



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):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Jacksonville, Mosaic South Fort Meade Mine-Hardee County; SAJ-1997-4099-IP-MGH

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

The 2.6-acre McGowin parcel and the 0.7-acre Reynolds Road segment are located in Section 23, Township 33 south, Range 25 east. No waters of the United States are present.

The 19.2-acre Grace parcels and the 2.2-acre Reed parcel are located in Section 24, Township 33 south, Range 25 east. These parcels are comprised entirely of upland communities.

State: Florida County/parish/borough: Hardee City: N/A
Center coordinates of site (lat/long in degree decimal format): Lat. 27° 35' 47.10 N, Long. -81° 46' 32.57W.
Universal Transverse Mercator:

Name of nearest waterbody: Little Charlie Creek
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Peace River
Name of watershed or Hydrologic Unit Code (HUC): Peace River (HUC 03100101)
[ ] Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
[X] 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. DA Permit SAJ-1997-4099-IP-MGH

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

- [ ] Office (Desk) Determination. Date:
[ ] Field Determination. Date(s):

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 no "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 waters2 (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

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).

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

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

Wetlands: acres. N/A

**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:

**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: **The relevant reach is not navigable.**

Summarize rationale supporting determination: **Navigability does not extend upstream into Little Charlie Creek.**

**2. Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is “adjacent”: **Not Applicable.**

**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.

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

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

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

(i) General Area Conditions:

Watershed size: **1,504,000 acres (2,350 square miles)**  
Drainage area: **17,363 acres**  
Average annual rainfall: **54 inches**  
Average annual snowfall: **-0- inches**

(ii) Physical Characteristics:

(a) Relationship with TNW:

- Tributary flows directly into TNW.  
 Tributary flows through **two (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: **Not Applicable.**

Identify flow route to TNW<sup>5</sup>: **Upland cut ditches flow into a mechanically-altered stream, which flows into Little Charlie Creek and then flows into the Peace River.**  
Tributary stream order, if known: **First.**

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

Tributary is:  Natural  
 Artificial (man-made). Explain: **Upland cut ditches.**  
 Manipulated (man-altered). Explain: **Stream 18i on SFM-HC.**

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

Average width: **3** feet  
Average depth: **1** 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:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: **Stable.**  
Presence of run/riffle/pool complexes. Explain: **Not Present.**  
Tributary geometry: **Straight.**  
Tributary gradient (approximate average slope): **2 %**

(c) Flow:

Tributary provides for: **Ephemeral.**  
Estimate average number of flow events in review area/year: **6-10**  
Describe flow regime: **Rainfall runoff.**  
Other information on duration and volume: **None Available.**

Surface flow is: **Discrete and confined.**  
Characteristics: **Ditch is incised.**

Subsurface flow: **No.** Explain findings: **The topography is insufficient to generate seepage flow.**  
 Dye (or other) test performed: **No.**

Tributary has (check all that apply):

Bed and banks  
 OHWM<sup>6</sup> (check all indicators 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.

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

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: **Monitoring data documents Little Charlie Creek meets water quality standards and water color is clear.**

Identify specific pollutants, if known: **Coliform bacteria from livestock and wildlife.**

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

- Riparian corridor. Characteristics (type, average width): **None present.**
- Wetland fringe. Characteristics:
- Habitat for:
  - Federally Listed species. Explain findings: .
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings: .
  - Aquatic/wildlife diversity. Explain findings:

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

**(i) Physical Characteristics:**

**(a) General Wetland Characteristics:**

Properties:

Wetland size: **None Present.**

Wetland type: **N/A**

Wetland quality. Explain: **N/A**

Project wetlands cross or serve as state boundaries. Explain: **N/A**

**(b) General Flow Relationship with Non-TNW:**

Flow is: **N/A**. Explain: **N/A**

Surface flow is: **N/A**

Characteristics: **N/A.**

Subsurface flow: **No**. Explain findings: **N/A**

Dye (or other) test performed: **N/A**

**(c) Wetland Adjacency Determination with Non-TNW:**

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain:

- (d) Proximity (Relationship) to TNW  
Project wetlands are N/A river miles from TNW.  
Project waters are N/A aerial (straight) miles from TNW.  
Flow is from: N/A  
Estimate approximate location of wetland as within the N/A

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: N/A  
Identify specific pollutants, if known: N/A

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

- Riparian buffer. Characteristics (type, average width):  
 Vegetation type/percent cover. Explain:  
 Habitat for:  
 Federally Listed species. Explain findings:  
 Fish/spawn areas. Explain findings:  
 Other environmentally-sensitive species. Explain findings:  
 Aquatic/wildlife diversity. Explain findings:

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

All wetland(s) being considered in the cumulative analysis: N/A  
Approximately N/A

**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. **Not Applicable.**
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: **Not applicable.**
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: **Not applicable.**

**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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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).

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

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

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

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

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

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

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

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

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

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

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: 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: 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: **See Figures 1, 2A, and 3A.**
- 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. **See Figure 2A.**
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: **See Figure 4.**
- USDA Natural Resources Conservation Service Soil Survey. Citation: **See Figure 5A.**
- National wetlands inventory map(s). Cite name: **See Figure 6A.**
- State/Local wetland inventory map(s):
- FEMA/FIRM maps: **See Figure 7A.**

<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*.

- 
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
  - Photographs:  Aerial (Name & Date): **Mosaic, 2016 (Figure 8A).**  
or  Other (Name & Date):
  - Previous determination(s). File no. and date of response letter: **See SAJ-1997-4099-IP-MGH for abutting South Fort Meade Hardee County Mine.**
  - Applicable/supporting case law:
  - Applicable/supporting scientific literature:
  - Other information (please specify):

**B. ADDITIONAL COMMENTS TO SUPPORT JD:**

**The McGowin, Grace, and Reed parcels, along with the Reynolds Road segment, were inspected by Ms. Melinda Hogan-Charles of the U.S. Army Corps of Engineers on September 26, 2017. Ms. Hogan-Charles verified no waters of the United States are present on these lands.**

**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):**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Jacksonville, Mosaic South Fort Meade Mine-Hardee County; SAJ-1997-4099-IP-MGH**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION: The 1.9-acre Pohl parcel is located in Section 25, Township 33 south, Range 25 east. The 8.0-acre Smith parcel is located in Section 36, Township 33 south, Range 25 east. Both parcels drain to Max Branch, which is a tributary to the Peace River. In addition, a portion of the Airport Road right-of-way drains to Max Branch.**

State: **Florida** County/parish/borough: **Hardee** City: **N/A**  
Center coordinates of site (lat/long in degree decimal format): **Lat. 27° 34' 19 N, Long. -81° 46' 36 W.**  
Universal Transverse Mercator:

Name of nearest waterbody: **Max Branch**

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

Name of watershed or Hydrologic Unit Code (HUC): **Peace River (HUC 03100101)**

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. **DA Permit SAJ-1997-4099-IP-MGH**

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

Office (Desk) Determination. Date:

Field Determination. Date(s):

**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 no** "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

<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).

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

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

**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:

**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: **The relevant reach is not navigable.**

Summarize rationale supporting determination: **Navigability does not exceed upstream into Max Branch.**

**2. Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is “adjacent”: **N/A**

**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.

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

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

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

(i) General Area Conditions:

Watershed size: **1,504,000 acres (2,350 square miles)**  
Drainage area: **3,336 acres Pick List**  
Average annual rainfall: **54 inches**  
Average annual snowfall: **0 inches**

(ii) Physical Characteristics:

(a) Relationship with TNW:

- Tributary flows directly into TNW.  
 Tributary flows through 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<sup>5</sup>: **The Review Area is drained by ditches that flow indirectly to Max Branch, a non-TNW, which in turn flows west to the Peace River, a TNW.**

Tributary stream order, if known: **Third.**

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

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

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

Average width: **10** feet  
Average depth: **1** foot  
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:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: **Unknown. Located offsite**

Presence of run/riffle/pool complexes. Explain: **Unknown. Located offsite.**

Tributary geometry: **Meandering.**

Tributary gradient (approximate average slope): **2%**

(c) Flow:

Tributary provides for: **Seasonal flow.**

Estimate average number of flow events in review area/year: **6-10**

Describe flow regime: **Seasonally intermittent.**

Other information on duration and volume:

Surface flow is: **Discrete and confined.**

Characteristics: **Flow contained within defined stream banks.**

Subsurface flow: **Unknown** Explain findings: **Not monitored.**

Dye (or other) test performed:.

<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.

