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): 2 July 2018**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:**

**District Office: Jacksonville District, Regulatory Division, Tampa Permits Section, Gainesville Field Office**
**File Name: The Villages at Crosstown / Villages at Crosstown, LLC Attn: Peter Wenzel**
**File Number: SAJ-2016-01568 (JD-JED)**

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

State:Florida County/parish/borough: Hillsborough City: Brandon
Center coordinates of site (lat/long in degree decimal format): Lat. 27.928054° **N**, Long. 82.355556° **W**.
Universal Transverse Mercator:
Name of nearest waterbody: Delaney Creek
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: East Bay/Hillsborough Bay
Name of watershed or Hydrologic Unit Code (HUC): Delaney Creek / Archie Creek Frontal (0310020603)

- ☒ 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: 1 June 2018
- ☐ 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 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: 2.854linear feet: width (ft) and/or acres.
   Wetlands: 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]

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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.

☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **See exhibit 1**

## 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: 41.5**square miles**
Drainage area: 41.5 **square miles**
Average annual rainfall: 47.58 inches
Average annual snowfall: inches

**(ii) Physical Characteristics:**
(a) Relationship with TNW:
☒ Tributary flows directly into TNW.
☐ Tributary flows through **Pick List** 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 **2-5** aerial (straight) miles from TNW.
Project waters are **1 (or less)** aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW[5]: Delaney Creek flows directly to the TNW.
Tributary stream order, if known: .

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[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.

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

**Tributary** is: ☐ Natural
☐ Artificial (man-made). Explain: .
☒ Manipulated (man-altered). Explain: Delaney Creek has been dredged and straightened to allow for more effcient draining of surrounding urban areas..

**Tributary** properties with respect to top of bank (estimate):
Average width: 30 feet
Average depth: feet
Average side slopes: **2:1.**

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: minor sloughing.
Presence of run/riffle/pool complexes. Explain: None.
Tributary geometry: **Relatively straight**
Tributary gradient (approximate average slope): 2.1 %

(c) Flow:
Tributary provides for: **Seasonal flow**
Estimate average number of flow events in review area/year: **20 (or greater)**
Describe flow regime: RPW.
Other information on duration and volume: See gauge data Exhibit 1 Section 1A.

Surface flow is: **Confined.** Characteristics: .

Subsurface flow: **Unknown**. Explain findings: .
☐ Dye (or other) test performed: .

Tributary has (check all that apply):
☒ Bed and banks
☐ OHWM[6] (check all indicators that apply):

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

☐ Discontinuous OHWM.[7] Explain: .

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

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

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

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

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

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

☒ Wetland fringe. Characteristics: partially present within review area..

☒ Habitat for:

☒ Federally Listed species. Explain findings: Delaney Creek supports potential suitable foraging habitat for woodstorks at least seasonally.

☐ Fish/spawn areas. Explain findings: .

☐ Other environmentally-sensitive species. Explain findings: .

☒ Aquatic/wildlife diversity. Explain findings: Dealney Creek exhibits suffcient seasonal flow to support various macro invertebrates and amphibians.

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

**(i) Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size:1.42acres

Wetland type. Explain:Palustrine.

Wetland quality. Explain:Moderate quality exhibiting suffcient hydrology to support obligate and FAC wet vegetation..

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

(b) General Flow Relationship with Non-TNW:

Flow is: **Intermittent flow**. Explain: .

Surface flow is**: Overland sheetflow**

Characteristics: .

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

☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

☒ Directly abutting

☐ Not directly abutting

☐ Discrete wetland hydrologic connection. Explain: .

☐ Ecological connection. Explain: .

☐ Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

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

Project waters are **2-5** aerial (straight) miles from TNW.

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

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

**(ii) Chemical Characteristics:**

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

Identify specific pollutants, if known: Argicultural runoff from adjacent dairy.

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

☒ Riparian buffer. Characteristics (type, average width):200 feet within review area .

☒ Vegetation type/percent cover. Explain:palustrine foreseted.

☒ Habitat for:

☒ Federally Listed species. Explain findings:potential wood stork foraging habitat.

☐ Fish/spawn areas. Explain findings: .

☐ Other environmentally-sensitive species. Explain findings: .

☒ Aquatic/wildlife diversity. Explain findings:marcoinvertebrates, amphibians.

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

All wetland(s) being considered in the cumulative analysis: **1**

Approximately ( 1.42 ) 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) |
|---|---|---|---|
| Surface water 1 Y | 1.42 | | |

Summarize overall biological, chemical and physical functions being performed: See above and Section 1B of exhibit 1.

## 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: N/A.

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: The Corps determined that Ditch 16 and its adjecnt wetlnds F and G lack a significant nexus with the downstream TNW. Thus, the Corps determined that these waters are non-jurisdcitional. See Exhibit 1 section 2C .

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: N/A.

## 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: See stream gauge data provided in section 1A of Exhibit 1 attached.

Provide estimates for jurisdictional waters in the review area (check all that apply):
☒ Tributary waters: **2,200** 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.**
☒ 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: See section 1B .

Provide acreage estimates for jurisdictional wetlands in the review area: **1.42**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: 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: .

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[8]See Footnote # 3.
[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.***

**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:**Ditch 16, Wetland F and Wetland G .**
☐ 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: 15.51acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☒ Wetlands: H,I, J, K, L, M 1.02 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: 2.18acres. List type of aquatic resource: Ditch 16.
☒ Wetlands: F and G 3.574acres.

## SECTION IV: DATA SOURCES.

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply -** checked items shall be included in case file and, where checked and requested, appropriately reference sources below):
☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☒ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report.
☐ Data sheets prepared by the Corps: .
☐ Corps navigable waters' study: .
☒ U.S. Geological Survey Hydrologic Atlas: .
☒ USGS NHD data.
☒ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: .
☐ USDA Natural Resources Conservation Service Soil Survey. Citation: .
☐ 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): .
or ☒ Other (Name & Date): .
☐ Previous determination(s). File no. and date of response letter: .
☒ Applicable/supporting case law:Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, 531 U.S. 159 (2001), Rapanos v. U.S., 126 S. Ct. 2208 (2006), U.S. V. McWane Inc, et al, 505 F.3d1208 (11th Cir. 2007) .
☐ Applicable/supporting scientific literature: .
☒ Other information (please specify):Clean Water Act Jurisdcition Following the U.S. Supreme Court's Decision in Rapanos v. United States and Carabell v. United States, EPA, December 2008.

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

**1. Jurisdictional Wetlands and Waters:** The Corps utilized the guidance provided in the *Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in Rapanos v. United Sates & Carabell v. United States* (Guidance) and 33 CFR 328.3(a) to identify which waters in the review area are properly subject to Corps jurisdiction. The Corps found that there are and are not jurisdictional waters within the review area.

## A. Delaney Creek: RPW that flows directly to a TNW

The Corps determined that Delaney Creek is a relatively permanent water that flows directly to a TNW. The Guidance states that the Corps should exert jurisdiction over non-navigable tributaries of traditional navigable waters that are relatively permanent where the tributaries typically flow year-round or have continuous flow at least seasonally. The Corps determined that Delaney Creek satisfies this standard, and is a jurisdictional RPW.

First, the Corps confirmed via aerial imagery and NHD flow line data that Delaney Creek flows directly to East Bay/Hillsborough Bay:

Google earth image dated 1 FEB 2017 with NHD flow line overlay.

The review area is located in the northeast corner of the photo (Red Polygon). Delaney Creek abuts the northwest boundary of the review area. Delaney Creek (Green Circle) flows in a southwesterly direction past the review area until it discharges into the bay in the southwest corner of the photo.

Second, the Corps examined data from USGS staff gauge 02301750 which is located within Delaney Creek approximately 0.57 miles downstream of the review area at the following coordinates:

Latitude: 27.925555°

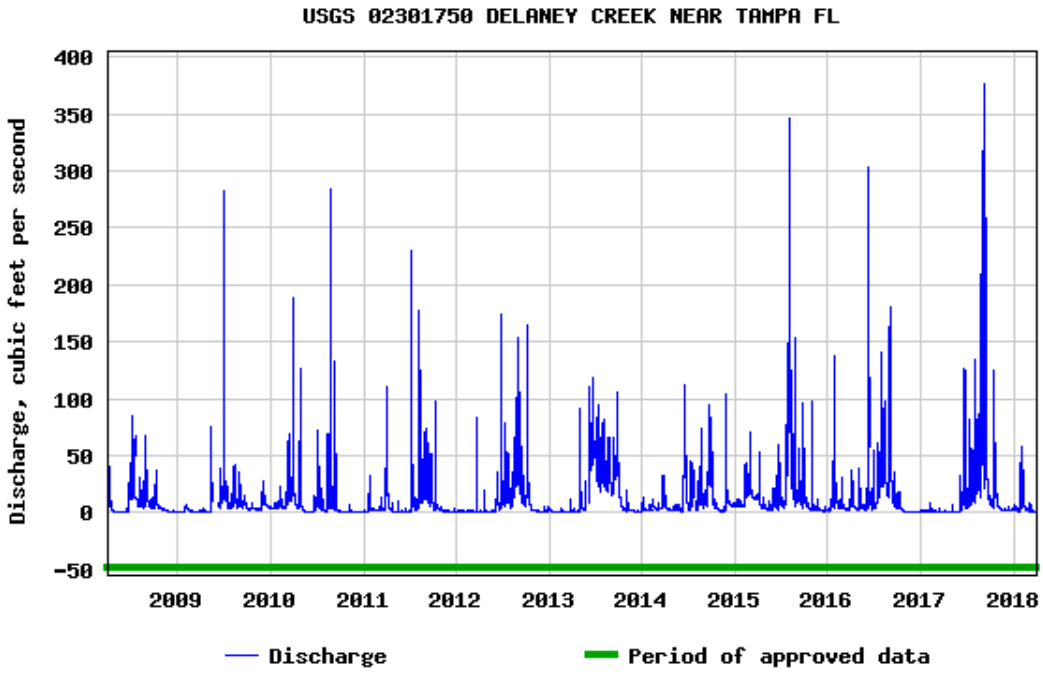
Longitude: -82.3644°

Google earth image dated 11 Jan 2017 depicting the location of the staff gauge in relationship to the review area.

The data revealed that Delaney Creek has exhibited at least seasonal flow at the gauge site from 1 April 2008 to April 1 2018:

**Discharge, cubic feet per second**

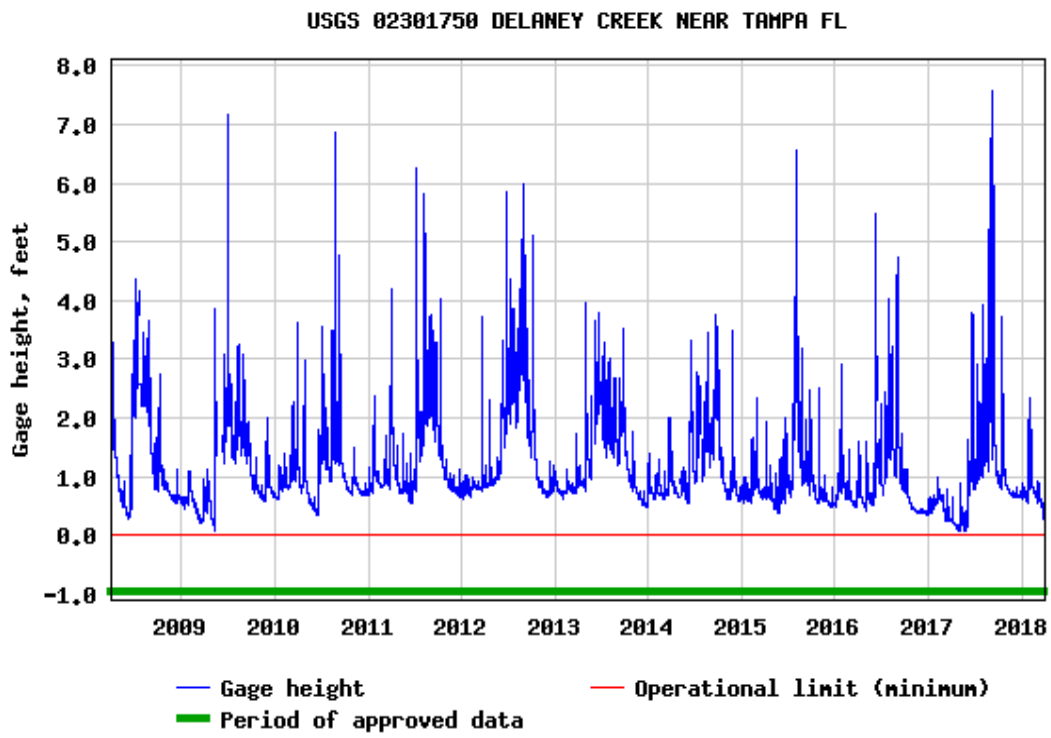
Most recent instantaneous value: 11.4 06-15-2018 11:00 EDT



available at
https://nwis.waterdata.usgs.gov/fl/nwis/uv?cb_00060=on&cb_00065=on&format=gif_default&site_no=02301750&period=&begin_date=2008-04-01&end_date=2018-04-01

In addition, the data revealed that the gauge height level only dropped to zero twice over the same timeframe:

**Gage height, feet**
Most recent instantaneous value: 0.99 06-15-2018 11:00 EDT



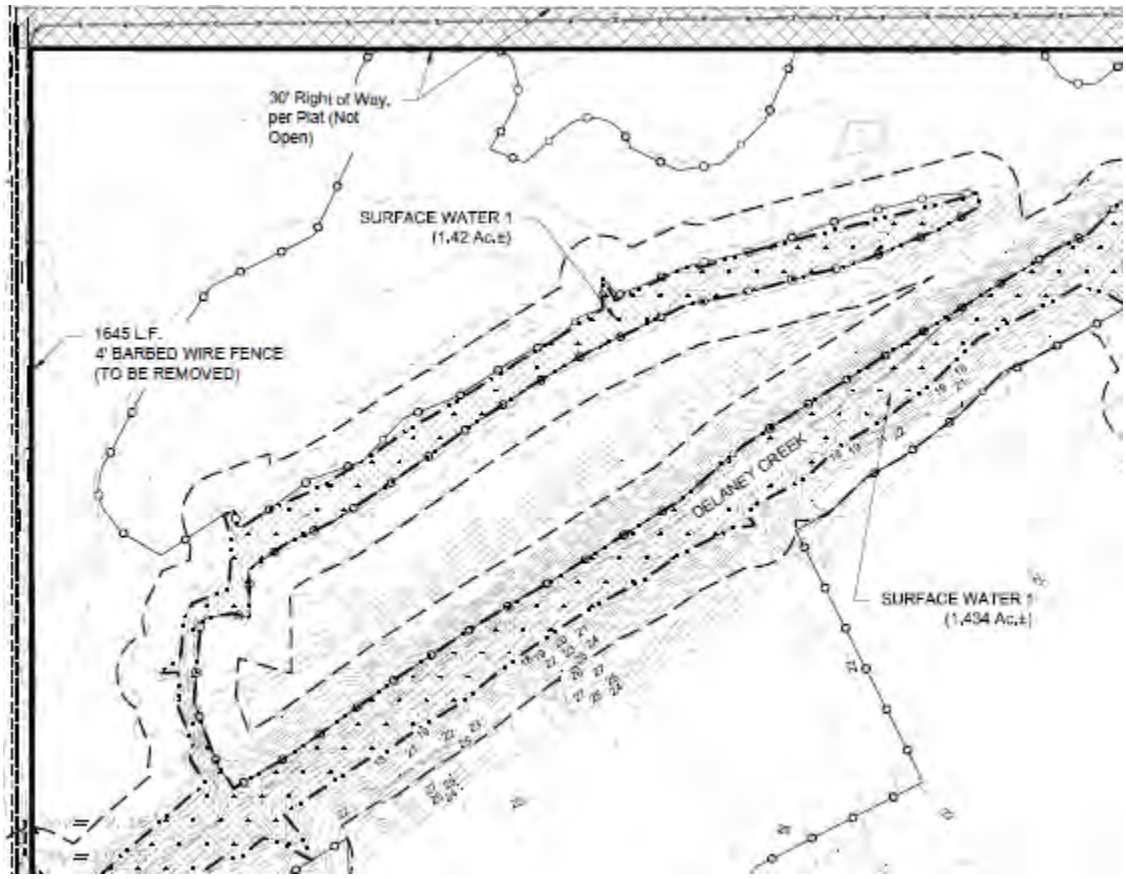

available at
https://nwis.waterdata.usgs.gov/fl/nwis/uv?cb_00060=on&cb_00065=on&format=gif_default&site_no=02301750&period=&begin_date=2008-04-01&end_date=2018-04-01

Furthermore, the Corps examined a series of historic aerial photos ranging from 1957 to the present day. These aerials demonstrate that Delaney Creek shows evidence of flow and saturation on a yearly basis. Three of these photos are provided in section IIA below.

In light of these facts, the Corps determined that Delaney Creek exhibits the appropriate connection to a TNW, as well as sufficient volume, duration, and frequency of flow to be characterized as an RPW.

**B. Surface water 1: Wetlands adjacent to an RPW**

According to the Guidance alone, the Corps should exert jurisdiction over wetlands adjacent wetlands that have a continuous surface connection to such tributaries. Surface water 1 exhibits a continuous surface connection to Delaney Creek. In addition, pursuant to specific requirements of case law which apply to the 11th Circuit Court of Appeals jurisdiction, the Corps determined that Surface Water 1 would satisfy the significant nexus standard. Surface water 1 could transport nutrients, organic carbon to the downstream TNW via Delaney Creek which exhibits consistent seasonal flow based on the gauge data. Aquatic species could easily forage in both surface water 1 and Delaney Creek due to the direct surface connection between the two waters. Also, surface water 1 could entrain pollutants that would otherwise flow directly to the TNW via Delaney Creek. Thus, surface water 1 has a biological, chemical, and physical effect on the TNW that is not speculative or insubstantial.




Source: Drawing provided by applicant.

Google earth image dated 11 January 2017

In light of the continuous surface connection between surface water 1 and Delaney Creek and significant nexus (11th Circuit), the Corps determined that surface water 1 is properly subject to Corps jurisdiction.

## 2. Non-Jurisdictional Waters and Wetlands

The Corps determined that there are several waters and wetlands within the review area that are non-jurisdictional for the reasons discussed below.

### A. Borrow Pits A,B,C, and D: non-jurisdictional water-filled depressions in dry land

The review area contains four borrow pits excavated from uplands to obtain fill material for surrounding roads and development:

| Borrow Pit | Acres |
|---|---|
| A | 0.375 |
| B | 3.032 |
| C | 0.299 |
| D | 11.801 |
| Total: | 15.51 |

Generally, the Corps does not consider waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purposes of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States provided in 33 CFR 328.3(a). The excavation in these pits has ceased. However, the Corps determined that the pits within this particular review area do not meet the definition of waters of the United States for the reasons provided below.

The Corps examined a series of historic aerial photographs which revealed that these borrow pits were excavated from dry land.

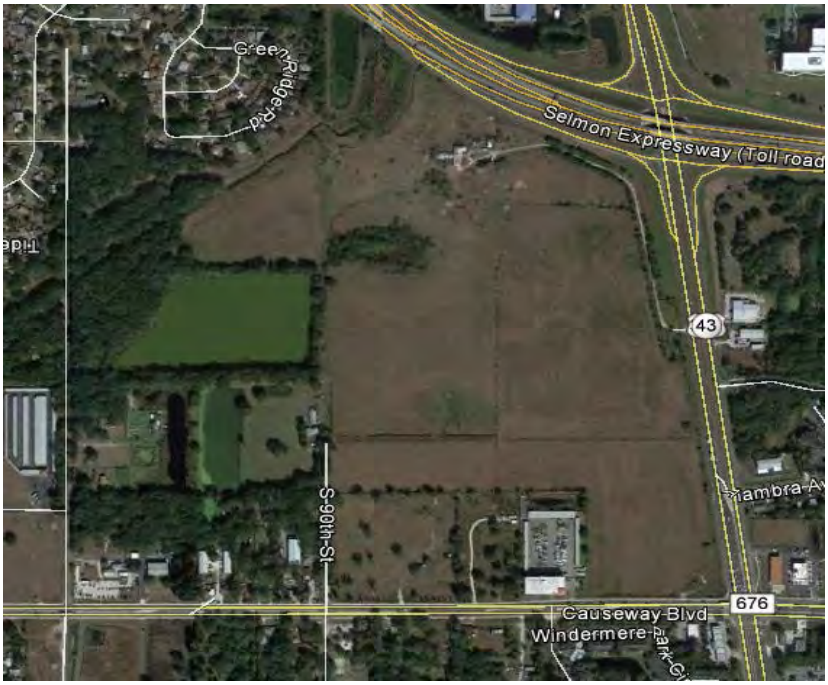
This aerial dated 23 MAR 1957 reveals that none of the borrow pits are present in the review area. The photo further depicts an upland signature in the eventual location of borrow pits A through D.

Available at: http://ufdc.ufl.edu/UF00071755/00014/168x?coord=27.92770884248992,-82.35498419666191

Exhibit 1: Description of Jurisdictional and Non-Jurisdictional Waters

This aerial dated 21 JAN 1968 reveals that only pit B is present in the review area.

Available at: http://ufdc.ufl.edu/UF00071755/00019/55x?coord=27.92770884248992,-82.35498419666191




This aerial dated 11 JAN 2017 depicts borrow pits A through D present within the review area.

Google Image accessed 13 June 2018

None of these borrow pits are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, and are not subject to the ebb and flow of the tide. These waters are surrounded entirely by private property from which

the general public is excluded, and do not flow beyond the bounds of the property lines. Thus, there is no potential for these waters to transport or bear goods into the stream of interstate commerce, or to provide any opportunity for recreation to an interstate traveler. Therefore, none of these pits satisfy the criteria provided in 33 CFR 328.3(a)(1).

The Corps determined that none of the waters are interstate waters or wetlands. None of these waters straddle an interstate boundary. Therefore, none of these pits satisfy the criteria provided in 33 CFR 328.3(a)(2).

The waters in question are manmade features and would not be accurately described as natural ponds. These waters are located entirely within private property and could not be used by foreign or interstate travelers for recreational or other purposes, these waters do not support fisheries that could be taken and sold in interstate or foreign commerce, and there is no industrial use for these waters in interstate commerce. Thus, no use or degradation of these waters could directly affect interstate commerce. Therefore, none of these pits satisfy the criteria provided in 33 CFR 328.3(a)(3).

The Corps determined that none of these waters are impoundments of waters otherwise defined as waters of the U.S. Therefore, none of these pits satisfy the criteria provided in 33 CFR 328.3(a)(4).

The Corps determined that none of the waters listed above are tributaries of waters defined in 33 CFR 328.3(a)(1-4). No of these waters convey water outside of the review area. Thus, none of the waters satisfy 33 CFR 328.3(a)(5).

The Corps determined that none of these inland waters are subject to the ebb and flow of the tide. Therefore, none of these waters could be defined as the territorial seas, and thus satisfy 33 CFR 328.3(a)6.

Manmade borrow pits A through D do not meet the definition of wetlands provided in 33 CFR 328.3(b). These pits do not support any vegetation typically adapted for life in saturated soil conditions, and the pits exhibit a depth which would not allow such vegetation to recruit in them. Thus, these borrow pits would not constitute wetlands adjacent to any waters identified in 33 CFR 328.3(a)1-6. Thus, none of these borrow pits would satisfy the criteria provided in 33 CFR 328.3(a)7.

The borrow pits listed above are intrastate waters for which the only potential basis for the exercise of Corps jurisdiction would be migratory bird use. Migratory bird use by itself is not a sufficient basis for the exercise of CWA regulatory jurisdiction (Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, 531 U.S. 159 (2001)).

In light of these facts, the Corps determined that borrow pits A through D are waterfilled depressions in dry land that would not otherwise satisfy the definition of waters of the United States provided in 33 CFR 328.3(a).

## B. Wetlands H, I, J, K, L, M: SWANCC

The review area contains six wet prairie depressional wetlands that the Corps determined are non-jurisdictional isolated wetlands. The wetlands listed below are non-navigable, intrastate waters for which the only potential basis for the exercise of Corps jurisdiction would be migratory bird use. Migratory bird use by itself is not a sufficient basis for the exercise of CWA regulatory jurisdiction (Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, 531 U.S. 159 (2001)).

| Wetland | Size (acres) |
|---|---|
| H | 0.292 |
| I | 0.118 |
| J | 0.063 |
| K | 0.326 |
| L | 0.176 |
| M | 0.027 |
| Total: | 1.002 |

Reference sheets 4 and 5 of Exhibit 2

The Corps determined that none of these waters are navigable-in-fact. Also, none of these waters are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, and are not subject to the ebb and flow of the tide (33CFR328.3(a)(1)).

The Corps determined that none of these wetlands are interstate waters or wetlands. None of these wetlands straddle an interstate boundary. Therefore, none of these wetlands satisfy the criteria provided in 33 CFR 328.3(a)(2).

These wetlands are located entirely within private property and could not be used by foreign or interstate travelers for recreational or other purposes, these wetlands do not support fisheries that could be taken and sold in interstate or foreign commerce, and there is no industrial use for these wetlands in interstate commerce. Thus, no use or degradation of these waters could directly affect interstate commerce. Therefore, none of these wetlands satisfy the criteria provided in 33 CFR 328.3(a)(3).

The Corps determined that none of these wetlands are impoundments of waters otherwise defined as waters of the U.S. Therefore, none of these wetlands satisfy the criteria provided in 33 CFR 328.3(a)(4).

The Corps determined that none of the waters listed above are tributaries of waters defined in 33 CFR 328.3(a)(1-4). No of these waters convey water outside of the review area. Thus, none of these wetlands satisfy 33 CFR 328.3(a)(5).

The Corps determined that none of these inland wetlands are subject to the ebb and flow of the tide. Therefore, none of these waters could be defined as the territorial seas, and thus satisfy 33 CFR 328.3(a)6.

The Corps determined that none of these wetlands are adjacent to any water of the United States as defined by 33 CFR 328.3(a) (1-6).

None of these wetlands could be categorized as adjacent to the nearest traditional navigable water. The nearest TNW is the tidally influenced reach of the Tampa Bypass Canal. The review area is located 1.85 miles south of this TNW. These wetlands do not possess any of the three criteria provided in the current guidance. First, these wetlands do not possess an unbroken surface or subsurface connection to the TNW. Second, these wetlands are separated from the TNW primarily by uplands that have been subjected to multi-use urban development. Thus, the separation exceeds that of a manmade dike or barrier, a natural river berm, beach dune, or similar obstruction. Last, the aerial distance of these wetlands from the nearest TNW is not reasonably close. The proximity of these wetlands to the nearest TNW would not allow the Corps to support a science-based inference that the wetlands have an ecological interconnection with the nearest TNW.

The table below provides the aerial distance of each of these wetlands to RPW Delaney Creek.

| Wetland | Distance to Delaney Creek (miles) |
|---|---|
| H | 0.44 |
| I | 0.53 |
| J | 0.57 |
| K | 0.39 |
| L | 0.35 |
| M | 0.34 |

None of these wetlands exhibit a continuous surface connection with Delaney Creek. These wetlands do not directly abut Delaney Creek. Given the aerial distance of each of these wetlands from Delaney Creek, the Corps determined that none of these wetlands touch or share a common border with Delaney Creek. Thus, the standard for adjacency to an RPW provided in the Guidance is not satisfied in these wetlands. The 1957 aerial reveals that these wetlands have retained these characteristics from that time to the present date. In light of these facts, the Corps determined that these wetlands are so distinct from Delaney Creek in aerial distance and boundary that they should not be considered adjacent to RPW Delaney Creek.

