



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): July 24, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Jacksonville District, Cocoa Regulatory Field Office, Poitras Property, East Parcel, SAJ-2018-00446

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Sections 31 and 32, T 24S, R 31E & Section 36, T24S, R 30E, Orange County, & Section 1, T25S, Range 30E, Osceola County, FL

State: Florida County/parish/borough: Orange/Osceola City: Orlando
Center coordinates of site (lat/long in degree decimal format): Lat. 28.354897° N, Long. -81.258742° W.
Universal Transverse Mercator:

Name of nearest waterbody: East Lake Tohopekaliga

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: East Lake Tohopekaliga

Name of watershed or Hydrologic Unit Code (HUC): Kissimmee, 03090101

[X] 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:

[X] Field Determination. Date(s): 03/01/2018

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 "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
[X] Relatively permanent waters2 (RPWs) that flow directly or indirectly into TNWs
[] Non-RPWs that flow directly or indirectly into TNWs
[X] Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
[] Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
[] Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
[] Impoundments of jurisdictional waters
[] Isolated (interstate or intrastate) waters, including isolated wetlands

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

Non-wetland waters: linear feet: width (ft) and/or 188.00 acres.
Wetlands: 336.00 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

[X] Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: Wetlands 6, 8, 9, 10, 11, 12, 13, 14, 15/16, 17, 18, 19, 20, 30, 32, 33, 34, 35 and 36 are isolated wetlands within the review area (totaling 82.36 acres); OSW 1-14 (totaling 137.89 acres) are surface waters that were excavated in uplands. OSW-14 is the closest aquatic resource to a feature with an Ordinary High Water Mark (i.e. Jim Branch). It

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.

is approximately 300 feet from Jim Branch and seasonal high water levels in OSW-14 do not stage high enough to drain to Jim Branch. In fact, these aquatic resources are isolated and not connected to any waters of the U.S. (Supreme Court decision, Solid Waste Agency of Northern Cook County v U.S. Army Corps of Engineers, 531 U.S. 159 (2001). The aquatic resources have no surface hydrologic connection, and there is no factual information on subsurface flow, to Jim Branch or the nearest TNW (East Lake Tohopekalgia). Given the absence of a factual determination of subsurface flow, or a substantial nexus to commerce, these wetlands were determined to be isolated consistent with SWANCC and the sole potential basis for jurisdiction would be the Migratory Bird Rule..

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 waterbody⁴ 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: Lake Hart Watershed (Orange County Water Atlas)**Pick List**

Drainage area: 54.9 **square miles**

Average annual rainfall: 50 inches

Average annual snowfall: 0 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 **1 (or less)** aerial (straight) miles from TNW.

Project waters are **1 (or less)** aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: NO.

Identify flow route to TNW⁵: From wetlands 7 and 22, water flows west and then south through Jim Branch (tributary) to East Lake Toho.

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.

Tributary stream order, if known:

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

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

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

Average width: varies feet
Average depth: varies feet
Average side slopes: **4:1 (or greater)**.

Primary tributary substrate composition (check all that apply):

Silts Sands Concrete
 Cobbles Gravel Muck
 Bedrock Vegetation. Type/% cover: less than 50%
 Other. Explain: Based on known field observations.

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: none.

Presence of run/riffle/pool complexes. Explain: There are runs, riffles and pools along the tributary's path to the TNW.

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): <5 %

(c) Flow:

Tributary provides for: **Seasonal flow**

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

Describe flow regime:

Other information on duration and volume:

Surface flow is: **Overland sheetflow**. Characteristics: flows in response to rainfall throughout the year.

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

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks
 OHWM⁶ (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 color is clear in Jim Branch (tributary). Water quality data associated with Jim Branch, which is very shallow in depth, includes the following: Total Nitrogen 0.85 mg/L,, Total Phosphorus 0.04 mg/L, and a "good" rating on Water Quality Index.

Identify specific pollutants, if known: No known pollutants.