Tributary has (check all that apply):

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

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

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

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

**(iii) Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain: **Unknown, located offsite.**  
Identify specific pollutants, if known: **Unknown, located offsite.**

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

- Riparian corridor. Characteristics (type, average width): **None present.**
- Wetland fringe. Characteristics:
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings: **Provides habitat for a variety of wetland dependent species.**

**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: **None present.**

Wetland type: **N/A**

Wetland quality. Explain: **N/A**

Project wetlands cross or serve as state boundaries. Explain: **N/A**

**(b) General Flow Relationship with Non-TNW:**

Flow is: **N/A**. Explain: **N/A**

Surface flow is: **N/A**

Characteristics: **N/A.**

Subsurface flow: **N/A**. Explain findings: **N/A**

Dye (or other) test performed: **N/A**

**(c) Wetland Adjacency Determination with Non-TNW:**

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain:

<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.

- (d) Proximity (Relationship) to TNW  
Project wetlands are N/A river miles from TNW.  
Project waters are N/A aerial (straight) miles from TNW.  
Flow is from: N/A  
Estimate approximate location of wetland as within the N/A

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: N/A  
Identify specific pollutants, if known: N/A

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

- Riparian buffer. Characteristics (type, average width):  
 Vegetation type/percent cover. Explain:  
 Habitat for:  
 Federally Listed species. Explain findings:  
 Fish/spawn areas. Explain findings:  
 Other environmentally-sensitive species. Explain findings:  
 Aquatic/wildlife diversity. Explain findings:

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

All wetland(s) being considered in the cumulative analysis: N/A  
Approximately N/A

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. **Not Applicable.**
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: **Not applicable.**
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: **Not applicable.**

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**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: .

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Non-wetland waters (i.e., rivers, streams): -0- linear feet -0- 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.

<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*.

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**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: **See Figures 1, 2B, and 3B.**
- 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. **See Figure 2B.**
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: **See Figure 4.**
- USDA Natural Resources Conservation Service Soil Survey. Citation: **See Figure 5B.**
- National wetlands inventory map(s). Cite name: **See Figure 6B.**
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: **See Figure 7B.**
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): **Mosaic, 2016 (Figure 8B).**  
or  Other (Name & Date):
- Previous determination(s). File no. and date of response letter: **See SAJ-1997-4099-IP-MGH for abutting South Fort Meade Mine-Hardee County.**
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify):

**B. ADDITIONAL COMMENTS TO SUPPORT JD:**

**The Smith and Pohl parcels, along with the Airport Road segment, were inspected by Ms. Melinda Hogan-Charles of the U.S. Army Corps of Engineers on September 26, 2017. Ms. Hogan-Charles verified no waters of the United States are present on these lands.**

**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):**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Jacksonville, Mosaic South Fort Meade Mine-Hardee County; SAJ-1997-4099-IP-MGH

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:** The Yant parcel drains to the Peace River along with portions of the Airport Road right-of-way. The Yant parcel is located in Section 35, Township 33 south, Range 25 east (Figure 1). Airport Road is located on the Section 35/36 line in Township 33 south, Range 25 east.

State: **Florida** County/parish/borough: **Hardee** City: **N/A**  
Center coordinates of site (lat/long in degree decimal format): **Lat. 27° 34' 19 N, Long. -81° 46' 36 W.**  
Universal Transverse Mercator:

Name of nearest waterbody: **Peace River (HUC 03100101).**

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

Name of watershed or Hydrologic Unit Code (HUC): **Peace River (HUC 03100101)**

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. **DA Permit SAJ-1997-4099-IP-MGH**

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

Office (Desk) Determination. Date:

Field Determination. Date(s):

**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 no** "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: N/A linear feet: N/A width (ft) and/or N/A acres.

<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).

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Wetlands: N/A 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 Yant parcel is comprised entirely of uplands. The only potential waters that occur on the Yant parcel are ~0.08 acres of shallow upland cut ditches that only flow in response to rain events (Figure 2B). The *Rapanos* guidance states ditches (including roadside ditches) excavated wholly in and draining only uplands that do not carry a relatively permanent flow are not jurisdictional.**

**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: **Peace River.**

Summarize rationale supporting determination: **The State of Florida has documented that the Peace River is navigable.**

2. **Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is “adjacent”: **No wetlands are present in the review area.**

**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.

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

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

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

**(i) General Area Conditions:**

Watershed size: N/A  
Drainage area: N/A  
Average annual rainfall: N/A inches  
Average annual snowfall: N/A inches

**(ii) Physical Characteristics:**

**(a) Relationship with TNW:**

- Tributary flows directly into TNW.  
 Tributary flows through **one (1)** tributaries before entering TNW.

Project waters are N/A river miles from TNW.  
Project waters are N/A river miles from RPW.  
Project waters are N/A aerial (straight) miles from TNW.  
Project waters are N/A aerial (straight) miles from RPW.  
Project waters cross or serve as state boundaries. Explain: NA.

Identify flow route to TNW<sup>5</sup>:  
Tributary stream order, if known:

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

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

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

Average width: N/A feet  
Average depth: N/A feet  
Average side slopes: N/A

**Primary tributary substrate composition (check all that apply):**

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

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: N/A

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

Tributary geometry: N/A

Tributary gradient (approximate average slope): N/A

**(c) Flow:**

Tributary provides for: N/A

Estimate average number of flow events in review area/year: N/A

Describe flow regime: N/A

Other information on duration and volume: N/A

Surface flow is: N/A

Characteristics: N/A

Subsurface flow: N/A Explain findings:

Dye (or other) test performed:

<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.

Tributary has (check all that apply):

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

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: **N/A**  
Identify specific pollutants, if known: **N/A**

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

- Riparian corridor. Characteristics (type, average width): **None present.**
- Wetland fringe. Characteristics:
- Habitat for:
  - Federally Listed species. Explain findings: .
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings: .
  - Aquatic/wildlife diversity. Explain findings: .

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

**(i) Physical Characteristics:**

**(a) General Wetland Characteristics:**

Properties:

Wetland size: **N/A**  
Wetland type: **N/A**  
Wetland quality. Explain: **N/A**

Project wetlands cross or serve as state boundaries. Explain: **N/A**

**(b) General Flow Relationship with Non-TNW:**

Flow is: **N/A** Explain: **N/A**

Surface flow is: **N/A**

Characteristics: **N/A**

Subsurface flow: **No.** Explain findings: **N/A**

Dye (or other) test performed: **N/A**

<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.

- (c) Wetland Adjacency Determination with Non-TNW:
- Directly abutting
  - Not directly abutting
    - Discrete wetland hydrologic connection. Explain:
    - Ecological connection. Explain:
    - Separated by berm/barrier. Explain:

- (d) Proximity (Relationship) to TNW
- Project wetlands are **N/A** river miles from TNW.  
 Project waters are **N/A** aerial (straight) miles from TNW.  
 Flow is from: **N/A**  
 Estimate approximate location of wetland as within the **N/A**

**(ii) Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: **N/A**  
 Identify specific pollutants, if known: **N/A**

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

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain:
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

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

All wetland(s) being considered in the cumulative analysis: **N/A**  
 Approximately **N/A**

**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. **Not Applicable.**

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: **Not applicable.**
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: **Not applicable.**

**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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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**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: **See Figures 1, 2B, and 3B.**
  - 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. **See Figure 2B.**
    - USGS 8 and 12 digit HUC maps.
  - U.S. Geological Survey map(s). Cite scale & quad name: **See Figure 4.**
  - USDA Natural Resources Conservation Service Soil Survey. Citation: **See Figure 5B.**
  - National wetlands inventory map(s). Cite name: **See Figure 6B.**
  - State/Local wetland inventory map(s):
  - FEMA/FIRM maps: **See Figure 7B.**
  - 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
  - Photographs:  Aerial (Name & Date): **Mosaic, 2016 (Figure 8B).**  
or  Other (Name & Date):
  - Previous determination(s). File no. and date of response letter: **See SAJ-1997-4099-IP-MGH for abutting South Fort Meade Hardee County Mine.**
  - Applicable/supporting case law:
  - Applicable/supporting scientific literature:
  - Other information (please specify):

**B. ADDITIONAL COMMENTS TO SUPPORT JD:**

**The Yant parcel, along with the Airport Road segment, were inspected by Ms. Melinda Hogan-Charles of the U.S. Army Corps of Engineers on September 26, 2017. Ms. Hogan-Charles verified no waters of the United States are present on the lands.**