The non-RPW (Ditch 16) located within the review area does not possess a significant nexus with the TNW such that the Corps should exert jurisdiction over it. Thus, the Corps determined it is not necessary to determine an adjacency relationship between these wetlands and the non-RPW. See section IIC below for additional discussion regarding Ditch 16.

Therefore, the Corps determined that these wetlands do not satisfy the criteria provided in 33 CFR 328.3(a)(7).

The wetlands listed above are non-navigable, intrastate waters for which the only potential basis for the exercise of Corps jurisdiction would be migratory bird use. Migratory bird use by itself is not a sufficient basis for the exercise of CWA regulatory jurisdiction (Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, 531 U.S. 159 (2001)). Thus, the Corps determined that these wetlands are not waters of the United States, and are not jurisdictional.

**C. Ditch 16: Non-RPW and adjacent wetlands lacking significant nexus**

Pursuant to current guidance, the Corps shall apply a fact-specific analysis to verify that non-navigable tributaries that are not relatively permanent have a significant nexus with a traditional navigable water prior to exerting jurisdiction over any such water. The Guidance further states that the Corps will consider the flow and functions of the tributary together with the functions performed by all the wetlands adjacent to that tributary in evaluating whether a significant nexus is present. The significant nexus analysis for Ditch 16 and its adjacent wetlands is provided below.

The Corps determined that Ditch 16, 2.18 acres, would not satisfy the criteria to be considered a RPW. Ditch 16 does not exhibit the minimum seasonal flow to satisfy this standard. The Guidance states that RPW's do not include ephemeral tributaries which flow only in response to precipitation. The Corps examined a series of historic aerial photographs with dates ranging from 23 March 1957 to 11 January 2017 as well as rainfall data over the same period. This analysis revealed that Ditch 16 does not exhibit seasonal flow and is clearly precipitation driven. Specifically, the Corps was able to obtain 31 aerials of the review area over this time frame. The Corps observed standing water in Ditch 16 nine times. The Corps compared these nine instances to the average rainfall for the month and year of the aerial. This review revealed that in each of these nine instances the rainfall that occurred around the timeframe of the aerial far exceeded the average/typical rainfall for the region. Furthermore, the Corps examined the rainfall data that occurred around the timeframe of the aerial photos where no water was visible in Ditch 16. This analysis revealed that average or below average rainfall was an insufficient amount of precipitation to cause standing water in Ditch 16. Lastly, according to the applicant, Ditch 16 does exhibit a high water mark or a channel defined by a bed and banks. The dominant vegetation is dog fennel and bahia grass. Thus, Ditch 16 does not exhibit reliable indicators of flow. Thus, the Corps determined that Ditch 16 is a non-RPW based on the volume, duration, and frequency of flow it exhibits.

The Corps was only able to identify one instance in the aerial photography where Ditch 16 was flowing and discharging into Delaney Creek with a continuous surface connection. In the aerial photograph dated 23 March 1957, Ditch 16 is full and discharging into Delaney Creek. The Corps attributed this observation to the following factors. First, the rainfall in March 1957 exceeded the monthly average rainfall by

216%. In addition, the precipitation in 1957 exceeded the yearly precipitation average by 148%. Second, in March 1957 Ditch 16 exhibited an entirely straight path to Delaney Creek as a well maintained agricultural ditch. In subsequent aerial photos, the northern extent of Ditch 16 exhibits a poorly maintained sinuous path as it approaches Delaney Creek.

1957 aerial zoomed to an extent where the surface connection between Delaney Creek and Ditch 16 is visible.

11 JAN 2017 aerial zoomed to an extent the sinuous, unmaintained portion of Ditch 16 is visible.

Rainfall data correlated to the aerial photo conditions observed in Ditch 16 is provided in the table below:

| Aerial Date | Water observed in Ditch 16 | Direct Surface connection with Delaney Creek Observed | Month of aerial precipitation | Year Precipitation | Ave. Month 1957-2018 | Ave. Year 1957-2018 |
|---|---|---|---|---|---|---|
| 23 MAR 1957 | Yes | Yes | 6.98 | 70.43 | 3.22 | 47.58 |
| 21 JAN 1968 | No | No | 0.41 | 39.36 (1967) | 2.35 | |
| 23 JAN 1995 | Yes | No | 3.51 | 47.23 (1994) | 2.35 | |
| 4 JAN 1999 | Yes | No | 0.92 (DEC 1998)/3.04 (JAN 1999) | 55.35 | 2.35 | |
| 30 APR 2002 | No | No | 1.84 | 62.07 | 1.92 | |
| 22 NOV 2003 | No | No | 0.86 | 51.99 | 1.52 | |
| 14 MAY 2004 | Yes | No | 1.44 | 59.31 | 2.98 | |
| 5 JAN 2005 | No | No | 1.54 (DEC 2004) | 38.95 | 2.35 | |
| 27 MAY 2005 | Yes | No | 3.61 | 38.95 | 2.98 | |
| 28 FEB 2006 | No | No | 9.09 | 56.52 | 2.90 | |
| 2 MAR 2006 | Yes | No | Trace | 56.52 | 3.22 | |
| 5 APR 2006 | No | No | T (MAR) / 1.03(APR) | 56.52 | 1.92 | |
| 8 JAN 2007 | No | No | 3.17 (DEC 2006)/ 1.43 (JAN 2007) | 56.62 (2006) | 2.35 | |
| 7 MAY 2007 | No | No | 1.92 (April)/ 0.35 (May) | 41.99 | 2.98 | |
| 29 Nov 2007 | No | No | 0.11 | 41.99 | | |
| 18 Dec 2007 | No | No | 0.11 (NOV 2007)/1.30 (DEC 2007) | 41.99 | 2.21 | |
| 14 Dec 2008 | No | No | 0.65 (NOV 2008)/ 1.23 (DEC 2008) | 43.77 | 2.21 | |
| 31 Dec 2009 | Yes | No | 2.32 | 45.87 | 2.21 | |
| 3 Apr 2010 | Yes | No | 5.88 (MAR 2010)/3.47 (APR 2010) | 40.34 | 3.22/1.92 | |
| 4 Apr 2010 | yes | No | 5.88 (MAR 2010)/3.47 (APR 2010) | 40.34 | 3.22/1.92 | |
| 24 APR 2012 | No | No | 2.29 | 55.99 | 1.92 | |
| 1 NOV 2012 | No | No | 3.10 (OCT 2012) | 55.99 | 1.52 | |
| 25 JAN 2013 | No | No | 0.63 | 52.48 | 2.35 | |
| 14 MAR 2013 | No | No | 0.93 (FEB)/2.06 (MAR) | 52.48 | 3.22 | |
| 17 JAN 2014 | Yes | No | 3.14 | 57.48 | 2.35 | |
| 19 FEB 2015 | Yes | No | 6.55 | 63.50 | 2.90 | |
| 21 FEB 2016 | Yes | No | 6.18 (JAN 2016) / 2.53 (FEB 2016) | 52.56 | 2.90 | |
| 11 JAN 2017 | No | No | 0.43 / 0.90 | 44.32 | 2.35 | |
| 15 MAR 2017 | No | No | 2.06 / 0.99 | 44.32 | 3.22 | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 14 SEP 2017 | Yes | No | 7.90 (JUN 2017)/8.99 (July 2017) /10.71 (AUG 2017)/6.66 (SEP 2017) | 44.32 | 6.54 / 7.4 / 8.25 / 6.15 | |
| 11 JAN 2017 | No | No | 0.43/0.90 | 44.32 | 2.35 | |

In light of these facts, the Corps determined that Ditch 16 does not exhibit a physical surface connection with Delaney Creek under typical circumstances in its current condition. In addition, the Corps determined that the lack of predictable hydrology in Ditch 16 makes it unlikely that species that would seasonally forage in Delaney Creek also forage in Ditch 16. Lastly, the historic lack of connection between Ditch 16 and Delaney Creek, and subsequent downstream waters renders any determination that any pollutants, nutrients, or organic carbon that may be present in Ditch 16 affect the nearest TNW speculative. For these reasons, the Corps determined that Ditch 16 alone lacks a significant nexus to any TNW.

There are only two wetlands adjacent to Ditch 16:

| Wetland | Size (acres) |
|---|---|
| F | 1.976 |
| G | 1.298 |
| Total: | 3.574 |

The Corps evaluated the ecological functions performed by Ditch 16 and Wetlands F and G are likely to have an effect that is more than speculative on the chemical, physical, and biological integrity of the nearest Traditional Navigable Water.

Any nutrients, organic carbon, or other materials necessary for downstream food webs present in wetlands F and G would require Ditch 16 to serve as the conduit to deliver these materials to the downstream TNW via Delaney Creek. As discussed above, the Corps could not document that Ditch 16 discharges to Delaney Creek on any predictable basis. Thus, the Corps determined that wetlands F and G would not have a substantial chemical or physical effect on the nearest TNW. Furthermore, the Corps determined that wetlands F and G would not provide spawning areas for any fish or macroinvertebrates that would rely on downstream waters. Thus, the Corps could not identify any substantial biological connection between wetlands F and G in conjunction with Ditch 16 to the nearest TNW. In light of these facts, the Corps determined that Ditch 16 in combination with Wetlands F and G lack a significant nexus with the downstream TNW, and are not subject to Corps jurisdiction.

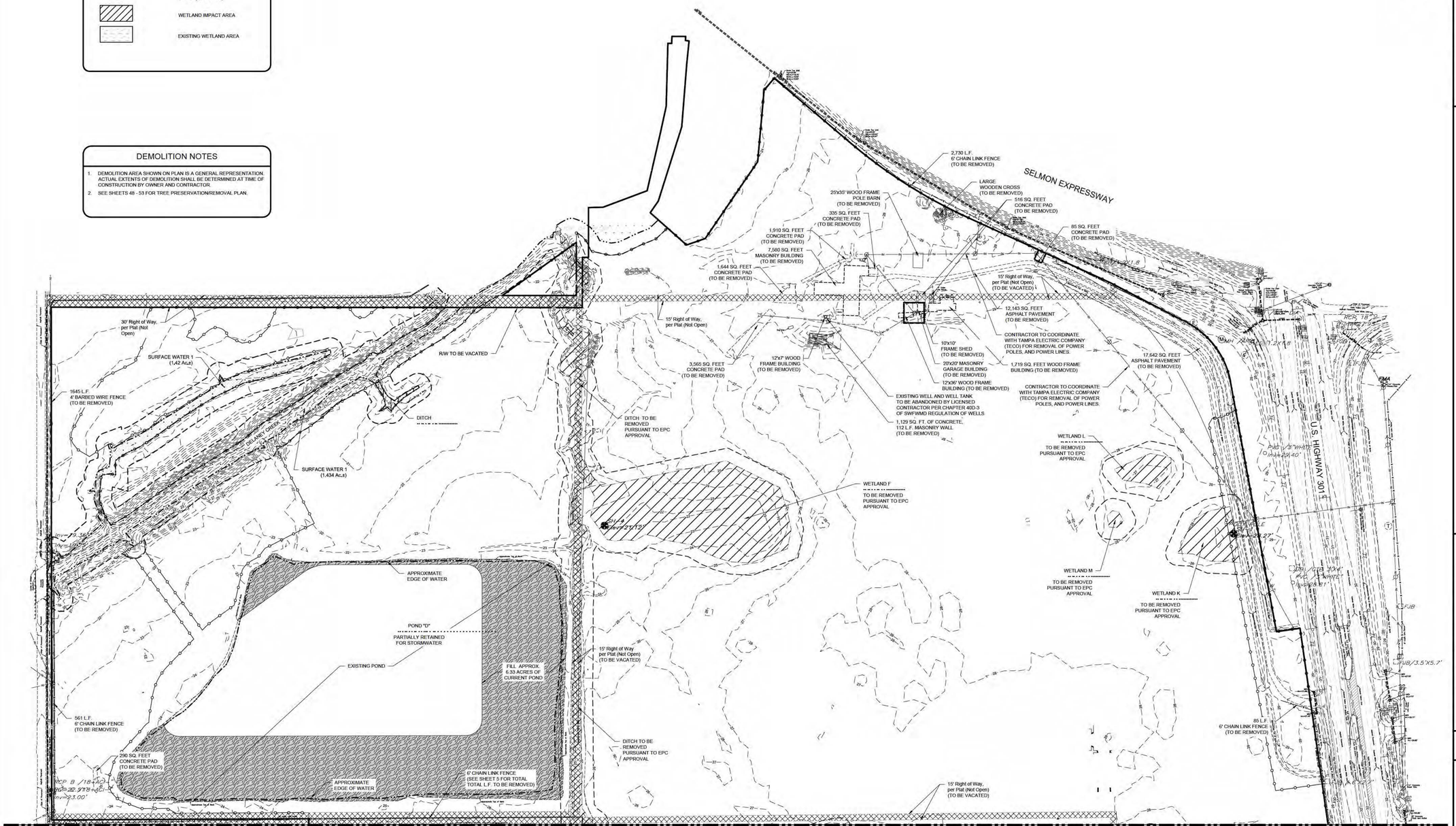
# EXHIBIT 2: WETLAND DESIGNATIONS

## LEGEND

- SILT FENCE
- WETLAND LINE
- WETLAND SETBACK LINE
- FENCE (AS NOTED)
- WETLAND IMPACT AREA
- EXISTING WETLAND AREA

## DEMOLITION NOTES

1. DEMOLITION AREA SHOWN ON PLAN IS A GENERAL REPRESENTATION. ACTUAL EXTENTS OF DEMOLITION SHALL BE DETERMINED AT TIME OF CONSTRUCTION BY OWNER AND CONTRACTOR.
2. SEE SHEETS 48 - 53 FOR TREE PRESERVATION/REMOVAL PLAN.