⁶A 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.

⁷Ibid.

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

- Riparian corridor. Characteristics (type, average width): varies.
- Wetland fringe. Characteristics: forested within the review area.
- Habitat for:
 - Federally Listed species. Explain findings: .
 - Fish/spawn areas. Explain findings: .
 - Other environmentally-sensitive species. Explain findings: .
 - Aquatic/wildlife diversity. Explain findings: frogs and possibly mosquitofish .

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: 9.49 acres

Wetland type. Explain: Wetland Nos. 7 and 22 are herbaceous and forested, respectively. Jim Branch wetlands are forested.

Wetland quality. Explain: High quality with little alteration.

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

(b) General Flow Relationship with Non-TNW:

Flow is: **Perennial flow**. Explain: these wetlands are the headwaters of Jim Branch and contribute to perennial flow.

Surface flow is: **Discrete and confined**

Characteristics: .

Subsurface flow: **No**. Explain findings: .

Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: these wetlands are the headwaters of Jim Branch and contribute to perennial flow to East Lake Toho.

Ecological connection. Explain: .

Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **1-2** river miles from TNW.

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

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

Estimate approximate location of wetland as within the **100 - 500-year** floodplain.

(ii) **Chemical Characteristics:**

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

Identify specific pollutants, if known: .

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

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

Vegetation type/percent cover. Explain: .

Habitat for:

Federally Listed species. Explain findings: wood stork, eastern indigo snake.

Fish/spawn areas. Explain findings: .

Other environmentally-sensitive species. Explain findings: .

Aquatic/wildlife diversity. Explain findings: support wildlife diversity and aquatic food webs downstream.

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

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

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
Wtd 7 (Y)	6.07	Wtd 22 (Y)	3.42
JB Wet (Y)	336		

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
4. **Significant nexus findings for wetlands directly abutting an RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its abutting wetlands, then go the Section III D. Wetlands 7 and 22 appear to be inundated during the rainy season and discharge (overland flow) into the main wetland strand (offsite and to the north) that includes 336 acres of wetlands abutting Jim Branch (tributary). During the rainy season there is a continuous surface connection between the wetlands and the tributary, and there is year-round baseflow through Jim Branch. Jim Branch has a visual OHWM along its banks. Surface water from Lake Nona finds it's way to Jim Branch, where it is attenuated and treated prior to discharging downstream to a TNW (East Lake Toho). Jim Branch is an important tributary that helps East Lake Toho to maintain its mesotrophic water quality characteristics.
5. **Significant nexus findings for an RPW (perennial or seasonal.** Explain findings of presence of absence of significant nexus below, based on the tributary, then go to Section III D.

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: Jim Branch (tributary) appears to have continuous flow at least seasonally. The seasonal flow is in response to rainfall events in the area. There was evident of flow observed at the bridge at Boggy Creek Road during the summer rainy season.

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

- Tributary waters: **RPW extends approx. 2.2 miles from site to East Lake Toho** linear feet **varies** width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters: .

3. **Non-RPWs⁸ 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: Wetlands 7 and 22 appear to have a continuous surface connection between the wetlands and the tributary. The flow between the RPW (Jim Branch) and the TNW (East Lake Toho) is seasonal and in response to rainfall events.

Provide acreage estimates for jurisdictional wetlands in the review area: **9.49** acres.

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

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

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

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

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

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

7. **Impoundments of jurisdictional waters.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

⁸See Footnote # 3.

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

- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

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

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

Identify water body and summarize rationale supporting determination: .

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

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

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

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

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

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: 137.89 acres. List type of aquatic resource: borrow pits..
- Wetlands: 82.36 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

SECTION IV: DATA SOURCES.

