

GEO-TECHNOLOGY ASSOCIATES, INC.

GEOTECHNICAL AND
ENVIRONMENTAL CONSULTANTS

A Practicing Geoprofessional Business Association Member Firm



February 20, 2023

Florida Department of Environmental Protection
Southwest District Office
13051 N. Telecom Parkway, Suite 101
Temple Terrace, Florida 33637

Attn: Ms. Allana Crawford

Re: **Mediterranean Drive Property (8.50+/- acres), Poinciana, Polk County, Florida**
SWFWMD Formal Wetland Determination Application 230106-37118
FDEP Formal Wetland Determination 0430189-001-WD

Dear Ms. Crawford:

Geo-Technology Associates, Inc. (GTA) is submitting this Request for a State 404 Waters of the U.S. (WOTUS) Determination for the Mediterranean Drive property (8.5 acres +/-) to obtain approval from the Florida Department of Environmental Protection (FDEP) on WOTUS status for the onsite wetlands and surface waters. As you are aware, GTA submitted a Petition for Formal Wetland Determination (App. No. 230106-37118) to the South Florida Water Management District (SFWMD), which is still pending. SFWMD and FDEP will be conducting a joint site review with GTA staff on February 28, 2023 to verify the wetland/surface water boundaries flagged by GTA staff. We would like to discuss the WOTUS status during the site review.

The property is currently a vacant parcel located on the east side of Mediterranean Drive, just south of Martin Drive, in Poinciana, Polk County, Florida (Figure 1). GTA scientists delineated the jurisdictional extent of wetlands and surface waters in accordance with Chapter 62-340, F.A.C. as reflected on the enclosed Wetland Map (Figure 2).

Enclosed is a WOTUS Determination form along with a series of exhibits, including location map, Wetland Flagging Map, WOTUS Map, USGS Topo Map, NRCS Soils Map, NWI Wetland Map, and historic aerials dating back to 1971, 1980, and 1993. The site contains approximately 0.54-acre of wetlands and 0.31-acre of man-made swales (OSWs). Wetland 1 (non-WOTUS) is isolated with no surface connection to adjacent wetlands or surface waters. SW1-a and SW1-c are man-made swales from uplands (non-WOTUS). Wetland 2 and Wetland 3 are bisected by SW1-b (swale) and

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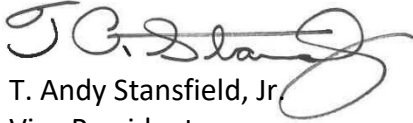
appear to contribute intermittent to perennial downstream flow through a series of swales and culverts to Lake Marion, which is a “retained water”. Therefore, Wetland 2, Wetland 3, and SW1-c are assumed to be WOTUS based on the Navigable Waters Protection Rule.

Should you have any questions or require additional information, please feel free to contact David Whitney at (321) 482-4239 or via email at dwhitney@gtaeng.com.

Sincerely,
GEO-TECHNOLOGY ASSOCIATES, INC.



David Whitney
Senior Wetland Scientist



T. Andy Stansfield, Jr.
Vice President

DSW/TAS/cds

Z:\05 Wet\02 - Projects\2022\31222176 - Mediterranean Drive - Wetland Delineation - Spatial Architecture -\0 - FDEP JD\FDEP WOTUS Determination Cover Letter - Mediterranean Dr...docx

Attachments:

- 1) WOTUS Determination Information Form
- 2) Figure 1. Site Location Map
- 3) Figure 2. Wetland Map
- 4) Figure 3. WOTUS Map
- 5) Figure 4. Site Topography Map
- 6) Figure 5. Soil Survey Map
- 7) Figure 6. National Wetland Inventory Map (Zoomed Out)
- 8) Figure 7. National Wetland Inventory Map
- 9) Figure 8. Historic Aerial (1971)
- 10) Figure 9. Historic Aerial (1980)
- 11) Figure 10. Historic Aerial (1993)

Information Required for a WOTUS Determination in State-assumed Waters

I. General Information

The following information is necessary if an applicant is requesting that the Department perform a Waters of the United States (WOTUS) jurisdictional determination pursuant to the Navigable Waters Protection Rule ([40 C.F.R. 120](#)) during review of a State 404 Program permit application, a Formal Determination under Chapter 62-340, F.A.C., or a request for verification that no permit is required under the State 404 Program. This form is provided as a service to applicants and petitioners. Use of the form may assist efficient review.

II. Findings

A. Summary

Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area).
Rationale: (N/A or describe rationale)
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.B).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.C)

B. Clean Water Act Section 404 Jurisdiction ([40 C.F.R. 120](#))

Please expand tables or use additional sheets as needed. Include measurement units in size column (acres, linear feet, etc.).

