FLORIDA DEPARTMENT OF Environmental Protection

Central District Office
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

July 16, 2024

James L Gissy
Gissy Springs LLC
9259 Point Cypress Dr,
Orlando, FL 32836
kristen@gissyholdings.com

Re: Compliance Assistance Offer
9150 SW 177th Ave Rd
ERP Site ID 278137
Marion County

Dear Mr. Gissy:

An inspection was conducted at your property on June 10, 2024. During this inspection, potential non-compliance was noted. The purpose of this letter is to offer compliance assistance as a means of resolving these matters.

Specifically, potential non-compliance with the requirements of chapter 403, Florida Statutes and chapter 62-330 Florida Administrative Code were observed. Please see the attached inspection report for a full account of Department observations and recommendations.

We request you review the item(s) of concern noted and respond within **10 days** of receipt of this Compliance Assistance Offer. Your response should include one of the following:

1. Describe what has been done to resolve the non-compliance issue or provide a schedule describing how/when the issue will be addressed.
2. Provide the requested information, or information that mitigates the concerns or demonstrates them to be invalid, or
3. Arrange for the case manager to visit your site to discuss the items of concern.

It is the Department's desire that you are able to adequately address the aforementioned issues so that this matter can be closed. Your failure to respond promptly may result in the initiation of formal enforcement proceedings.

Please address your response and any questions to Charlie Nolan of the Central District Office at 407-897-2913 or via e-mail at Charlie.M.Nolan@floridadep.gov. We look forward to your cooperation with this matter.

Sincerely,

Daniel K. Hall, Environmental Manager
Central District
Florida Department of Environmental Protection

Enclosures: Inspection Report (with attachments)

cc: FDEP: Charlie Nolan, Daniel Hall
Property Manager, Kevin Shepard: kevinsatas70@gmail.com

Florida Department of Environmental Protection

CENTRAL DISTRICT COMPLIANCE ASSURANCE PROGRAM

ERP Program Inspection Report

Inspection Date: 6/10/2024
Lead DEP Inspector: Charlie Nolan

Inspection Type: ☐ Complaint ☐ Compliance ☒ Enforcement ☐ Other: N/A

Complaint No. 1361 ERP Site No. 278137 CE Project No. 418318

Owner/Responsible Party: Gissy Springs LLC
Contractor/Agent: Kevin Shepard

Contact: kristen@gissyholdings.com
Contact: kevinsatas70@gmail.com

Location: 9150 SW 177th Ave Rd, Dunnellon, FL 34432, Parcel ID 34572-002-00

Waterbody: Indian Creek Springs Group

Class: ☐ I ☐ II ☐ III ☒ IV ☐ V
OFW: ☒ Yes ☐ No
Aquatic Preserve: ☐ Yes ☒ No
State Lands: ☐ Yes ☒ No

Shellfish Harvesting: ☐ Approved ☐ Conditionally Approved ☐ Conditionally Restricted ☒ Prohibited
Aquatic Preserve Name: *N/A*
Lease/Easement No.: *N/A*
☐ SSL Lease Inspection completed: N/A

Site History & Inspection Overview

Site History:
The above referenced site has extensive permitting and enforcement history with the Florida Department of Environmental Protection (FDEP). On May 21, 2002, an Environmental Resource Permit, 0278137-001-EI, was issued to hydraulically dredge 18,560 cubic yards of organic material from the spring head of Indian Creek.

On February 3, 2009, an Environmental Resource Permit, 0278137-002-ES, was issued to construct a 4,628 square-foot boardwalk leading from uplands through wetlands to a spring head of Indian Creek with four observation decks and viewing platforms.

On May 1, 2009, an inspection was conducted to determine compliance with permit number 0278137-002-ES. The inspection found that construction was being conducted according to the authorized plans. During the inspection, the permittee asked to modify the boardwalk plans and they were informed that they would have to apply for and receive a permit modification. On May 20, 2009, a permit modification, 0278137-003-EM, was issued, which reduced the size of the boardwalk to 4,453 square feet and elevated the viewing and swimming platforms to be one foot above the original authorized grade.

On September 24, 2009, an additional permit modification was issued for permit number 0278137-002-ES. This modification, 02378137-004-EM, increased the size of the boardwalk to 4,951 square feet, added a 589 square-foot roofed and screened-in enclosure with electricity over one of the observation platforms, added six benches near the swim decks, added steps leading down to the spring head and a rope-swing platform.

On October 13, 2009, the Rainbow Springs Aquatic Preserve staff notified the Southwest District Office of an unauthorized floating dock within the Rainbow Springs Aquatic Preserve located at the above-referenced site.

On October 19, 2009, FDEP staff informed Mr. Gissy that docks over submerged resources need to be elevated at least five feet above the Ordinary High-Water Line, and that the floating dock sat directly above the submerged resources, causing a violation. Mr. Gissy stated he would remove the dock. On December 16, 2009, photographs were received showing the dock had been removed and a Case Closure letter was issued on December 23, 2009.

On March 30, 2010, a compliance inspection was conducted for permit number 0278137-002-ES. The inspection found the structures to have been constructed in compliance with the authorized plans and the project was transferred into the operation phase. The inspection also verified the dredging authorized in permit number 0278137-001-EI was being conducted in-compliance.

On March 17, 2010, FDEP received a permit application to construct a gravel roadway through a wetland, two boardwalks leading from Indian Creek to the Rainbow River, a boat lift and dock within the Rainbow River, and to build an observation deck, dock, and steps to the water's edge of Indian Creek. On April 7, 2010, the permit application was withdrawn, as the applicant decided to pursue constructing five upland campsites with sewer and electric, which would be authorized through the Southwest Florida Water Management District (SWFWMD).

On August 9, 2010, a permit modification request, 0278137-006-EM, was received to add 128 square feet of boardwalk to the structures authorized in permit number 0278137-002-ES. On November 10, 2010, the permit modification request was withdrawn at the request of the applicant.

On October 25, 2010, an application for a Standard General Environmental Resource Permit for a Single-Family Dwelling, permit number 0278137-008-EG to authorize five campsites with water, sewer, and electric, one 4,050 square-foot building with an apartment for the property owner, restrooms, and a picnic cabana, and one 196 square-foot restroom with a shower. The permit application also contained an uplands stormwater development plan for the planned structures.

On November 23, 2010, a Request for Additional Information (RAI) was sent to the applicant for permit application number 0278137-008-EG. The RAI stated that the proposed plans did not fall under the single-family dwelling general permit criteria and the application was changed to standard general permit in accordance with Rules 62-4.030, 62-25.001(2), and 62-343.050, F.A.C.

On March 5, 2011, an inspection was conducted on the above-referenced site, and it was noted a berm was constructed in an upland area near the wetlands, though the berm was determined to be in-compliance. The inspection concluded that since the construction was occurring entirely within upland areas, it was unclear if an FDEP permit was required. No further documents regarding this permit were available but according to the Permitting Application events tab, the permit was issued on June 22, 2011.

On July 14, 2014, a complaint was received by FDEP alleging dredging of the spring head at Indian Creek. The investigation determined that no dredging of sediment was occurring, but that a water hose was being utilized to remove algae from the spring head.

Site Inspection Overview:
On May 28, 2024, FDEP received a complaint alleging that a fence had been constructed across a stream and the adjacent wetlands in order to block access to the Indian Creek spring head.

Compliance Status: ☐ In Compliance ☒ Minor Non-Compliance ☐ Significant Non-Compliance

Resource Assessment

FLUCCS/FNAI Community Type(s):	6150: Stream and Lake Swamps (bottomland)
Wetlands/Other Surface Waters (OSW) Present:	☒ Yes ☐ No
Waters of the United States (WOTUS) Present:	☐ Yes ☐ No ☒ WOTUS determination not completed
Other Resources Present:	☐ Yes ☐ No If "Yes," identify: N/A
Resource Impacts:	☐ Yes ☒ No
Area of **Authorized** Impacts (ft):	N/A
Area of **Unauthorized** Impacts (ft):	Approximately 78 linear feet.

Impact Description:
A fence with an access gate was constructed over Indian Creek. Both ends of the fence terminate within wetlands and the entire structure is within either wetlands or surface waters. The fence blocks access to the creek and spring east of the gate.

Investigation Summary

On June 10, 2024, FDEP personnel Charlie Nolan, Mara GalvezGonzalez, and Jordan Evans met with the property manager, Kevin Shepard and Grant Waldman. FDEP staff were taken to the spring head, where the various authorized structures detailed in the Site History section were. Mr. Shepard and Mr. Waldman explained that there was a gate further down the stream that was constructed to prevent trespassers from making their way to the spring head. They stated that, in the past, the trespassers had done damage to the stream and the adjacent wetlands through littering, dragging kayaks and paddleboards, and straying from the trails. Mr. Shepard and Mr. Waldman further stated that the gate was specifically placed where the "navigability" of the stream ended, so that it did not impede navigation of Indian Creek.

FDEP personnel hiked down to the gate structure and observed that the fence and gate hovered just over the stream. While one could swim under the gate, it was not possible to go further up the stream with a kayak or paddleboard. The ends of the fence were both placed in the adjacent wetlands to Indian Creek. The fence did not impede the ability of water to flow through it.

Utilizing the 62-340, Florida Administrative Code (F.A.C.) methodology, which records and evaluates vegetation, soils, and hydrologic indicators, in combination with the use of a Global Positioning System (GPS) device, personnel were able to determine that an unauthorized fence, measuring approximately 78 feet, was constructed over State ERP jurisdictional wetlands and surface waters without authorization from the Department. See the attached 62-340 F.A.C. Data Forms.

MINOR NON-COMPLIANCE DESCRIPTION:

- An approximately 78-foot-long fence was constructed over Indian Creek without a permit from FDEP. The fence is located within Outstanding Florida Waters and blocks the waterway of Indian Creek.

Statute/Rule Reference(s):

- 403.161(1)(b), Florida Statutes (F.S.)
    - It shall be a violation of this chapter, and it shall be prohibited for any person:
        - To fail to obtain any permit required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the department pursuant to its lawful authority.
- 62-330.437, F.A.C.: A general permit is granted to install, maintain, or remove a fence in wetlands or other surface waters under all of the following conditions:

1) The fence shall not be located on state-owned submerged lands or **in Outstanding Florida Waters**, Aquatic Preserves, Outstanding National Resource Waters, Class II waters, or waters approved, conditionally approved, restricted, or conditionally restricted by the Department of Agriculture and Consumer Services for shellfish harvesting.
2) Fences installed within navigable waters other than isolated waters that are wholly owned by one private entity shall:
    a) Not adversely affect navigation**, block any waterway or channel,** or cause a navigational hazard;
        i) Be installed such that all fence posts located waterward of the mean or ordinary high-water line rise at least two feet above the mean high water or the ordinary high water elevation and are marked and maintained with reflectors visible from all directions; and
        ii) **Extend no more than 25 feet waterward into the open water**, beyond the shoreline, or riparian areas of emergent wetland vegetation, whichever is more waterward.

Follow-Up Action: Respond to the attached Compliance Assistance Offer to set up a meeting with the Department.