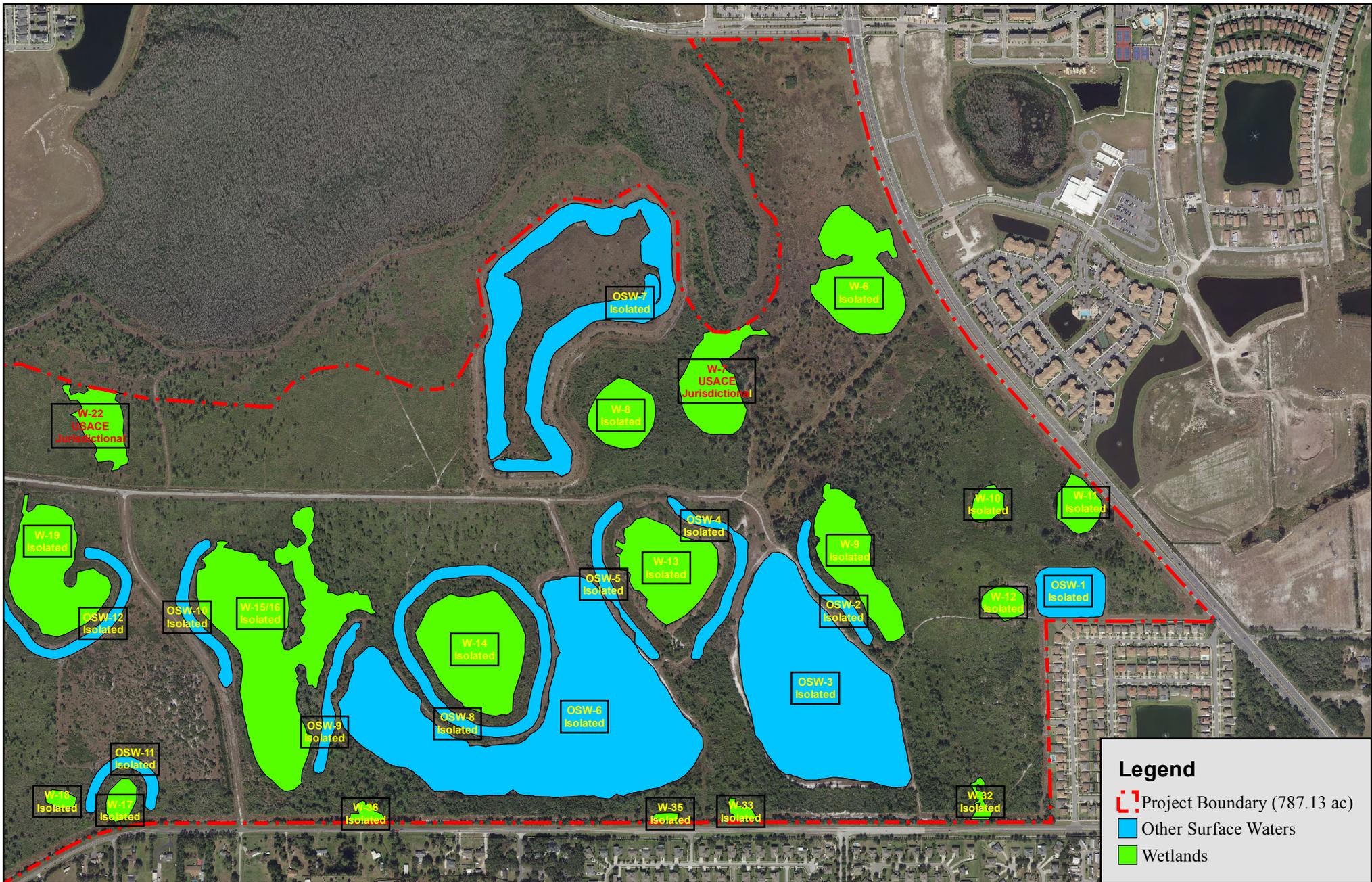
A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Biotech.
- 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:Figure 8, Bio-Tech Consulting, 2018.
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.

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.

