the RPW, which directly abuts Wetland 5. The ditch receives surface flow, overland flow and subsurface exchange. Flow is at least intermittent, but likely year round with higher flow in the wet season. The tributary had standing/flowing water during the May 21, 2015, and February 25, 2016 site visits. Additional dry season observations via available aerial and street view photographs of standing and flowing water during dry season months over several years indicate that the tributary has relatively permanent flowing or standing water for most of the year.

Surface flow is: **Overland sheetflow**

Characteristics: Water flows directly from the on-site wetlands into the RPW. Wetland 3 has a surface water connection to Wetland 1/2, which has a direct surface water connection with the RPW, which directly abuts Wetland 5. The ditch receives surface flow, overland flow and subsurface exchange.

Subsurface flow: **Yes**. Explain findings: Subsurface flow between the wetlands and the tributary occurs based on the high water table present and the somewhat poorly drained flatwoods soils. The stormwater management report submitted by the applicant states that the seasonal high water lines (SHWL) of Wetlands 1, 2 and 3 are at 16.01 ft, 16.52 ft and 16.52 ft NAVD respectively. These SHWLs are above most of the adjacent upland grade, which varies between 15 ft and 17 ft NAVD. The water table is near the surface throughout the site.

Wetland 4 is separated from the rest of Wetland 3 by a nearly at-grade asphalt driveway. Wetland 4 experiences groundwater interaction with the wetlands and tributary based on the high water table present and upland soil characteristics.

☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

☒ Directly abutting

☒ Not directly abutting

☒ Discrete wetland hydrologic connection. Explain: The RPW ditch has a direct surface water connection with Wetland 1/2 and Wetland 5. Wetland 3 has a surface hydrologic connection to the Wetland 1/2 system and the RPW via a ditch and a swale. Wetland 4 is a physically severed but hydrologically connected piece of Wetland 3.

☒ Ecological connection. Explain: Aquatic insects, wading birds, reptiles and amphibians utilitze both the wetlands and tributary for feeding, refuge and other life stage requirements.

☒ Separated by berm/barrier. Explain: The Corps considers all parts of a single wetland that has been divided by road crossings, ditches, berms, etc. Wetland 4 has been physically separated from the rest of Wetland 3 by an asphalt driveway. The elevation of the driveway is 2-3 inches above the seasonal high water elevation of Wetland 3. Due to the poorly draining soils and high water table, shallow subsurface interaction between the wetland systems and the RPW occurs in addition to overland flow.

(d) Proximity (Relationship) to TNW

Project wetlands are **2-5** river miles from TNW.

Project waters are **1-2** aerial (straight) miles from TNW.

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

Estimate approximate location of wetland as within the **Pick List** 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: The on-site wetlands did not exhibit observable indicators of poor water quality such as a

sheen or film during the field inspections. The site does not support agricultural practices. The watershed in general is approximately 44% urban and built-up. The second most common land use is agriculture. Stormwater runoff contributes to high nutrient and bacteria levels in downstream waters.

Identify specific pollutants, if known: The Tampa Bay Water Atlas rates Brooker Creek, the tributary into which the aquatic resources flow, as good to poor throughout the whole river range. Brooker Creek is deemed an impaired waterbody by the Florida Department of Environmental Protection for fecal coliform bacteria, and by the Environmental Protection Agency for dissolved oxygen and fecal coliform bacteria.

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

☐ Riparian buffer. Characteristics (type, average width): .

☒ Vegetation type/percent cover. Explain: Wetlands are cypress swamps with at least 90% aerial cover.

☒ Habitat for:

☒ Federally Listed species. Explain findings: Potential wood stork foraging or nesting habitat.

☒ Fish/spawn areas. Explain findings: Wetlands with direct connection to RPW may provide fish/spawn habitat for small fish (i.e. mosquitofish) during wetter months.

☐ Other environmentally-sensitive species. Explain findings: .

☒ Aquatic/wildlife diversity. Explain findings: Amphibians, reptiles, aquatic insects, mollusks, wading birds.