Traditional Navigable Waters ((1)(i) waters)

| (1)(i) Name | (1)(i) Size | (1)(i) Criteria | Rationale for (1)(i) Determination |
|-------------|-------------|-----------------|------------------------------------|
| N/A | N/A | N/A | N/A |
| | | | |

Note: All Territorial Seas and any Traditional Navigable Water (TNW) listed in Appendix B of the 404 Handbook (Retained Waters List) are not assumable under the State 404 Program. If your project site contains or borders one of these waters and you are proposing or plan to propose dredge or fill activities in adjacent wetlands or other surface waters within 300 feet of the mean high tide line or ordinary high water mark, please apply to the US Army Corps of Engineers (USACE) for a permit or jurisdictional determination under Section 404 of the Clean Water Act.

Authority: The Department does not have authority to determine whether a waterbody is a TNW and must rely on USACE determinations. All waters listed in Appendix B of the 404 Handbook are TNWs. A TNW may also be any

waterbody not listed in Appendix B of the 404 Handbook that has been previously designated as a TNW in a USACE-issued Approved Jurisdictional Determination (AJD).

Tributaries ((1)(ii) waters)

| (1)(ii) Name | (1)(ii) Size | (1)(ii) Criteria | Rationale for (1)(ii) Determination |
|--------------|------------------|------------------|---|
| SW1-b | 0.13 acre | (a)(2) | Man-made swale cut through Wetland 2 and Wetland 3, that contributes intermittent to perennial downstream flow through several culverts to Lake Marion, a retained (a)(3). |
| | | | |

Lakes and ponds, and impoundments of jurisdictional waters ((1)(iii) waters)

| (1)(iii) Name | (1)(iii) Size | (1)(iii) Criteria | Rationale for (1)(iii) Determination |
|---------------|---------------|-------------------|--------------------------------------|
| N/A | N/A | N/A | N/A |
| | | | |

Adjacent wetlands ((1)(iv) waters)

| (1)(iv) Name | (1)(iv) Size | (1)(iv) Criteria | Rationale for (1)(iv) Determination |
|------------------|------------------|------------------|--|
| Wetland 2 | 0.06 acre | (a)(4) | Wetland 2 has a direct connection to SW1 (man-made swale) which contributes intermittent to perennial flow downstream through several culverts (north and west) to Lake Marion, a retained (a)(3). |
| Wetland 3 | 0.08 acre | (a)(4) | Wetland 3 has a direct connection to SW1 (man-made swale) which contributes intermittent to perennial flow downstream through multiple culverts (north and west) to Lake Marion, a retained (a)(3). |
| | | | |

C. Excluded Waters or Features

Excluded waters ((2)(i) – (2)(xii))

| Name | Size | (2) Exclusion | Rationale for Exclusion Determination |
|------------------|-------------|------------------------------------|---|
| Wetland 1 | 0.40 | (b)(1) Non-Adjacent Wetland | Wetland is isolated with no direct connection to WOTUS. Wetland is separated from adjacent upland cut swale (non-WOTUS) by natural pine flatwoods (uplands). |

| | | | |
|--------------|------------------|---|---|
| SW1-a | 0.12 acre | (b)(5) Ditches not identified as WOTUS | SW1-c is a man-made swale, originates from uplands, does not connect adjacent wetlands, and contributes ephemeral flow in response to rain downstream. Not considered a tributary. |
| SW1-c | 0.06 acre | (b)(5) Ditches not identified as WOTUS | SW1-c is a man-made swale, originates from uplands, does not connect adjacent wetlands, and contributes ephemeral flow in response to rain downstream. Not considered a tributary. |

III. Supporting Information

A. Resources Used

Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant (Title(s) and date(s)):
- Current 62-340, F.A.C. delineation:
- Aerial photographs:
- Other photographs:
- Previous WOTUS jurisdictional determinations (Corps PJD or AJD/Department WOTUS determination):
- Previous or current 62-340, F.A.C. formal jurisdictional determination:
- Antecedent Precipitation Tool (provide detailed discussion in Section III.B.):
- USDA NRCS Soil Survey (Title(s) and/or date(s)):
- USFWS NWI maps (Title(s) and/or date(s)):
- USGS topographic maps (Title(s) and/or date(s)):

Other data sources used to aid in this determination:

| Data source | Name and/or date and other relevant information |
|----------------------------|---|
| USGS Sources | |
| USDA Sources | |
| NOAA Sources | |
| USACE Sources | |
| State/Local/Tribal Sources | |
| Other Sources | |