- U.S. Geological Survey map(s). Cite scale & quad name: Figure 2, Bio-Tech Consulting, 2018.
- USDA Natural Resources Conservation Service Soil Survey. Citation: Figure 3, Bio-Tech Consulting, 2018.
- National wetlands inventory map(s). Cite name: .
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): ERSI, Orange County, Osceola County, 2017.
or Other (Name & Date): .
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: The Poitras Property - East Parcel site contains ~ 9.49 acres of USACE jurisdictional waters of the United States (wetland nos. 7 and 22), 82.36 acres of isolated wetlands and 137.89 acres of isolated surface waters (recharge trenches, borrow pits and reservoirs). The subject wetlands and surface waters are considered hydrologically isolated as depicted on Figures 6A and 6B, with the exception of wetland nos. 7 and 22. The wetlands and surface waters are isolated and no positive surface water outlet. This determination is supported by aerial imagery acquired through Google Earth Pro, The US Fish and Wildlife Service's National Wetlands Inventory (NWI) Map and the USADA's Natural Resource Conservation Service's Soil Survey of Osceola County (soil Survey). A total of (3) pages are attached.



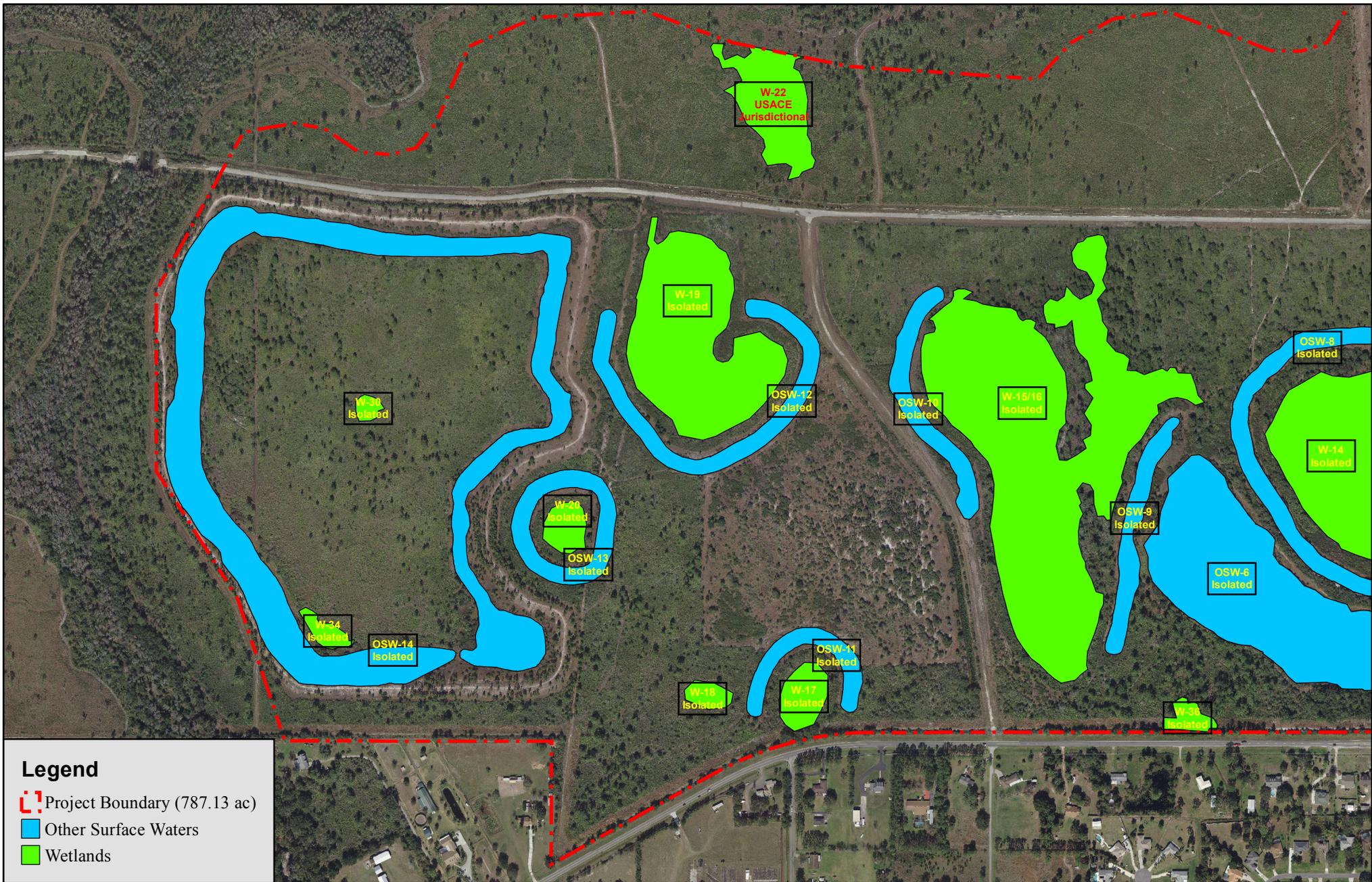


Table 1. Summary of Wetlands and Other Surface Waters on the Poitras Property, Orange and Osceola Counties, Florida.

Wetland and Other Surface Water ID	USACE Designation	USACE Permit Authorization	Acreage
Wetland 6	Isolated	N/A	9.29
Wetland 7	Jurisdictional	N/A	6.07
Wetland 8	Isolated	N/A	4.14
Wetland 9	Isolated	N/A	7.01
Wetland 10	Isolated	N/A	1.05
Wetland 11	Isolated	N/A	2.21