Supporting Documentation Attached:

- ☒ Figures such as maps, diagrams, and/or aerial imagery
- ☒ Site inspection photographs
- ☒ Chapter 62-340, F.A.C. Data Form(s)
- ☐ WOTUS Determination Documentation
- ☐ UMAM Documentation
- ☐ SSL Lease Inspection Report
- ☐ Other: N/A

Charlie M. Nolan — 6/27/2024

Charlie Nolan, Environmental Specialist III — Date

Daniel K Hall — 7/16/2024

Daniel Hall, Environmental Manager — Date

Site Inspection Figures
Inspection Date: 6/10/2024
Lead DEP Inspector: Charlie Nolan

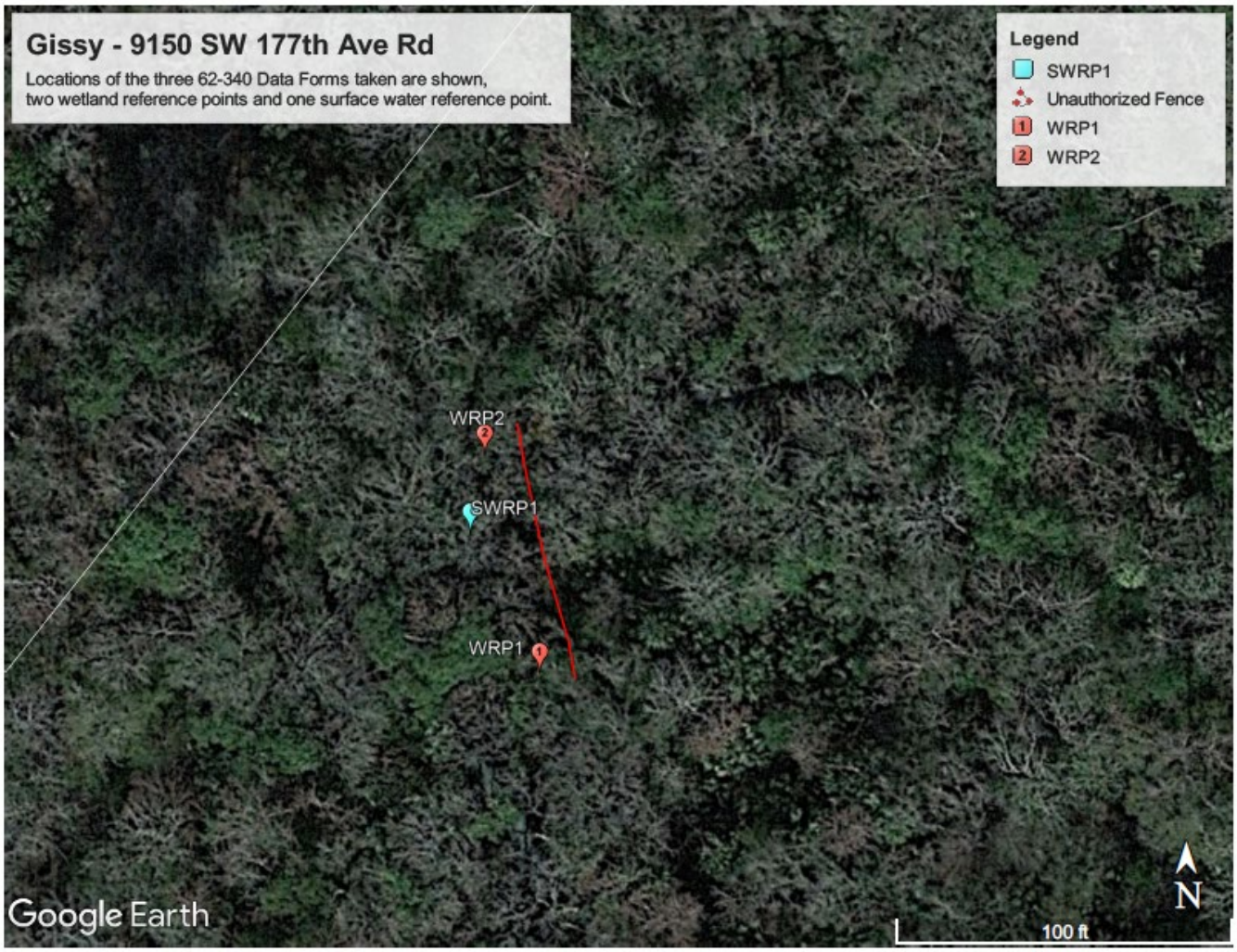


Figure 1: Figure shows the unauthorized fence with the red line as well as the locations of the three 62-340 F.A.C. Data Points that were taken. One point was within Indian Creek, giving a surface water reference point, and the other two points were within wetlands adjacent to Indian Creek. All of the fence lies within wetlands and surface waters. Aerial is from the Google Earth database and was taken on January 18, 2021.

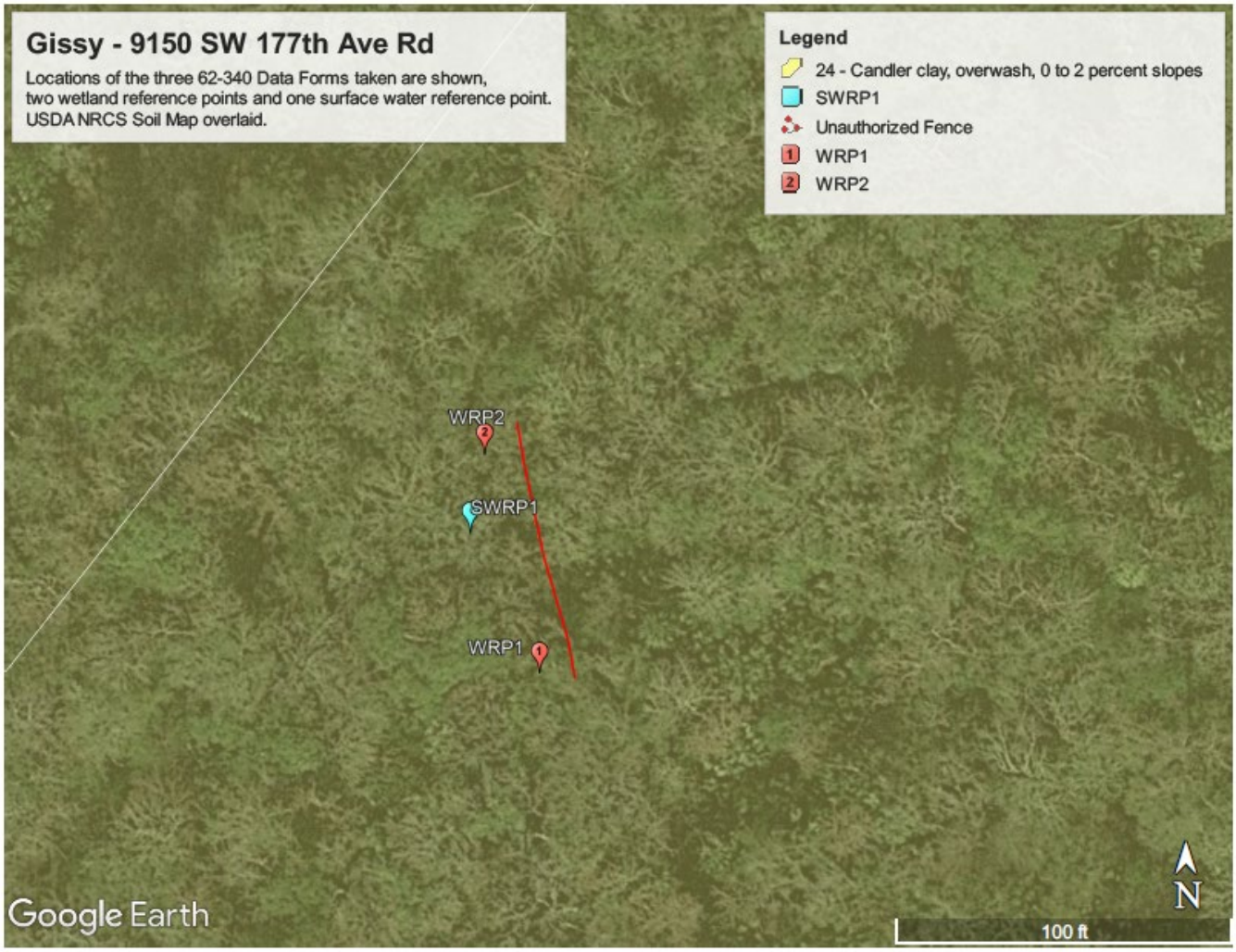


Figure 2: Figure shows the unauthorized fence with the red line as well as the locations of the three 62-340 F.A.C. Data Points that were taken. The National Resource Conservation Service soil map is overlain. All impacts lie within the Candler clay, overwash, 0 to 2 percent slopes map unit.

Site Inspection Photos
Inspection Date: 6/10/2024
Lead DEP Inspector: Charlie Nolan

Photo 1: Photograph taken facing northeast into Indian Creek. The fence and gate structure can be seen crossing Indian Creek.

Photo 2: Photograph taken facing east, parallel to Indian Creek. The southern portion of the fence, which crosses through the wetlands adjacent to Indian Creek, is shown, along with a "No Trespassing" sign.

Photo 3: Photograph taken facing east, parallel to Indian Creek. The northern portion of the fence, which crosses through the wetlands adjacent to Indian Creek, is shown.

FDEP SLERC
August 2019

Chapter 62-340, F.A.C. Data Form

§ denotes the Rule, subsection,paragraph, or subparagraph referenced from Ch. 62-340, F.A.C.

1. Date: June 10, 2024 2. Staff Present: Charlie Nolan, Jordan Evans 3. Form recorder(s): JE

4. County: Marion (42) 5. Site Name: Gissy_9150 SW 177th Ave Rd Tracking #: ERP_278137

6. Point ID: SWP1 GPS Coordinates: 29.091972°N 82.423796°W

7. Distances and bearings from fixed objects (if no GPS):

8. Current condition of described point: ☑ Authorized or legal condition ☐ Unauthorized or illegal condition

9. Work type: ☑ Identification ☐ Delineation

Point status: ☐ Wetland ☑ Non-Wetland Surface Water ☐ Upland

10. Vegetative Stratum §62-340.400: Using §62-340.400, F.A.C. with reasonable scientific judgment, select the appropriate vegetative stratum. (Do not include FAC species when determining 10% minimum areal extent.)

☐ Canopy (Min. 10% areal extent) ☐ Subcanopy (Min. 10% areal extent) ☐ Groundcover (No min. areal extent)

☐ Vegetation Absent (*skip to #14*) ☑ Evaluation Impossible (*skip to #14*) **Why?** No vegetation.

11. Plant List §62-340.200(2),(6),(16), §62-340.400, §62-340.450, F.A.C.:
As is under current conditions, without considering RSJ[1] or the legality of any alterations:
Areal extent estimator:

Select and identify plants in an area just large enough to represent and classify the plant community at the described point. Do not extend into different communities or hydrologic conditions.

1. Record the scientific name (binomial) and status of each plant species necessary to identify/delineate and classify the plant community in the selected area.			2. Record the percent areal extent in the canopy, subcanopy, and groundcover columns for each species.			3. For each species present in the **stratum selected in #10**, transfer the numbers from only that stratum's column into the appropriate status columns.			
#	**Binomial of Observed Species**	**Status**	**Canopy**	**Subcanopy**	**Groundcover**	**Upland**	**Facultative**	**Fac. Wet**	**Obligate**
Percent areal extent totals for the stratum selected in question 10									

12. In the stratum selected in #10: What is the % areal extent of Obligate plants?

What is the % areal extent of Upland plants?