WALDROP ENGINEERING
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CONSTRUCTION PLANS

# VILLAGE AT CROSSTOWN

CLIENT: VILLAGE AT CROSSTOWN, LLC

EXISTING CONDITIONS AND DEMOLITION PLAN

PLAN REVISIONS

REV00 <<SUBMITTED / BID SET>> XXXXXX

0 60 120 240
SCALE IN FEET

FLORIDA CERTIFICATE OF AUTHORIZATION #8636

ERIC S. DUNNING, P.E.
FL LICENSE NO. 67678

SET NUMBER: 531-01-02

SHEET : 4

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## LEGEND

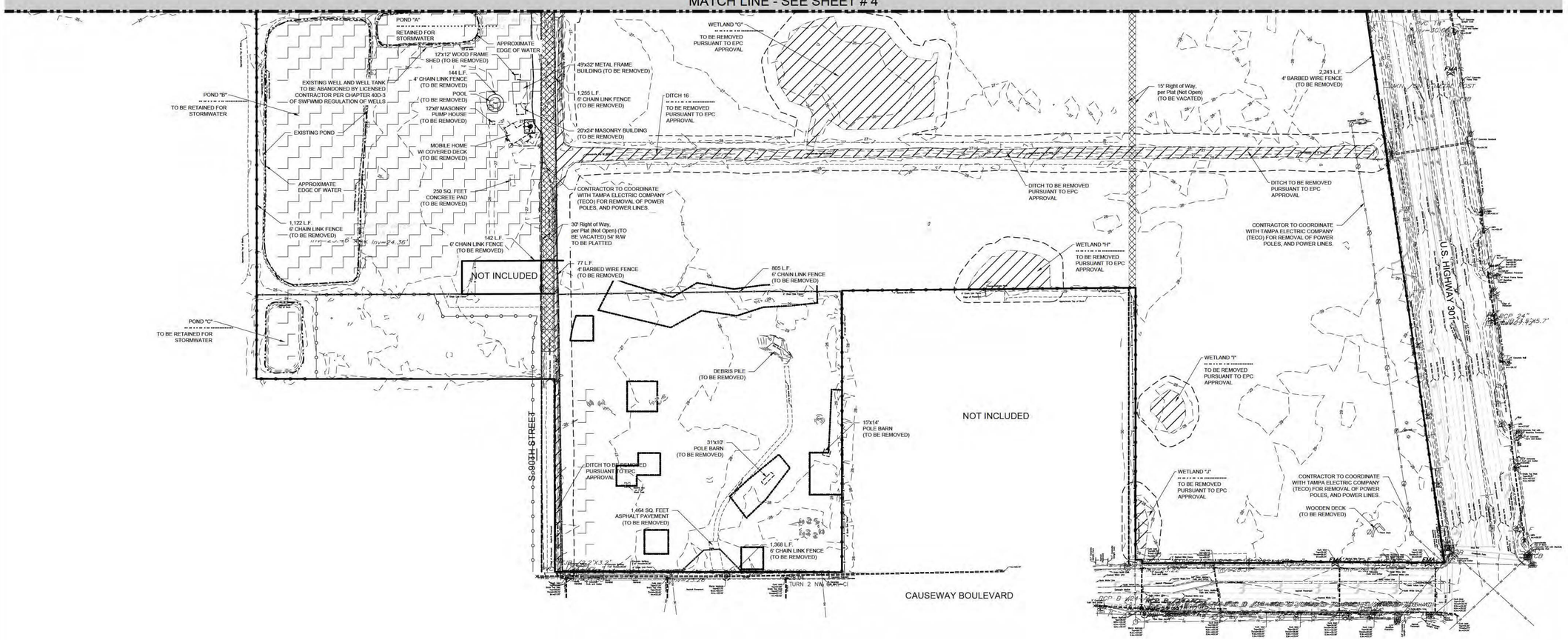
- SILT FENCE
- WETLAND LINE
- WETLAND SETBACK LINE
- FENCE (AS NOTED)
- WETLAND/ DITCH IMPACT AREA
- EXISTING WETLAND AREA

N

## DEMOLITION NOTES

1. DEMOLITION AREA SHOWN ON PLAN IS A GENERAL REPRESENTATION. ACTUAL EXTENTS OF DEMOLITION SHALL BE DETERMINED AT TIME OF CONSTRUCTION BY OWNER AND CONTRACTOR.
2. SEE SHEETS 48 - 53 FOR TREE PRESERVATION/REMOVAL PLAN.

MATCH LINE - SEE SHEET # 4





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CONSTRUCTION PLANS

# VILLAGE AT CROSSTOWN

CLIENT: VILLAGE AT CROSSTOWN, LLC

EXISTING CONDITIONS AND DEMOLITION PLAN

PLAN REVISIONS

REV00 <<SUBMITTED / BID SET>> XX/XX/XX

0 60 120 240
SCALE IN FEET

FLORIDA CERTIFICATE OF AUTHORIZATION #8636

ERIC S. DUNNING, P.E.
FL LICENSE NO. 67678

SET NUMBER: 531-01-02

SHEET : 5

T:\Projects\531-01 Village at Crosstown\Drawings\Exhibits\531-01-02 Construction Plans\Current Plans\531010204.dwg

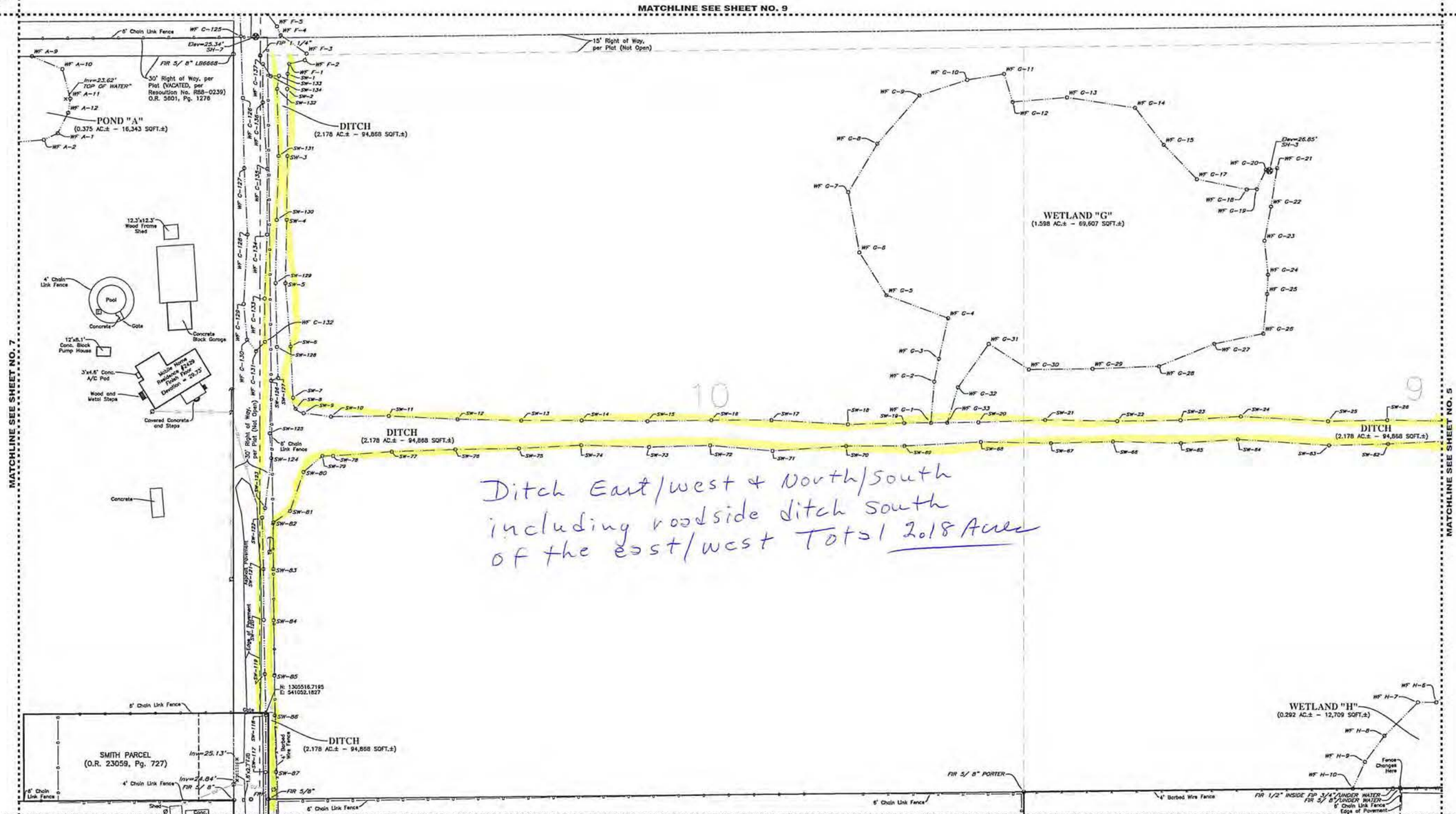
MATCHLINE SEE SHEET NO. 10

MATCHLINE SEE SHEET NO. 9

MATCHLINE SEE SHEET NO. 8

MATCHLINE SEE SHEET NO. 7

MATCHLINE SEE SHEET NO. 5




MATCHLINE SEE SHEET NO. 15

MATCHLINE SEE SHEET NO. 4

N

80 40 0 40 80

SCALE: 1" = 40'

# VILLAGES AT CROSSTOWN
# WETLAND DELINEATION SURVEY

| REVISIONS | | | |
|---|---|---|---|
| No. | Date | Description | Dwn. |
| 1 | 03/08/17 | Client Comments | SEC |

Prepared For: WENZEL INVESTMENT GROUP

Last Date of Field Survey: 02/16/17

SEE SHEET NO. 1 FOR SURVEYOR'S CERTIFICATE

Sheet No. 6 of 16 Sheets


GeoPoint Surveying, Inc.

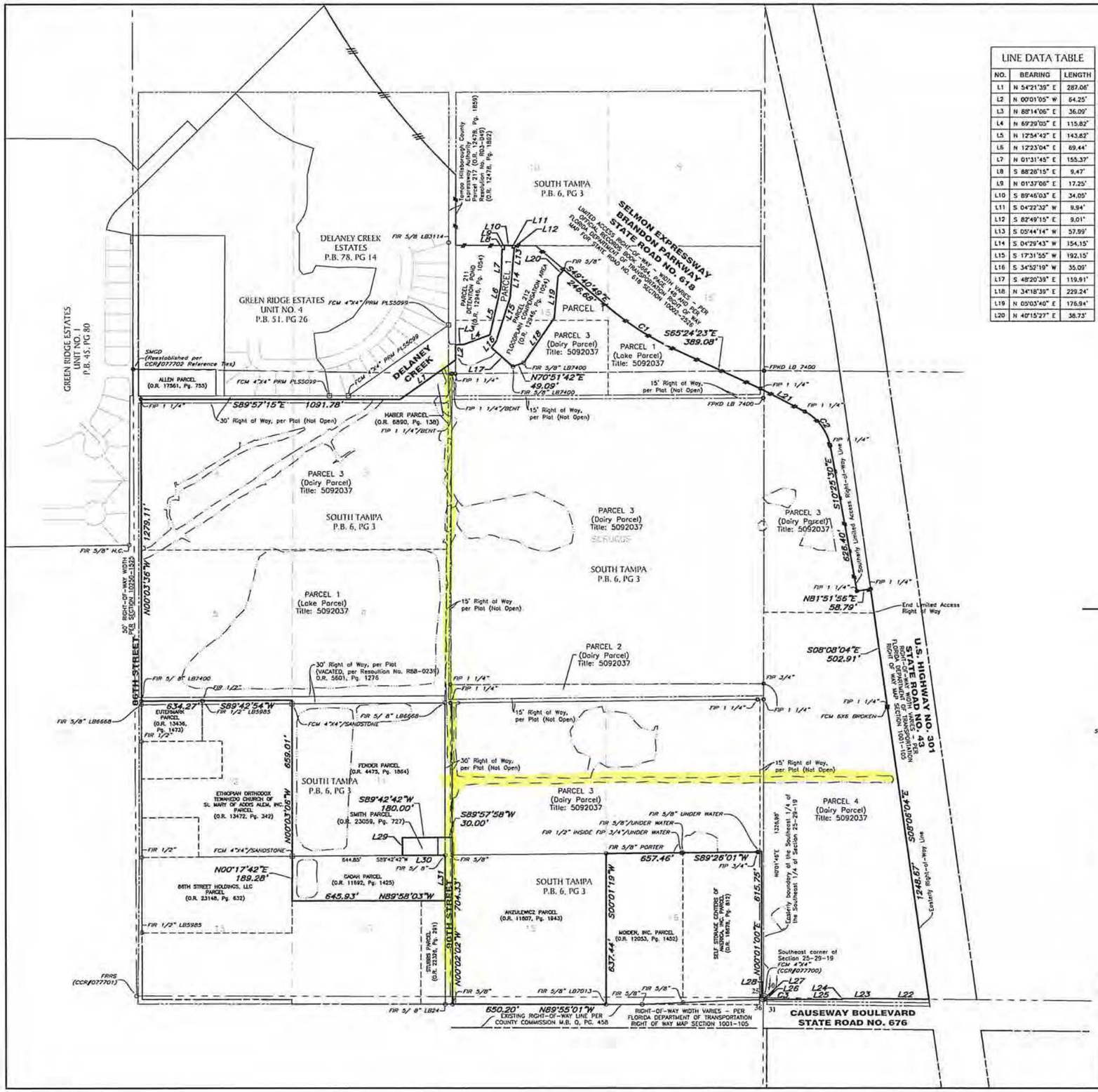
1403 E. 5th Avenue
Tampa, Florida 33605
www.geopointsurvey.com

Phone: (813) 248-8888
Fax: (813) 248-2266
Licensed Business Number LB 7765


| | | |
|---|---|---|
| Drawn: SEC | Date: 03/3/17 | Date File: --- |
| Check: DAW | P.C.: --- | Job #: --- |

Sections 25 & 36, Twn. 29 S., Rng. 19 E., and 30 & 31, Twn. 29 S., Rng. 20 E.

