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): November 30, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Jacksonville District - Tampa Permits Section (CESAJ-RD-WT)
SAJ-2018-02572-KRD / Polk County Sheriff's Office/Book-In Facility/Polk County

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: FL County/parish/borough: Polk County City: Winter Haven
Center coordinates of site (lat/long in degree decimal format): Lat. 28.012322° **N**, Long. -81.843855° **W**.
Universal Transverse Mercator: 17
Name of nearest waterbody: Lake Hancock / Saddle Creek
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Saddle Creek
Name of watershed or Hydrologic Unit Code (HUC): HUC8: 03100101 (Peace-Tampa Bay) / HUC10: 0310010101 (Lake Hancock)
☒ 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: June 2017, September 2018 (by agent, Kimley-Horn); November 2, 2018 (Corps PM)

☒ Field Determination. Date(s): June 14, 2017 and September 20, 2018 (by agent, Kimley-Horn)

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [*Required*]
☐ Waters subject to the ebb and flow of the tide.
☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are no** "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [*Required*]

1. **Waters of the U.S.**
   a. **Indicate presence of waters of U.S. in review area (check all that apply):** [1]
      ☐ TNWs, including territorial seas
      ☐ Wetlands adjacent to TNWs
      ☐ Relatively permanent 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: linear 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]
   ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
   Explain: **The subject property reviewed was approximately 5.5+/- acres and located within the Polk County North Central Landfill property (SWFWMD Permit No. 43002426). There were 3 palustrine forested wetlands, total 0.34-acre (see attached maps), assessed within the relevant reach of the Saddle Creek Basin and determined to be isolated**

[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.

non-jurisdictional wetlands, and there is no significant nexus to Lake Hancock to the south or Saddle Creek to the west. The wetlands are located within the last remaining forested area of an existing landfill property and do not have direct connections to the upland cut ditches along Decastro Road and the perimeter of the landfill property. These 3 wetland areas have been determined to be isolated, as there is no surface connections to any adjacent wetalnds and/or other waters of the US pursuant to the January 2001 Supreme Court decision in Solid Waste Agency of Northern Cook County (SWANCC) v. Army Corps of Engineers. There are 3 surface water ditches, totaling 0.31-acre, located within the subject property limits which were dug to as stormwater management features for the landfill and adjacent animal control facility. These ditches do have connections to other upland cut ditches off the subject property, however connections to Lake Hancock and Saddle Creek have been severed by multiple culverts, water control structures, and road construction. These ditches are considered non-jurisdictional based on the preamble to 33 CFR Part 3258 in the November 13, 1986, Federal Register (51 FE 41217, Section 328.3), as these waters are artificial lakes or ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins or rice growing. These reference non-jurisdictional waters can be seen on the enclosed maps (Enclosure 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: **N/A**.

Summarize rationale supporting determination: N/A.

2. Wetland adjacent to TNW
Summarize rationale supporting conclusion that wetland is "adjacent": N/A.

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[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: 1,502,276.1 **acres**
Drainage area: 62,497.2 **acres**
Average annual rainfall: 52 inches
Average annual snowfall: 0 inches

(ii) Physical Characteristics:
(a) Relationship with TNW:
☐ Tributary flows directly into TNW.
☐ Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.
Project waters are **Pick List** river miles from RPW.
Project waters are **Pick List** aerial (straight) miles from TNW.
Project waters are **Pick List** aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW[5]: N/A.
Tributary stream order, if known: N/A.

[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: .

Tributary properties with respect to top of bank (estimate):
- Average width: feet
- Average depth: feet
- Average side slopes: **Pick List.**

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: .
Presence of run/riffle/pool complexes. Explain: .
Tributary geometry: **Pick List**
Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Pick List**
Estimate average number of flow events in review area/year: **Pick List**
Describe flow regime: .
Other information on duration and volume: .

Surface flow is: **Pick List.** Characteristics: .

Subsurface flow: **Pick List**. 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
  - ☐ changes in the character of soil
  - ☐ shelving
  - ☐ vegetation matted down, bent, or absent
  - ☐ leaf litter disturbed or washed away
  - ☐ sediment deposition
  - ☐ water staining
  - ☐ other (list):
  - ☐ the presence of litter and debris
  - ☐ destruction of terrestrial vegetation
  - ☐ the presence of wrack line
  - ☐ sediment sorting
  - ☐ scour
  - ☐ multiple observed or predicted flow events
  - ☐ abrupt change in plant community
- ☐ Discontinuous OHWM.[7] Explain: .

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):
- ☐ High Tide Line indicated by:
  - ☐ oil or scum line along shore objects
  - ☐ fine shell or debris deposits (foreshore)
  - ☐ physical markings/characteristics
  - ☐ tidal gauges
  - ☐ other (list):
- ☐ Mean High Water Mark indicated by:
  - ☐ survey to available datum;
  - ☐ physical markings;
  - ☐ vegetation lines/changes in vegetation types.

(iii) Chemical Characteristics:

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

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[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: .
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings: .
  - ☐ Fish/spawn areas. Explain findings: .
  - ☐ Other environmentally-sensitive species. Explain findings: .
  - ☐ Aquatic/wildlife diversity. Explain findings: .

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

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size:N/A acres

Wetland type. Explain: N/A.

Wetland quality. Explain: N/A.

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

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: .

Surface flow is: **Pick List**

Characteristics: .