B. Typical Year Assessments

N/A or provide typical year assessment for each relevant data source used to support the determination:

C. Additional comments to support the WOTUS jurisdictional determination

N/A or provide additional discussion as appropriate:

IV. Agency Approval [For Internal Agency Use Only]

This State 404 Program WOTUS Information Form was reviewed and approved by the following Department Certified Wetland Evaluator(s) (CWE):

Name of CWE

Approval Date

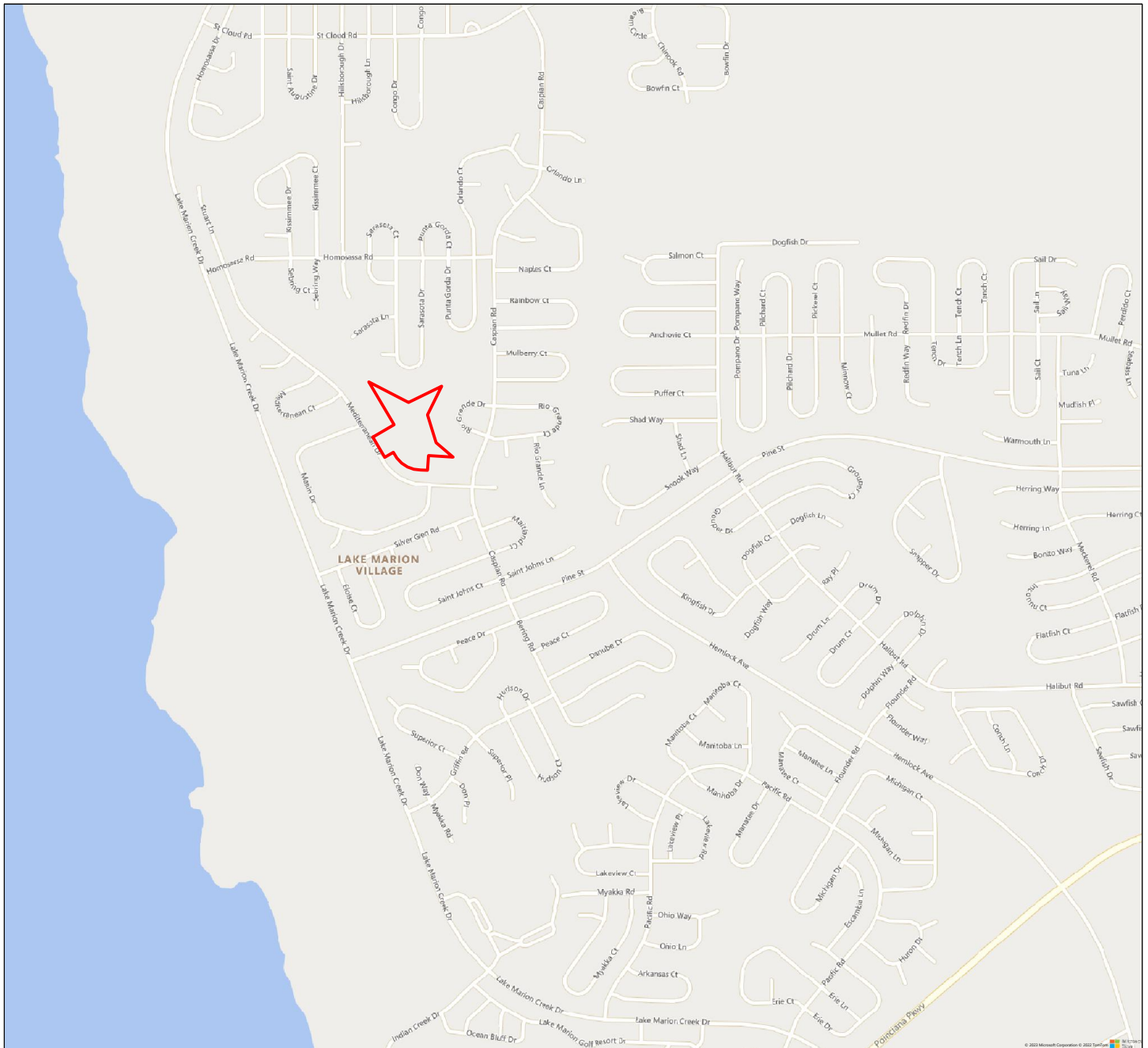
Field Review Date(s)

Name of CWE


Approval Date

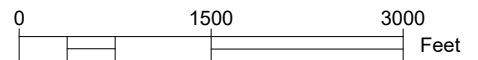
Field Review Date(s)

Disclaimer: This form is only intended to assist the Florida Department of Environmental Protection in administering their approved state Clean Water Act Section 404 program. This form is not a "jurisdictional determination" or "approved jurisdictional determination" as defined and governed by the U.S. Army Corps of Engineers' regulations per 33 C.F.R. § 331.2. This form is not binding on the federal government. The U.S. Environmental Protection Agency has final authority to construe the jurisdictional term "waters of the United States" under the Clean Water Act.