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

All wetland(s) being considered in the cumulative analysis: **9**

Approximately (647) 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)
N	0.21	N	1.81
Y	220	Y	1.19
Y	300	Y	12.4
Y	1.6	Y	28
Y	82		

Summarize overall biological, chemical and physical functions being performed: The subject wetlands, in combination with similarly situated wetlands in the watershed, perform the following functions: Storage of flood waters; reduction of downstream peak discharges and volumes; recharge of aquifer; 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); support 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.
5. Signicant Nexus Determination: The Eleventh Circuit has concluded that the Kennedy standard is the sole method of determining
6. CWA jurisdiction in that Circuit (United States v. McWane, Inc., et al., 505 F.3d 1208 [11th Cir. 2007]); therefore, unless the
7. aquatic resources are traditional navigable waters or wetlands adjacent to traditional navigable waters, the Corps must conduct a
8. significant nexus determination on all other waters in order to determine jurisdiction under the CWA. The Corps has determined
9. that for this review, the subject tributary (RPW ditch) 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.
10.
11. The following represents the significant nexus finding for the RPW and similarly situated waters:

12. PHYSICAL: The tributary receives rainfall and stormwater runoff, including subsurface contribution, from the site and transports this water and sediment load downstream through the offsite culverts under Hawks Landing Blvd. The flows from the tributary, in combination with similarly situated waters, affect the duration, frequency and volume of flow into Brooker Creek and ultimately Lake Tarpon and Old Tampa Bay, the receiving TNWs.
13. CHEMICAL: The tributary and similarly situated waters transfer nutrients and organic carbon that supports downstream food webs, as well as transfer pollutants to the downstream TNW, which negatively affects aquatic resources and contributes to algal blooms.
14. BIOLOGICAL: The tributary and similarly situated waters 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 subject tributary in combination with similarly situated waters are exported downstream to, and provide benefits to, Lake Tarpon and Old Tampa Bay (TNWs).
15.
16. The following represents the significant nexus finding for the adjacent wetlands and similarly situated wetlands:
17. 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 the water's velocity and reducing the amount of sediments entering downstream waters.
18. CHEMICAL: The wetlands improve water quality by removing sediments, nutrients and 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.
19. 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, roadways 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 of wading birds, reptiles, amphibians, aquatic macroinvertebrates, aquatic insects and small mammals. The on-site wetlands are contiguous with and part of the wetland systems in the Brooker Creek Preserve. The biological functions performed by the subject wetlands and similarly situated wetlands are exported downstream to, and provide benefits to, Lake Tarpon and Old 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: The tributary has steady flow in wet season, lighter flow during dry season. The tributary had standing/flowing water during the May 21, 2015, and February 25, 2016 site visits. Additional dry season observations via available aerial and street view photographs of standing and flowing water during dry season months over several years indicate that the tributary has relatively permanent flow, likely year-round.

   Provide estimates for jurisdictional waters in the review area (check all that apply):
   ☒ Tributary waters: **660** linear feet width (ft).
   ☐ Other non-wetland waters: acres.
   Identify type(s) of waters: .

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.**

[8]See Footnote # 3.

☒ 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: The tributary (ditch) has a direct surface water connection with Wetland 1/2 and directly abuts Wetland 5. There is no berm or barrier separating the connection.

Provide acreage estimates for jurisdictional wetlands in the review area: **6.09** 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.

Provide acreage estimates for jurisdictional wetlands in the review area: **2.02** 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).

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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.***

☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .

☒ Other: (explain, if not covered above): **Pond 1 (0.28 acre), Pond 2 (0.55 acre), Pond 3 (0.33 acre) and Pond 4 (0.28 acre) are surface waters excavated several decades ago in dry land from non-hydric soils for irrigation purposes or obtaining fill. These features 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).**

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: 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.