DWG NAME: P:\VILLAGES AT CROSSTOWN\WS\VILLAGES-AT-CROSSTOWN-WS-SHT3-15.DWG PLOTTED BY: SCOTT CHIDWELL DATE: 3/9/2017 10:22 AM LAST SAVED BY: SCOTTC DATE: 3/9/2017 10:08 AM




| LINE DATA TABLE | | |
|---|---|---|
| NO. | BEARING | LENGTH |
| L1 | N 54°21'39" E | 287.06' |
| L2 | N 00°01'05" W | 64.25' |
| L3 | N 88°14'06" E | 36.09' |
| L4 | N 69°29'05" E | 115.82' |
| L5 | N 12°54'42" E | 143.62' |
| L6 | N 12°23'04" E | 69.44' |
| L7 | N 01°31'45" E | 155.37' |
| L8 | S 88°28'15" E | 9.47' |
| L9 | N 01°37'06" E | 17.25' |
| L10 | S 89°46'03" E | 34.05' |
| L11 | S 04°22'32" W | 9.94' |
| L12 | S 82°49'15" E | 9.01' |
| L13 | S 05°44'14" W | 57.99' |
| L14 | S 04°29'43" W | 154.15' |
| L15 | S 17°31'55" W | 192.15' |
| L16 | S 34°52'19" W | 35.09' |
| L17 | S 48°20'39" E | 119.91' |
| L18 | N 34°18'39" E | 229.24' |
| L19 | N 05°03'40" E | 176.94' |
| L20 | N 40°15'27" E | 38.73' |

| LINE DATA TABLE | | |
|---|---|---|
| NO. | BEARING | LENGTH |
| L21 | S 62°32'13" E | 210.75' |
| L22 | N 89°27'04" W | 195.44' |
| L23 | N 89°54'16" W | 170.72' |
| L24 | S 00°05'07" W | 3.00' |
| L25 | N 89°54'53" W | 178.93' |
| L26 | N 00°14'16" E | 8.16' |
| L27 | N 89°27'04" W | 15.00' |
| L28 | N 89°48'17" W | 7.51' |
| L29 | S 00°02'02" E | 75.00' |
| L30 | N 89°42'42" E | 180.00' |
| L31 | S 00°02'02" E | 192.89' |

| CURVE DATA TABLE | | | | | |
|---|---|---|---|---|---|
| NO. | RADIUS | DELTA | ARC | CHORD | BEARING |
| C1 | 1248.62' | 015°43'34" | 342.71' | 341.64' | S 57°32'39" E |
| C2 | 207.29' | 052°01'13" | 188.20' | 181.81' | S 36°26'06" E |
| C3 | 8013.00' | 001°00'06" | 140.08' | 140.07' | S 89°35'03" W |

N

400 200 0 200 400

SCALE: 1" = 200'

## LEGEND

| | |
|---|---|
| (S) | Survey Dimension |
| (D) | Deed Dimension |
| (P) | Plat Dimension |
| (C) | Calculated Dimension |
| (R) | Reported |
| O.R. | Official Records Book |
| D.B. | Deed Book |
| P.B. | Plat Book |
| C.B. | Condominium Book |
| R.P.B. | Road Plat Book |
| Pg(s). | Page(s) |
| F.D.O.T. | Florida Department of Transportation |
| S.W.F.W.M.D. | Southwest Florida Water Management District |
| SIP | Set 1/2" Iron Pipe LB7768 |
| SCM | Set 4"x4" Concrete Monument LB7768 |
| SMCD | Set Mag Nail & Disk LB7768 |
| SPKD | Set P.K. Nail & Disk LB7768 |
| FIP | Found Iron Pipe |
| FIR | Found Iron Rod |
| FCM | Found Concrete Monument |
| FPK | Found P.K. Nail |
| FPKD | Found P.K. Nail & Disk |
| FMC | Found Mag Nail |
| FMCD | Found Mag Nail & Disk |
| FLW | Found Lighter Wood Post |
| FRRS | Found Rail Road Spike |
| P.R.M. | Permanent Reference Monument |
| P.C.P. | Permanent Control Point |

| DITCH SUMMARY TABLE | | |
|---|---|---|
| DITCH ID | ACRES ONSITE | SQUARE FOOT ONSITE |
| Ditch | 2.178 Acres± | 94,868 SQFT.± |

| POND SUMMARY TABLE | | |
|---|---|---|
| POND ID | ACRES ONSITE | SQUARE FOOT ONSITE |
| Pond A | 0.375 Acres± | 16,343 SQFT.± |
| Pond B | 3.032 Acres± | 132,088 SQFT.± |
| Pond C | 0.299 Acres± | 13,037 SQFT.± |
| Pond D | 11.801 Acres± | 514,039 SQFT.± |
| Pond Subtotal | 15.507 Acres± | 675,507 SQFT.± |

| WETLAND SUMMARY TABLE | | |
|---|---|---|
| WETLAND ID | ACRES ONSITE | SQUARE FOOT ONSITE |
| Wetland F | 1.976 Acres± | 86,073 SQFT.± |
| Wetland G | 1.598 Acres± | 69,607 SQFT.± |
| Wetland H | 0.292 Acres± | 12,709 SQFT.± |
| Wetland I | 0.118 Acres± | 5,133 SQFT.± |
| Wetland J | 0.063 Acres± | 2,741 SQFT.± |
| Wetland K | 0.326 Acres± | 14,184 SQFT.± |
| Wetland L | 0.176 Acres± | 7,670 SQFT.± |
| Wetland M | 0.027 Acres± | 1,194 SQFT.± |
| Wetland Subtotal | 4.576 Acres± | 199,311 SQFT.± |

| SURFACE WATER SUMMARY TABLE | | |
|---|---|---|
| SURFACE WATER ID | ACRES ONSITE | SQUARE FOOT ONSITE |
| Surface Water 1 | 1.434 Acres± | 62,472 SQFT.± |
| Surface Water 2 | 0.727 Acres± | 31,670 SQFT.± |
| Surface Water Subtotal | 2.161 Acres± | 94,142 SQFT.± |

# VILLAGES AT CROSSTOWN
# WETLAND DELINEATION SURVEY

| REVISIONS | | | |
|---|---|---|---|
| No. | Date | Description | Dwn. |
| 1 | 03/08/17 | Client Comments | SEC |

Sheet No. 2 of 16 Sheets

Prepared For: WENZEL INVESTMENT GROUP

Last Date of Field Survey: 02/16/17

SEE SHEET NO. 1 FOR SURVEYOR'S CERTIFICATE

GeoPoint Surveying, Inc.
1403 E. 5th Avenue
Tampa, Florida 33605
www.geopointsurvey.com
Phone: (813) 248-8888
Fax: (813) 248-2266
Licensed Business Number LB 7768

Drawn: SEC | Date: 03/3/17 | Date File: —
Check: DAW | P.C.: --- | Job #: —

Sections 25 & 36, Twn. 29 S., Rng. 19 E., and 30 & 31, Twn. 29 S., Rng. 20 E.

DWG NAME: P:\PLANNED AT CROSSTOWN\SURVEY\VILLAGES AT CROSSTOWN WD\2017\2.DWG PLOTTED BY: SCOTT CROSWELL DR 3/8/2017 10:12 AM LAST SAVED BY: SCOTTC DR 3/8/2017 10:11 AM

# Village @ Crosstown

## USACE Data Form Locations

Meryman Environmental, Inc.
10408 Bloomingdale Avenue
Riverview, FL 33578-3679
(813) 626-9551 Fax (813) 623-6613
www.MerymanEnvironmental.com

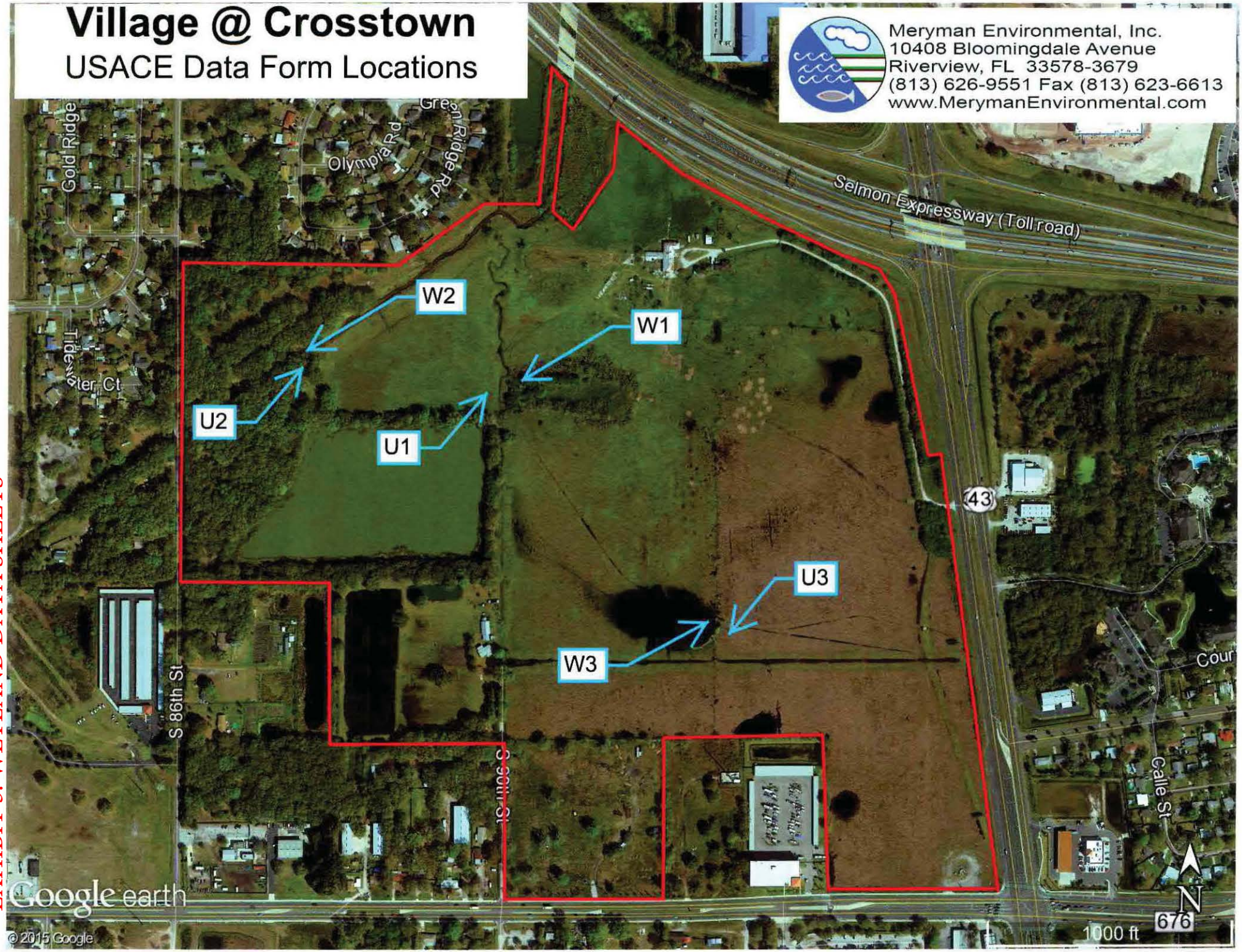



EXHIBIT 3: WETLAND DATA SHEETS -

## WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Villages at Crosstown City/County: Hillsborough Sampling Date: 1/31/2017

Applicant/Owner: Peter Wenzel State: Fl Sampling Point: W1

Investigator(s): C.J. Greene Section, Township, Range: 25/29/19

Landform (hillslope, terrace, etc.): None Local relief (concave, convex, none): N/A Slope (%): 0

Subregion (LRR or MLRA): LRRU Lat: 27 55' 42.92" Long: 82 21' 22.58" Datum: WGS84

Soil Map Unit Name: 52 Smyrna Fine sand, 0 to 2 percent slopes NWI classification: PSS1C

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

### SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

| | | | |
|---|---|---|---|
| Hydrophytic Vegetation Present? | Yes X | No _____ | **Is the Sampled Area within a Wetland?** Yes X No _____ |
| Hydric Soil Present? | Yes X | No _____ | |
| Wetland Hydrology Present? | Yes X | No _____ | |

Remarks:

Connection between wetland and ditch.

### HYDROLOGY

**Wetland Hydrology Indicators:**

Primary Indicators (minimum of one is required; check all that apply)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☑ Saturation (A3)
- ☑ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift Deposits (B3)
- ☐ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Water-Stained Leaves (B9)
- ☐ Aquatic Fauna (B13)
- ☐ Marl Deposits (B15) **(LRR U)**
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Thin Muck Surface (C7)
- ☐ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ☐ Surface Soil Cracks (B6)
- ☐ Sparsely Vegetated Concave Surface (B8)
- ☐ Drainage Patterns (B10)
- ☐ Moss Trim Lines (B16)
- ☐ Dry-Season Water Table (C2)
- ☐ Crayfish Burrows (C8)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)
- ☐ Sphagnum moss (D8) **(LRR T, U)**

**Field Observations:**

| | | | |
|---|---|---|---|
| Surface Water Present? | Yes _____ | No X | Depth (inches): _____ |
| Water Table Present? | Yes X | No _____ | Depth (inches): 6" |
| Saturation Present? (includes capillary fringe) | Yes X | No _____ | Depth (inches): Surface |

**Wetland Hydrology Present?** Yes X No _____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Stain lines and adventitious rooting present.