Is the areal extent of Obligate plants greater than that of Upland plants? ☐ Yes ☐ No

13. In the stratum selected in #10: What is the total % areal extent of Obligate & Facultative Wet plants combined?

What is the total % areal extent of Obligate, Facultative Wet, & Upland plants combined?

What is the percentage of OBL + FACW in relation to all plants, excluding FAC? $\frac{\text{OBL+FACW}}{\text{OBL+FACW+UPL}}$ %

Point ID/Location: ERP_278137 SWP1 | Soil describer: JE

14. LRR/MLRA U | **Textures:** Peat, Mucky Peat, Muck, Mucky Mineral (S or F), Sand, Fine, Marl

15. Is a soil profile evaluation possible? ☐ Yes ☑ No If no, why? Water 22 inches above point. ***(If No**, skip to #18)*

16. Soil Description: ***As is under current conditions, without considering RSJ[1] or the legality of any alterations***

Soil surface, or 0 inch depth for purposes of Chapter 62-340, F.A.C. is the muck or mineral surface (whether natural or fill)

Horizon	beginningto ending **Depth** (inches)	**Matrix Texture**	moist condition **Matrix Hue Value/ Chroma**	for sandy matrix horizons w/ value ≤ 3: **% Organic Coating**	- Describe soil features: **DA** (areas darker than matrix), **LA** (areas lighter than matrix), - **RC** (redox concentrations): Record in moist condition **hue value/chroma; % volume inhorizon; boundaries** (sharp/clear/diffuse); **shape** (rounded/linear/angular). - **OB** (organic bodies): Record texture (muck or mucky mineral), **% volume in horizon**. - **H_2S** (hydrogen sulfide odor): Indicate shallowest depth where detected - **Note** if horizon is **Physically Mixed (PM), Nonsoil** (any material not listed in "Textures"above), or **Fill** and describe.

17. Hydric Soil Field Indicators: If present, check all Hydric Soil Field Indicators satisfied and specify their beginning and ending depths

#	Indicator Present	Begin Depth	End Depth
	** = Stand-alone D Test - both hydric soiland hydrologic indicator*	To combine layers/indicators to meet thickness requirements, see NRCS Hydric Soils Technical Note 4.	

18. Excluding organic horizons, is any nonsoil horizon present at or within the uppermost 12 inches of the ground surface?
☐ Yes *(e.g. bedrock, rock outcrop, limestone fill, gravel, etc)* ☐ No ☑ Soil profile or site inaccessible

19. Is one or more hydric soil field indicators present? ☐ Yes ☑ No ☐ Inconclusive *(e.g., evaluation to 12+ inches impeded by disturbance, water, nonsoil, no site access, etc.)*

If no or inconclusive, is the soil hydric as determined by other NRCS methods?
☐ Yes ←Which method(s)? ☑ No ☐ Inconclusive ← Why?

20. Is the depth of the soil profile 20 inches or greater from the soil surface? ☐ Yes ☑ No If no, depth of soil profile is: 0 inches Why? Water table (Underwater)
(e.g., root refusal, nonsoil, water table, loose sand, heavy texture, compaction, weather conditions, inspection interrupted)

21. **Observed** height or depth of standing water from **soil** surface: 22 inches ☑ Above ☐ Below ☐ Not Observed

Point ID/Location: ERP_278137 SWP1				Indicator evaluator: JE

22. Hydrologic Indicators: ***As is under current conditions, without considering RSJ[1] or the legality of any alterations***

Hydrologic Indicators per §62-340.500, F.A.C. (and as applied to §62-340.600, F.A.C.)	Present at or near point	Predicted during normal high water or wet season	Within 100 ft waterward of point (not for upland points)	1. Describe the type of all checked indicators. 2. Approximate the distance and compass direction of indicators within 100 ft of the point. 3. For water level indicators (potential indicators denoted by *) **note the height from ground surface** at the point as well as waterward (with distance from point). Only for indicators not present due to dry season/drought
(8) Hydrologic data*	Yes			Water 24 inches above soil surface at point.
(7) Evidence of aquatic fauna	Yes			Fish at point.

Highest water level indicator height at point: 22 inches ☐ Above Ground Surface ☐ No Water Level Indicators ☑ Above Soil Surface ☐ N/A (described point is Upland)

23. Is one or more hydrologic indicator(s) listed in §62-340.500, F.A.C. present or predicted with normal high water or wet season conditions at the described point? ☑ Yes ☐ No ☐ Evaluation Impossible ← Why?

24. Delineation by Wetland Definition §62-340.300(1), F.A.C.

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

a) Has a wetland boundary been delineated at the described point? ☐ Yes ☑ No *(**If No**, skip to #25)*

b) If yes to 24a, can the boundary be easily delineated using the definition of wetlands? ☐ Yes ☐ No

25. A & B Test Wetland Criteria §62-340.300(2)(a),(b), F.A.C.

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

a) Is the areal extent of Obligate plants in the stratum selected in #10 greater than the areal extent of all Upland plants in that stratum? (See #12) ☐ Yes ☐ No ☐ Vegetation Absent (*skip to $25f*) ☑ Evaluation Impossible (*skip to #26a*)

b) Is the areal extent of Obligate and/or Facultative Wet plants in the stratum selected in #10 equal to or greater than 80% of all the plants in that stratum, excluding Facultative plants? (See #13) ☐ Yes ☐ No

c) Is the soil hydric as identified using standard NRCS definitions and practices? (see #19) ☐ Yes ☐ No ☐ Indeterminable with current conditions ← Why?

d) Is the substrate composed of riverwash, nonsoil (see #18), rock outcrop-soil complex, or is the substrate located within an artificially created wetland area? ☐ Yes ☐ No If yes, which condition is present?

e) Is one or more of the hydrologic indicators in §62-340.500, F.A.C. present at the described point? (See #23) ☐ Yes ☐ No

f) Are the A Test criteria met per §62-340.300(2)(a), F.A.C. at the described point? ☐ Yes ☐ No
(Note: If yes to 25a and yes to either 25c, 25d, or 25e, A Test criteria are met)

g) Are the B Test criteria met per §62-340.300(2)(b), F.A.C. at the described point? ☐ Yes ☐ No
(Note: If yes to 25b and yes to either 25c, 25d, or 25e, B Test criteria are met)

h) Are there any **alterations or conditions** affecting reliable application of the A or B Test such that the Altered Sites Test is more appropriate? ☐ Yes ☐ No

Point ID/Location: ERP_278137 SWP1

26. C Test Wetland Criteria §62-340.300(2)(c), F.A.C.

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

a) Per §62-340.300(2)(c), F.A.C. is the described point Pine Flatwoods or Improved Pasture, or does it havedrained soils? ☐ Yes ☑ No ***If yes**, select which of the following are met, then skip to #26d*

☐ Pine Flatwoods ☐ Improved Pasture ☐ Drained Soils

***Pine Flatwoods** must have flat terrain, a monotypic or mixed canopy of long leaf pine or slash pine, and a ground cover dominated by saw palmetto with other species that are NOT obligate or facultative wet. **Improved Pasture** means areas where the dominant native plant community has been replaced with planted or natural recruitment of herbaceous species which are NOTobligate or facultative wet species and which have been actively maintained for livestock through mechanical means or grazing.*

***Drained Soils** are those in which permanent alterations, excluding mechanical pumping, preclude the formation of hydric soils.*

b) Are the soils at the described point saline sands (salt flats-tidal flats), **or** have they been **field verified** by NRCS's Keys to Soil Taxonomy (4th ed. 1990) as Umbraqualfs, Sulfaquents, Hydraquents, Humaquepts, Histosols (except Folists), Argiaquolls, or Umbraquults? ☐ Yes ☑ No

c) Do the soils at the described point have a NRCS hydric soil field indicator (see #17), **and** is the point located within a map unit named or designated by the NRCS as frequently flooded, depressional, or water?
Map Unit: 24 - Candler clay, overwash, 0 to 2 percent slopes ☑ Yes ☐ No ☐ Inconclusive ← Why?
(*skip to #27a)*

d) Are the C Test criteria met per §62-340.300(2)(c), F.A.C. at the described point? ☐ Yes ☑ No
(Note: If no to 26a and yes to either 26b or 26c, C Test criteria are met)

e) Are there any **alterations or conditions** affecting reliable application of the C Test such that the Altered Sites Test is more appropriate? ☐ Yes ☑ No

27. D Test Wetland Criteria §62-340.300(2)(d), F.A.C.

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

a) Is the soil hydric as verified by a NRCS hydric soil field indicator? (See #17)
☐ Yes ☑ No (*skip to #27d*) ☐ Inconclusive ← Why? (*skip to #28)*

b) Does any NRCS hydric soil field indicator begin **at the soil surface or** are any of the following indicators present: A1, A2, A3, A4, A5, A7, A8, A9, S4, F2? ☐ Yes ☐ No *(If yes, then hydrologic indicator §62-340.500(8) or (11) is met)*

c) Is one or more of the hydrologic indicators in §62-340.500, F.A.C. present at the described point? (See #23) ☐ Yes ☐ No

d) Are the D Test criteria met per §62-340.300(2)(d), F.A.C. at the described point? ☐ Yes ☑ No
(Note: If yes to 27a and yes to either 27b or 27c, D Test criteria may be met)

e) Are there any **alterations or conditions** affecting reliable application of the D Test such that the Altered Sites Test is more appropriate? ☐ Yes ☑ No

28. Altered Sites Tests §62-340.300(3), F.A.C. (Legal/Authorized or Illegal/Unauthorized)

*For purposes of Chapter 62-340, F.A.C. **altered** refers to any natural or man-induced condition(s) which **masks or eliminates reliable expression** of wetland indicators (i.e. hydrophytic vegetation, hydric soils, and hydrologicindicators). **Unaltered or normal does not require a natural condition**, only an expression of wetland indicators that is sufficient to **reliably** identify or delineate the wetland using the criteria in §62-340.300, F.A.C.*

Are alterations affecting normal wetland condition? ☐ Yes ☑ No (*skip to #32*) ☐ Evaluation Impossible (*skip to #32*)

29. Authorized or Legally Altered Vegetation and Soils Test Criteria §62-340.300(3)(a), F.A.C.

a) Are there **authorized** or **legal** alterations affecting reliable expression of vegetation at the described point?
☐ Yes ☑ No If yes, how?

b) Are there **authorized** or **legal** alterations affecting reliable soil evaluation at the described point? ☐ Yes ☑ No
If yes, how? *(**If no to both** 29a and 29b, skip to #30)*

c) If yes to 29a or 29b, which criteria tests are affected by the legal alterations? ☐ A Test ☐ B Test ☐ C Test ☐ D Test

d) Using the most reliable available information and reasonable scientific judgment, would the types of evidence and characteristics contemplated in §62-340.300, F.A.C. identify or delineate the described point as a wetland with cessation of the legal altering activities? ☐ Yes ☐ No If no, why? *(**If no**, skip to #30)*

e) If yes to 29d, what §62-340.300, F.A.C. evidence is present now and/or will be present in the future with cessation of legal altering activities? ☐ Plants ☐ Soils ☐ Hydrologic indicators

f) If yes to 29d, which tests would be passed with cessation of legal altering activities?
☐ Wetland Definition ☐ A Test ☐ B Test ☐ C Test ☐ D Test **Why?**

Point ID/Location: ERP 278137 SWP1

30. Authorized or Legally Altered Hydrology Test Criteria §62-340.300(3)(b), F.A.C.

a) Has wetland hydrology of the area been **legally** drained or lowered? ☐ Yes ☑ No *(**If no**, skip to #31)*
If yes, how?

b) Has wetland hydrology been **legally** eliminated at the described point? ☐ Yes ☐ No *(**If no**, skip to #31)*

c) If yes to 30b, using reasonable scientific judgment or §62-340.550, F.A.C., have dredging or filling activities authorized by **Part IV** of Chapter 373, F.S. **permanently eliminated** wetland hydrology at the described point such that the wetland definition cannot be met? ☐ Yes (point is upland) ☐ No *(**If yes**, skip to #31)*

*Chapter 373, F.S. Part II activities (e.g., water use permits) or other temporary hydrologic alterations (e.g., surface water pumps, drought) do **not** apply to this or any other Ch. 62-340, F.A.C. determinations.*

d) If no to 30c, what §62-340.300, F.A.C. evidence is present now and/or will be present in the future with cessation of temporary hydrologic drainage? ☐ Plants ☐ Soils ☐ Hydrologic indicators

e) If no to 30c, Which tests would be passed with cessation of temporary hydrologic alterations?
☐ Wetland Definition ☐ A Test ☐ B Test ☐ C Test ☐ D Test
Why?