Subsurface flow: **Pick List**. 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 **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List.**

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) Chemical Characteristics:

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

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: .
  - ☐ Fish/spawn areas. Explain findings: .
  - ☐ Other environmentally-sensitive species. Explain findings: .
  - ☐ Aquatic/wildlife diversity. Explain findings: .

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

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

Approximately ( ) 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)

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: .

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   - ☐ TNWs: linear feet width (ft), Or, acres.
   - ☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**
   - ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: .
   - ☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .

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

3. **Non-RPWs[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: .

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

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**
☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are 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: .

Identify water body and summarize rationale supporting determination: .

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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.***

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: **Based on the analysis conducted as part of this request, it has been determined that all wetlands (WL-1/WL-2/WL-3) are isolated and not jurisdictional. Additionally, they do not discharge off site, they are not connected to nearby surface water and the roads (Decastro Road and Polk Parkway) act as barriers. There are no adjacent wetlands offsite.**
☒ Other: (explain, if not covered above): **The 0.31-acre of ditches have been cut from uplands and determined to be preamble waters (see SectionII(B)(2)).**

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: N/A acres. List type of aquatic resource: .
☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
☐ Lakes/ponds: acres.
☒ Other non-wetland waters: 0.31 acres. List type of aquatic resource: Upland Cut Ditches.
☒ Wetlands: 0.55 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: received date October 29, 2018.
☒ 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: 1:24K Auburndale Quad.
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: .
☒ National wetlands inventory map(s). Cite name: .
☐ State/Local wetland inventory map(s): .
☒ FEMA/FIRM maps: Project is located within Zone AE.
☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): 1971 and 1980.
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: Below is a complete description of the non-jurisdictional waters determination for this projet area

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 not jurisdictional waters within the review area.

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. Wetlands WL-1, WL-2, WL-3 and Surface Waters SW-1, SW-2, and SW-3: SWANCC and Preamble Waters

The review area contains 3 forested non-tidal wetlands (WL-1, WL-2, and WL-3) that the Corps determined are non-jurisdictional isolated wetlands. Surface waters SW1, SW2, and SW3, are all ditches dug as part of the Southwest Florida Water Management District (SWFWMD) Master Stormwater Management System (MSSW) Permit No. 402426.01 for the Polk County North Central Landfill and do not drain wetlands.

Wetland / Waters	Size (acres)
WL-1	0.13
WL-2	0.02
WL-3	0.19
SW-1	0.12
SW-2	0.04
SW-3	0.15
Total:	0.65

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).

The 3 wetlands cannot be categorized as adjacent to the nearest traditional navigable water. The nearest TNW is Lake Hancock. 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 upland development associated with Polk County North Central Landfill property and adjacent road construction of DeCastro Road to the north and east and Polk Parkway to the south. 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 at over a mile. The proximity of this wetland 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.

These wetlands cannot be categorized as adjacent to the nearest RPW. They do not exhibit a continuous surface connection with any RPW. This wetland does not directly abut any RPW. The wetlands are adjacent to permitted surface waters that provide stormwater management for the landfill. These ditches often hold water and they are only pumped to designated stormwater ponds 3-4 times per year. Given the aerial distance of these wetlands from any RPW, the Corps determined that none of these wetlands touch or share a common border with any RPW. Furthermore, these wetlands are surrounded by an active stormwater management system and a landfill. There is no ecological inferences with these wetlands and the RPW or TNW. Thus, the standard for adjacency to an RPW provided in the Guidance is not satisfied in these wetlands. In light of these facts, the Corps determined that these wetlands are so distinct from the RPWs in aerial distance and boundary that they should not be considered adjacent to any RPWs onsite.

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

These wetlands 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.

The remaining 3 surface water ditch features are covered by 33 CFR § 328.3(b) which states "The following are not "waters of the United States" even where they otherwise meet the terms of paragraphs (a)(4) through (8) of this section". SW-1, SW-2, and SW-3 are man-made surface waters that are considered non-jurisdictional based on the preamble to 33 CFR Part 3258 in the November 13, 1986, Federal Register (51 FE 41217, Section 328.3), as these waters are "artificial lakes or ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins or rice growing".