**VEGETATION (Four Strata)** – Use scientific names of plants.

Sampling Point: W1

| Tree Stratum (Plot size: _____ ) | Absolute % Cover | Dominant Species? | Indicator Status |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| | = Total Cover | | |
| 50% of total cover: _____ | 20% of total cover: _____ | | |

| Sapling/Shrub Stratum (Plot size: 30x30 ) | | | |
|---|---|---|---|
| 1. Ludgwigia Peruviana | 30 | X | OBL |
| 2. Schinus Terebinthifolia | 10 | | FAC |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| | 40 = Total Cover | | |
| 50% of total cover: 20 | 20% of total cover: 8 | | |

| Herb Stratum (Plot size: 30x30 ) | | | |
|---|---|---|---|
| 1. Commelina Virginica | 10 | | FACW |
| 2. Bacopa monnieri | 10 | | OBL |
| 3. Persicaria hydropiperoides | 5 | | OBL |
| 4. Solanum viarum | 5 | | UPL |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| 12. | | | |
| | 30 = Total Cover | | |
| 50% of total cover: 15 | 20% of total cover: 6 | | |

| Woody Vine Stratum (Plot size: _____ ) | | | |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| | = Total Cover | | |
| 50% of total cover: _____ | 20% of total cover: _____ | | |

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: _____ (A)

Total Number of Dominant Species Across All Strata: _____ (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: _____ (A/B)

**Prevalence Index worksheet:**

| Total % Cover of: | | Multiply by: |
|---|---|---|
| OBL species | _____ | x 1 = _____ |
| FACW species | _____ | x 2 = _____ |
| FAC species | _____ | x 3 = _____ |
| FACU species | _____ | x 4 = _____ |
| UPL species | _____ | x 5 = _____ |
| Column Totals: | _____ (A) | _____ (B) |

Prevalence Index = B/A = _____

**Hydrophytic Vegetation Indicators:**

X 1 - Rapid Test for Hydrophytic Vegetation

___ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Four Vegetation Strata:**

**Tree** – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/Shrub** – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vine** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?** Yes X No _____

Remarks: (If observed, list morphological adaptations below).

## SOIL

Sampling Point: W1

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

| Depth (inches) | Matrix Color (moist) | Matrix % | Redox Features Color (moist) | Redox % | Type[1] | Loc[2] | Texture | Remarks |
|---|---|---|---|---|---|---|---|---|
| 0-6" | Black | 100 | | | | | Muck | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Stratified Layers (A5)
- ☐ Organic Bodies (A6) **(LRR P, T, U)**
- ☐ 5 cm Mucky Mineral (A7) **(LRR P, T, U)**
- ☑ Muck Presence (A8) **(LRR U)**
- ☐ 1 cm Muck (A9) **(LRR P, T)**
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Coast Prairie Redox (A16) **(MLRA 150A)**
- ☐ Sandy Mucky Mineral (S1) **(LRR O, S)**
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Dark Surface (S7) **(LRR P, S, T, U)**
- ☐ Polyvalue Below Surface (S8) **(LRR S, T, U)**
- ☐ Thin Dark Surface (S9) **(LRR S, T, U)**
- ☐ Loamy Mucky Mineral (F1) **(LRR O)**
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)
- ☐ Marl (F10) **(LRR U)**
- ☐ Depleted Ochric (F11) **(MLRA 151)**
- ☐ Iron-Manganese Masses (F12) **(LRR O, P, T)**
- ☐ Umbric Surface (F13) **(LRR P, T, U)**
- ☐ Delta Ochric (F17) **(MLRA 151)**
- ☐ Reduced Vertic (F18) **(MLRA 150A, 150B)**
- ☐ Piedmont Floodplain Soils (F19) **(MLRA 149A)**
- ☐ Anomalous Bright Loamy Soils (F20) **(MLRA 149A, 153C, 153D)**

**Indicators for Problematic Hydric Soils[3]:**

- ☐ 1 cm Muck (A9) **(LRR O)**
- ☐ 2 cm Muck (A10) **(LRR S)**
- ☐ Reduced Vertic (F18) **(outside MLRA 150A,B)**
- ☐ Piedmont Floodplain Soils (F19) **(LRR P, S, T)**
- ☐ Anomalous Bright Loamy Soils (F20) **(MLRA 153B)**
- ☐ Red Parent Material (TF2)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if observed):**

Type: _____

Depth (inches): _____

**Hydric Soil Present?** Yes X No _____

Remarks:

## WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Villages at Crosstown City/County: Hillsborough Sampling Date: 1/31/2017

Applicant/Owner: Peter Wenzel State: Fl Sampling Point: U1

Investigator(s): C.J. Greene Section, Township, Range: 25/29/19

Landform (hillslope, terrace, etc.): None Local relief (concave, convex, none): N/A Slope (%): 0

Subregion (LRR or MLRA): LRRU Lat: 27 55' 42.51" Long: 82 21' 24.07" Datum: WGS84

Soil Map Unit Name: 52 Smyrna Fine sand, 0 to 2 percent slopes NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

### SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

| | | | |
|---|---|---|---|
| Hydrophytic Vegetation Present? | Yes _____ | No _____ | **Is the Sampled Area within a Wetland?** **Yes** _____ **No** X |
| Hydric Soil Present? | Yes _____ | No _____ | |
| Wetland Hydrology Present? | Yes _____ | No _____ | |

Remarks:

Pasture

### HYDROLOGY

**Wetland Hydrology Indicators:**

Primary Indicators (minimum of one is required; check all that apply)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☐ Saturation (A3)
- ☐ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift Deposits (B3)
- ☐ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Water-Stained Leaves (B9)
- ☐ Aquatic Fauna (B13)
- ☐ Marl Deposits (B15) **(LRR U)**
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Thin Muck Surface (C7)
- ☐ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ☐ Surface Soil Cracks (B6)
- ☐ Sparsely Vegetated Concave Surface (B8)
- ☐ Drainage Patterns (B10)
- ☐ Moss Trim Lines (B16)
- ☐ Dry-Season Water Table (C2)
- ☐ Crayfish Burrows (C8)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)
- ☐ Sphagnum moss (D8) **(LRR T, U)**

**Field Observations:**

| | | | |
|---|---|---|---|
| Surface Water Present? | Yes _____ | No X | Depth (inches): _____ |
| Water Table Present? | Yes _____ | No X | Depth (inches): _____ |
| Saturation Present? (includes capillary fringe) | Yes _____ | No X | Depth (inches): _____ |

**Wetland Hydrology Present?** **Yes** _____ **No** X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

**VEGETATION (Four Strata)** – Use scientific names of plants.

Sampling Point: U1

| Tree Stratum (Plot size: _____ ) | Absolute % Cover | Dominant Species? | Indicator Status |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| | _____ = Total Cover | | |
| 50% of total cover: _____ | 20% of total cover: _____ | | |

| Sapling/Shrub Stratum (Plot size: _____ ) | | | |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| | _____ = Total Cover | | |
| 50% of total cover: _____ | 20% of total cover: _____ | | |

| Herb Stratum (Plot size: 30x30 ) | | | |
|---|---|---|---|
| 1. Paspalum notatum | 90 | | FACU |
| 2. Solanum viarum | 5 | | UPL |
| 3. Urena lobata | 5 | | FAC |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| 12. | | | |
| | 100 = Total Cover | | |
| 50% of total cover: 50 | 20% of total cover: 20 | | |

| Woody Vine Stratum (Plot size: _____ ) | | | |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| | _____ = Total Cover | | |
| 50% of total cover: _____ | 20% of total cover: _____ | | |

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 1 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0 (A/B)

**Prevalence Index worksheet:**

| Total % Cover of: | | Multiply by: | |
|---|---|---|---|
| OBL species | | x 1 = | |
| FACW species | | x 2 = | |
| FAC species | 5 | x 3 = | 15 |
| FACU species | 90 | x 4 = | 360 |
| UPL species | 5 | x 5 = | 25 |
| Column Totals: | 100 (A) | | 400 (B) |

Prevalence Index = B/A = 4

**Hydrophytic Vegetation Indicators:**

___ 1 - Rapid Test for Hydrophytic Vegetation

___ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Four Vegetation Strata:**

**Tree** – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/Shrub** – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vine** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?** Yes _____ No X

Remarks: (If observed, list morphological adaptations below).

## SOIL

Sampling Point: U1

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

| Depth (inches) | Matrix Color (moist) | Matrix % | Redox Features Color (moist) | Redox % | Type[1] | Loc[2] | Texture | Remarks |
|---|---|---|---|---|---|---|---|---|
| 0-6 | Grey | | | | | | Sand | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Stratified Layers (A5)
- ☐ Organic Bodies (A6) **(LRR P, T, U)**
- ☐ 5 cm Mucky Mineral (A7) **(LRR P, T, U)**
- ☐ Muck Presence (A8) **(LRR U)**
- ☐ 1 cm Muck (A9) **(LRR P, T)**
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Coast Prairie Redox (A16) **(MLRA 150A)**
- ☐ Sandy Mucky Mineral (S1) **(LRR O, S)**
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Dark Surface (S7) **(LRR P, S, T, U)**
- ☐ Polyvalue Below Surface (S8) **(LRR S, T, U)**
- ☐ Thin Dark Surface (S9) **(LRR S, T, U)**
- ☐ Loamy Mucky Mineral (F1) **(LRR O)**
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)
- ☐ Marl (F10) **(LRR U)**
- ☐ Depleted Ochric (F11) **(MLRA 151)**
- ☐ Iron-Manganese Masses (F12) **(LRR O, P, T)**
- ☐ Umbric Surface (F13) **(LRR P, T, U)**
- ☐ Delta Ochric (F17) **(MLRA 151)**
- ☐ Reduced Vertic (F18) **(MLRA 150A, 150B)**
- ☐ Piedmont Floodplain Soils (F19) **(MLRA 149A)**
- ☐ Anomalous Bright Loamy Soils (F20) **(MLRA 149A, 153C, 153D)**

**Indicators for Problematic Hydric Soils[3]:**

- ☐ 1 cm Muck (A9) **(LRR O)**
- ☐ 2 cm Muck (A10) **(LRR S)**
- ☐ Reduced Vertic (F18) **(outside MLRA 150A,B)**
- ☐ Piedmont Floodplain Soils (F19) **(LRR P, S, T)**
- ☐ Anomalous Bright Loamy Soils (F20) **(MLRA 153B)**
- ☐ Red Parent Material (TF2)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if observed):**

Type: _____

Depth (inches): _____

**Hydric Soil Present?** **Yes** _____ **No** X

Remarks:

## WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Villages at Crosstown City/County: Hillsborough Sampling Date: 1/31/17

Applicant/Owner: Peter Wenzel State: Fl Sampling Point: U2

Investigator(s): C.J. Greene Section, Township, Range: 25/29/19

Landform (hillslope, terrace, etc.): None Local relief (concave, convex, none): N/A Slope (%): 0

Subregion (LRR or MLRA): LRRU Lat: 27 55' 42.33" Long: 82 21' 34.34" Datum: WGS84

Soil Map Unit Name: 46 St. Johns Fine Sand NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

### SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

| | | | |
|---|---|---|---|
| Hydrophytic Vegetation Present? | Yes _____ | No X | **Is the Sampled Area within a Wetland?** Yes _____ No X |
| Hydric Soil Present? | Yes _____ | No X | |
| Wetland Hydrology Present? | Yes _____ | No X | |

Remarks:

### HYDROLOGY

**Wetland Hydrology Indicators:**

Primary Indicators (minimum of one is required; check all that apply)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☐ Saturation (A3)
- ☐ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift Deposits (B3)
- ☐ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Water-Stained Leaves (B9)
- ☐ Aquatic Fauna (B13)
- ☐ Marl Deposits (B15) **(LRR U)**
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Thin Muck Surface (C7)
- ☐ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ☐ Surface Soil Cracks (B6)
- ☐ Sparsely Vegetated Concave Surface (B8)
- ☐ Drainage Patterns (B10)
- ☐ Moss Trim Lines (B16)
- ☐ Dry-Season Water Table (C2)
- ☐ Crayfish Burrows (C8)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)
- ☐ Sphagnum moss (D8) **(LRR T, U)**

**Field Observations:**

| | | | |
|---|---|---|---|
| Surface Water Present? | Yes _____ | No _____ | Depth (inches): _____ |
| Water Table Present? | Yes _____ | No _____ | Depth (inches): _____ |
| Saturation Present? (includes capillary fringe) | Yes _____ | No _____ | Depth (inches): _____ |

**Wetland Hydrology Present?** Yes _____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Creek Bank

**VEGETATION (Four Strata)** – Use scientific names of plants.

Sampling Point: U2

| Tree Stratum (Plot size: 30x30) | Absolute % Cover | Dominant Species? | Indicator Status |
|---|---|---|---|
| 1. Quercus Virginiana | 50 | X | FACU |
| 2. Quercus Laurifolia | 10 | | FACW |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| | 60 = Total Cover | | |
| 50% of total cover: 30 | 20% of total cover: 12 | | |

| Sapling/Shrub Stratum (Plot size: 30x30) | | | |
|---|---|---|---|
| 1. Callicarpa americana | 10 | X | FACU |
| 2. Leucaena leucocephala | 5 | | FACU |
| 3. Citrus X aurantium | 2 | | FACU |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| | 17 = Total Cover | | |
| 50% of total cover: 8.5 | 20% of total cover: 3.4 | | |

| Herb Stratum (Plot size: 30x30) | | | |
|---|---|---|---|
| 1. Urena Lobata | 5 | | FAC |
| 2. Schinus terebinthifolia | 5 | | FAC |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| 12. | | | |
| | 10 = Total Cover | | |
| 50% of total cover: 5 | 20% of total cover: 2 | | |

| Woody Vine Stratum (Plot size: ) | | | |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| | = Total Cover | | |
| 50% of total cover: | 20% of total cover: | | |

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 2 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0 (A/B)

**Prevalence Index worksheet:**

| Total % Cover of: | | Multiply by: | |
|---|---|---|---|
| OBL species | | x 1 = | |
| FACW species | 10 | x 2 = | 20 |
| FAC species | 10 | x 3 = | 30 |
| FACU species | 67 | x 4 = | 268 |
| UPL species | | x 5 = | |
| Column Totals: | 87 (A) | | 318 (B) |

Prevalence Index = B/A = 3.7

**Hydrophytic Vegetation Indicators:**

___ 1 - Rapid Test for Hydrophytic Vegetation

___ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Four Vegetation Strata:**

**Tree** – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/Shrub** – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vine** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?** Yes ___ No X

Remarks: (If observed, list morphological adaptations below).