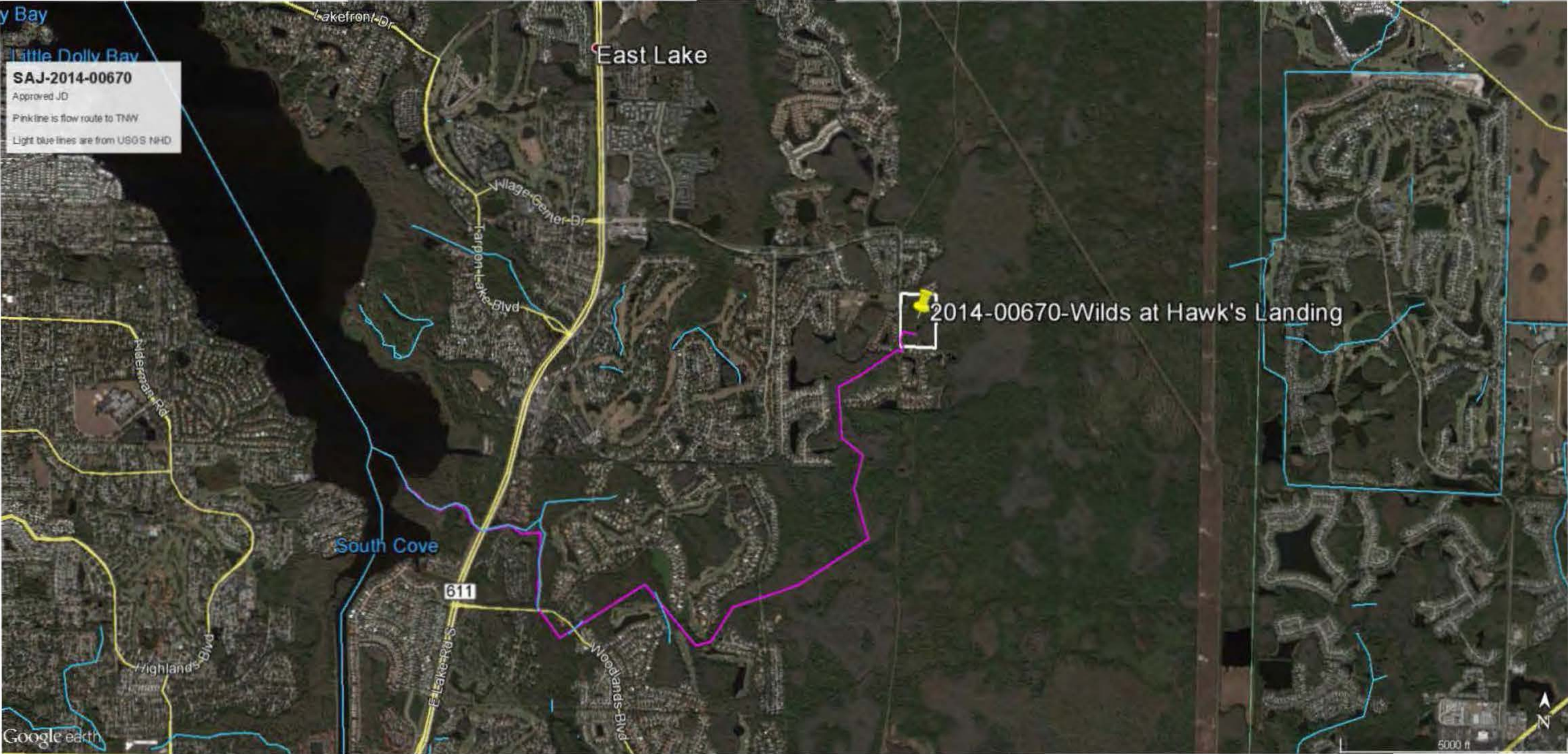
SECTION IV: DATA SOURCES.

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: Acquired from https://nhd.usgs.gov/data html.
  ☒ 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: Soil map obtained using https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx.
☐ 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); aerials provided by applicant; 1970 historic aerial obtained from http://ufdc.ufl.edu/aerials.
  or ☒ Other (Name & Date): Site photos taken by the Corps (2015/2016); photos provided by the applicant.
☐ Previous determination(s). File no. and date of response letter: .
☐ Applicable/supporting case law: .
☐ Applicable/supporting scientific literature: .
☒ Other information (please specify):
http://www.tampabay.wateratlas.usf.edu/watershed/default.asp?wshedid=120&wbodyatlas=watershed
http://www.swfwmd.state.fl.us/data/hydrologic/rainfall_data_summaries/
LIDAR obtained from Florida Dept of Environmental Protection Land Boundary Information System (LABINS)
http://www.labins.org/mapping_data/mappingdata.cfm

.

B. ADDITIONAL COMMENTS TO SUPPORT JD: .


SAJ-2014-00670
Approved JD
Pink line is flow route to TNW
Light blue lines are from USGS NHD
y Bay
Little Dolly Bay
East Lake
Lakefront Dr
Village Center Dr
Tarpon Lake Blvd
Alderman Rd
South Cove
611
E Lake Rd S
Woodlands Blvd
Highlands Blvd
2014-00670-Wilds at Hawk's Landing
Google earth
5000 ft
N