31. Unauthorized or Illegally Altered Sites Test Criteria §62-340.300(3)(c), F.A.C.

If the altering activity is a violation of regulatory requirements, then application of §62-340.300(3)(c), F.A.C. andall provisions of Chapter 62-340, F.A.C. are utilized to identify or delineate the wetland in a forensic manner.
***This identification or delineation reflects the condition immediately prior to the unauthorized alteration**.*

a) Have any **unauthorized** alterations affected the normal wetland condition at the described point? ☐ Yes ☑ No
If yes, how? *(**If no**, skip to #32)*

b) If yes to 31a, which criteria tests are affected by the unauthorized alterations?
☐ A Test ☐ B Test
☐ C Test ☐ D Test

c) With reasonable scientific judgment is the described point a wetland, or would it have been a wetland immediately prior to the unauthorized alteration? ☐ Yes ☐ No If no, why? *(**If no**, skip to #32)*

d) If yes to 31c, what §62-340.300, F.A.C. evidence is present now and/or was present immediately prior to theunauthorized alteration? ☐ Plants ☐ Soils ☐ Hydrologic indicators

e) If yes to 31c, which tests would be passed immediately prior to the unauthorized alteration?
☐ Wetland Definition ☐ A Test ☐ B Test ☐ C Test ☐ D Test
Why?

32. Wetland and Other Surface Water Summary §62-340.600(2)(a-e), F.A.C.:

Given **normal** expression, **cessation** of **authorized** alterations, or **immediately prior** to any **unauthorized** alterations:

a) With **reasonable scientific judgment** is the described point a wetland as defined in §62-340.200(19), F.A.C. and located by Ch. 62-340, F.A.C.? ☐ Yes ☑ No If yes, which criteria identified or delineated the wetland?
☐ Wetland Definition ☐ A Test ☐ B Test ☐ C Test ☐ D Test
If summary answers differ from answers in 25f, 25g, 26d, or 27d, why? Surface Water

b) Is the described point located at or within the Mean High Water Line of a tidal water body?
☐ Yes ☑ No ☐ MHWL Unknown

c) Is the described point located at or within the Ordinary High Water Line of a non-tidal natural water body or natural watercourse? ☑ Yes ☐ No

d) Is the described point located at or within the top of the bank of an artificial lake, borrow pit, canal, ditch, or other type of artificial water body or watercourse with side slopes of 1 foot vertical to 4 feet horizontal or steeper, excluding spoil banks when the canals and ditches have resulted from excavation into the ground? ☐ Yes ☑ No

e) Is the described point located at or within the Seasonal High Water Line of an artificial lake, borrow pit, canal, ditch, or other type of artificial water body or watercourse with side slopes flatter than 1 foot vertical to 4 feet horizontal or an artificial water body created by diking or impoundment above the ground? ☐ Yes ☑ No

33. Connection or Isolation of Wetland per Applicant's Handbook Vol.1 Section 2.0

If the described point is a wetland, does it have a connection via wetlands or other surface waters, or is it wholly surrounded by uplands and therefore isolated? ☐ Connected ☐ Isolated ☑ N/A (Point is not wetland)

Point ID/Location: ERP_278137 SWP1

Notes:

Helpful Definitions for Applying Ch 62-340, F.A.C.

[1]**RSJ** stands for Reasonable Scientific Judgment where used throughout this Data Form (See *The Florida Wetlands Delineation Manual* pg. 2 & 12*)*

[2]**HSTS** stands for Hydric Soils Technical Standard (See NRCS Hydric Soils Technical Note 11)

Definition from §62.340.200(19) Florida Administrative Code
"**Wetlands**," as defined in subsection 373.019(17), F.S., means those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.

Definition from §373.019(19) Florida Statutes
"**Surface water**" means water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface.

Definition from §373.019(14) Florida Statutes
"**Other watercourse**" means any canal, ditch, or other artificial watercourse in which water usually flows in a defined bed or channel. It is not essential that the flowing be uniform or uninterrupted.

Definition from §62.340.200(15) Florida Administrative Code
"**Seasonal High Water**" means the elevation to which the ground and surface water can be expected to rise due to a normal wet season.

From The Florida Wetlands Delineation Manual pg. 37
Ordinary high water is that point on the slope or bank where the surface water from the water body ceases to exert a dominant influence on the character of the surrounding vegetation and soils. The OHWL frequently encompasses areas dominated by non-listed vegetation and non-hydric soils. When the OHWL is not at a wetland edge, the general view of the area may present an "upland" appearance.

Definition from §403.803(14) Florida Statutes
"Swale" means a manmade trench which:
(a) Has a top width-to-depth ratio of the cross-section equal to or greater than 6:1, or side slopes equal to or greater than 3 feet horizontal to 1 foot vertical;
(b) Contains contiguous areas of standing or flowing water only following a rainfall event;
(c) Is planted with or has stablized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and
Is designed to take into acount the soil erodibility, soil percolation, slope, slope length, and drainage area so as to prevent erosion and reducepollutant concentration of any discharge.

34. Photographs and/or videos: Soil profile with Data Form, Soil profile close-up, Cross section(s) at 6" depth for sandy textures and/or critical depths for fine textures, Hydric soil indicators, Water table or inundation depth, Four cardinal directions of plant strata present, Hydrologic indicators (with scale as necessary), Critical plant ID (optional)

1.	**Description:**	Water Table

2.	**Description:**	(8) Hydrologic data* - Standing water, at point, 22 inches above soil surface.

3.	**Description:**	(7) Evidence of aquatic fauna – fish at point.

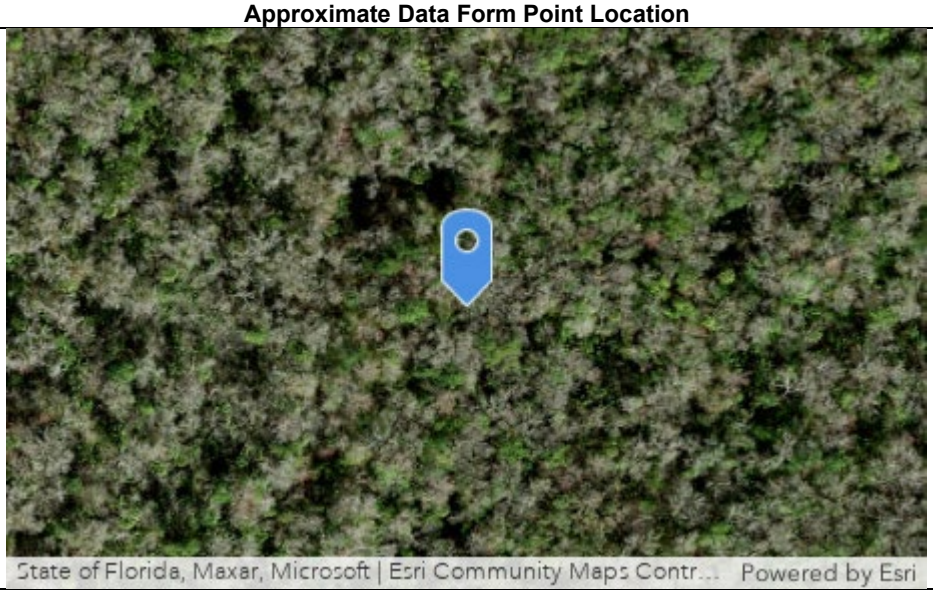
4.	**Description:**	Facing N

5.	Description:	Facing E

6.	Description:	Facing S

7.	**Description:**	Facing W

Approximate Data Form Point Location



FDEP SLERC August 2019

Chapter 62-340, F.A.C. Data Form

1. Date: Jun 10, 2024 2. Staff Present: Charlie Nolan, Jordan Evans, Mara GalvezGonzalez 3. Form recorder(s): JE

4. County: Marion (42) 5. Site Name: Gissy_9150 SW 177th Ave Rd Tracking #: ERP_278137

6. Point ID: Wetland Reference Point 1 GPS Coordinates: 29°05'31.0"N 82°25'25.2"W

7. Distances and bearings from fixed objects (if no GPS):

8. Current condition of described point: (•) Authorized or legal condition ( ) Unauthorized or illegal condition

9. Work type: (•) Identification ( ) Delineation

Point status: (•) Wetland ( ) Non-Wetland Surface Water ( ) Upland

10. Vegetative Stratum §62-340.400: Using §62-340.400, F.A.C. with reasonable scientific judgment, select the appropriate vegetative stratum. (Do not include FAC species when determining 10% minimum areal extent.)

(•) Canopy (Min. 10% areal extent) ( ) Subcanopy (Min. 10% areal extent) ( ) Groundcover (No min. areal extent)

( ) Vegetation Absent *(skip to #14)* ( ) Evaluation Impossible *(skip to #14)* **Why?** Min. 10% areal extent

11. Plant List §62-340.200(2),(6),(16), §62-340.400, §62-340.450, F.A.C.:

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

Areal extent estimator: CMN

Select and identify plants in an area just large enough to represent and classify the plant community at the described point. Do not extend into different communities or hydrologic conditions.

1. Record the scientific name (binomial) and status of each plant species necessary to identify/delineate and classify the plant community in the selected area.
2. Record the percent areal extent in the canopy, subcanopy, and groundcover columns for each species.
3. For each species present in the **stratum selected in #10**, transfer the numbers from only that stratum's column into the appropriate status columns.