Legend

-  Approximate Subject Property Boundary



Notes

1. Base image was obtained from AutoCAD 2022 geolocation tool © 2022 Microsoft Corporation © 2022 Maxar © CNES (2022) Distribution Airbus DS

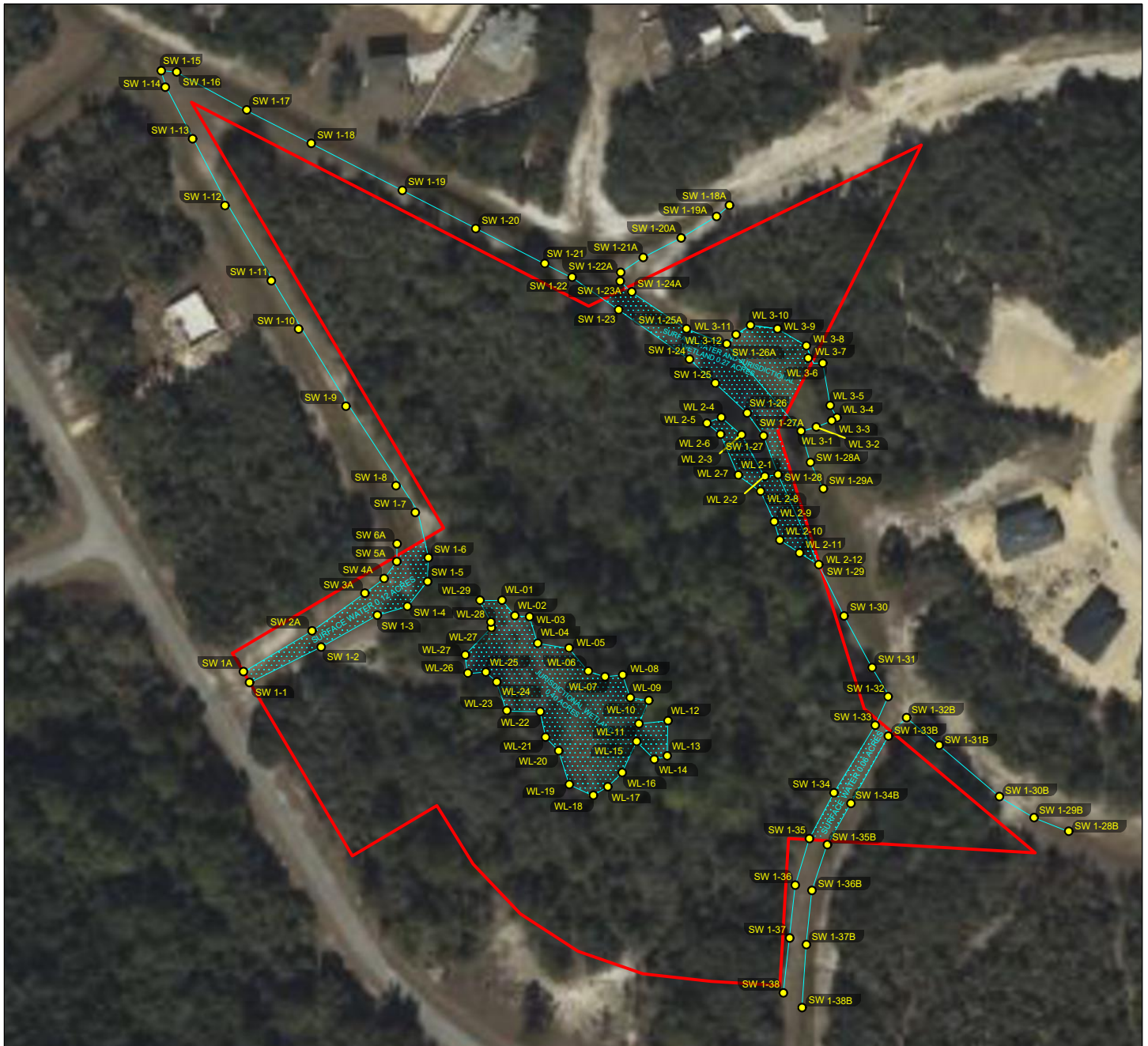


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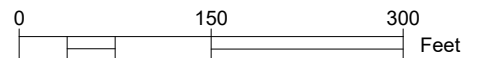
SITE LOCATION MAP

| | | | | | |
|-------------------|----------------|---------------|---------------|----------------|-----------|
| PROJECT: 31222176 | DATE: 2/2/2023 | SCALE: 1:1500 | DRAWN BY: KLJ | REVIEW BY: GSP | FIGURE: 1 |
|-------------------|----------------|---------------|---------------|----------------|-----------|