Surface waters SW1, SW2, and SW3, are all ditches dug as part of the Southwest Florida Water Management District (SWFWMD) Master Stormwater Management System (MSSW) Permit No. 402426.01 for the Polk County North Central Landfill and do not drain wetlands. The southern portion of the site is adjacent to a perimeter ditch that runs east-west and has an active pump approximately 1,200 feet west of the site that keeps the water level in the perimeter ditches at a stable level throughout the year. The pump directs water to the permitted storm water pond northwest of the pump station. The ditch is pumped by the County approximately 4 times per year.
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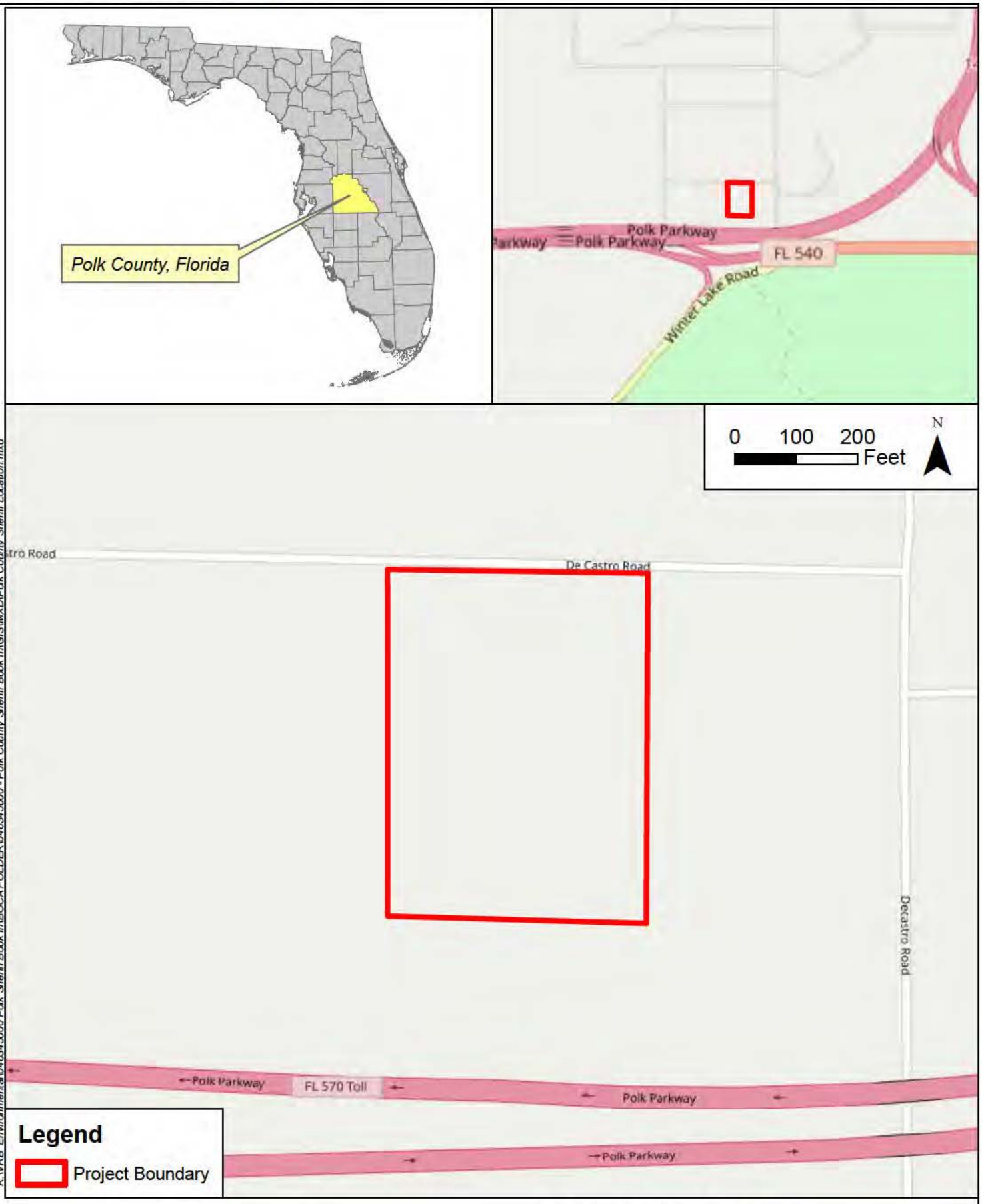
SAJ-2018-02572 ENCLOSURE 1



K:\IVRB_Environmental\046345000 Polk Sheriff Book In\BOCA FOLDER\046345000 - Polk County Sheriff Book In\GIS\MXD\Polk County Sheriff Location.mxd

Kimley»Horn

116 S. Kentucky Avenue, Lakeland, FL 33801
Phone (863) 701-8702
www.kimley-horn.com

Project Location Map

Polk County Sheriff Book In
Polk County, Florida

US Army Corps of Engineers
Tampa Permits Section
Received by KRD
Date: October 29, 2018

1 inch = 200 feet	PROJECT NUMBER: 046345000	SEPTEMBER 2018	FIGURE 1

SAJ-2018-02572 ENCLOSURE 1

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USGS Topographic Map - 7.5 Min Auburndale

Polk County Sheriff Book In
Polk County, Florida

US Army Corps of Engineers
Tampa Permits Section
Received by KRD
Date: October 29, 2018

1 inch = 1,000 feet	PROJECT NUMBER: 046345000	SEPTEMBER 2018	FIGURE 2

Legend

- Project Boundary

Wetlands and Surface Waters On Site (± 0.65 ac.)

- Surface Waters - Upland Cut (0.31 ac.)
- Wetlands (0.34 ac.)
- Offsite Upland Cut Ditch (SW-3 continued)

ID	Area (ac.)
WL-1	0.13
WL-2	0.02
WL-3	0.19
SW-1	0.12
SW-2	0.04
SW-3	0.15

K:\TVRB_Environmental\046345001 Polk Book In Permitting\ENV\GIS\MXD\Polk County Sheriff Wetlands_revised.mxd