## SOIL

Sampling Point: U2

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

| Depth (inches) | Matrix Color (moist) | Matrix % | Redox Features Color (moist) | Redox % | Type[1] | Loc[2] | Texture | Remarks |
|---|---|---|---|---|---|---|---|---|
| 6+ | Dark Grey | | | | | | | |

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Stratified Layers (A5)
- ☐ Organic Bodies (A6) **(LRR P, T, U)**
- ☐ 5 cm Mucky Mineral (A7) **(LRR P, T, U)**
- ☐ Muck Presence (A8) **(LRR U)**
- ☐ 1 cm Muck (A9) **(LRR P, T)**
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Coast Prairie Redox (A16) **(MLRA 150A)**
- ☐ Sandy Mucky Mineral (S1) **(LRR O, S)**
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Dark Surface (S7) **(LRR P, S, T, U)**
- ☐ Polyvalue Below Surface (S8) **(LRR S, T, U)**
- ☐ Thin Dark Surface (S9) **(LRR S, T, U)**
- ☐ Loamy Mucky Mineral (F1) **(LRR O)**
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)
- ☐ Marl (F10) **(LRR U)**
- ☐ Depleted Ochric (F11) **(MLRA 151)**
- ☐ Iron-Manganese Masses (F12) **(LRR O, P, T)**
- ☐ Umbric Surface (F13) **(LRR P, T, U)**
- ☐ Delta Ochric (F17) **(MLRA 151)**
- ☐ Reduced Vertic (F18) **(MLRA 150A, 150B)**
- ☐ Piedmont Floodplain Soils (F19) **(MLRA 149A)**
- ☐ Anomalous Bright Loamy Soils (F20) **(MLRA 149A, 153C, 153D)**

**Indicators for Problematic Hydric Soils[3]:**

- ☐ 1 cm Muck (A9) **(LRR O)**
- ☐ 2 cm Muck (A10) **(LRR S)**
- ☐ Reduced Vertic (F18) **(outside MLRA 150A,B)**
- ☐ Piedmont Floodplain Soils (F19) **(LRR P, S, T)**
- ☐ Anomalous Bright Loamy Soils (F20) **(MLRA 153B)**
- ☐ Red Parent Material (TF2)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if observed):**

Type: _____

Depth (inches): _____

**Hydric Soil Present?** **Yes** _____ **No** X

Remarks:

Creek Spoil

## WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Villages at Crosstown City/County: Hillsborough Sampling Date: 1/31/17

Applicant/Owner: Peter Wenzel State: Fl Sampling Point: W2

Investigator(s): C.J. Greene Section, Township, Range: 25/29/19

Landform (hillslope, terrace, etc.): None Local relief (concave, convex, none): N/A Slope (%): 0

Subregion (LRR or MLRA): LRRU Lat: 27 55' 42.75" Long: 82 21' 34.66" Datum: WGS84

Soil Map Unit Name: 46 St. Johns Fine Sand NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

### SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

| | | | |
|---|---|---|---|
| Hydrophytic Vegetation Present? | Yes X | No _____ | **Is the Sampled Area within a Wetland?** Yes X No _____ |
| Hydric Soil Present? | Yes X | No _____ | |
| Wetland Hydrology Present? | Yes X | No _____ | |

Remarks:

Delaney Creek

### HYDROLOGY

**Wetland Hydrology Indicators:**

Primary Indicators (minimum of one is required; check all that apply)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☐ Saturation (A3)
- ☐ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift Deposits (B3)
- ☐ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Water-Stained Leaves (B9)
- ☐ Aquatic Fauna (B13)
- ☐ Marl Deposits (B15) **(LRR U)**
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Thin Muck Surface (C7)
- ☐ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ☐ Surface Soil Cracks (B6)
- ☐ Sparsely Vegetated Concave Surface (B8)
- ☐ Drainage Patterns (B10)
- ☐ Moss Trim Lines (B16)
- ☐ Dry-Season Water Table (C2)
- ☐ Crayfish Burrows (C8)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)
- ☐ Sphagnum moss (D8) **(LRR T, U)**

**Field Observations:**

| | | | |
|---|---|---|---|
| Surface Water Present? | Yes X | No _____ | Depth (inches): 12 |
| Water Table Present? | Yes X | No _____ | Depth (inches): 12 |
| Saturation Present? (includes capillary fringe) | Yes X | No _____ | Depth (inches): 12 |

**Wetland Hydrology Present?** Yes X No _____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

**VEGETATION (Four Strata)** – Use scientific names of plants.

Sampling Point: W2

| Tree Stratum (Plot size: _____ ) | Absolute % Cover | Dominant Species? | Indicator Status |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| | _____ = Total Cover | | |
| 50% of total cover: _____ | 20% of total cover: _____ | | |

| Sapling/Shrub Stratum (Plot size: _____ ) | | | |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| | _____ = Total Cover | | |
| 50% of total cover: _____ | 20% of total cover: _____ | | |

| Herb Stratum (Plot size: _____ ) | | | |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| 12. | | | |
| | _____ = Total Cover | | |
| 50% of total cover: _____ | 20% of total cover: _____ | | |

| Woody Vine Stratum (Plot size: _____ ) | | | |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| | _____ = Total Cover | | |
| 50% of total cover: _____ | 20% of total cover: _____ | | |

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: _____ (A)

Total Number of Dominant Species Across All Strata: _____ (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: _____ (A/B)

**Prevalence Index worksheet:**

| Total % Cover of: | | Multiply by: |
|---|---|---|
| OBL species | _____ | x 1 = _____ |
| FACW species | _____ | x 2 = _____ |
| FAC species | _____ | x 3 = _____ |
| FACU species | _____ | x 4 = _____ |
| UPL species | _____ | x 5 = _____ |
| Column Totals: | _____ (A) | _____ (B) |

Prevalence Index = B/A = _____

**Hydrophytic Vegetation Indicators:**

___ 1 - Rapid Test for Hydrophytic Vegetation

___ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Four Vegetation Strata:**

**Tree** – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/Shrub** – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vine** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?** **Yes** _____ **No** _____

Remarks: (If observed, list morphological adaptations below).

No vegetation, open water.

## SOIL

Sampling Point: W2

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

| Depth (inches) | Matrix Color (moist) | Matrix % | Redox Features Color (moist) | Redox % | Type[1] | Loc[2] | Texture | Remarks |
|---|---|---|---|---|---|---|---|---|
| 6+ | White | | | | | | Sand | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Stratified Layers (A5)
- ☐ Organic Bodies (A6) **(LRR P, T, U)**
- ☐ 5 cm Mucky Mineral (A7) **(LRR P, T, U)**
- ☐ Muck Presence (A8) **(LRR U)**
- ☐ 1 cm Muck (A9) **(LRR P, T)**
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Coast Prairie Redox (A16) **(MLRA 150A)**
- ☐ Sandy Mucky Mineral (S1) **(LRR O, S)**
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Dark Surface (S7) **(LRR P, S, T, U)**
- ☐ Polyvalue Below Surface (S8) **(LRR S, T, U)**
- ☐ Thin Dark Surface (S9) **(LRR S, T, U)**
- ☐ Loamy Mucky Mineral (F1) **(LRR O)**
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)
- ☐ Marl (F10) **(LRR U)**
- ☐ Depleted Ochric (F11) **(MLRA 151)**
- ☐ Iron-Manganese Masses (F12) **(LRR O, P, T)**
- ☐ Umbric Surface (F13) **(LRR P, T, U)**
- ☐ Delta Ochric (F17) **(MLRA 151)**
- ☐ Reduced Vertic (F18) **(MLRA 150A, 150B)**
- ☐ Piedmont Floodplain Soils (F19) **(MLRA 149A)**
- ☐ Anomalous Bright Loamy Soils (F20) **(MLRA 149A, 153C, 153D)**

**Indicators for Problematic Hydric Soils[3]:**

- ☐ 1 cm Muck (A9) **(LRR O)**
- ☐ 2 cm Muck (A10) **(LRR S)**
- ☐ Reduced Vertic (F18) **(outside MLRA 150A,B)**
- ☐ Piedmont Floodplain Soils (F19) **(LRR P, S, T)**
- ☐ Anomalous Bright Loamy Soils (F20) **(MLRA 153B)**
- ☐ Red Parent Material (TF2)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if observed):**

Type: _____

Depth (inches): _____

**Hydric Soil Present?** **Yes** _____ **No** _____

Remarks:

## WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Villages at Crosstown City/County: Hillsborough Sampling Date: 1/31/2017

Applicant/Owner: Peter Wenzel State: Fl Sampling Point: U3

Investigator(s): C.J. Greene Section, Township, Range: 25/29/19

Landform (hillslope, terrace, etc.): None Local relief (concave, convex, none): N/A Slope (%): 0

Subregion (LRR or MLRA): LRRU Lat: 27 55' 32.34" Long: 82 21' 13.17" Datum: WGS84

Soil Map Unit Name: 29 Myakka fine sand, 0 to 2 percent slopes NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

### SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

| | | | |
|---|---|---|---|
| Hydrophytic Vegetation Present? | Yes _____ | No X | **Is the Sampled Area within a Wetland?** Yes _____ No X |
| Hydric Soil Present? | Yes _____ | No X | |
| Wetland Hydrology Present? | Yes _____ | No X | |

Remarks:

Pasture

### HYDROLOGY

**Wetland Hydrology Indicators:**

Primary Indicators (minimum of one is required; check all that apply)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☐ Saturation (A3)
- ☐ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift Deposits (B3)
- ☐ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Water-Stained Leaves (B9)
- ☐ Aquatic Fauna (B13)
- ☐ Marl Deposits (B15) **(LRR U)**
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Thin Muck Surface (C7)
- ☐ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ☐ Surface Soil Cracks (B6)
- ☐ Sparsely Vegetated Concave Surface (B8)
- ☐ Drainage Patterns (B10)
- ☐ Moss Trim Lines (B16)
- ☐ Dry-Season Water Table (C2)
- ☐ Crayfish Burrows (C8)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)
- ☐ Sphagnum moss (D8) **(LRR T, U)**

**Field Observations:**

| | | | |
|---|---|---|---|
| Surface Water Present? | Yes _____ | No X | Depth (inches): _____ |
| Water Table Present? | Yes _____ | No X | Depth (inches): _____ |
| Saturation Present? (includes capillary fringe) | Yes _____ | No X | Depth (inches): _____ |

**Wetland Hydrology Present?** Yes _____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

**VEGETATION (Four Strata)** – Use scientific names of plants.

Sampling Point: U3

| Tree Stratum (Plot size: ) | Absolute % Cover | Dominant Species? | Indicator Status |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| | = Total Cover | | |
| 50% of total cover: | | 20% of total cover: | |

| Sapling/Shrub Stratum (Plot size: ) | | | |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| | = Total Cover | | |
| 50% of total cover: | | 20% of total cover: | |

| Herb Stratum (Plot size: 30x30 ) | | | |
|---|---|---|---|
| 1. Paspalum notatum | 100 | | FACU |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| 12. | | | |
| | 100 = Total Cover | | |
| 50% of total cover: 50 | | 20% of total cover: 20 | |

| Woody Vine Stratum (Plot size: ) | | | |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| | = Total Cover | | |
| 50% of total cover: | | 20% of total cover: | |

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 1 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0 (A/B)

**Prevalence Index worksheet:**

| Total % Cover of: | | Multiply by: |
|---|---|---|
| OBL species | | x 1 = |
| FACW species | | x 2 = |
| FAC species | | x 3 = |
| FACU species | 100 | x 4 = 400 |
| UPL species | | x 5 = |
| Column Totals: | 100 (A) | 400 (B) |

Prevalence Index = B/A = 4

**Hydrophytic Vegetation Indicators:**

___ 1 - Rapid Test for Hydrophytic Vegetation

___ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Four Vegetation Strata:**

**Tree** – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/Shrub** – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vine** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?** Yes ___ No X

Remarks: (If observed, list morphological adaptations below).