#	Binomial of Observed Species	Status	Canopy	Subcanopy	Groundcover	Upland	Facultative	Fac. Wet	Obligate
1.	Ilex cassine	O	15	15					15
2.	Liquidambar styraciflua	FW	80					80	
3.	Sabal palmetto	F		40					
4.	Callicarpa americana	U			5				
5.	Carex spp.	FW			35				
6.	Nephrolepis exaltata	F			5				
7.	Ulmus alata	FW	80	10				80	
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									
18.									
19.									
20.									
Percent areal extent totals for the stratum selected in question 10						0	0	160	15

12. In the stratum selected in #10: What is the % areal extent of Obligate plants? 15

What is the % areal extent of Upland plants? 0

Is the areal extent of Obligate plants greater than that of Upland plants? (•) Yes ( ) No

13. In the stratum selected in #10: What is the total % areal extent of Obligate & Facultative Wet plants combined? 175

What is the total % areal extent of Obligate, Facultative Wet, & Upland plants combined? 175

What is the percentage of OBL + FACW in relation to all plants, excluding FAC? ($\frac{\text{OBL+FACW}}{\text{OBL+FACW+UPL}}$) 100.0%

Point ID/Location: 29°05'31.0"N 82°25'25.2"W | Soil describer: CMN

14. LRR/MLRA U | **Textures:** Peat, Mucky Peat, Muck, Mucky Mineral (S or F), Sand, Fine, Marl

15. Is a soil profile evaluation possible? ◉ Yes ○ No If no, why? *(**If No**, skip to #18)*

16. Soil Description: ***As is under current conditions, without considering RSJ[1] or the legality of any alterations***

Soil surface, or 0 inch depth for purposes of Chapter 62-340, F.A.C. is the muck or mineral surface (whether natural or fill)

Horizon	beginning to ending **Depth** (inches)	**Matrix Texture**	moist condition **Matrix Hue Value/ Chroma**	for sandy matrix horizons w/ value ≤ 3: **% Organic Coating**	- **Describe soil features: DA** (areas darker than matrix), **LA** (areas lighter than matrix), **RC** (redox concentrations): Record in moist condition **hue value/chroma; % volume in horizon; boundaries** (sharp/clear/diffuse); **shape** (rounded/linear/angular). - **OB** (organic bodies): Record **texture** (muck or mucky mineral), **% volume in horizon.** - **H_2S** (hydrogen sulfide odor): Indicate shallowest depth where detected - **Note** if horizon is **Physically Mixed (PM), Nonsoil** (any material not listed in "Textures" above), or **Fill** and describe.
1	0-9	Muck	7.5YR 2.5/1	N/A	Hydrogen sulfide odor present at surface.
2					
3					
4					
5					
6					

17. Hydric Soil Field Indicators: If present, check all Hydric Soil Field Indicators satisfied and specify their beginning and ending depths

☑ All Texture	☑ Sandy Texture	☑ Fine Texture
__(A1) Histosol*	__(S4) Sandy Gleyed Matrix*	__(F2) Loamy Gleyed Matrix*
__(A2) Histic Epipedon*	__(S5) Sandy Redox	__(F3) Depleted Matrix
__(A3) Black Histic*	__(S6) Stripped Matrix	__(F6) Redox Dark Surface
✓(A4) Hydrogen Sulfide*	__(S7) Dark Surface	__(F7) Depleted Dark Surface
__(A5) Stratified Layers*	__(S8) Polyvalue Below Surface	__(F8) Redox Depression
__(A6) Organic Bodies	__(S9) Thin Dark Surface	__(F10) Marl
__(A7) 5cm Mucky Mineral*	__(S12) Barrier Islands 1cm Muck	__(F12) Iron-Manganese Masses
✓(A8) Muck Presence*		__(F13) Umbric Surface
__(A9) 1cm Muck*		__(F22) Very Shallow Dark Surface
__(A11) Depleted Below Dark Surface		
__(A12) Thick Dark Surface		

	Indicator Present	Begin Depth	End Depth
1.	A4	0	9
2.	A8	0	9
3.			
4.			
5.			
6.			

* = *Stand-alone D Test - both hydric soil and hydrologic indicator*

To combine layers/indicators to meet thickness requirements, see NRCS Hydric Soils Technical Note 4.

18. Excluding organic horizons, is any nonsoil horizon present at or within the uppermost 12 inches of the ground surface?
○ Yes *(e.g. bedrock, rock outcrop, limestone fill, gravel, etc)* ◉ No ○ Soil profile or site inaccessible

19. Is one or more hydric soil field indicators present? ◉ Yes ○ No ○ Inconclusive *(e.g., evaluation to 12+ inches impeded by disturbance, water, nonsoil, no site access, etc.)*
If no or inconclusive, is the soil hydric as determined by other NRCS methods?
○ Yes ← Which method(s)? _____ ○ No ○ Inconclusive ← Why? _____
(e.g., hydric soil definition, HSTS[2], indicator present at drier elevation, indicator would be present but for disturbance)

20. Is the depth of the soil profile 20 inches or greater from the soil surface? ○ Yes ◉ No
If no, depth of soil profile is: 9 inches Why? Water table.
(e.g., root refusal, nonsoil, water table, loose sand, heavy texture, compaction, weather conditions, inspection interrupted)

21. **Observed** height or depth of standing water from **soil** surface: 5 inches ○ Above ◉ Below ○ Not Observed

Point ID/Location: 29°05'31.0"N 82°25'25.2"W | Indicator evaluator: _____

22. Hydrologic Indicators: ***As is under current conditions, without considering RSJ[1] or the legality of any alterations***

Hydrologic Indicators per §62-340.500, F.A.C. (and as applied to §62-340.600, F.A.C.)	Present at or near point	Predicted during normal high water or wet season◆	Within 100 ft waterward of point (not for upland points)	1. Describe the type of all checked indicators. 2. Approximate the distance and compass direction of indicators within 100 ft of the point. 3. For water level indicators (potential indicators denoted by *) **note the height from ground surface** at the point as well as waterward (with distance from point). ◆Only for indicators not present due to dry season/drought
(1) Algal mats*				
(2) Aquatic mosses or liverworts*				
(3) Aquatic plants*				
(4) Aufwuchs*				
(5) Drift lines and rafted debris*				
(6) Elevated lichen lines*				
(7) Evidence of aquatic fauna				
(8) Hydrologic data*	✓			See notes.
(9) Morphological plant adaptations*				
(10) Secondary flow channels				
(11) Sediment deposition*				
(12) Tussocks or hummocks*				
(13) Water marks*				

Highest water level indicator height at point: .5 inches ○ Above Ground Surface ○ No Water Level Indicators ◉ Above Soil Surface ○ N/A (described point is Upland)

23. Is one or more hydrologic indicator(s) listed in §62-340.500, F.A.C. present or predicted with normal high water or wet season conditions at the described point? ◉ Yes ○ No ○ Evaluation Impossible ← Why? _____

24. Delineation by Wetland Definition §62-340.300(1), F.A.C.

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

a) Has a wetland boundary been delineated at the described point? ○ Yes ◉ No *(**If No**, skip to #25)*

b) If yes to 24a, can the boundary be easily delineated using the definition of wetlands? ○ Yes ○ No

25. A & B Test Wetland Criteria §62-340.300(2)(a),(b), F.A.C.

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

a) Is the areal extent of Obligate plants in the stratum selected in #10 greater than the areal extent of all Upland plants in that stratum? (See #12) ◉ Yes ○ No ○ Vegetation Absent *(skip to #25f)* ○ Evaluation Impossible *(skip to #26a)*

b) Is the areal extent of Obligate and/or Facultative Wet plants in the stratum selected in #10 equal to or greater than 80% of all the plants in that stratum, excluding Facultative plants? (See #13) ◉ Yes ○ No

c) Is the soil hydric as identified using standard NRCS definitions and practices? (see #19) ◉ Yes ○ No ○ Indeterminable with current conditions ← Why? _____

d) Is the substrate composed of riverwash, nonsoil (see #18), rock outcrop-soil complex, or is the substrate located within an artificially created wetland area? ○ Yes ◉ No If yes, which condition is present? _____

e) Is one or more of the hydrologic indicators in §62-340.500, F.A.C. present at the described point? (See #23) ◉ Yes ○ No

f) Are the A Test criteria met per §62-340.300(2)(a), F.A.C. at the described point? ◉ Yes ○ No
(Note: If yes to 25a and yes to either 25c, 25d, or 25e, A Test criteria are met)

g) Are the B Test criteria met per §62-340.300(2)(b), F.A.C. at the described point? ◉ Yes ○ No
(Note: If yes to 25b and yes to either 25c, 25d, or 25e, B Test criteria are met)

h) Are there any **alterations or conditions** affecting reliable application of the A or B Test such that the Altered Sites Test is more appropriate? ○ Yes ◉ No

Point ID/Location: 29°05'31.0"N 82°25'25.2"W

26. C Test Wetland Criteria §62-340.300(2)(c), F.A.C.

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

a) Per §62-340.300(2)(c), F.A.C. is the described point Pine Flatwoods or Improved Pasture, or does it have drained soils? ○ Yes ◉ No ***If yes**, select which of the following are met, then skip to #26d*

☐ Pine Flatwoods ☐ Improved Pasture ☐ Drained Soils

***Pine Flatwoods** must have flat terrain, a monotypic or mixed canopy of long leaf pine or slash pine, and a ground cover dominated by saw palmetto with other species that are NOT obligate or facultative wet. **Improved Pasture** means areas where the dominant native plant community has been replaced with planted or natural recruitment of herbaceous species which are NOT obligate or facultative wet species and which have been actively maintained for livestock through mechanical means or grazing. **Drained Soils** are those in which permanent alterations, excluding mechanical pumping, preclude the formation of hydric soils.*

b) Are the soils at the described point saline sands (salt flats-tidal flats), **or** have they been **field verified** by NRCS's Keys to Soil Taxonomy (4th ed. 1990) as Umbraqualfs, Sulfaquents, Hydraquents, Humaquepts, Histosols (except Folists), Argiaquolls, or Umbraquults? ○ Yes ◉ No

c) Do the soils at the described point have a NRCS hydric soil field indicator (see #17), **and** is the point located within a map unit named or designated by the NRCS as frequently flooded, depressional, or water?

Map Unit: 24 - Candler clay, overwash, 0 to 2 percent slopes ○ Yes ◉ No ○ Inconclusive ← Why? _____ *(skip to #27a)*

d) Are the C Test criteria met per §62-340.300(2)(c), F.A.C. at the described point? ○ Yes ◉ No
(Note: If no to 26a and yes to either 26b or 26c, C Test criteria are met)

e) Are there any **alterations or conditions** affecting reliable application of the C Test such that the Altered Sites Test is more appropriate? ○ Yes ◉ No

27. D Test Wetland Criteria §62-340.300(2)(d), F.A.C.

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

a) Is the soil hydric as verified by a NRCS hydric soil field indicator? (See #17)

◉ Yes ○ No *(skip to #27d)* ○ Inconclusive ← Why? _____ *(skip to #28)*

b) Does any NRCS hydric soil field indicator begin **at the soil surface or** are any of the following indicators present: A1, A2, A3, A4, A5, A7, A8, A9, S4, F2? ◉ Yes ○ No *(If yes, then hydrologic indicator §62-340.500(8) or (11) is met)*

c) Is one or more of the hydrologic indicators in §62-340.500, F.A.C. present at the described point? (See #23) ◉ Yes ○ No

d) Are the D Test criteria met per §62-340.300(2)(d), F.A.C. at the described point? ◉ Yes ○ No
(Note: If yes to 27a and yes to either 27b or 27c, D Test criteria may be met)

e) Are there any **alterations or conditions** affecting reliable application of the D Test such that the Altered Sites Test is more appropriate? ○ Yes ◉ No

28. Altered Sites Tests §62-340.300(3), F.A.C. (Legal/Authorized or Illegal/Unauthorized)

*For purposes of Chapter 62-340, F.A.C. **altered** refers to any natural or man-induced condition(s) which **masks or eliminates reliable expression** of wetland indicators (i.e. hydrophytic vegetation, hydric soils, and hydrologic indicators). **Unaltered or normal does not require a natural condition**, only an expression of wetland indicators that is sufficient to **reliably** identify or delineate the wetland using the criteria in §62-340.300, F.A.C.*

Are alterations affecting normal wetland condition? ○ Yes ◉ No *(skip to #32)* ○ Evaluation Impossible *(skip to #32)*

29. Authorized or Legally Altered Vegetation and Soils Test Criteria §62-340.300(3)(a), F.A.C.

a) Are there **authorized** or **legal** alterations affecting reliable expression of vegetation at the described point? ○ Yes ○ No If yes, how? _____

b) Are there **authorized** or **legal** alterations affecting reliable soil evaluation at the described point? ○ Yes ○ No If yes, how? _____ ***(If no to both** 29a and 29b, skip to #30)*

c) If yes to 29a or 29b, which criteria tests are affected by the legal alterations?