SAJ-2014-00670
Approved JD
Pink line is flow route to TNW
Light blue lines are from USGS NHD
2014-00670-Wilds at Hawk's Landing
Ridgemoor Blvd
Hillmoor Dr
Glenridge Dr
Belmoor Dr
Oakridge Dr
Tarpon Lake Blvd
Brooker
Sandy Pt
Wall Pt
Creek
Tonwood Ln
Saddlewood Ln
Slag Thicket Ln
Boat Ramp
Brooker
Park
Creek
South Cove
Pinnacle St
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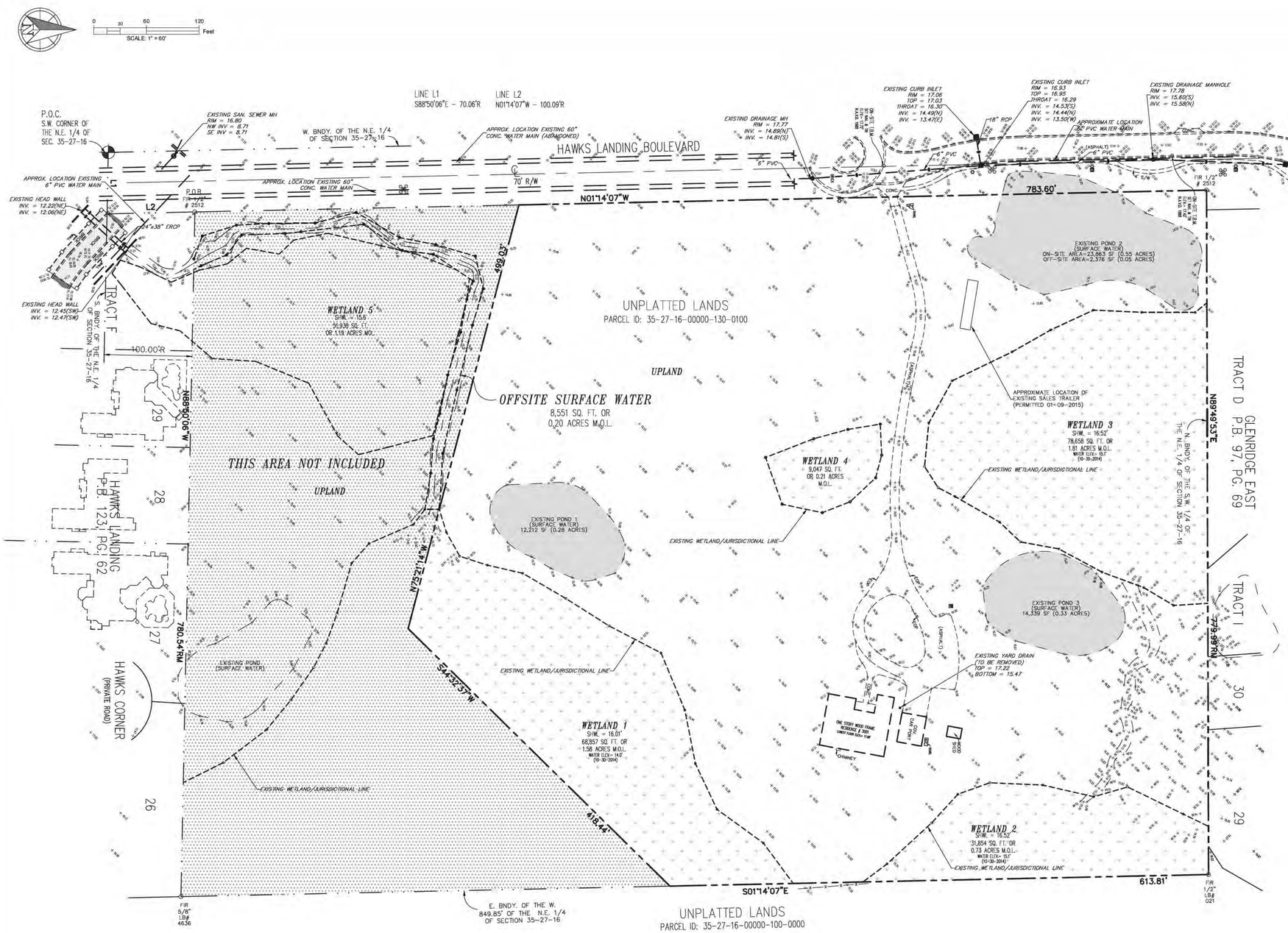