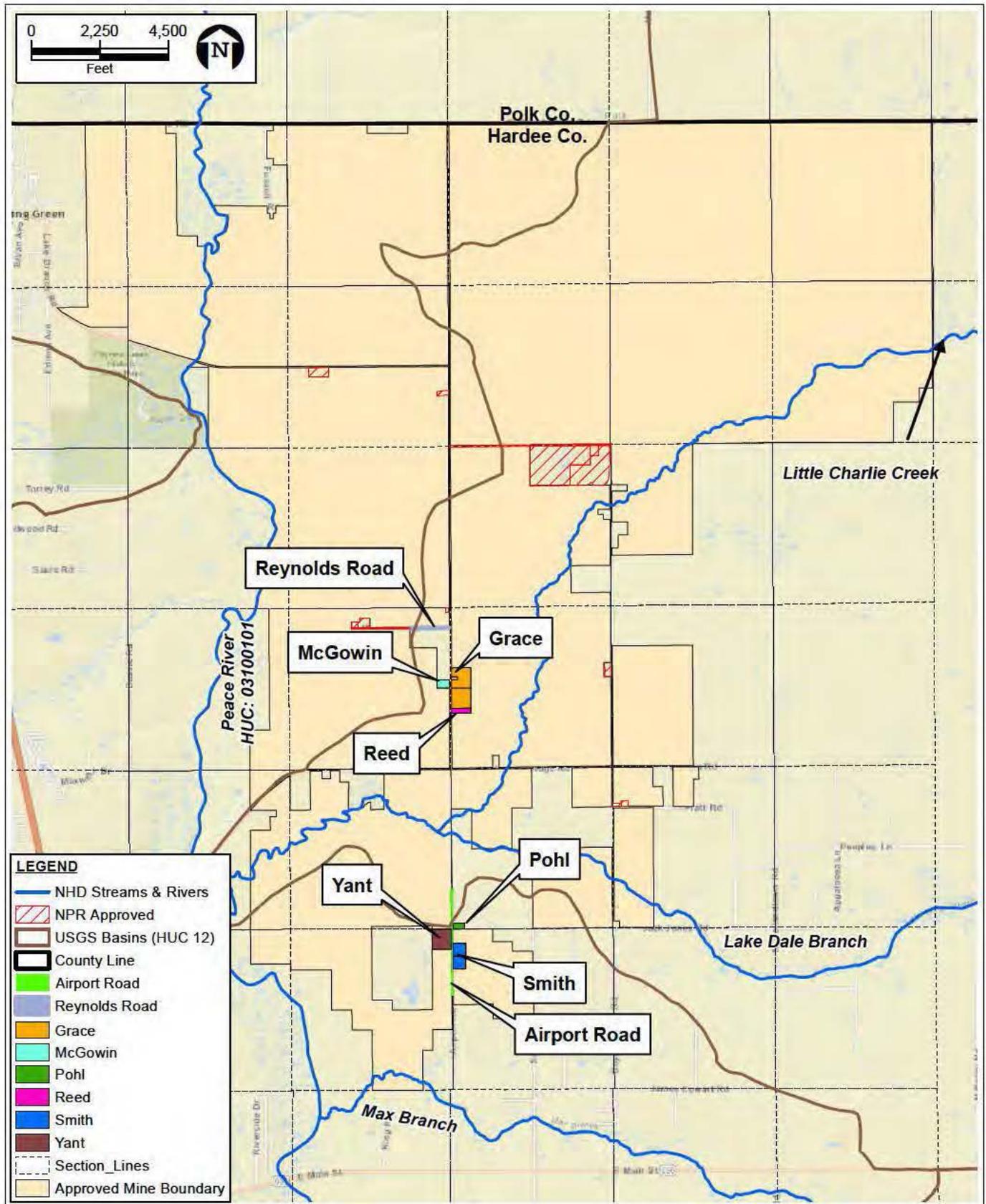


FIGURE 1.  
 LOCATIONS OF REVIEW AREA  
 REQUEST FOR NO PERMIT REQUIRED DETERMINATION  
 MOSAIC SOUTH FORT MEADE MINE  
 HARDEE COUNTY, FLORIDA  
 Sources: Mosaic 2016; ECT, 2017.



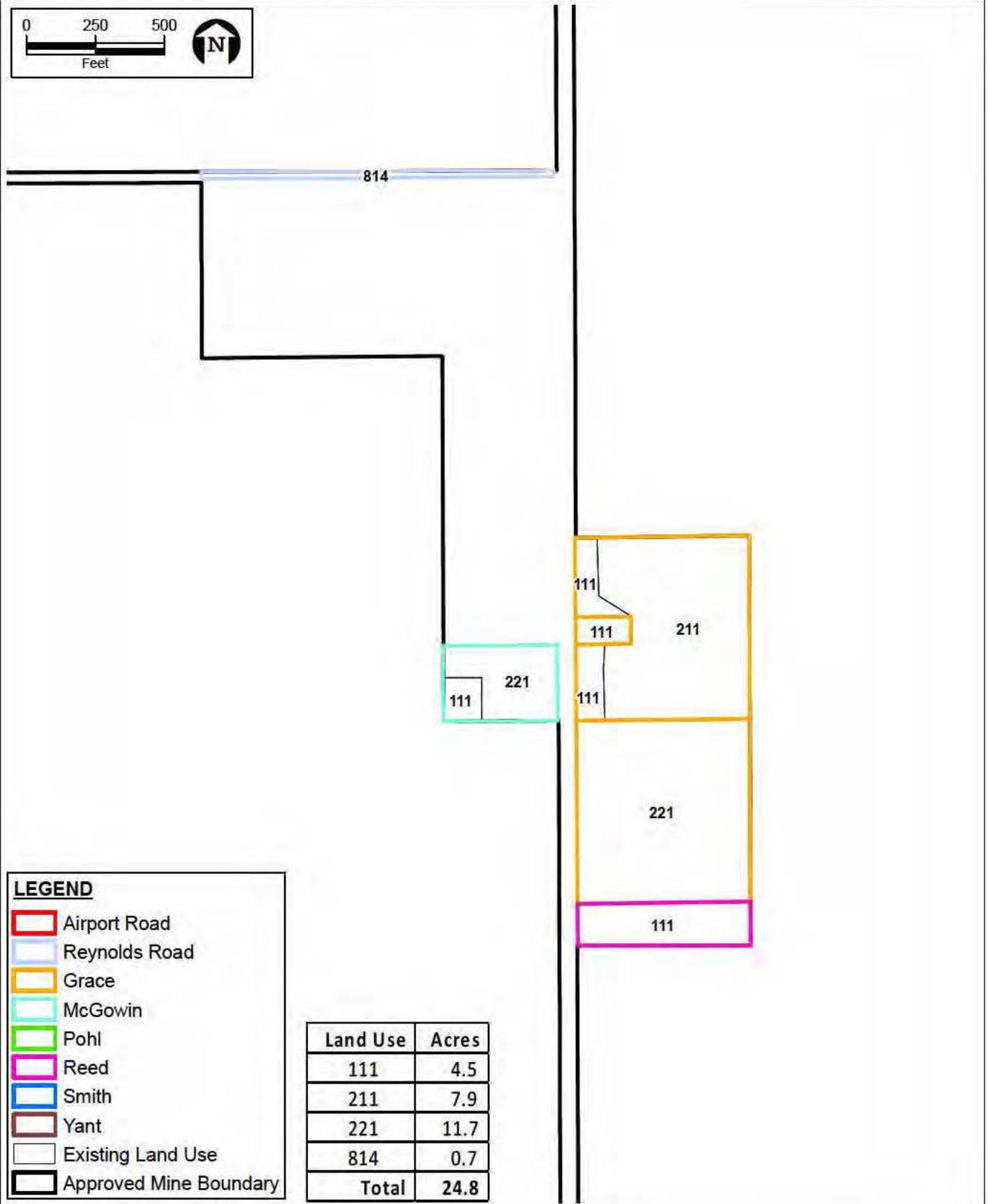
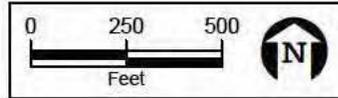
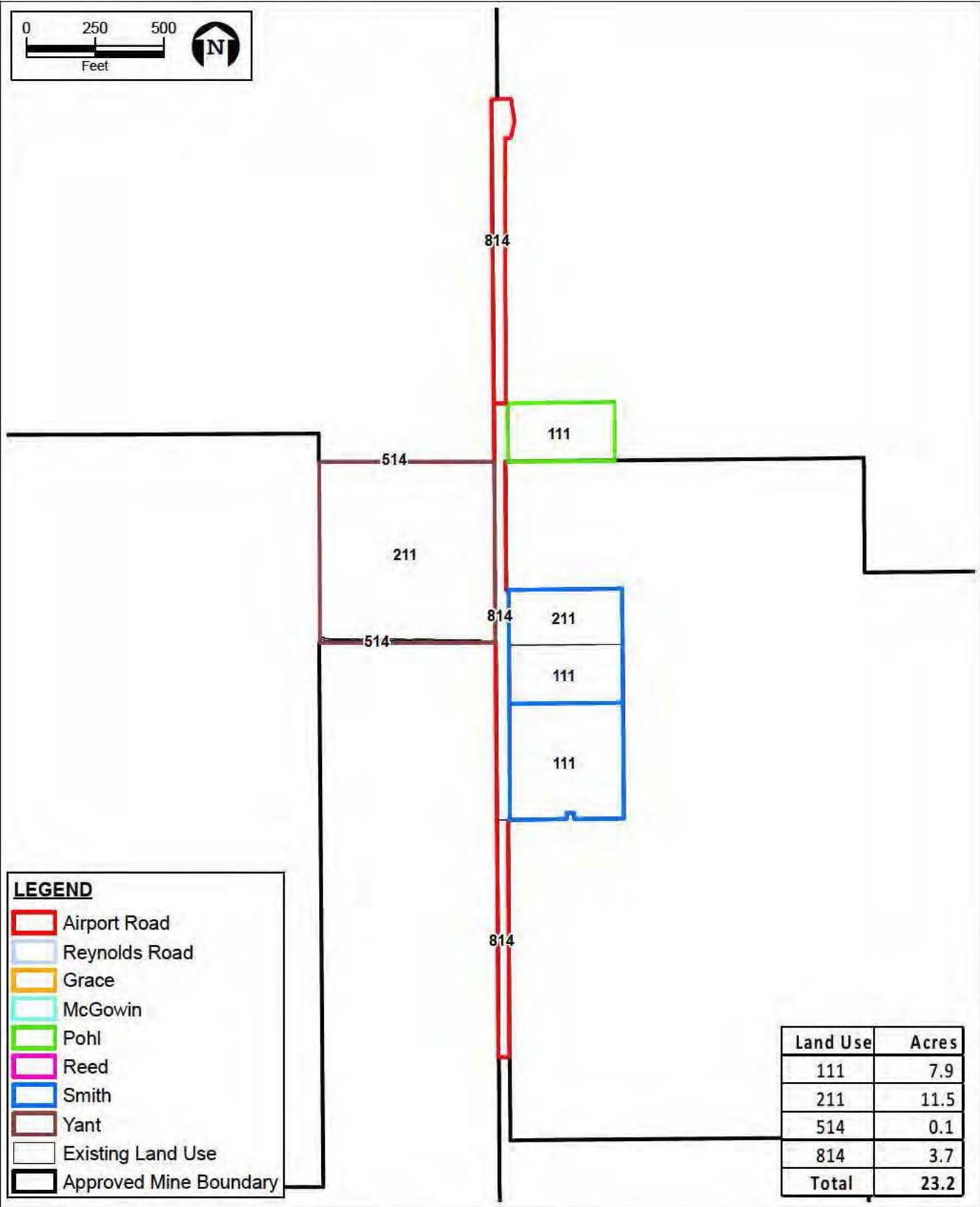