Wetland 12	Isolated	N/A	1.31
Wetland 13	Isolated	N/A	8.08
Wetland 14	Isolated	N/A	11.50
Wetland 15/16	Isolated	N/A	23.13
Wetland 17	Isolated	N/A	1.16
Wetland 18	Isolated	N/A	0.48
Wetland 19	Isolated	N/A	9.83
Wetland 20	Isolated	N/A	0.83
Wetland 22	Jurisdictional	N/A	3.42
Wetland 30	Isolated	N/A	0.26
Wetland 32	Isolated	N/A	0.46
Wetland 33	Isolated	N/A	0.41
Wetland 34	Isolated	N/A	0.46
Wetland 35	Isolated	N/A	0.22
Wetland 36	Isolated	N/A	0.52
Total Wetlands			91.85
OSW-1	Isolated	199800201 (IP-ME) and subsequent modifications	3.84
OSW-2	Isolated	199800201 (IP-ME) and subsequent modifications	1.97
OSW-3	Isolated	199800201 (IP-ME) and subsequent modifications	29.48
OSW-4	Isolated	199800201 (IP-ME) and subsequent modifications	2.55
OSW-5	Isolated	199800201 (IP-ME) and subsequent modifications	2.08
OSW-6	Isolated	199800201 (IP-ME) and subsequent modifications	42.98
OSW-7	Isolated	199800201 (IP-ME) and subsequent modifications	18.22
OSW-8	Isolated	199800201 (IP-ME) and subsequent modifications	6.27
OSW-9	Isolated	199800201 (IP-ME) and subsequent modifications	2.00
OSW-10	Isolated	199800201 (IP-ME) and subsequent modifications	2.21
OSW-11	Isolated	199800201 (IP-ME) and subsequent modifications	1.62
OSW-12	Isolated	199800201 (IP-ME) and subsequent modifications	3.62
OSW-13	Isolated	199800201 (IP-ME) and subsequent modifications	2.41
OSW-14	Isolated	199800201 (IP-ME) and subsequent modifications	18.64
Total Other Surface Waters			137.89

USACE Jurisdictional Wetlands	Subtotal	9.49
USACE Isolated Wetlands	Subtotal	82.36
TOTAL		91.85

USACE Jurisdictional Surface Waters	Subtotal	0.00
USACE Isolated Surface Waters	Subtotal	137.89
TOTAL		137.89