Legend

- Approximate Subject Property Boundary
- Approximate Wetland / Surface Water Boundary



Notes

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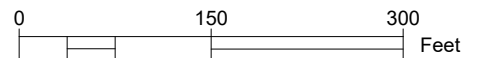
WETLAND MAP

| | | | | | |
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| PROJECT: 31222176 | DATE: 2/2/2023 | SCALE: 1:150 | DRAWN BY: KLJ | REVIEW BY: GSP | FIGURE: 2 |
|-------------------|----------------|--------------|---------------|----------------|-----------|



Legend

- Approximate Subject Property Boundary
- Non-WOTUS Wetland / Surface Water Boundary
- Proposed WOTUS Wetland
- Proposed WOTUS Surface Water Boundary
- ➔ Water Flow Direction Indicators



Notes

1. Base image was obtained from AutoCAD 2022 geolocation tool © 2022 Microsoft Corporation © 2022 Maxar © CNES (2022) Distribution Airbus DS

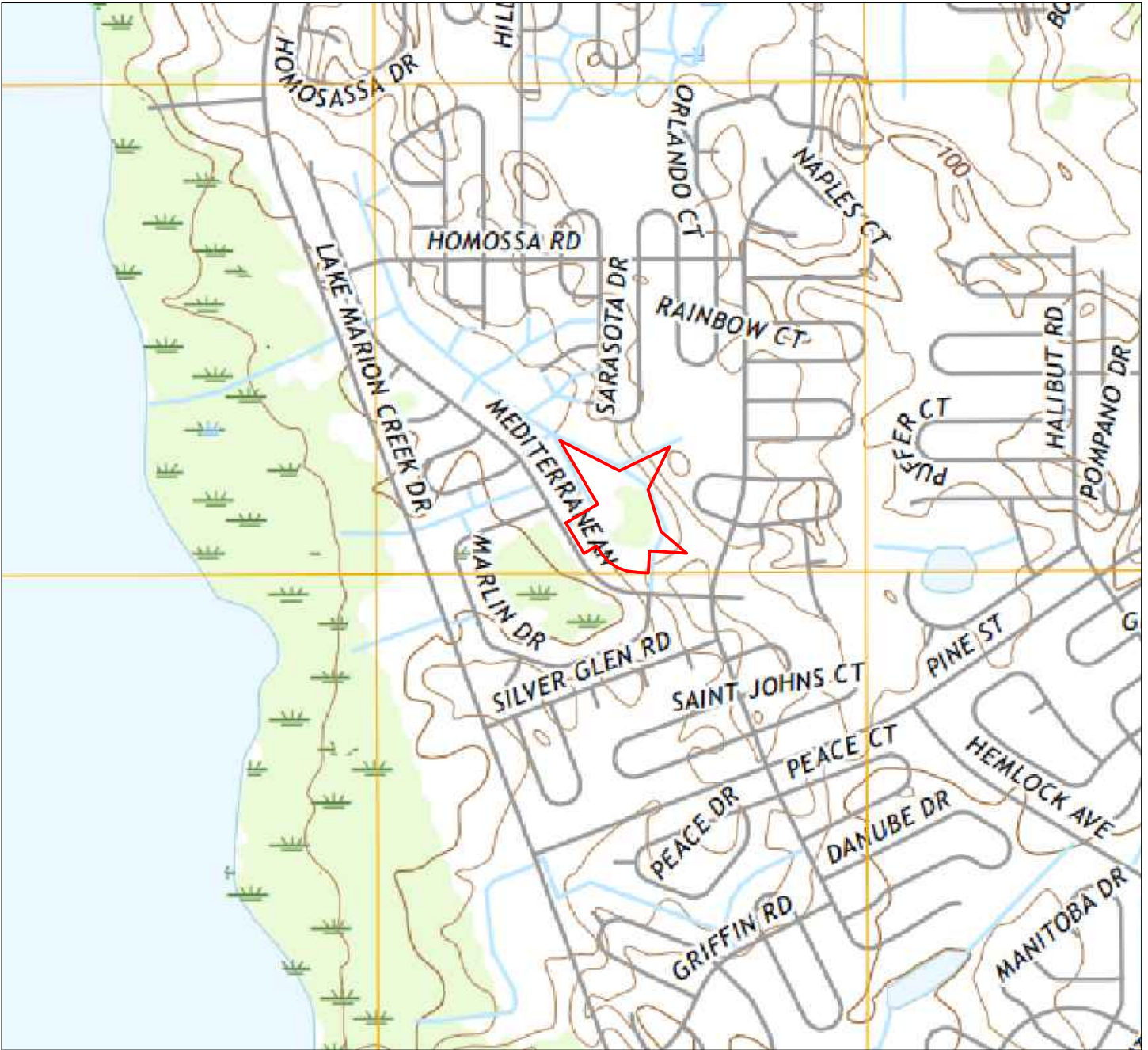


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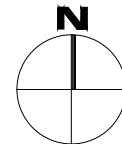
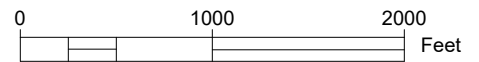
WOTUS MAP

| | | | | | |
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| PROJECT: 31222176 | DATE: 2/10/2023 | SCALE: 1:150 | DRAWN BY: KLJ | REVIEW BY: GSP | FIGURE: 3 |
|-------------------|-----------------|--------------|---------------|----------------|-----------|



Legend

-  Approximate Subject Property Boundary



Notes

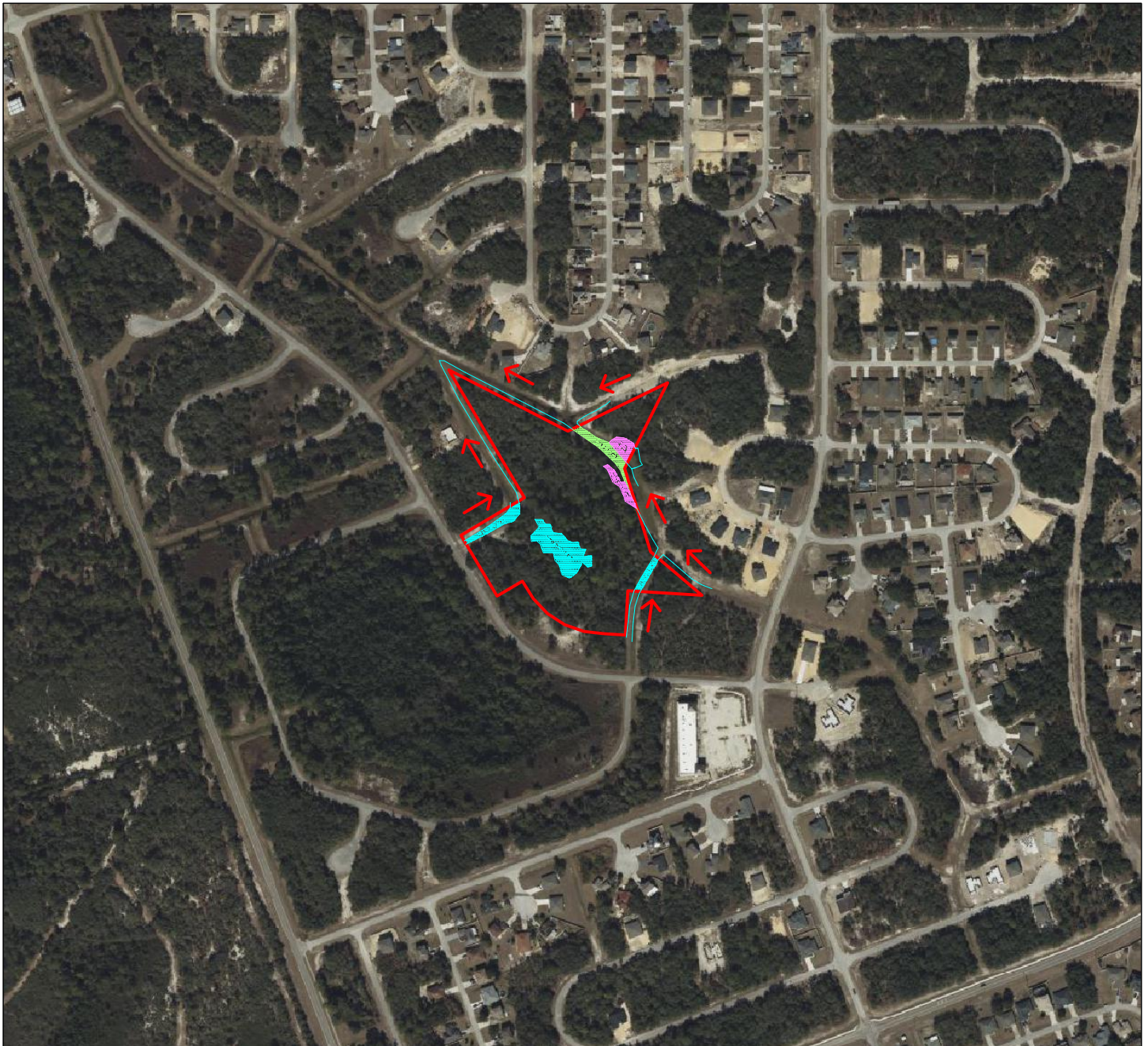
1. Source: Base image was obtained from USGS US Topo 7.5-minute map for Dundee, FL 2021
2. Contour interval of 5 feet