FIGURE 2A.  
 GRACE, REED, MCGOWIN & REYNOLDS ROAD  
 EXISTING LAND USE  
 REQUEST FOR NO PERMIT REQUIRED DETERMINATION  
 MOSAIC SOUTH FORT MEADE MINE  
 HARDEE COUNTY, FLORIDA

Sources: Mosaic 2016; ECT, 2017.





**LEGEND**

- Airport Road
- Reynolds Road
- Grace
- McGowin
- Pohl
- Reed
- Smith
- Yant
- Existing Land Use
- Approved Mine Boundary

Land Use	Acres
111	7.9
211	11.5
514	0.1
814	3.7
<b>Total</b>	<b>23.2</b>

FIGURE 2B.  
 AIRPORT ROAD, POHL, SMITH & YANT  
 EXISTING LAND USE  
 REQUEST FOR NO PERMIT REQUIRED DETERMINATION  
 MOSAIC SOUTH FORT MEADE MINE  
 HARDEE COUNTY, FLORIDA

Sources: Mosaic 2016; ECT, 2017.



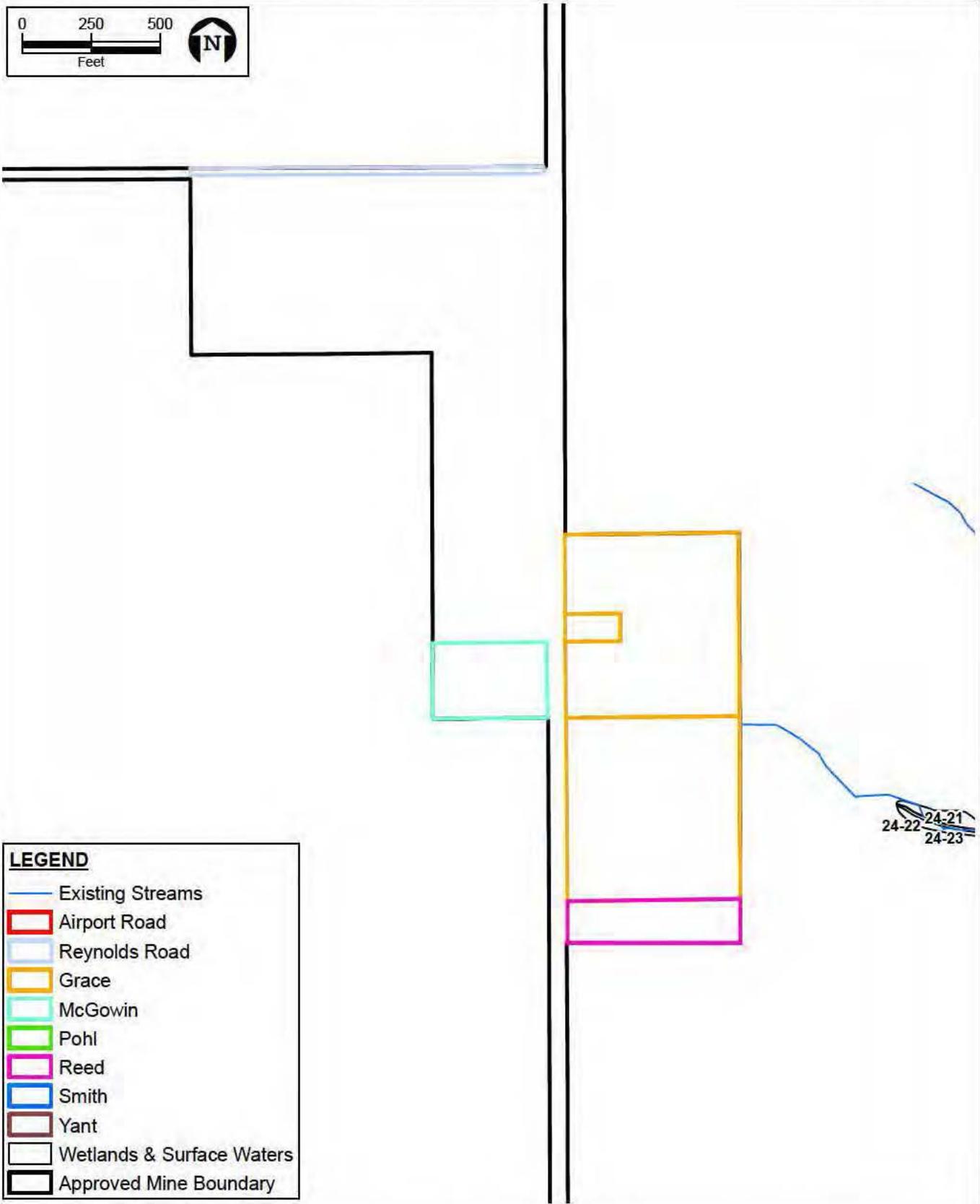
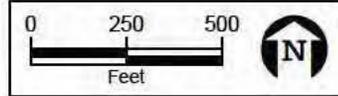
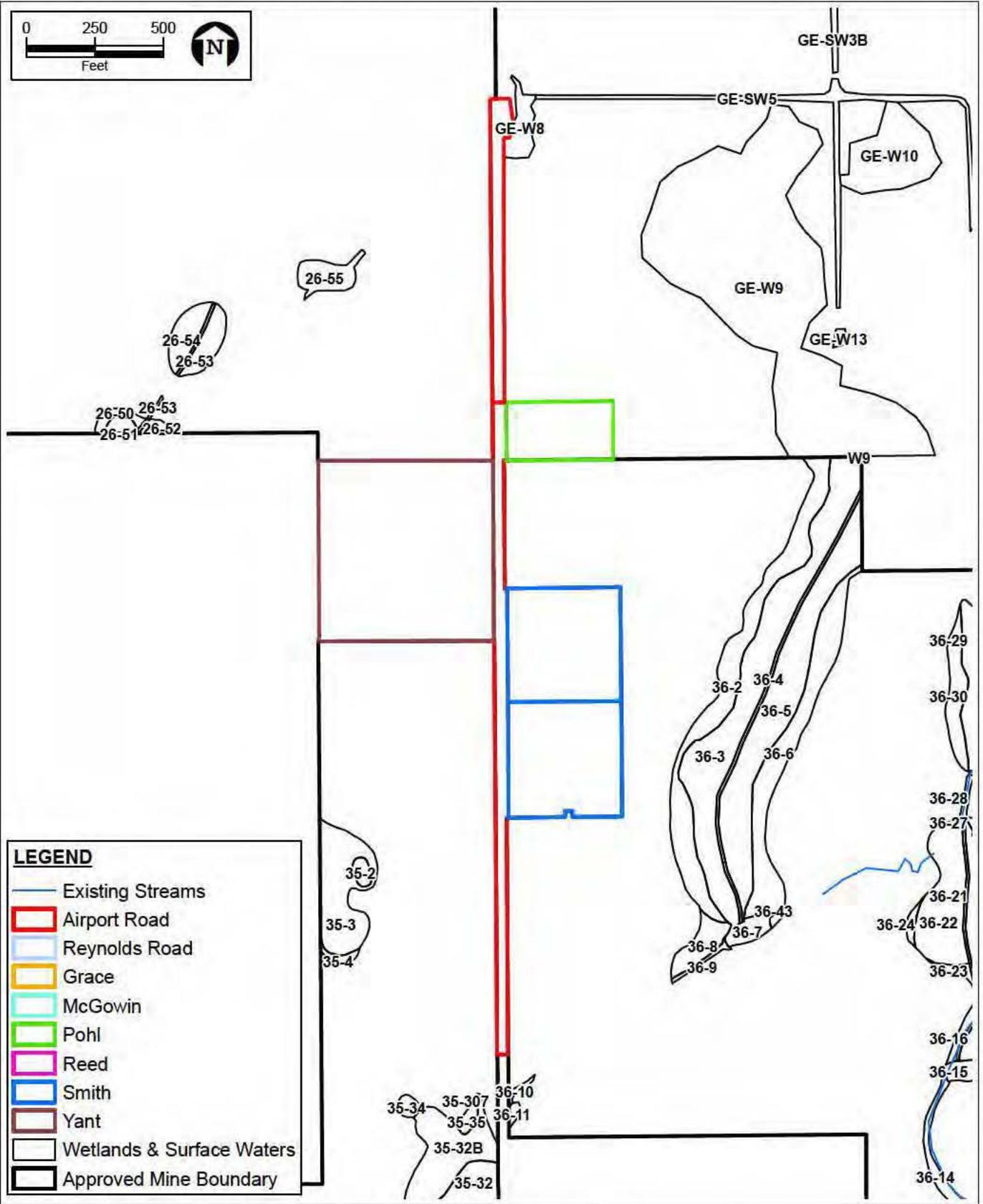