☐ A Test ☐ B Test ☐ C Test ☐ D Test

d) Using the most reliable available information and reasonable scientific judgment, would the types of evidence and characteristics contemplated in §62-340.300, F.A.C. identify or delineate the described point as a wetland with cessation of the legal altering activities? ○ Yes ○ No If no, why? _____ ***(If no**, skip to #30)*

e) If yes to 29d, what §62-340.300, F.A.C. evidence is present now and/or will be present in the future with cessation of legal altering activities? ☐ Plants ☐ Soils ☐ Hydrologic indicators

f) If yes to 29d, which tests would be passed with cessation of legal altering activities?

☐ Wetland Definition ☐ A Test ☐ B Test ☐ C Test ☐ D Test

Why? _____

Point ID/Location: 29°05'31.0"N 82°25'25.2"W

30. Authorized or Legally Altered Hydrology Test Criteria §62-340.300(3)(b), F.A.C.

a) Has wetland hydrology of the area been **legally** drained or lowered? ○ Yes ○ No *(**If no**, skip to #31)*
If yes, how? _____

b) Has wetland hydrology been **legally** eliminated at the described point? ○ Yes ○ No *(**If no**, skip to #31)*

c) If yes to 30b, using reasonable scientific judgment or §62-340.550, F.A.C., have dredging or filling activities authorized by **Part IV** of Chapter 373, F.S. **permanently eliminated** wetland hydrology at the described point such that the wetland definition cannot be met? ○ Yes (point is upland) ○ No *(**If yes**, skip to #31)*

*Chapter 373, F.S. Part II activities (e.g., water use permits) or other temporary hydrologic alterations (e.g., surface water pumps, drought) do **not** apply to this or any other Ch. 62-340, F.A.C. determinations.*

d) If no to 30c, what §62-340.300, F.A.C. evidence is present now and/or will be present in the future with cessation of temporary hydrologic drainage? ☐ Plants ☐ Soils ☐ Hydrologic indicators

e) If no to 30c, Which tests would be passed with cessation of temporary hydrologic alterations?
☐ Wetland Definition ☐ A Test ☐ B Test ☐ C Test ☐ D Test
Why? _____

31. Unauthorized or Illegally Altered Sites Test Criteria §62-340.300(3)(c), F.A.C.

*If the altering activity is a violation of regulatory requirements, then application of §62-340.300(3)(c), F.A.C. and all provisions of Chapter 62-340, F.A.C. are utilized to identify or delineate the wetland in a forensic manner. **This identification or delineation reflects the condition immediately prior to the unauthorized alteration**.*

a) Have any **unauthorized** alterations affected the normal wetland condition at the described point? ○ Yes ○ No
If yes, how? _____ *(**If no**, skip to #32)*

b) If yes to 31a, which criteria tests are affected by the unauthorized alterations?
☐ A Test ☐ B Test ☐ C Test ☐ D Test

c) With reasonable scientific judgment is the described point a wetland, or would it have been a wetland immediately prior to the unauthorized alteration? ○ Yes ○ No If no, why? _____ *(**If no**, skip to #32)*

d) If yes to 31c, what §62-340.300, F.A.C. evidence is present now and/or was present immediately prior to the unauthorized alteration? ☐ Plants ☐ Soils ☐ Hydrologic indicators

e) If yes to 31c, which tests would be passed immediately prior to the unauthorized alteration?
☐ Wetland Definition ☐ A Test ☐ B Test ☐ C Test ☐ D Test
Why? _____

32. Wetland and Other Surface Water Summary §62-340.600(2)(a-e), F.A.C.:

Given **normal** expression, **cessation** of **authorized** alterations, or **immediately prior** to any **unauthorized** alterations:

a) With **reasonable scientific judgment** is the described point a wetland as defined in §62-340.200(19), F.A.C. and located by Ch. 62-340, F.A.C.? ◉ Yes ○ No If yes, which criteria identified or delineated the wetland?
☒ Wetland Definition ☒ A Test ☒ B Test ☐ C Test ☒ D Test
If summary answers differ from answers in 25f, 25g, 26d, or 27d, why? _____

b) Is the described point located at or within the Mean High Water Line of a tidal water body?
○ Yes ◉ No ○ MHWL Unknown

c) Is the described point located at or within the Ordinary High Water Line of a non-tidal natural water body or natural watercourse? ○ Yes ◉ No

d) Is the described point located at or within the top of the bank of an artificial lake, borrow pit, canal, ditch, or other type of artificial water body or watercourse with side slopes of 1 foot vertical to 4 feet horizontal or steeper, excluding spoil banks when the canals and ditches have resulted from excavation into the ground? ○ Yes ◉ No

e) Is the described point located at or within the Seasonal High Water Line of an artificial lake, borrow pit, canal, ditch, or other type of artificial water body or watercourse with side slopes flatter than 1 foot vertical to 4 feet horizontal or an artificial water body created by diking or impoundment above the ground? ○ Yes ◉ No

33. Connection or Isolation of Wetland per Applicant's Handbook Vol.1 Section 2.0

If the described point is a wetland, does it have a connection via wetlands or other surface waters, or is it wholly surrounded by uplands and therefore isolated? ◉ Connected ○ Isolated ○ N/A (Point is not wetland)

Point ID/Location: 29°05'31.0"N 82°25'25.2"W

34. Photographs and/or videos: Soil profile with Data Form, Soil profile close-up, Cross section(s) at 6" depth for sandy textures and/or critical depths for fine textures, Hydric soil indicators, Water table or inundation depth, Four cardinal directions of plant strata present, Hydrologic indicators (with scale as necessary), Critical plant ID (optional)

#	Memory Card # / Metadata	Description, compass direction (if applicable)	Taken By
1.	1	Soil plug.	JE
2.	2	Soil plug close-up.	JE
3.	3	Cut at six inches.	JE
4.	4	Water in hole, five inches below soil surface.	CMN
5.	5	Standing water, ½ inch deep. 5 feet west of point.	CMN
6.	20240610_121451	Photo of point facing north.	JE
7.	20240610_121502	Photo of point facing east.	JE
8.	20240610_121515	Photo of point facing south.	JE
9.	20240610_121533	Photo of point facing west.	JE
10.			
11.			
12.			
13.			
14.			

Notes: 22. 8) Water in hole, 5" below soil surface, standing water 1/2" deep, 5 ft W of point. A4 and A8 at soil surface.

34. Photo log was submitted prior to directionals being taken. Directionals were taken using the camera application on the cell phone, and thus have been placed into their own photo album.

Helpful Definitions for Applying Ch 62-340, F.A.C.

[1]**RSJ** stands for Reasonable Scientific Judgment where used throughout this Data Form (See *The Florida Wetlands Delineation Manual* pg. 2 & 12)

[2]**HSTS** stands for Hydric Soils Technical Standard (See NRCS Hydric Soils Technical Note 11)

Definition from §62.340.200(19) Florida Administrative Code

"**Wetlands**," as defined in subsection 373.019(17), F.S., means those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.

Definition from §373.019(19) Florida Statutes

"**Surface water**" means water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface.

Definition from §373.019(14) Florida Statutes

"**Other watercourse**" means any canal, ditch, or other artificial watercourse in which water usually flows in a defined bed or channel. It is not essential that the flowing be uniform or uninterrupted.

Definition from §62.340.200(15) Florida Administrative Code

"**Seasonal High Water**" means the elevation to which the ground and surface water can be expected to rise due to a normal wet season.

From The Florida Wetlands Delineation Manual pg. 37

Ordinary high water is that point on the slope or bank where the surface water from the water body ceases to exert a dominant influence on the character of the surrounding vegetation and soils. The OHWL frequently encompasses areas dominated by non-listed vegetation and non-hydric soils. When the OHWL is not at a wetland edge, the general view of the area may present an "upland" appearance.

Definition from §403.803(14) Florida Statutes

"Swale" means a manmade trench which:
(a) Has a top width-to-depth ratio of the cross-section equal to or greater than 6:1, or side slopes equal to or greater than 3 feet horizontal to 1 foot vertical;
(b) Contains contiguous areas of standing or flowing water only following a rainfall event;
(c) Is planted with or has stablized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and
(d) Is designed to take into acount the soil erodibility, soil percolation, slope, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

FLORIDA DEPARTMENT OF
Environmental Protection

Central District Office
3319 Maguire Blvd, Ste 232
Orlando, Florida 32803

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Site Report

Address: 9150 SW 177th Ave Rd, Dunnellon, FL 34432
File #: ERP_278137
Project Name: Gissy_9150 SW 177th Ave Rd
Inspection Date: June 10, 2024
Inspectors: Charlie Nolan, Jordan Evans, Mara GalvezGonzalez.

Digital Photo Log

Type of Camera Used: SM-S908U
Digital Recording Media: NA
Were Photos Altered?: No
Photographer: Jordan Evans

Inspection Photos

Image #:	1
Photo Description:	Soil plug.
Photo Location:	29°05'30.9"N 82°25'25.3"W

Inspection Photos

Image #:	2
Photo Description:	Soil plug close-up.
Photo Location:	29°05'31.0"N 82°25'25.3"W

Inspection Photos

Image #:	3
Photo Description:	Cut at six inches.
Photo Location:	29°05'30.9"N 82°25'25.3"W

Inspection Photos

Image #:	4
Photo Description:	Water in hole, five inches below soil surface.
Photo Location:	29°05'31.0"N 82°25'25.2"W

Inspection Photos

Image #:	5
Photo Description:	Standing water, ½ inch deep. 5 feet west of point.
Photo Location:	29°05'31.1"N 82°25'25.3"W

Site Inspection Photos

Site ID ERP_278137
Project Name: Gissy_9150 SW 177th Ave Rd_Fence
Parcel ID: 34572-002-00
Staff: Charlie Nolan, Jordan Evans, Mara GalvezGonzalez
Soil Profile ID: Wetland Reference Point 1
Date: 6/10/2024

All photos in this album have not been altered and are in original format.

20240610_121451: Photo of point facing north.