LINE	DATA	WETLAND 1
LINE LABEL	BEARING	DISTANCE
JD1	N26°31'39"W	51.03'MC
JD2	N37°17'33"W	62.03'M
JD3	N50°41'24"W	43.60'M
JD4	N54°59'08"W	44.91'M
JD5	N62°30'59"W	31.21'M
JD6	N69°58'45"W	36.90'M
JD7	N73°51'49"W	59.00'M
JD8	N48°41'56"W	30.16'M
JD9	N23°17'43"W	55.23'M
JD10	N52°59'34"W	21.27'M
JD10A	N00°01'31"W	16.50'M
JD40	N73°04'29"E	27.41'M
JD41	N60°51'03"E	31.14'M
JD42	N17°57'15"E	33.26'M
JD43	N12°55'00"E	41.32'M
JD44	N30°21'57"E	56.81'M
JD45	N32°19'29"E	58.52'M
JD46	N27°32'03"E	66.54'M
JD47	N67°24'44"E	70.56'M
JD48	N78°47'52"E	62.30'M
JD49	N64°44'09"E	57.46'M
JD50	N36°01'18"E	65.34'M
JD51	N53°34'22"E	57.25'MC

LINE	DATA	WETLAND 2
LINE LABEL	BEARING	DISTANCE
JD52	N36°59'47"W	34.34'MC
JD53	N42°35'01"W	68.98'M
JD54	N47°33'13"W	44.26'M
JD55	N19°43'23"W	38.74'M
JD56	N02°30'30"E	60.22'M
JD57	N12°52'30"E	59.63'M
JD58	N16°06'24"W	40.07'M
JD59	N25°59'49"E	70.52'M

LINE	DATA	WETLAND 3
LINE LABEL	BEARING	DISTANCE
JD60	S03°29'36"E	39.01'MC
JD61	S30°48'09"W	39.54'M
JD62	S20°24'28"W	50.54'M
JD63	S28°15'21"W	56.01'M
JD64	S10°22'22"W	44.67'M
JD65	S43°39'06"W	32.68'M
JD66	S29°51'40"W	58.28'M
JD67	S27°36'02"W	21.89'M
JD68	S57°21'14"W	28.82'M
JD69	N84°22'52"W	49.74'M
JD70	N61°01'33"W	54.91'M
JD71	N25°47'45"W	75.75'M
JD72	N29°35'01"W	50.71'M
JD73	N24°56'50"W	53.62'M
JD74	N02°35'00"E	55.15'M
JD75	N00°09'45"E	60.87'M
JD76	N39°25'58"W	17.24'MC

LINE	DATA	WETLAND 4
LINE LABEL	BEARING	DISTANCE
JD77	N21°14'33"W	58.98'M
JD78	N15°13'28"W	40.20'M
JD79	N09°19'33"W	37.41'M
JD80	N87°22'41"E	35.41'M
JD81	S75°08'56"E	26.75'M
JD82	S43°09'17"E	39.85'M
JD83	S21°23'37"E	34.06'M
JD84	S11°52'08"W	46.73'M
JD85	S70°28'06"W	56.57'M

LINE	DATA	WETLAND 5
LINE LABEL	BEARING	DISTANCE
JD86	N14°25'25"W	52.80'M
JD87	N14°10'26"W	34.87'M
JD88	N41°53'24"W	31.78'M
JD89	N61°16'41"E	68.61'M
JD90	N22°24'04"E	65.51'M
JD91	N03°37'17"E	49.28'M
JD92	N40°40'32"E	30.28'M
JD93	S23°10'15"E	6.85'M
JD94	S12°42'15"E	33.02'M
JD95	S39°12'27"E	28.08'M
JD96	S10°02'08"W	37.81'M
JD97	S43°48'12"E	22.97'M
JD98	S11°15'33"E	39.49'M
JD99	S13°03'22"W	61.13'M
JD100	S13°30'23"W	43.30'M
JD101	S21°39'13"W	49.24'M
JD102	N70°28'13"W	16.77'M
JD103	N82°44'50"W	22.39'M
JD104	N77°04'19"W	40.95'M
JD105	N75°34'28"W	40.68'M
JD106	N73°07'47"W	8.98'M
JD107	N78°34'34"W	8.59'M
JD108	N76°04'19"W	62.45'M