FIGURE 3A.  
 GRACE, REED, MCGOWIN & REYNOLDS ROAD  
 ACOE JD WETLANDS & WATERS IN THE REVIEW AREA  
 REQUEST FOR NO PERMIT REQUIRED DETERMINATION  
 MOSAIC SOUTH FORT MEADE MINE  
 HARDEE COUNTY, FLORIDA

Sources: Mosaic 2016; ECT, 2017.





**LEGEND**

- Existing Streams
- ▭ Airport Road
- ▭ Reynolds Road
- ▭ Grace
- ▭ McGowin
- ▭ Pohl
- ▭ Reed
- ▭ Smith
- ▭ Yant
- ▭ Wetlands & Surface Waters
- ▭ Approved Mine Boundary

**FIGURE 3B.**  
 AIRPORT ROAD, POHL, SMITH & YANT  
 ACOE JD WETLANDS & WATERS IN THE REVIEW AREA  
 REQUEST FOR NO PERMIT REQUIRED DETERMINATION  
 MOSAIC SOUTH FORT MEADE MINE  
 HARDEE COUNTY, FLORIDA

Sources: Mosaic 2016; ECT, 2017.



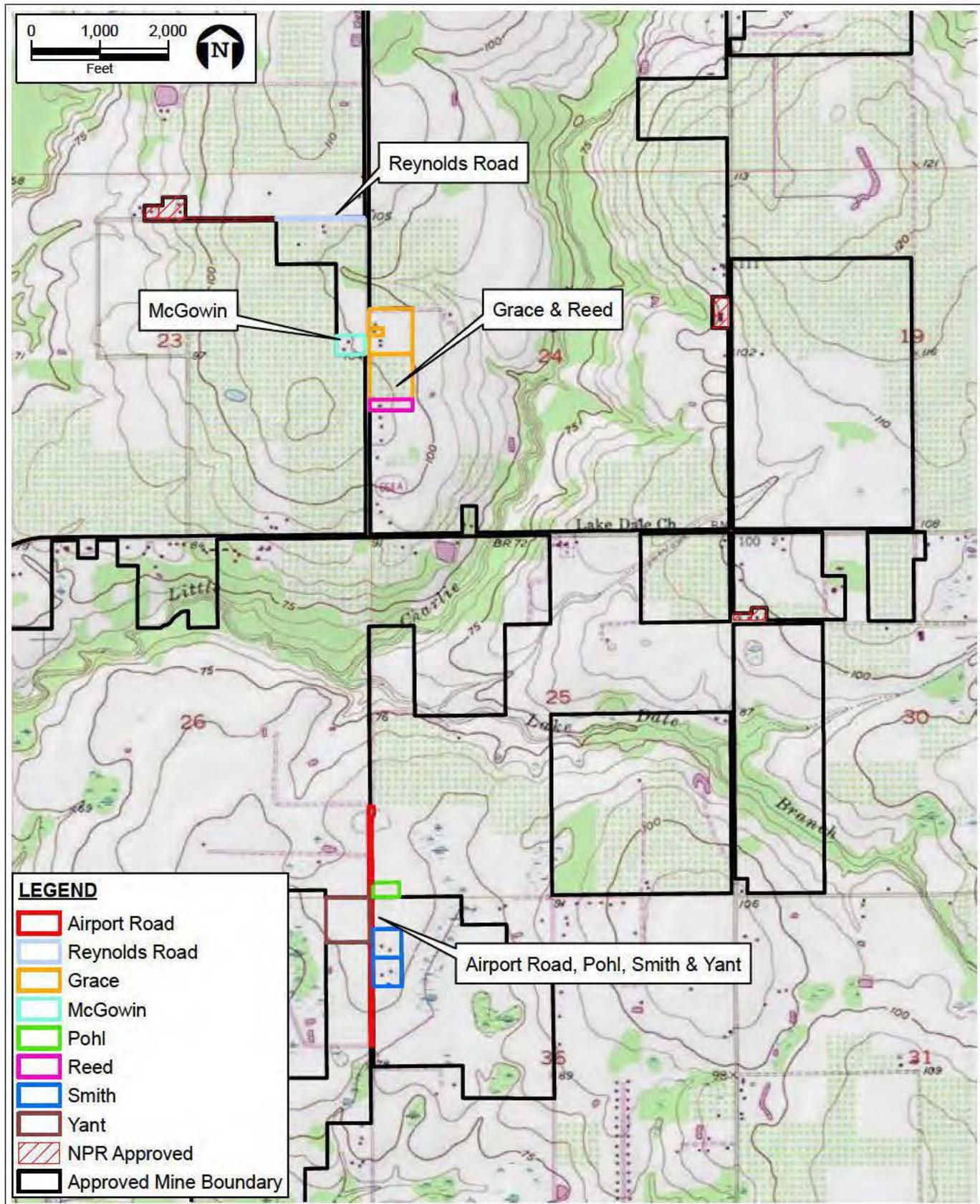
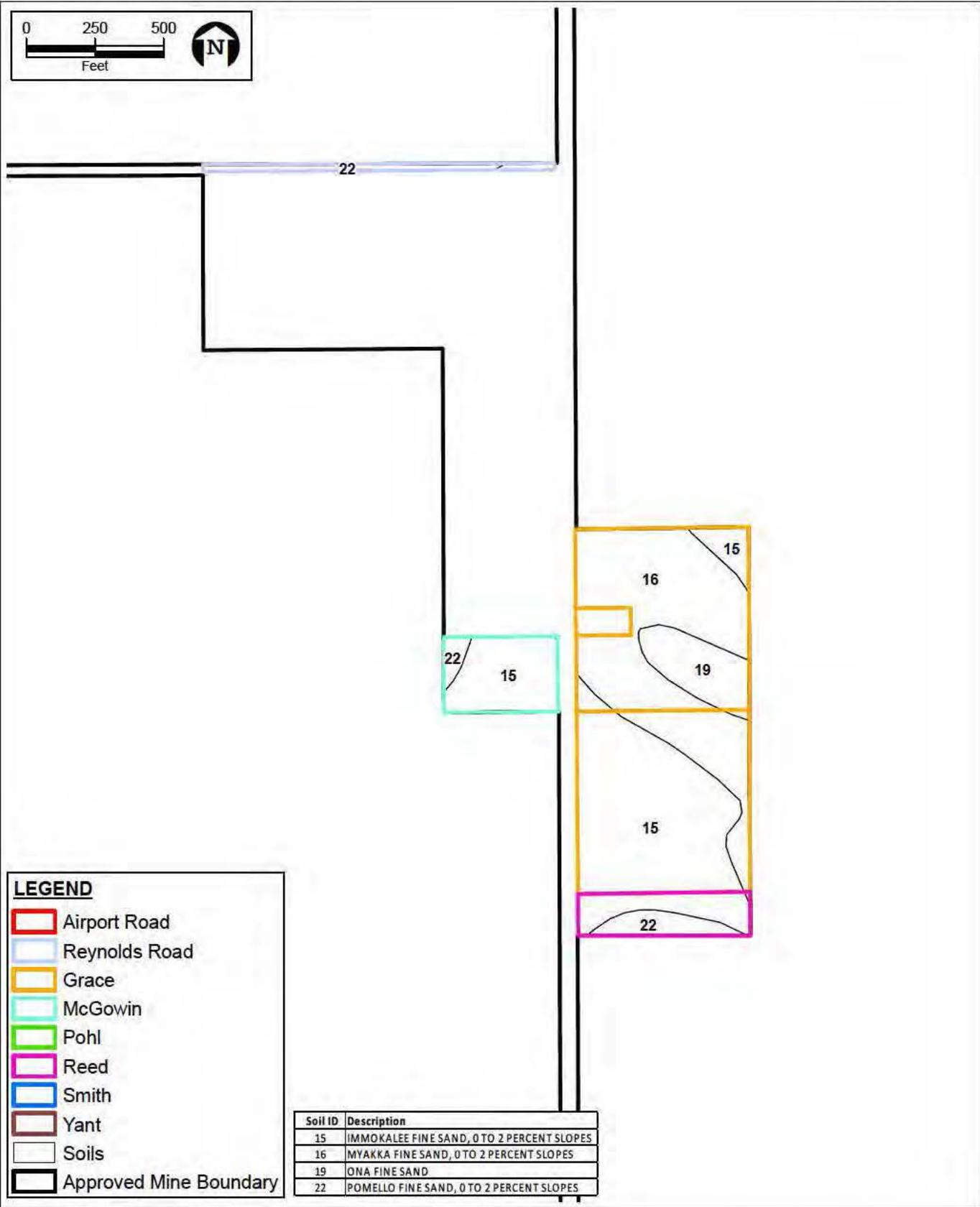
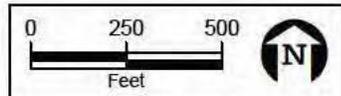