Source: Aerials courtesy of NearMap

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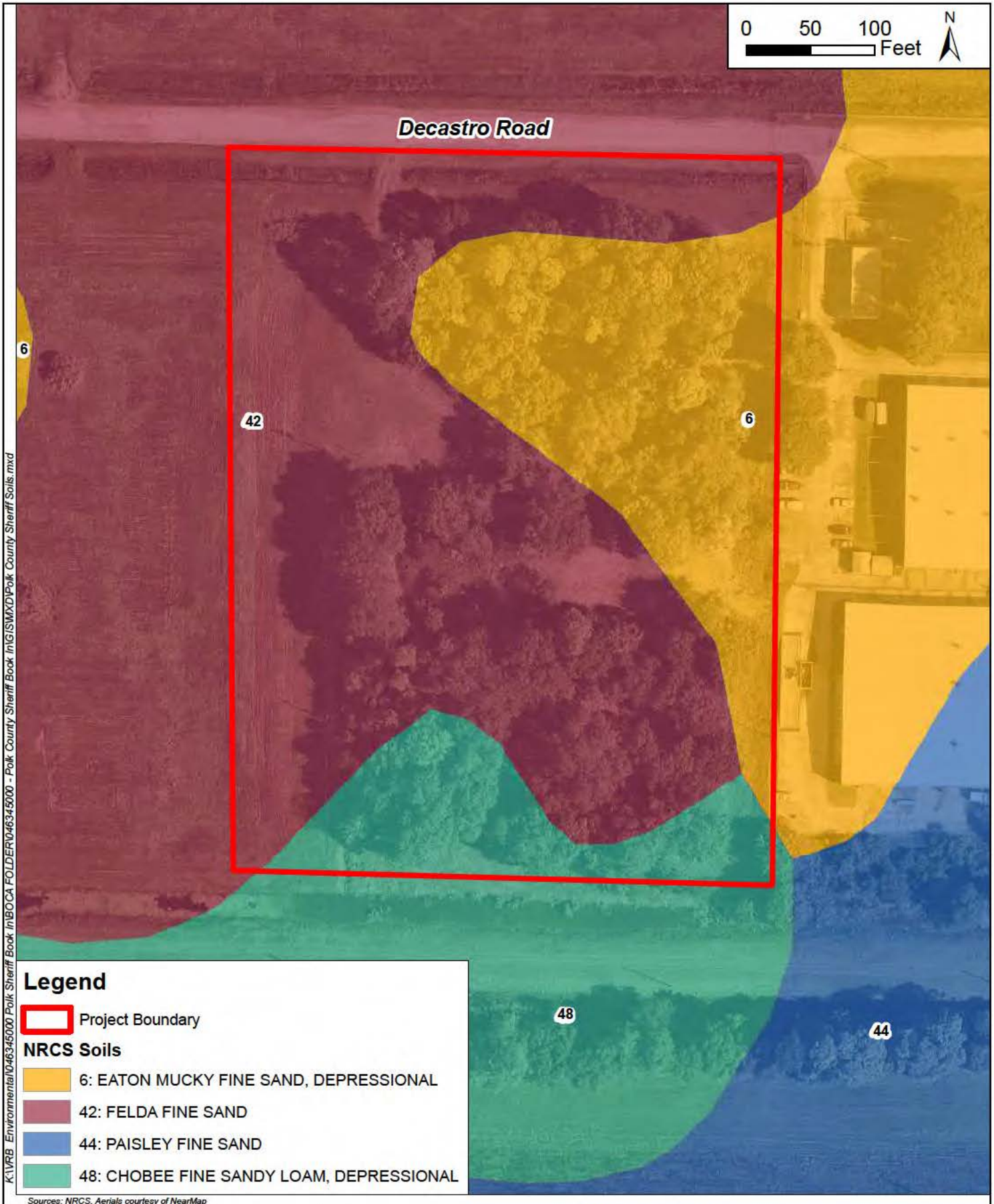
Wetland and Surface Water Map

Polk County Sheriff Book In
Polk County, Florida

US Army Corps of Engineers
Tampa Permits Section
Received by KRD
Date: November 27, 2018