LINE	DATA	SURFACE WATER
LINE LABEL	BEARING	DISTANCE
JD10A	N00°01'31"W	16.50'M
JD11	N80°46'25"W	41.71'M
JD12	N85°27'41"W	39.43'M
JD13	N75°44'59"W	29.77'M
JD14	N78°34'34"W	44.62'M
JD15	N73°07'47"W	51.22'M
JD16	N79°27'42"W	37.92'M
JD17	N70°28'13"W	22.11'M
JD18	S33°46'38"W	54.90'M
JD19	S07°01'06"W	35.85'M
JD20	S34°12'30"W	52.91'M
JD21	S06°46'48"E	71.86'M
JD22	S06°29'59"E	18.31'M
JD23	S01°43'16"E	49.22'M
JD24	S52°43'01"E	28.92'M
JD25	S22°43'06"E	31.32'M
JD26	S26°38'47"E	9.40'MC
JD27	N69°52'38"W	27.92'M
JD28	N17°31'03"W	40.73'M
JD29	N03°00'07"W	36.93'M
JD30	N00°36'24"W	52.73'M
JD31	N14°22'38"W	48.32'M
JD32	N30°07'44"E	56.80'M
JD33	N11°04'58"E	42.35'M
JD34	N16°16'52"E	46.97'M
JD35	N76°10'30"E	38.20'M
JD36	S73°20'37"E	43.42'M
JD37	S76°30'23"E	75.72'M
JD38	S77°25'25"E	74.12'M
JD39	S86°31'44"E	64.00'M

SURVEY INFORMATION PROVIDED BY:

GEORGE A. SHIMP II AND ASSOCIATES, INCORPORATED
LAND SURVEYORS LAND PLANNERS
3301 DeSOTO BOULEVARD, SUITE D
PALM HARBOR, FLORIDA 34683
PHONE (727) 784-5496 FAX (727) 786-1256
R.C. LB 1834

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EXISTING CONDITIONS/WETLAND BOUNDARY INFORMATION

REVISIONS
09-12-2014 REVISED PER CLIENT REVISIONS & PINELLAS COUNTY COMMENTS
01-15-2015 ADDED NEW BOUNDARY & ADDITIONAL TOPO
08-03-2015 REVISED PER SWFWMD COMMENTS
09-12-2015 REVISED PER SWFWMD COMMENTS

NOTICE TO CONTRACTOR/OWNER
CONSTRUCTION IS NOT AUTHORIZED UNTIL PLANS HAVE BEEN ISSUED BY LANDON, MOREE & ASSOCIATES, INC. STAMPED "ISSUED FOR CONSTRUCTION"

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Drawn: RFA
Checked: JCL
Scale: 1"=60'
Date: 01-22-2014
Job No.: 619-03