FIGURE 4.  
 USGS QUAD MAP  
 REQUEST FOR NO PERMIT REQUIRED DETERMINATION  
 MOSAIC SOUTH FORT MEADE MINE  
 HARDEE COUNTY, FLORIDA

Sources: ESRI 2017; Mosaic 2016; ECT, 2017.





**LEGEND**

- Airport Road
- Reynolds Road
- Grace
- McGowin
- Pohl
- Reed
- Smith
- Yant
- Soils
- Approved Mine Boundary

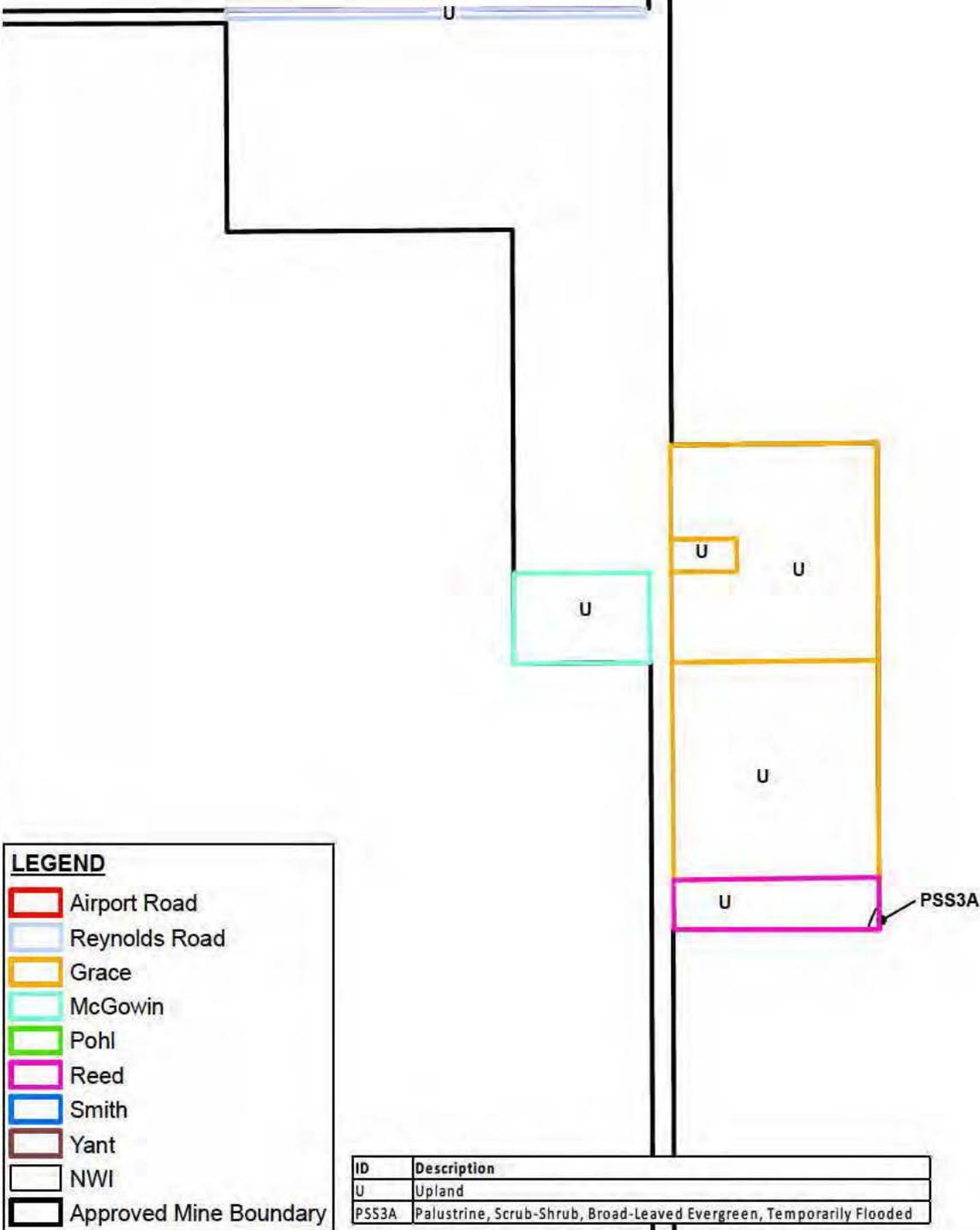
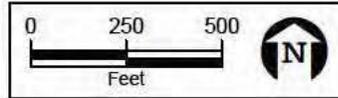
Soil ID	Description
15	IMMOKALEE FINE SAND, 0 TO 2 PERCENT SLOPES
16	MYAKKA FINE SAND, 0 TO 2 PERCENT SLOPES
19	ONA FINE SAND
22	POMELLO FINE SAND, 0 TO 2 PERCENT SLOPES

FIGURE 5A.  
 GRACE, REED, MCGOWIN & REYNOLDS ROAD  
 EXISTING SOILS  
 REQUEST FOR NO PERMIT REQUIRED DETERMINATION  
 MOSAIC SOUTH FORT MEADE MINE  
 HARDEE COUNTY, FLORIDA

Sources: Mosaic 2016; ECT, 2017.