1 inch = 80 feet	PROJECT NUMBER: 046345000	NOVEMBER 2018	FIGURE 8

SAJ-2018-02572 ENCLOSURE 1



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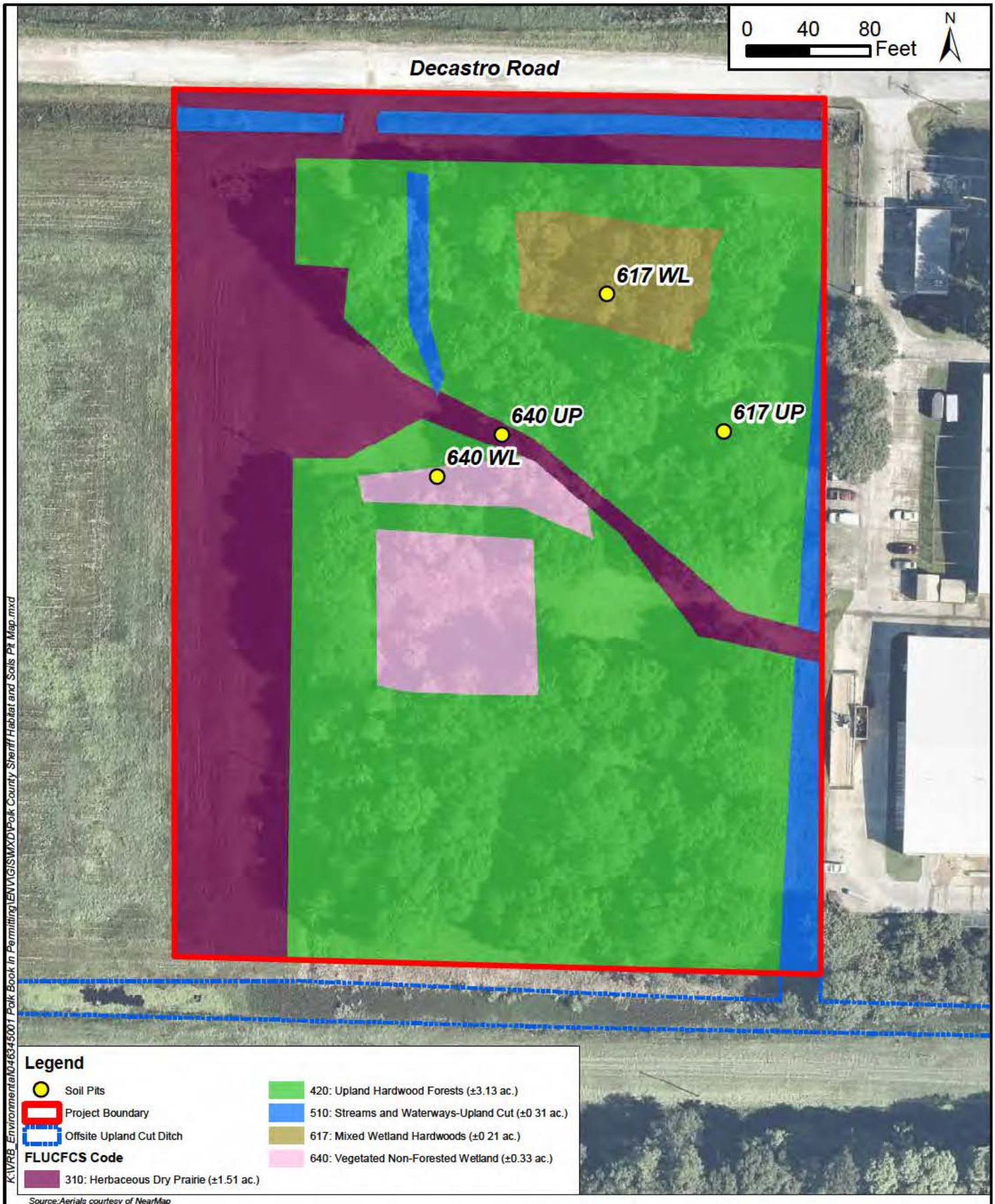
NRCS Soils Map

Polk County Sheriff Book In
Polk County, Florida

US Army Corps of Engineers
Tampa Permits Section
Received by KRD
Date: October 29, 2018

1 inch = 100 feet	PROJECT NUMBER: 046345000	SEPTEMBER 2018	FIGURE 3

SAJ-2018-02572 ENCLOSURE 1



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FLUCFCS and Soil Pit Map

Polk County Sheriff Book In
Polk County, Florida

US Army Corps of Engineers
Tampa Permits Section
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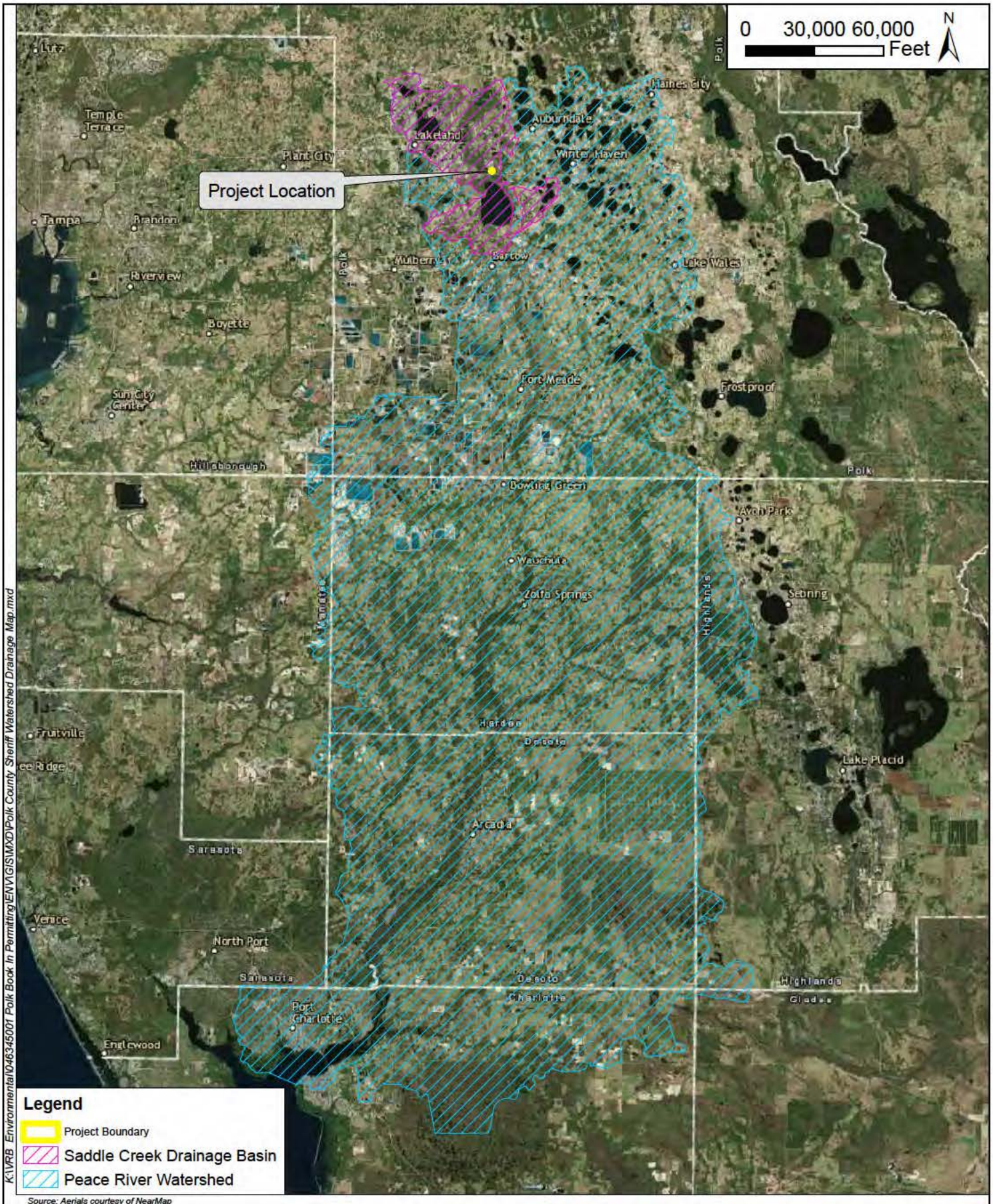
Date: October 29, 2018