20240610_121502: Photo of point facing east.

20240610_121515: Photo of point facing south.

20240610_121533: Photo of point facing west.

Chapter 62-340, F.A.C. Data Form

§ denotes the Rule, subsection, paragraph, or subparagraph referenced from Ch. 62-340, F.A.C.

1. Date: Jun 10, 2024 2. Staff Present: Charlie Nolan, Jordan Evans 3. Form recorder(s): JE

4. County: Marion (42) 5. Site Name: Gissy_9150 SW 177th Ave Rd Tracking #: ERP_278137

6. Point ID: Wetland Reference Point 2 GPS Coordinates: 29° 5'31.22"N, 82°25'25.63"W

7. Distances and bearings from fixed objects (if no GPS):

8. Current condition of described point: (•) Authorized or legal condition ( ) Unauthorized or illegal condition

9. Work type: (•) Identification ( ) Delineation

Point status: (•) Wetland ( ) Non-Wetland Surface Water ( ) Upland

10. Vegetative Stratum §62-340.400: Using §62-340.400, F.A.C. with reasonable scientific judgment, select the appropriate vegetative stratum. (Do not include FAC species when determining 10% minimum areal extent.)

(•) Canopy (Min. 10% areal extent) ( ) Subcanopy (Min. 10% areal extent) ( ) Groundcover (No min. areal extent)

( ) Vegetation Absent *(skip to #14)* ( ) Evaluation Impossible *(skip to #14)* **Why?** Min. 10% areal extent

11. Plant List §62-340.200(2),(6),(16), §62-340.400, §62-340.450, F.A.C.:

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

Areal extent estimator: CMN

Select and identify plants in an area just large enough to represent and classify the plant community at the described point. Do not extend into different communities or hydrologic conditions.

1. Record the scientific name (binomial) and status of each plant species necessary to identify/delineate and classify the plant community in the selected area.
2. Record the percent areal extent in the canopy, subcanopy, and groundcover columns for each species.
3. For each species present in the **stratum selected in #10**, transfer the numbers from only that stratum's column into the appropriate status columns.

#	Binomial of Observed Species	Status	Canopy	Subcanopy	Groundcover	Upland	Facultative	Fac. Wet	Obligate
1.	Ilex cassine	O	50						50
2.	Sabal palmetto	U		60					
3.	Ulmus alata	FW	100					100	
4.	Taxodium distichum	O		5					
5.	Liquidambar styraciflua	FW			5				
6.	Hydrocotyle spp.	FW			20				
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									
18.									
19.									
20.									
Percent areal extent totals for the stratum selected in question 10						0	0	100	50

12. In the stratum selected in #10: What is the % areal extent of Obligate plants? 50

What is the % areal extent of Upland plants? 0

Is the areal extent of Obligate plants greater than that of Upland plants? (•) Yes ( ) No

13. In the stratum selected in #10: What is the total % areal extent of Obligate & Facultative Wet plants combined? 150

What is the total % areal extent of Obligate, Facultative Wet, & Upland plants combined? 150

What is the percentage of OBL + FACW in relation to all plants, excluding FAC? ($\frac{\text{OBL+FACW}}{\text{OBL+FACW+UPL}}$) 100.0%

Point ID/Location: 29° 5'31.22"N, 82°25'25.63"W | Soil describer: CMN

14. LRR/MLRA U | **Textures:** Peat, Mucky Peat, Muck, Mucky Mineral (S or F), Sand, Fine, Marl

15. Is a soil profile evaluation possible? ◉ Yes ○ No If no, why? *(**If No**, skip to #18)*

16. Soil Description: ***As is under current conditions, without considering RSJ[1] or the legality of any alterations***

Soil surface, or 0 inch depth for purposes of Chapter 62-340, F.A.C. is the muck or mineral surface (whether natural or fill)

Horizon	beginning to ending **Depth** (inches)	**Matrix Texture**	moist condition **Matrix Hue Value/ Chroma**	for sandy matrix horizons w/ value ≤ 3: **% Organic Coating**	- **Describe soil features: DA** (areas darker than matrix), **LA** (areas lighter than matrix), **RC** (redox concentrations): Record in moist condition **hue value/chroma; % volume in horizon; boundaries** (sharp/clear/diffuse); **shape** (rounded/linear/angular). - **OB** (organic bodies): Record **texture** (muck or mucky mineral), **% volume in horizon.** - **H_2S** (hydrogen sulfide odor): Indicate shallowest depth where detected - **Note** if horizon is **Physically Mixed (PM), Nonsoil** (any material not listed in "Textures" above), or **Fill** and describe.
1	0-8+	Muck	10YR 2/1	N/A	Uniform horizon.
2					
3					
4					
5					
6					

17. Hydric Soil Field Indicators: If present, check all Hydric Soil Field Indicators satisfied and specify their beginning and ending depths

☑ All Texture	☑ Sandy Texture	☑ Fine Texture
__(A1) Histosol*	__(S4) Sandy Gleyed Matrix*	__(F2) Loamy Gleyed Matrix*
__(A2) Histic Epipedon*	__(S5) Sandy Redox	__(F3) Depleted Matrix
__(A3) Black Histic*	__(S6) Stripped Matrix	__(F6) Redox Dark Surface
__(A4) Hydrogen Sulfide*	__(S7) Dark Surface	__(F7) Depleted Dark Surface
__(A5) Stratified Layers*	__(S8) Polyvalue Below Surface	__(F8) Redox Depression
__(A6) Organic Bodies	__(S9) Thin Dark Surface	__(F10) Marl
__(A7) 5cm Mucky Mineral*	__(S12) Barrier Islands 1cm Muck	__(F12) Iron-Manganese Masses
✓(A8) Muck Presence*		__(F13) Umbric Surface
__(A9) 1cm Muck*		__(F22) Very Shallow Dark Surface
__(A11) Depleted Below Dark Surface		
__(A12) Thick Dark Surface		

	Indicator Present	Begin Depth	End Depth
1.	A8	0	8+
2.			
3.			
4.			
5.			
6.			

* = *Stand-alone D Test - both hydric soil and hydrologic indicator*

To combine layers/indicators to meet thickness requirements, see NRCS Hydric Soils Technical Note 4.

18. Excluding organic horizons, is any nonsoil horizon present at or within the uppermost 12 inches of the ground surface?
○ Yes *(e.g. bedrock, rock outcrop, limestone fill, gravel, etc)* ◉ No ○ Soil profile or site inaccessible

19. Is one or more hydric soil field indicators present? ◉ Yes ○ No ○ Inconclusive *(e.g., evaluation to 12+ inches impeded by disturbance, water, nonsoil, no site access, etc.)*
If no or inconclusive, is the soil hydric as determined by other NRCS methods?
○ Yes ← Which method(s)? _____ ○ No ○ Inconclusive ← Why? _____
(e.g., hydric soil definition, HSTS[2], indicator present at drier elevation, indicator would be present but for disturbance)

20. Is the depth of the soil profile 20 inches or greater from the soil surface? ○ Yes ◉ No
If no, depth of soil profile is: 8 inches Why? Heavy texture.
(e.g., root refusal, nonsoil, water table, loose sand, heavy texture, compaction, weather conditions, inspection interrupted)

21. **Observed** height or depth of standing water from **soil** surface: Notes. inches ○ Above ○ Below ◉ Not Observed

Point ID/Location: 29° 5'31.22"N, 82°25'25.63"W	Indicator evaluator: CMN

22. Hydrologic Indicators: ***As is under current conditions, without considering RSJ[1] or the legality of any alterations***

Hydrologic Indicators per §62-340.500, F.A.C. (and as applied to §62-340.600, F.A.C.)	Present at or near point	Predicted during normal high water or wet season◆	Within 100 ft waterward of point (not for upland points)	1. Describe the type of all checked indicators. 2. Approximate the distance and compass direction of indicators within 100 ft of the point. 3. For water level indicators (potential indicators denoted by *) **note the height from ground surface** at the point as well as waterward (with distance from point). ◆Only for indicators not present due to dry season/drought
(1) Algal mats*				
(2) Aquatic mosses or liverworts*				
(3) Aquatic plants*				
(4) Aufwuchs*				
(5) Drift lines and rafted debris*				
(6) Elevated lichen lines*				
(7) Evidence of aquatic fauna	✓			Fish, 15 feet south of point.
(8) Hydrologic data*	✓			Standing water, 10 ft S of point, 2 in. deep. A8 at soil surface.
(9) Morphological plant adaptations*	✓			Loop root on U. alata, 10 ft. S of point.
(10) Secondary flow channels				
(11) Sediment deposition*				
(12) Tussocks or hummocks*				
(13) Water marks*				

Highest water level indicator height at point: 2 inches ○ Above Ground Surface ○ No Water Level Indicators ◉ Above Soil Surface ○ N/A (described point is Upland)

23. Is one or more hydrologic indicator(s) listed in §62-340.500, F.A.C. present or predicted with normal high water or wet season conditions at the described point? ◉ Yes ○ No ○ Evaluation Impossible ← Why? _____

24. Delineation by Wetland Definition §62-340.300(1), F.A.C.

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

a) Has a wetland boundary been delineated at the described point? ○ Yes ◉ No *(**If No**, skip to #25)*

b) If yes to 24a, can the boundary be easily delineated using the definition of wetlands? ○ Yes ○ No

25. A & B Test Wetland Criteria §62-340.300(2)(a),(b), F.A.C.

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

a) Is the areal extent of Obligate plants in the stratum selected in #10 greater than the areal extent of all Upland plants in that stratum? (See #12) ◉ Yes ○ No ○ Vegetation Absent *(skip to #25f)* ○ Evaluation Impossible *(skip to #26a)*

b) Is the areal extent of Obligate and/or Facultative Wet plants in the stratum selected in #10 equal to or greater than 80% of all the plants in that stratum, excluding Facultative plants? (See #13) ◉ Yes ○ No

c) Is the soil hydric as identified using standard NRCS definitions and practices? (see #19) ◉ Yes ○ No ○ Indeterminable with current conditions ← Why? _____

d) Is the substrate composed of riverwash, nonsoil (see #18), rock outcrop-soil complex, or is the substrate located within an artificially created wetland area? ○ Yes ◉ No If yes, which condition is present? _____

e) Is one or more of the hydrologic indicators in §62-340.500, F.A.C. present at the described point? (See #23) ◉ Yes ○ No

f) Are the A Test criteria met per §62-340.300(2)(a), F.A.C. at the described point? ◉ Yes ○ No
(Note: If yes to 25a and yes to either 25c, 25d, or 25e, A Test criteria are met)

g) Are the B Test criteria met per §62-340.300(2)(b), F.A.C. at the described point? ◉ Yes ○ No
(Note: If yes to 25b and yes to either 25c, 25d, or 25e, B Test criteria are met)

h) Are there any **alterations or conditions** affecting reliable application of the A or B Test such that the Altered Sites Test is more appropriate? ○ Yes ◉ No

Point ID/Location: 29° 5'31.22"N, 82°25'25.63"W

26. C Test Wetland Criteria §62-340.300(2)(c), F.A.C.

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

a) Per §62-340.300(2)(c), F.A.C. is the described point Pine Flatwoods or Improved Pasture, or does it have drained soils? ○ Yes ◉ No ***If yes**, select which of the following are met, then skip to #26d*

☐ Pine Flatwoods ☐ Improved Pasture ☐ Drained Soils

***Pine Flatwoods** must have flat terrain, a monotypic or mixed canopy of long leaf pine or slash pine, and a ground cover dominated by saw palmetto with other species that are NOT obligate or facultative wet. **Improved Pasture** means areas where the dominant native plant community has been replaced with planted or natural recruitment of herbaceous species which are NOT obligate or facultative wet species and which have been actively maintained for livestock through mechanical means or grazing. **Drained Soils** are those in which permanent alterations, excluding mechanical pumping, preclude the formation of hydric soils.*

b) Are the soils at the described point saline sands (salt flats-tidal flats), **or** have they been **field verified** by NRCS's Keys to Soil Taxonomy (4th ed. 1990) as Umbraqualfs, Sulfaquents, Hydraquents, Humaquepts, Histosols (except Folists), Argiaquolls, or Umbraquults? ○ Yes ◉ No

c) Do the soils at the described point have a NRCS hydric soil field indicator (see #17), **and** is the point located within a map unit named or designated by the NRCS as frequently flooded, depressional, or water?