**LEGEND**

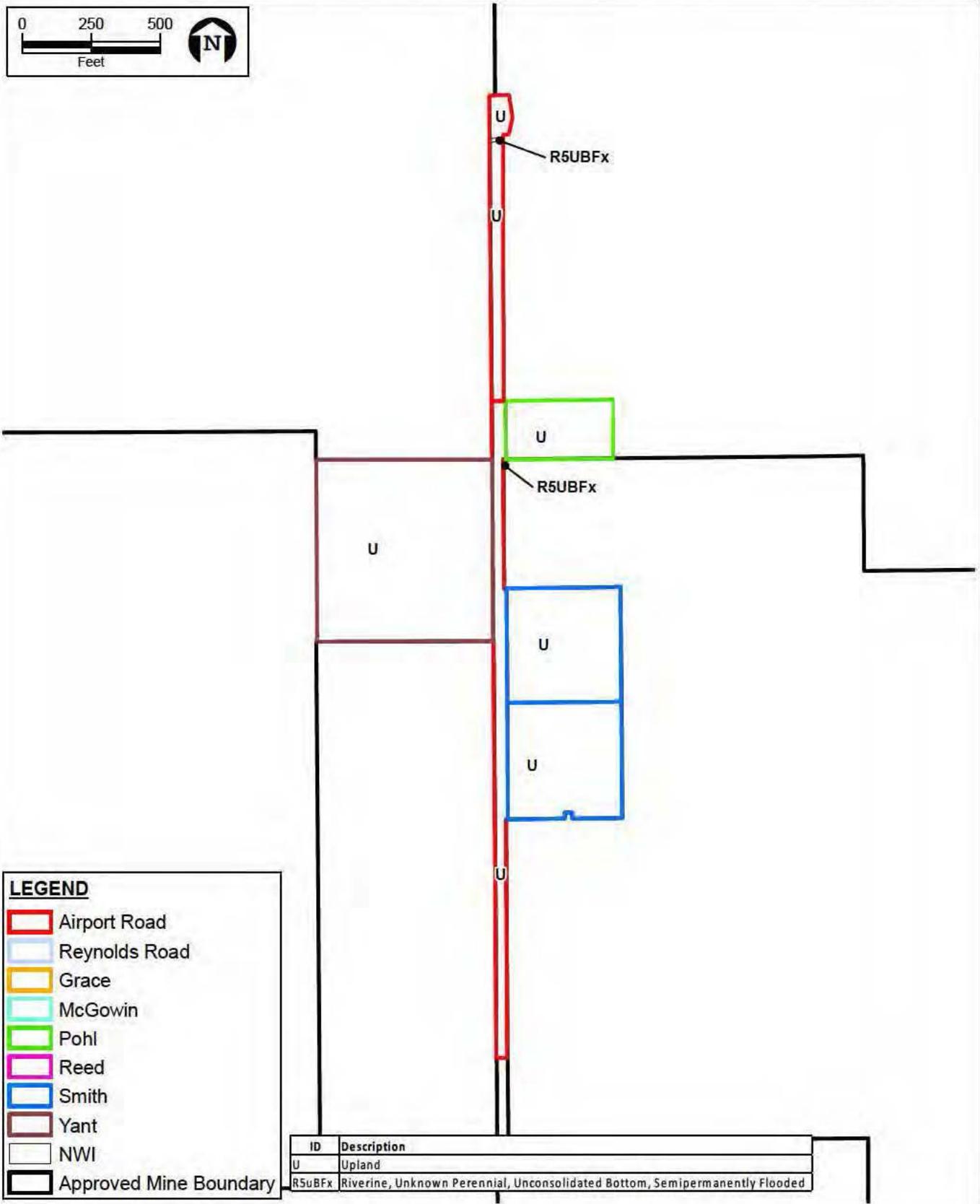
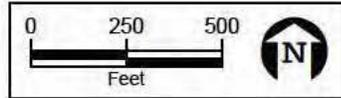
- Airport Road
- Reynolds Road
- Grace
- McGowin
- Pohl
- Reed
- Smith
- Yant
- NWI
- Approved Mine Boundary

ID	Description
U	Upland
PSS3A	Palustrine, Scrub-Shrub, Broad-Leaved Evergreen, Temporarily Flooded

FIGURE 6A.  
 GRACE, REED, MCGOWIN & REYNOLDS ROAD  
 NATIONAL WETLAND INVENTORY  
 REQUEST FOR NO PERMIT REQUIRED DETERMINATION  
 MOSAIC SOUTH FORT MEADE MINE  
 HARDEE COUNTY, FLORIDA

Sources: Mosaic 2016; ECT, 2017.





**LEGEND**

- Airport Road
- Reynolds Road
- Grace
- McGowin
- Pohl
- Reed
- Smith
- Yant
- NWI
- Approved Mine Boundary

ID	Description
U	Upland
R5uBFx	Riverine, Unknown Perennial, Unconsolidated Bottom, Semipermanently Flooded

FIGURE 6B.  
 AIRPORT ROAD, POHL, SMITH & YANT  
 NATIONAL WETLAND INVENTORY  
 REQUEST FOR NO PERMIT REQUIRED DETERMINATION  
 MOSAIC SOUTH FORT MEADE MINE  
 HARDEE COUNTY, FLORIDA

Sources: Mosaic 2016; ECT, 2017.



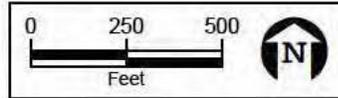
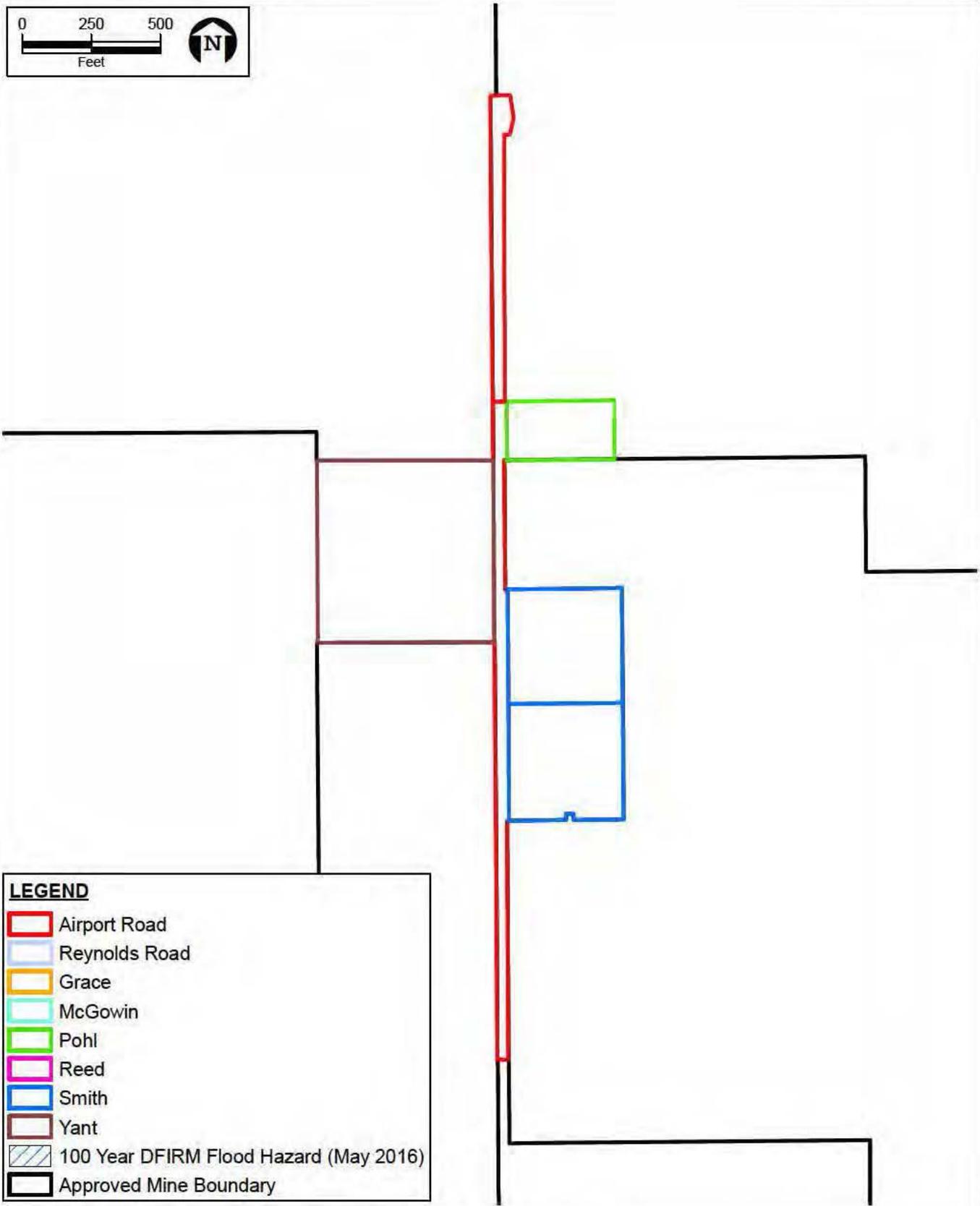
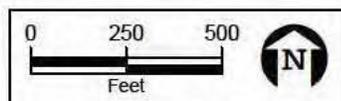


FIGURE 7A.  
 GRACE, REED, MCGOWIN & REYNOLDS ROAD  
 100 YEAR FEMA DIFIRM FLOOD HAZARD  
 REQUEST FOR NO PERMIT REQUIRED DETERMINATION  
 MOSAIC SOUTH FORT MEADE MINE  
 HARDEE COUNTY, FLORIDA

Sources: Mosaic 2016; ECT, 2017.