1 inch = 80 feet	PROJECT NUMBER: 046345000	SEPTEMBER 2018	FIGURE 4

SAJ-2018-02572 ENCLOSURE 1



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Watershed/Basin Map

Polk County Sheriff Book In
Polk County, Florida

US Army Corps of Engineers
Tampa Permits Section
Received by KRD
Date: October 29, 2018

1 inch = 60,000 feet	PROJECT NUMBER: 046345000	SEPTEMBER 2018	FIGURE 6

SAJ-2018-02572 ENCLOSURE 1

U.S. Fish and Wildlife Service

National Wetlands Inventory

Polk County Sheriff's Book In Facility

September 27, 2018

Wetlands

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

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.

US Army Corps of Engineers
Tampa Permits Section
Received by KRD
Date: October 29, 2018

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

SAJ-2018-02572 ENCLOSURE 1

V:\WRB_Environmental\046345000 Polk Sheriff Book In\ENV\GIS\MXD\Aerial Map.mxd

Source: Aerials courtesy of FDOT APLUS

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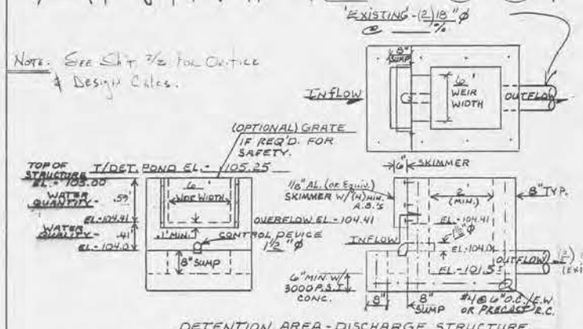
1980 Aerial Map

Polk County Sheriff's Office Book In Facility
Polk County, Florida

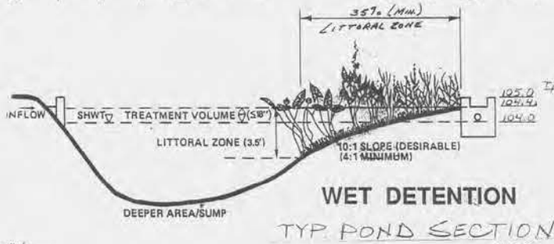
1 inch = 1 feet	PROJECT NUMBER: 046345000	JUNE 2017	FIGURE 1

ANIMAL CONTROL FACILITY

Note: See Sht. 2/2 for Orifice & Design Calcs.



DETENTION AREA - DISCHARGE STRUCTURE N.T.S.



WET DETENTION

TYP. POND SECTION N.T.S

DRAINAGE CALCS

EL.	AREA (S.F.)	VOL. C.F./AC-FT
T/BERM-EL 105.25	40,000	46,738 / 1.07
104.41	36,492	14,610 / .33
104.0	34,760	0

@ STOR. VOL. = 104.21 → 35,603 S.F.

$A_E = \frac{36,492 + 35,603}{2} = 36,074$ S.F.