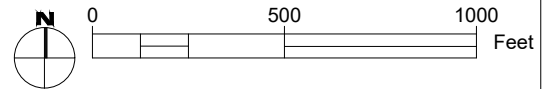
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SITE TOPOGRAPHY MAP



| Map Unit Symbol | Map Unit Name | Acres in AOI | Percent of AOI |
|-----------------------------|--|--------------|----------------|
| 13 | Samsula muck, frequently ponded, 0 to 1 percent slopes | 13.5 | 3.5% |
| 15 | Tavares fine sand, 0 to 5 percent slopes | 139.6 | 36.1% |
| 17 | Smyrna and Myakka fine sands | 91.4 | 23.7% |
| 36 | Basinger mucky fine sand, frequently ponded, 0 to 1 percent slopes | 20.0 | 5.2% |
| 46 | Astatula sand, 0 to 5 percent slopes | 121.9 | 31.5% |
| Totals for Area of Interest | | 386.3 | 100.0% |



Notes

1. Soils map obtained from United States Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Gridded Soil Survey Geographic (GSSURGO) Database for Florida, last updated October 20, 2021

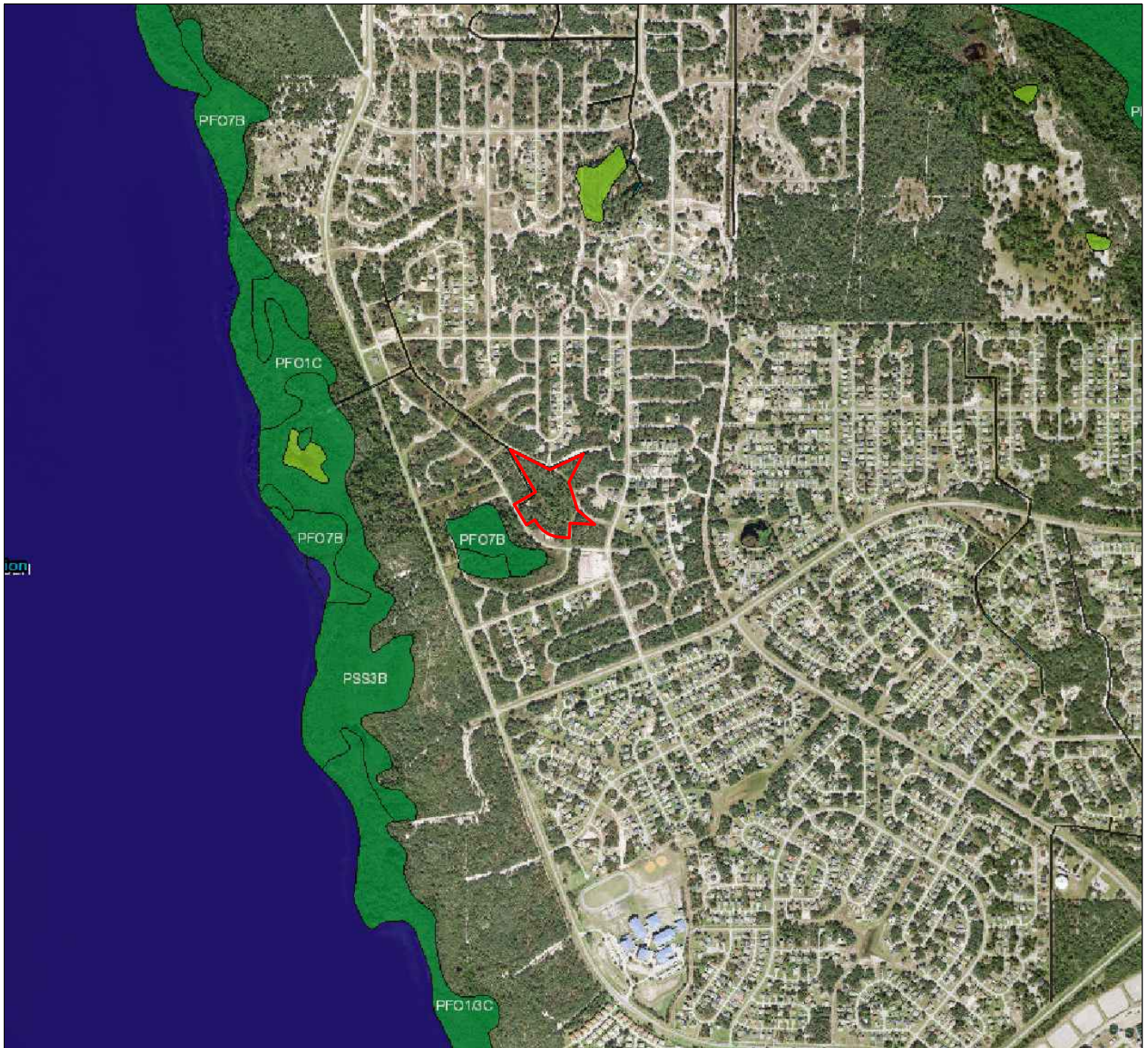


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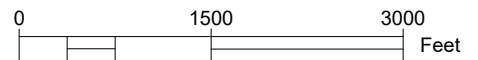
SOIL SURVEY MAP

| | | | | | |
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| PROJECT: 31222176 | DATE: 2/10/2023 | SCALE: 1:500 | DRAWN BY: KLJ | REVIEW BY: GSP | FIGURE: 5 |
|-------------------|-----------------|--------------|---------------|----------------|-----------|



Legend

- Approximate Subject Property Boundary
- Lake
- Freshwater Forested/Shrub Wetland
- Freshwater Emergent Wetland
- Riverine



Notes

1. Base image was obtained from U.S. Fish and Wildlife Service, National Standards and Support Team, wetlands_team@fws.gov | Esri, HERE, Garmin, iPC | State of Florida, Maxar



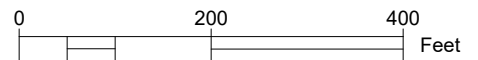
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**NATIONAL WETLAND INVENTORY
 MAP**



Legend

- Approximate Subject Property Boundary
- Lake
- Freshwater Forested/Shrub Wetland
- Freshwater Emergent Wetland
- Riverine



Notes

1. Base image was obtained from U.S. Fish and Wildlife Service, National Standards and Support Team, wetlands_team@fws.gov | Esri, HERE, Garmin, iPC | State of Florida, Maxar