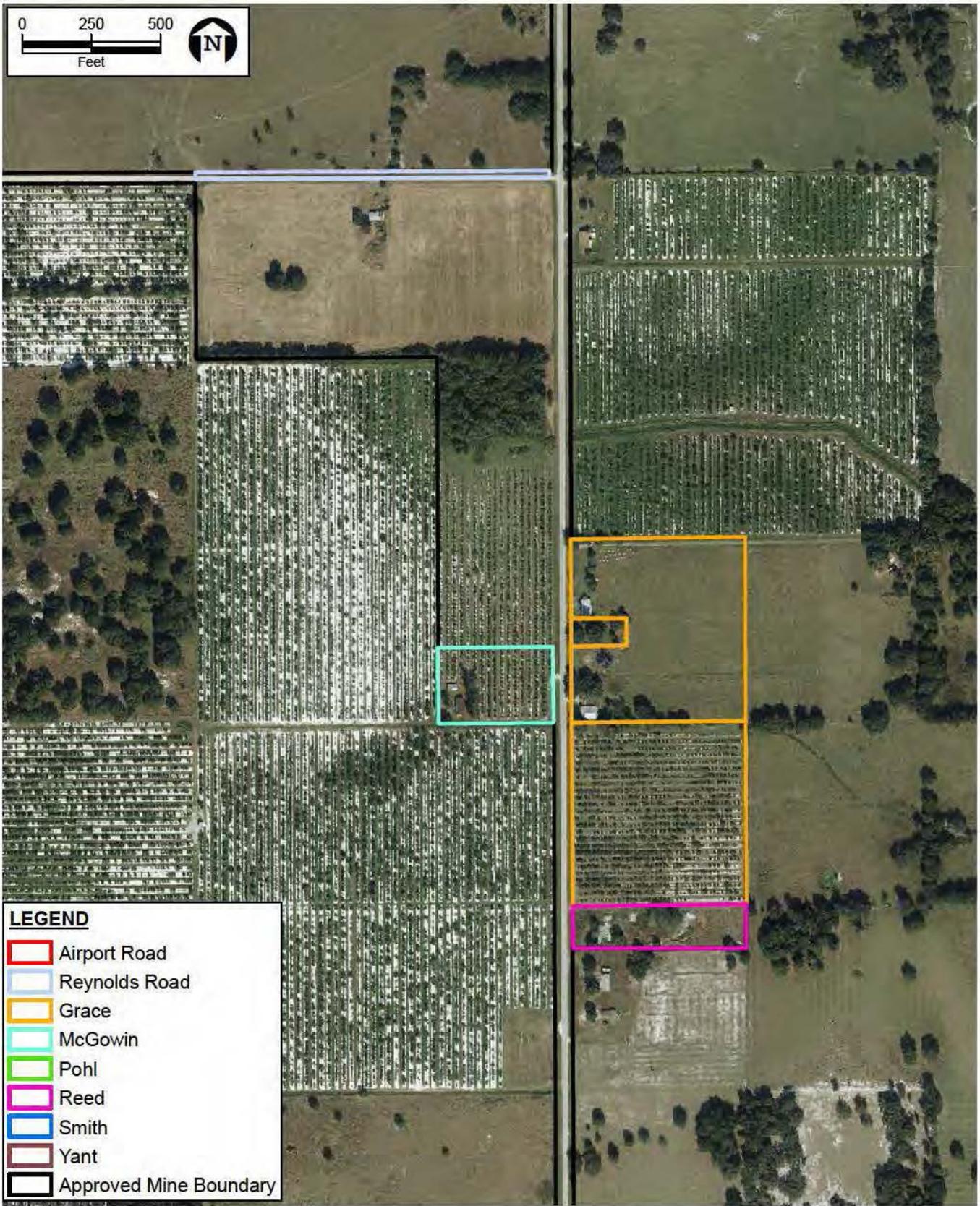
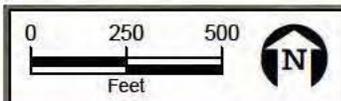
**LEGEND**

- Airport Road
- Reynolds Road
- Grace
- McGowin
- Pohl
- Reed
- Smith
- Yant
- 100 Year DFIRM Flood Hazard (May 2016)
- Approved Mine Boundary

FIGURE 7B.  
 AIRPORT ROAD, POHL, SMITH & YANT  
 100 YEAR DFIRM FLOOD HAZARD  
 REQUEST FOR NO PERMIT REQUIRED DETERMINATION  
 MOSAIC SOUTH FORT MEADE MINE  
 HARDEE COUNTY, FLORIDA

Sources: Mosaic 2016; ECT, 2017.





**LEGEND**

- Airport Road
- Reynolds Road
- Grace
- McGowin
- Pohl
- Reed
- Smith
- Yant
- Approved Mine Boundary

FIGURE 8A.  
 GRACE, REED, MCGOWIN & REYNOLDS ROAD  
 2017 AERIAL PHOTOGRAPH  
 REQUEST FOR NO PERMIT REQUIRED DETERMINATION  
 MOSAIC SOUTH FORT MEADE MINE  
 HARDEE COUNTY, FLORIDA

Sources: Mosaic 2016; ECT, 2017.



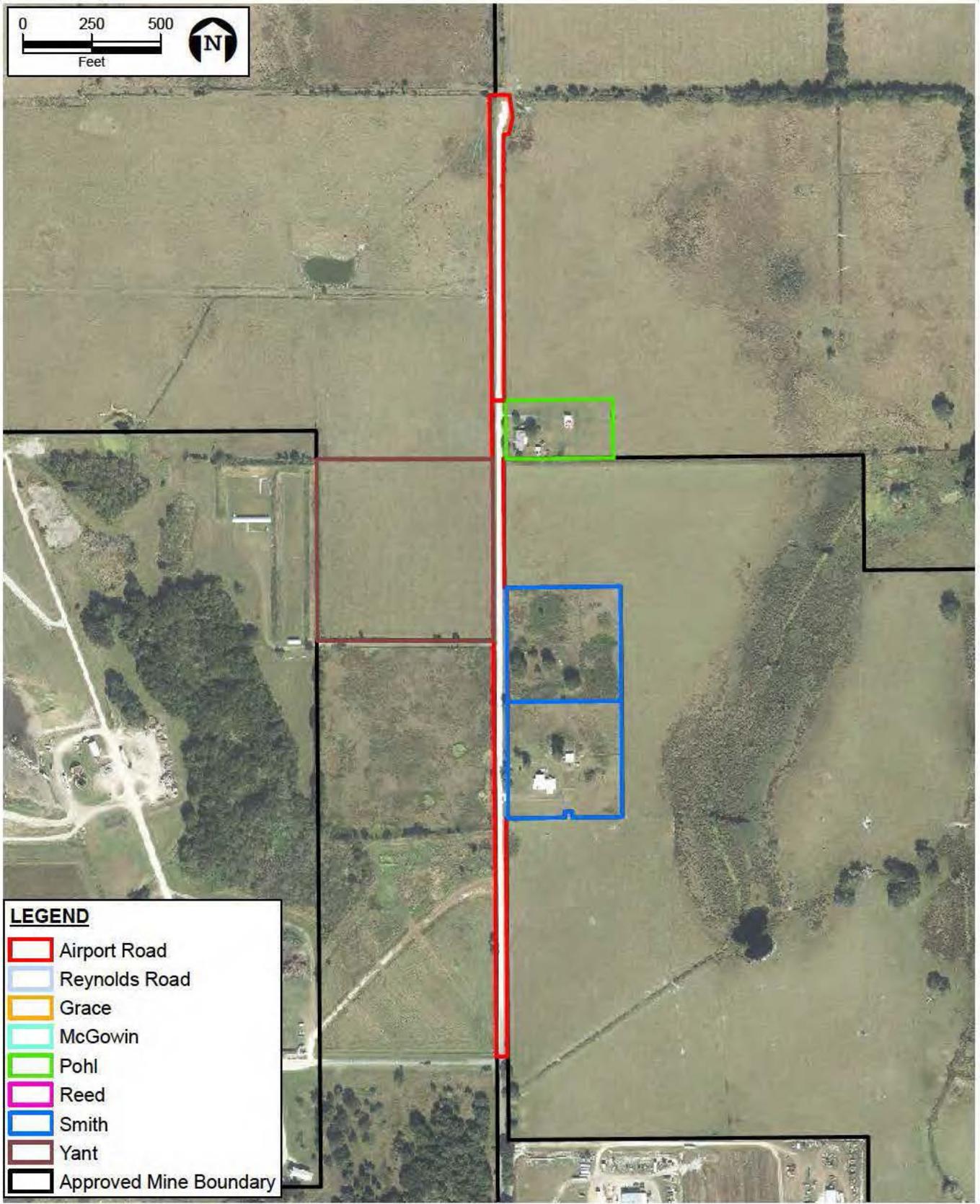


FIGURE 8B.  
AIRPORT ROAD, POHL, SMITH & YANT  
2017 AERIAL PHOTOGRAPH  
REQUEST FOR NO PERMIT REQUIRED DETERMINATION  
MOAIC SOUTH FORT MEADE MINE  
HARDEE COUNTY, FLORIDA

Sources: Mosaic 2016; ECT, 2017.