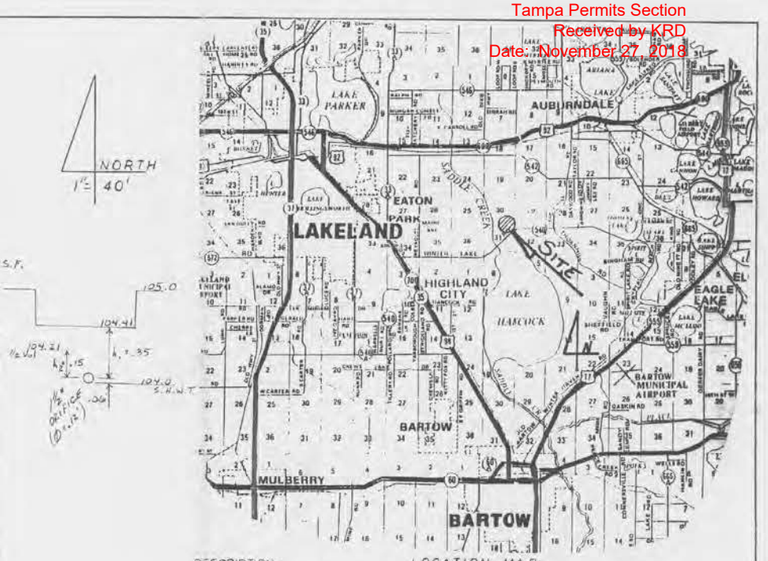
$T = (2)\ 36,074\ S.F. \left(\frac{1.35 - 1.15}{.161 - .011}\right) \left(\frac{1\ FT}{12\ IN}\right)^2 \left(\frac{12\ IN}{FT}\right)^2 \left(\frac{43,560\ S.F.}{AC}\right) \left(\frac{1\ HR}{3600\ SEC}\right)$

$= 264,164\ SEC$

$\Rightarrow 73.5\ HR$ O.K. USE 1 1/2"ϕ ORIFICE

NOTE: 2"ϕ = ± 60 HR

NORTH 1" = 40'



LOCATION MAP

DESCRIPTION:

A PARCEL OF LAND BEING IN THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 29 SOUTH RANGE 25 EAST, POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE NORTH 89°59'52" WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 OF SECTION 30 A DISTANCE OF 125.03 FEET; THENCE NORTH 01°20'24" WEST PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST 1/4 A DISTANCE OF 105.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°20'24" WEST PARALLEL WITH SAID EAST LINE OF SAID SOUTHEAST 1/4 A DISTANCE OF 550.00 FEET; THENCE NORTH 89°59'52" WEST PARALLEL WITH SAID SOUTH LINE OF SAID SOUTHEAST 1/4 A DISTANCE OF 657.00 FEET; THENCE SOUTH 01°20'24" EAST PARALLEL WITH SAID EAST LINE OF SAID SOUTHEAST 1/4 A DISTANCE OF 550.00 FEET; THENCE SOUTH 89°59'52" EAST PARALLEL WITH SAID SOUTH LINE OF SAID SOUTHEAST 1/4 A DISTANCE OF 657.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 8.29 ACRES, MORE OR LESS.

POLK COUNTY PROPERTY

24' ASPHALT ROAD

PROPOSED 50'-18"ϕ STM. @ 0.40%

EOP

ICE

15"ϕ STEEL

DIRT SERVICE ROAD ENTRANCE

THICK PINE AND OAK WOODS

EXIST. LIFT STATION

520' DETENTION POND

WET DETENTION POND

EXIST. WEIR

MODIFY EXIST. OVERFLOW AS DETAILED ABOVE

HAYBALES AND/OR SILT SCREEN (PER F.D.O.T. - SEE DETAILS ON SH'T. 2/2) AS REQ'D. TO PREVENT EROSION & SEDIMENTATION.

250 GAL. PROPANE TANK

INCINERATOR (ON 6" RAISED SLAB)

5' C.L. FENCE

WELL - 8"ϕ

EXISTING KENNEL (F.F.L. 106.5)

EXIST. COVERED WALK

MODULAR WALK (E)

EXIST. PAVED PARKING

10'x20'-TYP. PKG. SPACE

EXIST. DRIVE

EXIST. OFFICE (F.F.L. 106.5)

EXIST. PAVED PARKING

EXIST. ADMIN BLDG F.F.L. 106.5 1960 S.F.

EXISTING KENNEL (F.F.L. 106.5)

NEW (PERMITTED) ADDITION
Permit No. 441050.03

NOTE: EXIST. DRIVE/SWALE MAY BE REPAVED FOR BETTER DRAINAGE

(25) NEW PARKING SPACES AND WIDENING OF EXIST. DRIVE

EXIST. CURB SWALE

SANITARY MANHOLE

EXIST. LIFT STATION

UTILITY POLE

BENCHMARK - N.G.V.D. EL. 105.84 (X CHISELED IN CONCRETE)

87.54'

42' WET DETENTION POND

BOT. = 102

2' T/BERM = 105.35 (MIN.)

57.00'

400' DETENTION POND

DECASTRO ROAD

EXIST. 12" W.M.

ASPHALT WIDTH VARIES

NEW FIRE HYDRANT

EAST 8" VALVE

EXIST. 6" WATER LINE

TYP. (2) AERIAL DITCH CROSSINGS

EXIST. F. HYD.

EXIST. 10" W.M.

EXIST. PUMP STAT.

EXIST. 10" W.M.

340'± NEW 8" DIA. FIRE LINE
NOTE: CONTRACTOR TO LOCATE UNDERGROUND UTILITIES

EXIST. DITCH

2' T/BERM @ EL. 105.25

SOD (TYP.) 4:1 MAX.

WET DETENTION POND

TYP. SECTION P-P

TYPICAL DRIVEWAY SECTION @ ℄ 1"=6'

79'

52'

NEW PAVEMENT 12" (MIN.)

BOT. EL. 103.0

NEW DRIVE

EXIST. ASPHT. ROAD

PROPOSED 18"ϕ STM. INV. = 102.0

6" (3000 P.S.I.) CONC. W/ #4@ 12/12 W.W.M. OR ASPHALT LIMEROCK ALTERNATE PER POLK CO. SPECS.