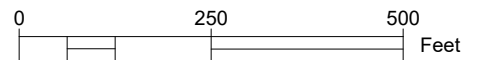
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**NATIONAL WETLAND INVENTORY
 MAP**



Legend

 Approximate Subject Property Boundary



Notes

1. Base image was obtained from Florida Department of Transportation Aerial Photography Archive (1971)




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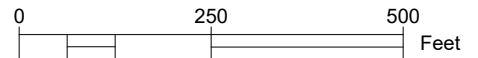
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HISTORICAL SITE AERIAL
(1971)

| | | | | | |
|-------------------|-----------------|--------------|---------------|----------------|-----------|
| PROJECT: 31222176 | DATE: 2/10/2023 | SCALE: 1:250 | DRAWN BY: KLJ | REVIEW BY: GSP | FIGURE: 8 |
|-------------------|-----------------|--------------|---------------|----------------|-----------|



Legend

 Approximate Subject Property Boundary



Notes

1. Base image was obtained from Florida Department of Transportation Aerial Photography Archive (1980)




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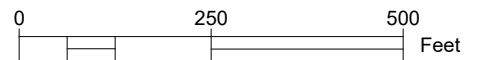
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HISTORICAL SITE AERIAL
(1980)

| | | | | | |
|-------------------|-----------------|--------------|---------------|----------------|-----------|
| PROJECT: 31222176 | DATE: 2/10/2023 | SCALE: 1:250 | DRAWN BY: KLJ | REVIEW BY: GSP | FIGURE: 9 |
|-------------------|-----------------|--------------|---------------|----------------|-----------|



Legend

 Approximate Subject Property Boundary



Notes

1. Base image was obtained from Florida Department of Transportation Aerial Photography Archive (1993)



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| | | | | | |
|-------------------|-----------------|--------------|---------------|----------------|------------|
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|-------------------|-----------------|--------------|---------------|----------------|------------|