## SOIL

Sampling Point: U3

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

| Depth (inches) | Matrix Color (moist) | Matrix % | Redox Features Color (moist) | Redox % | Type[1] | Loc[2] | Texture | Remarks |
|---|---|---|---|---|---|---|---|---|
| 0-6 | Grey | | | | | | Sand | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Stratified Layers (A5)
- ☐ Organic Bodies (A6) **(LRR P, T, U)**
- ☐ 5 cm Mucky Mineral (A7) **(LRR P, T, U)**
- ☐ Muck Presence (A8) **(LRR U)**
- ☐ 1 cm Muck (A9) **(LRR P, T)**
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Coast Prairie Redox (A16) **(MLRA 150A)**
- ☐ Sandy Mucky Mineral (S1) **(LRR O, S)**
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Dark Surface (S7) **(LRR P, S, T, U)**
- ☐ Polyvalue Below Surface (S8) **(LRR S, T, U)**
- ☐ Thin Dark Surface (S9) **(LRR S, T, U)**
- ☐ Loamy Mucky Mineral (F1) **(LRR O)**
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)
- ☐ Marl (F10) **(LRR U)**
- ☐ Depleted Ochric (F11) **(MLRA 151)**
- ☐ Iron-Manganese Masses (F12) **(LRR O, P, T)**
- ☐ Umbric Surface (F13) **(LRR P, T, U)**
- ☐ Delta Ochric (F17) **(MLRA 151)**
- ☐ Reduced Vertic (F18) **(MLRA 150A, 150B)**
- ☐ Piedmont Floodplain Soils (F19) **(MLRA 149A)**
- ☐ Anomalous Bright Loamy Soils (F20) **(MLRA 149A, 153C, 153D)**

**Indicators for Problematic Hydric Soils[3]:**

- ☐ 1 cm Muck (A9) **(LRR O)**
- ☐ 2 cm Muck (A10) **(LRR S)**
- ☐ Reduced Vertic (F18) **(outside MLRA 150A,B)**
- ☐ Piedmont Floodplain Soils (F19) **(LRR P, S, T)**
- ☐ Anomalous Bright Loamy Soils (F20) **(MLRA 153B)**
- ☐ Red Parent Material (TF2)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if observed):**

Type: _____

Depth (inches): _____

**Hydric Soil Present?** **Yes** _____ **No** X

Remarks:

## WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Villages at Crosstown City/County: Hillsborough Sampling Date: 1/31/17

Applicant/Owner: Peter Wenzel State: Fl Sampling Point: W3

Investigator(s): C.J. Greene Section, Township, Range: 25/29/19

Landform (hillslope, terrace, etc.): None Local relief (concave, convex, none): N/A Slope (%): 0

Subregion (LRR or MLRA): LRRU Lat: 27 55' 33.02" Long: 82 21' 14.02" Datum: WGS84

Soil Map Unit Name: 29 Myakka fine sand NWI classification: PEM1Fd

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation X, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

### SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

| | | | |
|---|---|---|---|
| Hydrophytic Vegetation Present? | Yes X | No _____ | **Is the Sampled Area within a Wetland?** Yes X No _____ |
| Hydric Soil Present? | Yes X | No _____ | |
| Wetland Hydrology Present? | Yes X | No _____ | |

Remarks:

Disturbed Pasture Wetland

### HYDROLOGY

**Wetland Hydrology Indicators:**

Primary Indicators (minimum of one is required; check all that apply)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☐ Saturation (A3)
- ☑ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift Deposits (B3)
- ☑ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Water-Stained Leaves (B9)
- ☐ Aquatic Fauna (B13)
- ☐ Marl Deposits (B15) **(LRR U)**
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Thin Muck Surface (C7)
- ☐ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ☐ Surface Soil Cracks (B6)
- ☐ Sparsely Vegetated Concave Surface (B8)
- ☐ Drainage Patterns (B10)
- ☐ Moss Trim Lines (B16)
- ☐ Dry-Season Water Table (C2)
- ☐ Crayfish Burrows (C8)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)
- ☐ Sphagnum moss (D8) **(LRR T, U)**

**Field Observations:**

| | | | |
|---|---|---|---|
| Surface Water Present? | Yes _____ | No X | Depth (inches): _____ |
| Water Table Present? | Yes _____ | No X | Depth (inches): _____ |
| Saturation Present? (includes capillary fringe) | Yes _____ | No X | Depth (inches): _____ |

**Wetland Hydrology Present?** Yes X No _____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

**VEGETATION (Four Strata)** – Use scientific names of plants.

Sampling Point: W3

| Tree Stratum (Plot size: 30x30) | Absolute % Cover | Dominant Species? | Indicator Status |
|---|---|---|---|
| 1. Triadica sebifera | 2 | | FAC |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| | 2 = Total Cover | | |

50% of total cover: 1 20% of total cover: .4

| Sapling/Shrub Stratum (Plot size: 30x30) | | | |
|---|---|---|---|
| 1. Ludwigia peruviana | 2 | | OBL |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| | 2 = Total Cover | | |

50% of total cover: 1 20% of total cover: .4

| Herb Stratum (Plot size: 30x30) | | | |
|---|---|---|---|
| 1. Paspalum notatum | 60 | X | FACU |
| 2. Hydrocotyle umbellata | 10 | | OBL |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| 12. | | | |
| | 70 = Total Cover | | |

50% of total cover: 35 20% of total cover: 14

| Woody Vine Stratum (Plot size: ) | | | |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| | = Total Cover | | |

50% of total cover: 20% of total cover:

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: (A)

Total Number of Dominant Species Across All Strata: (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: (A/B)

**Prevalence Index worksheet:**

| Total % Cover of: | | Multiply by: |
|---|---|---|
| OBL species | | x 1 = |
| FACW species | | x 2 = |
| FAC species | | x 3 = |
| FACU species | | x 4 = |
| UPL species | | x 5 = |
| Column Totals: | (A) | (B) |

Prevalence Index = B/A =

**Hydrophytic Vegetation Indicators:**

X 1 - Rapid Test for Hydrophytic Vegetation

__ 2 - Dominance Test is >50%

__ 3 - Prevalence Index is ≤3.0[1]

__ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Four Vegetation Strata:**

**Tree** – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/Shrub** – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vine** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?** Yes X No

Remarks: (If observed, list morphological adaptations below).

Maintained pasture, minimal hydric vegetation due to pasture maintenance

## SOIL

Sampling Point: W3

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

| Depth (inches) | Matrix Color (moist) | Matrix % | Redox Features Color (moist) | Redox % | Type[1] | Loc[2] | Texture | Remarks |
|---|---|---|---|---|---|---|---|---|
| 6+ | Grey | 100% | | | | | Sand | |

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Stratified Layers (A5)
- ☑ Organic Bodies (A6) **(LRR P, T, U)**
- ☐ 5 cm Mucky Mineral (A7) **(LRR P, T, U)**
- ☐ Muck Presence (A8) **(LRR U)**
- ☐ 1 cm Muck (A9) **(LRR P, T)**
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Coast Prairie Redox (A16) **(MLRA 150A)**
- ☐ Sandy Mucky Mineral (S1) **(LRR O, S)**
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Dark Surface (S7) **(LRR P, S, T, U)**
- ☐ Polyvalue Below Surface (S8) **(LRR S, T, U)**
- ☐ Thin Dark Surface (S9) **(LRR S, T, U)**
- ☐ Loamy Mucky Mineral (F1) **(LRR O)**
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)
- ☐ Marl (F10) **(LRR U)**
- ☐ Depleted Ochric (F11) **(MLRA 151)**
- ☐ Iron-Manganese Masses (F12) **(LRR O, P, T)**
- ☐ Umbric Surface (F13) **(LRR P, T, U)**
- ☐ Delta Ochric (F17) **(MLRA 151)**
- ☐ Reduced Vertic (F18) **(MLRA 150A, 150B)**
- ☐ Piedmont Floodplain Soils (F19) **(MLRA 149A)**
- ☐ Anomalous Bright Loamy Soils (F20) **(MLRA 149A, 153C, 153D)**

**Indicators for Problematic Hydric Soils[3]:**

- ☐ 1 cm Muck (A9) **(LRR O)**
- ☐ 2 cm Muck (A10) **(LRR S)**
- ☐ Reduced Vertic (F18) **(outside MLRA 150A,B)**
- ☐ Piedmont Floodplain Soils (F19) **(LRR P, S, T)**
- ☐ Anomalous Bright Loamy Soils (F20) **(MLRA 153B)**
- ☐ Red Parent Material (TF2)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if observed):**

Type: _____

Depth (inches): _____

**Hydric Soil Present?** **Yes** X **No** _____

Remarks:

# U.S. Fish and Wildlife Service
# National Wetlands Inventory

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

## Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

EXHIBIT 4

Meryman Environmental, Inc.
10408 Bloomingdale Avenue
Riverview, FL 33578-3679
(813) 626-9551 Fax (813) 623-6613
www.MerymanEnvironmental.com

Figure 4
Wetland Mapper
Inventory Classification

| | |
|---|---|
| Project: | The Village @ Crosstown |
| Date: | DECEMBER 2016 |
| STR: | 25/29S/19E & 30/29S/20E |
| Scale: | Not to Scale |

**PREPARED FOR:**
Mr. Peter Wenzel
Wenzel Investments
2801 Florida Avenue Suite 14
Coconut Grove, FL 33133

EXHIBIT 5

Soil Map—Hillsborough County, Florida

## Map Unit Legend

| Hillsborough County, Florida (FL057) | | | |
|---|---|---|---|
| **Map Unit Symbol** | **Map Unit Name** | **Acres in AOI** | **Percent of AOI** |
| 5 | Basinger, Holopaw, and Samsula soils, depressional | 2.5 | 1.7% |
| 27 | Malabar fine sand | 5.5 | 3.9% |
| 29 | Myakka fine sand, 0 to 2 percent slopes | 69.5 | 48.5% |
| 32 | Myakka-Urban land complex | 2.4 | 1.6% |
| 33 | Ona fine sand, 0 to 2 percent slopes | 17.8 | 12.4% |
| 46 | St. Johns fine sand | 14.6 | 10.2% |
| 52 | Smyrna fine sand, 0 to 2 percent slopes | 18.6 | 12.9% |
| 99 | Water | 12.6 | 8.8% |
| **Totals for Area of Interest** | | **143.5** | **100.0%** |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www.MerymanEnvironmental.com


Figure 3
USDA/NRCS
Web Soil Survey

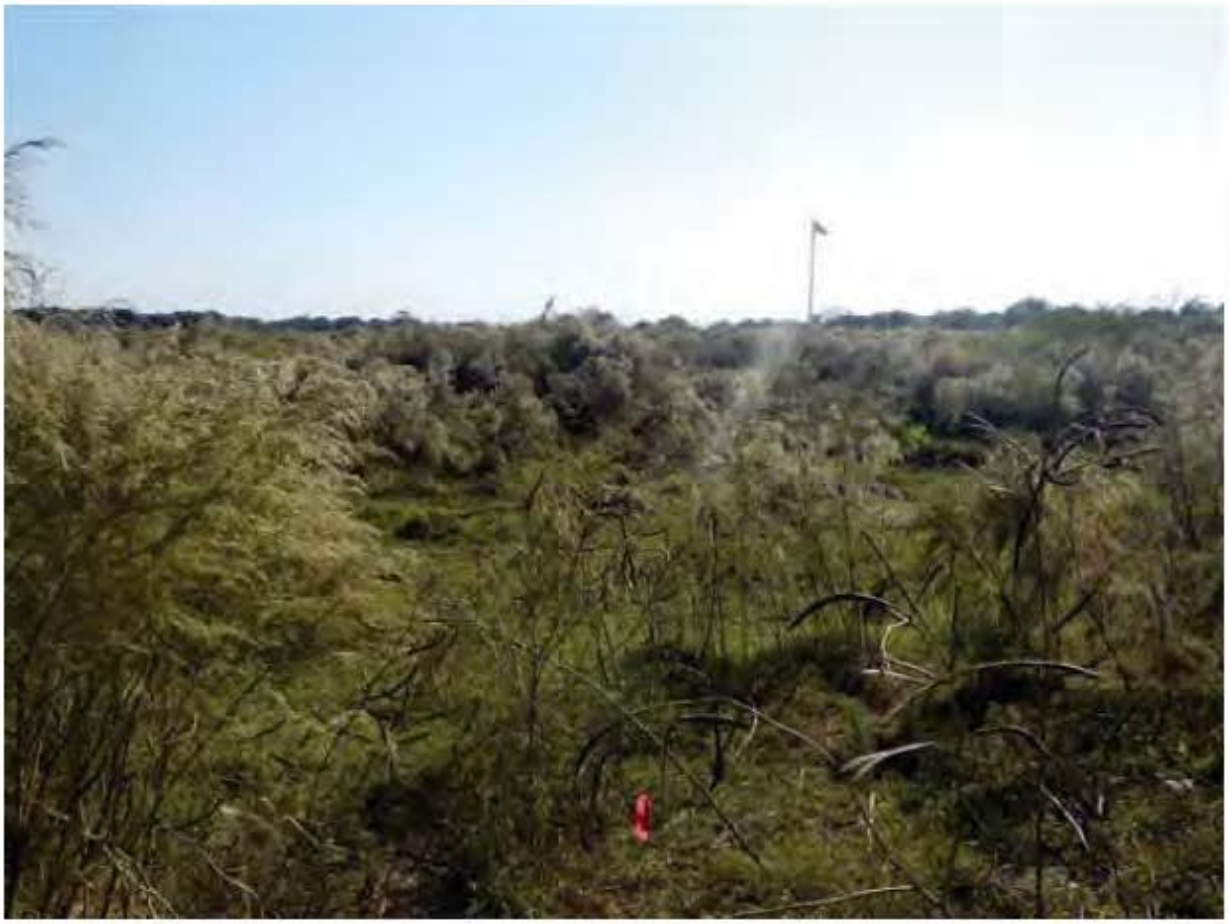
| | |
|---|---|
| Project: | The Village @ Crosstown |
| Date: | DECEMBER 2016 |
| STR: | 25/29S/19E & 30/29S/20E |
| Scale: | Not to Scale |

**PREPARED FOR:**
Mr. Peter Wenzel
Wenzel Investments
2801 Florida Avenue Suite 14
Coconut Grove, FL 33133

EXHIBIT 6 SITE PHOTOS -

Portion of Delaney

Delaney Creek



Dog Fennel Overgrowth