Toll Free: 1-800-262-7960
Web: WWW.LMAENGR.COM

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PINELLAS COUNTY, FLORIDA

WILDS LAND COMPANY, LLC
2611 KEYSTONE ROAD, SUITE B-4
TARPON SPRINGS, FLORIDA 34688

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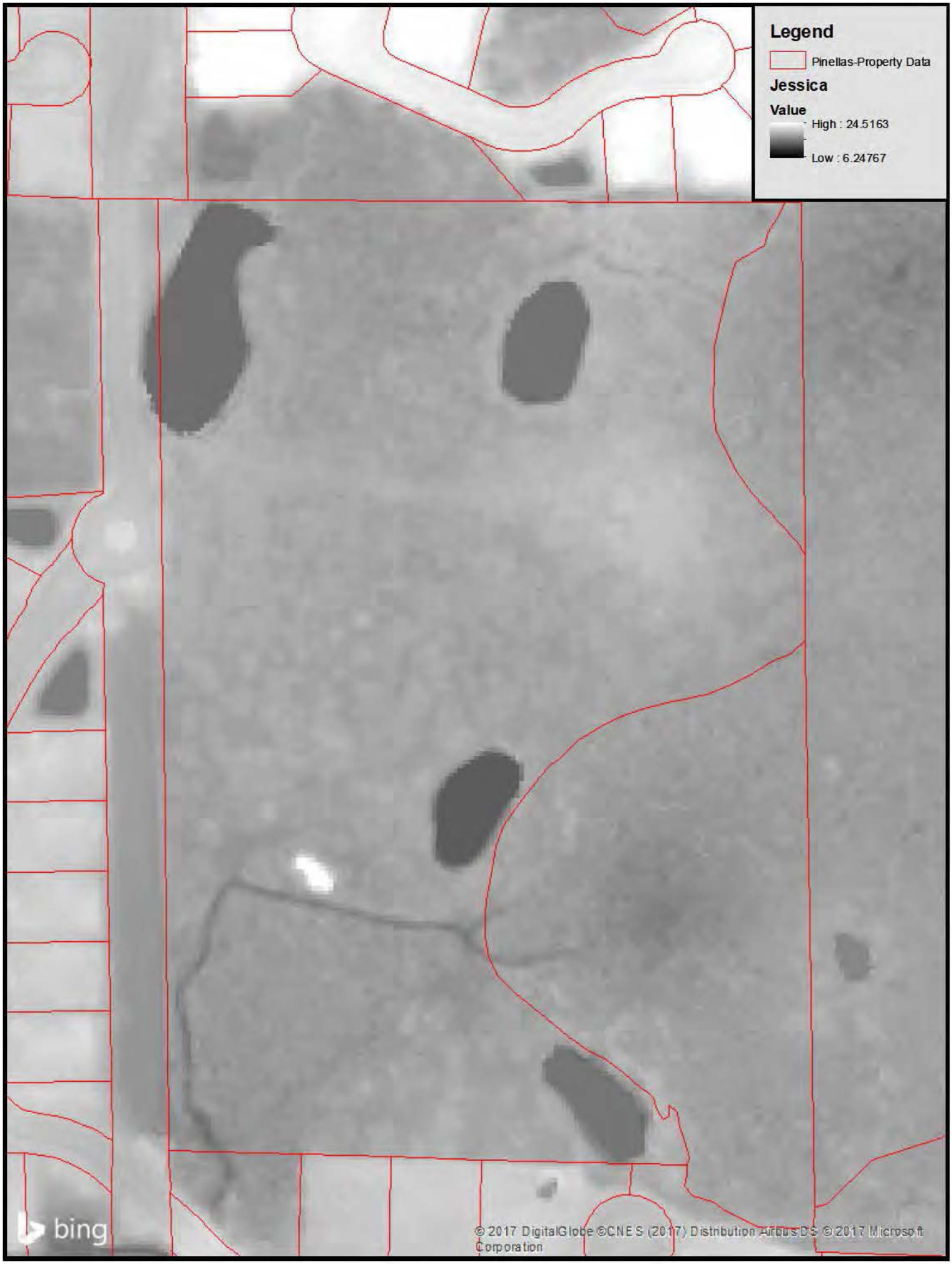
EB #4056
Landon, Moree & Associates, Inc.
Civil & Environmental Engineers - Planners - Surveyors
31622 U.S. 19 NORTH, PALM HARBOR, FLORIDA 34684
Phone: (727) 786-5960, Fax: (727) 786-1256
Toll Free: 1-800-262-7960, WWW.LMAENGR.COM

SAJ-2014-00670
Approved JD
Waters Edge Rd
Hawks Landing Blvd
EXISTING CONDITIONS/WETLAND BOUN
Google earth
400 ft
N

SAJ-2014-00670-Wilds at Hawks Landing/Approved JD

Wetland/surface water table

Wetland/Waterbody ID	Size (acres or linear feet)	JD status
Wetland 1	4.17 acres	Adjacent to and directly abutting an RPW
Wetland 2	0.73 acre	Adjacent to and directly abutting an RPW
Wetland 3	1.81 acres	Adjacent to, but not directly abutting an RPW
Wetland 4	0.21 acre	Adjacent to, but not directly abutting an RPW
Wetland 5	1.19 acres	Adjacent to and directly abutting an RPW
Pond 1	0.28 acre	Non-jurisdictional per preamble to 1986 Regs
Pond 2	0.55 acre	Non-jurisdictional per preamble to 1986 Regs
Pond 3	0.33 acre	Non-jurisdictional per preamble to 1986 Regs
Pond 4	0.28 acre	Non-jurisdictional per preamble to 1986 Regs
Ditch	660 linear ft	RPW


Legend
Pinellas-Property Data
Jessica
Value
High : 24.5163
Low : 6.24767
bing
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Soil Map—Pinellas County, Florida
(SAJ-2014-00670-Wilds at Hawks Landing)

Map Scale: 1:2,040 if printed on A portrait (8.5" x 11") sheet.