0' EL. 104.0 ± S.H.W.T.
SANDY BROWN TOPSOIL
BROWN SAND
1'
2'
3'
4'
5'
6'
Sandy Clay Loam
(Per S.C.S.) Soils Type #6 Eaton Muck, F.S.
Soil Boring Location

Note: E.M. BASED ON F.D.O.T. B.M. #77 = EL. 129.83 N.G.V.D. (From Polk Co. Topo Survey) Dwg. # 8530 E.S. 2/1/89

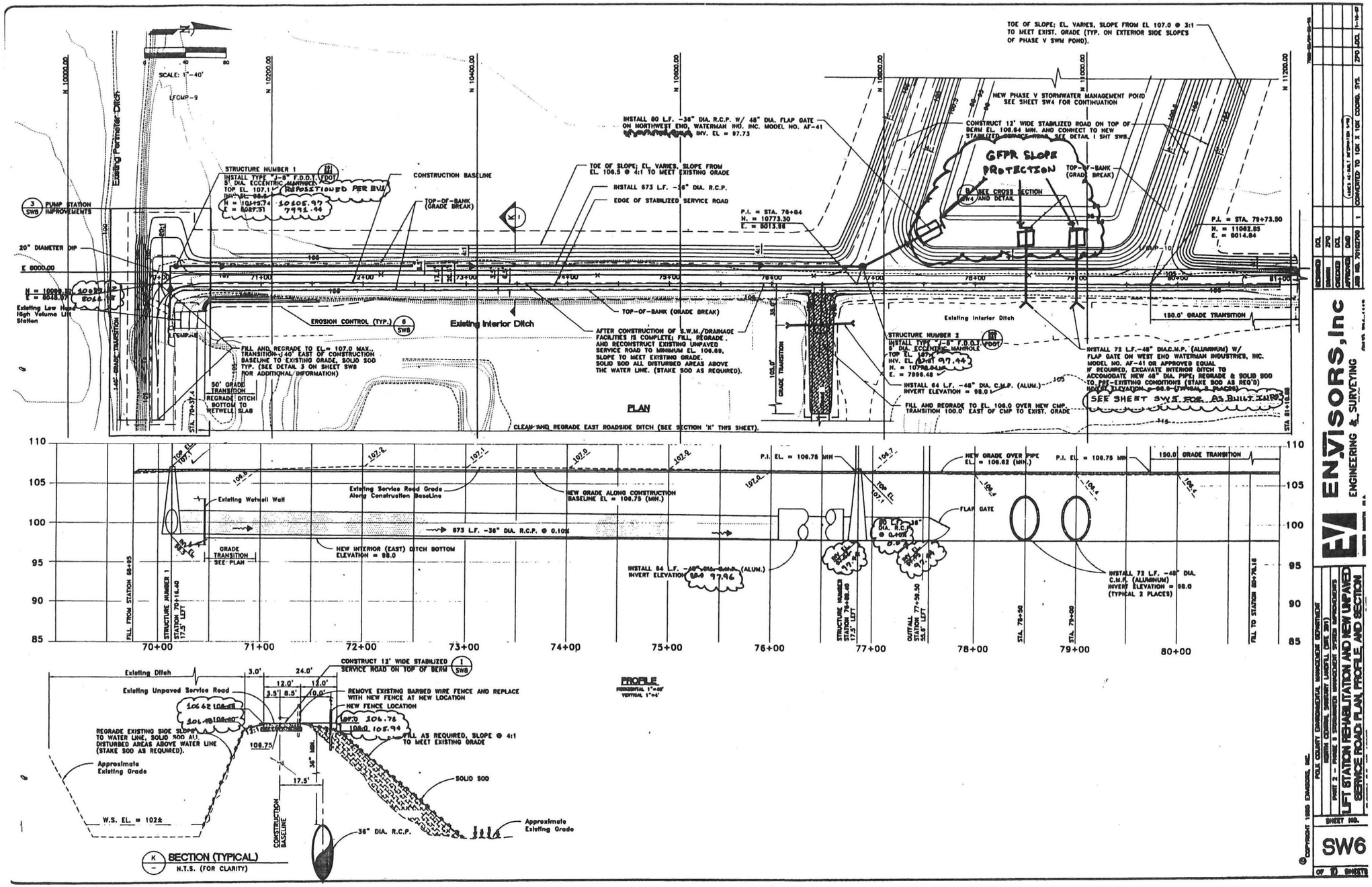
DAVID NORRIS ENGINEERING
ENGINEERS • LAND SURVEYORS • PLANNERS
TEL. (813) 967-1776
118 COLEMAN ROAD
WINTER HAVEN, FLORIDA 33880
(941) 299-1048

#441050.04

Ella St. Wetland
Permit No. 441050.04

Animal Control

SHEET 2 OF 2



ENVISORS, Inc
ENGINEERING & SURVEYING

POLK COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT
SOUTH CENTRAL SANITARY LANDFILL (SCSL 201)
PART 2 - PHASE V STORMWATER MANAGEMENT SYSTEM IMPROVEMENTS
LFI STATION REHABILITATION AND NEW UNPAVED SERVICE ROAD PLAN, PROFILE AND SECTION

SHEET NO.
SW6
OF 10 SHEETS

US Army Corps of Engineers
Tampa Permits Section
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Date: November 27, 2018