N

Meters: 0 30 60 120 180

Feet: 0 50 100 200 300

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

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

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

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
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: Pinellas County, Florida
Survey Area Data: Version 13, Sep 16, 2016

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

Date(s) aerial images were photographed: Mar 17, 2015—Apr 1, 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

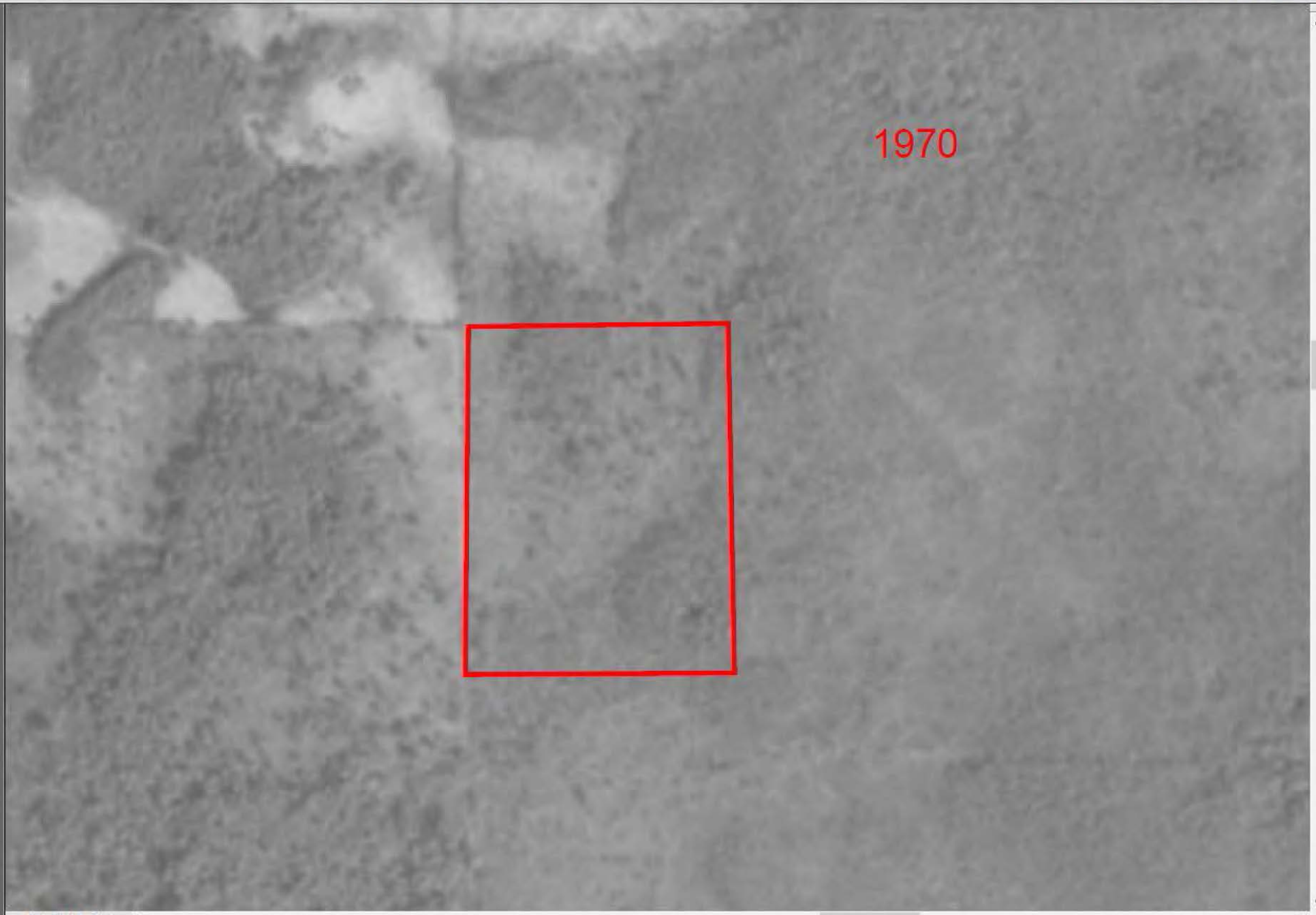
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
3	Anclote fine sand, depressional	2.8	15.3%
6	Basinger soils and Urban land	5.4	29.0%
7	Basinger fine sand, depressional, 0 to 1 percent slopes	0.7	3.5%
17	Myakka soils and Urban land	9.7	52.2%
Totals for Area of Interest		**18.7**	**100.0%**

1970 aerial.pdf - Adobe Acrobat Pro

File Edit View Window Help

Create Customize

1 / 1 150% Tools Fill & Sign Comment



83.97 x 84.29 in