Map Unit: 24 - Candler clay, overwash, 0 to 2 percent slopes ○ Yes ◉ No ○ Inconclusive ← Why? _____ *(skip to #27a)*

d) Are the C Test criteria met per §62-340.300(2)(c), F.A.C. at the described point? ○ Yes ◉ No
(Note: If no to 26a and yes to either 26b or 26c, C Test criteria are met)

e) Are there any **alterations or conditions** affecting reliable application of the C Test such that the Altered Sites Test is more appropriate? ○ Yes ◉ No

27. D Test Wetland Criteria §62-340.300(2)(d), F.A.C.

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

a) Is the soil hydric as verified by a NRCS hydric soil field indicator? (See #17)

◉ Yes ○ No *(skip to #27d)* ○ Inconclusive ← Why? _____ *(skip to #28)*

b) Does any NRCS hydric soil field indicator begin **at the soil surface or** are any of the following indicators present: A1, A2, A3, A4, A5, A7, A8, A9, S4, F2? ◉ Yes ○ No *(If yes, then hydrologic indicator §62-340.500(8) or (11) is met)*

c) Is one or more of the hydrologic indicators in §62-340.500, F.A.C. present at the described point? (See #23) ◉ Yes ○ No

d) Are the D Test criteria met per §62-340.300(2)(d), F.A.C. at the described point? ◉ Yes ○ No
(Note: If yes to 27a and yes to either 27b or 27c, D Test criteria may be met)

e) Are there any **alterations or conditions** affecting reliable application of the D Test such that the Altered Sites Test is more appropriate? ○ Yes ◉ No

28. Altered Sites Tests §62-340.300(3), F.A.C. (Legal/Authorized or Illegal/Unauthorized)

*For purposes of Chapter 62-340, F.A.C. **altered** refers to any natural or man-induced condition(s) which **masks or eliminates reliable expression** of wetland indicators (i.e. hydrophytic vegetation, hydric soils, and hydrologic indicators). **Unaltered or normal does not require a natural condition**, only an expression of wetland indicators that is sufficient to **reliably** identify or delineate the wetland using the criteria in §62-340.300, F.A.C.*

Are alterations affecting normal wetland condition? ○ Yes ◉ No *(skip to #32)* ○ Evaluation Impossible *(skip to #32)*

29. Authorized or Legally Altered Vegetation and Soils Test Criteria §62-340.300(3)(a), F.A.C.

a) Are there **authorized** or **legal** alterations affecting reliable expression of vegetation at the described point? ○ Yes ○ No If yes, how? _____

b) Are there **authorized** or **legal** alterations affecting reliable soil evaluation at the described point? ○ Yes ○ No If yes, how? _____ ***(If no to both** 29a and 29b, skip to #30)*

c) If yes to 29a or 29b, which criteria tests are affected by the legal alterations?

☐ A Test ☐ B Test ☐ C Test ☐ D Test

d) Using the most reliable available information and reasonable scientific judgment, would the types of evidence and characteristics contemplated in §62-340.300, F.A.C. identify or delineate the described point as a wetland with cessation of the legal altering activities? ○ Yes ○ No If no, why? _____ ***(If no**, skip to #30)*

e) If yes to 29d, what §62-340.300, F.A.C. evidence is present now and/or will be present in the future with cessation of legal altering activities? ☐ Plants ☐ Soils ☐ Hydrologic indicators

f) If yes to 29d, which tests would be passed with cessation of legal altering activities?

☐ Wetland Definition ☐ A Test ☐ B Test ☐ C Test ☐ D Test

Why? _____

Point ID/Location: 29° 5'31.22"N, 82°25'25.63"W

30. Authorized or Legally Altered Hydrology Test Criteria §62-340.300(3)(b), F.A.C.

a) Has wetland hydrology of the area been **legally** drained or lowered? ○ Yes ○ No *(**If no**, skip to #31)*
If yes, how? _____

b) Has wetland hydrology been **legally** eliminated at the described point? ○ Yes ○ No *(**If no**, skip to #31)*

c) If yes to 30b, using reasonable scientific judgment or §62-340.550, F.A.C., have dredging or filling activities authorized by **Part IV** of Chapter 373, F.S. **permanently eliminated** wetland hydrology at the described point such that the wetland definition cannot be met? ○ Yes (point is upland) ○ No *(**If yes**, skip to #31)*

*Chapter 373, F.S. Part II activities (e.g., water use permits) or other temporary hydrologic alterations (e.g., surface water pumps, drought) do **not** apply to this or any other Ch. 62-340, F.A.C. determinations.*

d) If no to 30c, what §62-340.300, F.A.C. evidence is present now and/or will be present in the future with cessation of temporary hydrologic drainage? ☐ Plants ☐ Soils ☐ Hydrologic indicators

e) If no to 30c, Which tests would be passed with cessation of temporary hydrologic alterations?
☐ Wetland Definition ☐ A Test ☐ B Test ☐ C Test ☐ D Test
Why? _____

31. Unauthorized or Illegally Altered Sites Test Criteria §62-340.300(3)(c), F.A.C.

*If the altering activity is a violation of regulatory requirements, then application of §62-340.300(3)(c), F.A.C. and all provisions of Chapter 62-340, F.A.C. are utilized to identify or delineate the wetland in a forensic manner. **This identification or delineation reflects the condition immediately prior to the unauthorized alteration**.*

a) Have any **unauthorized** alterations affected the normal wetland condition at the described point? ○ Yes ○ No
If yes, how? _____ *(**If no**, skip to #32)*

b) If yes to 31a, which criteria tests are affected by the unauthorized alterations?
☐ A Test ☐ B Test ☐ C Test ☐ D Test

c) With reasonable scientific judgment is the described point a wetland, or would it have been a wetland immediately prior to the unauthorized alteration? ○ Yes ○ No If no, why? _____ *(**If no**, skip to #32)*

d) If yes to 31c, what §62-340.300, F.A.C. evidence is present now and/or was present immediately prior to the unauthorized alteration? ☐ Plants ☐ Soils ☐ Hydrologic indicators

e) If yes to 31c, which tests would be passed immediately prior to the unauthorized alteration?
☐ Wetland Definition ☐ A Test ☐ B Test ☐ C Test ☐ D Test
Why? _____

32. Wetland and Other Surface Water Summary §62-340.600(2)(a-e), F.A.C.:

Given **normal** expression, **cessation** of **authorized** alterations, or **immediately prior** to any **unauthorized** alterations:

a) With **reasonable scientific judgment** is the described point a wetland as defined in §62-340.200(19), F.A.C. and located by Ch. 62-340, F.A.C.? ◉ Yes ○ No If yes, which criteria identified or delineated the wetland?
☒ Wetland Definition ☒ A Test ☒ B Test ☐ C Test ☒ D Test
If summary answers differ from answers in 25f, 25g, 26d, or 27d, why? _____

b) Is the described point located at or within the Mean High Water Line of a tidal water body?
○ Yes ◉ No ○ MHWL Unknown

c) Is the described point located at or within the Ordinary High Water Line of a non-tidal natural water body or natural watercourse? ○ Yes ◉ No

d) Is the described point located at or within the top of the bank of an artificial lake, borrow pit, canal, ditch, or other type of artificial water body or watercourse with side slopes of 1 foot vertical to 4 feet horizontal or steeper, excluding spoil banks when the canals and ditches have resulted from excavation into the ground? ○ Yes ◉ No

e) Is the described point located at or within the Seasonal High Water Line of an artificial lake, borrow pit, canal, ditch, or other type of artificial water body or watercourse with side slopes flatter than 1 foot vertical to 4 feet horizontal or an artificial water body created by diking or impoundment above the ground? ○ Yes ◉ No

33. Connection or Isolation of Wetland per Applicant's Handbook Vol.1 Section 2.0

If the described point is a wetland, does it have a connection via wetlands or other surface waters, or is it wholly surrounded by uplands and therefore isolated? ◉ Connected ○ Isolated ○ N/A (Point is not wetland)

Point ID/Location: 29° 5'31.22"N, 82°25'25.63"W

34. Photographs and/or videos: Soil profile with Data Form, Soil profile close-up, Cross section(s) at 6" depth for sandy textures and/or critical depths for fine textures, Hydric soil indicators, Water table or inundation depth, Four cardinal directions of plant strata present, Hydrologic indicators (with scale as necessary), Critical plant ID (optional)

#	Memory Card # / Metadata	Description, compass direction (if applicable)	Taken By
1.	Gissy_9150 SW 177 Ave Rd--inspectionphoto-20240610-162801	Soil profile.	JE
2.	Gissy_9150 SW 177 Ave Rd--inspectionphoto-20240610-162745	Soil profile close-up.	JE
3.	Gissy_9150 SW 177 Ave Rd--inspectionphoto-20240610-162834	Cut at 6 inches.	JE
4.	Gissy_9150 SW 177 Ave Rd--inspectionphoto-20240610-163110	Standing water, 2 inches deep, 10 ft S of point.	CMN
5.	Gissy_9150 SW 177 Ave Rd--inspectionphoto-20240610-163340	Evidence of aquatic fauna, fish, 15 ft S of point.	CMN
6.	Gissy_9150 SW 177 Ave Rd--inspectionphoto-20240610-163422	Loop root on U. alata, 10 ft S of point.	CMN
7.	Gissy_9150 SW 177 Ave Rd--inspectionphoto-20240610-163646	Photo of point facing north.	CMN
8.	Gissy_9150 SW 177 Ave Rd--inspectionphoto-20240610-163701	Photo of point facing east.	CMN
9.	Gissy_9150 SW 177 Ave Rd--inspectionphoto-20240610-163741	Photo of point facing south.	CMN
10.	Gissy_9150 SW 177 Ave Rd--inspectionphoto-20240610-163756	Photo of point facing west.	CMN
11.			
12.			
13.			
14.			

Notes: 21. Soil was very saturated and mucky and the hole from where the soil plug was obtained was quickly refilled with more muck. Due to the presence of A8 at soil surface, the Seasonal High Water Table should be at or above the surface. Using RSJ, water would have been visible within the soil plug hole, had the surrounding soil not refilled the hole.

34. Originally, the photographs for this data point were taken on the Survey123 Application, however when the photo log was accessed on the computer, the data had been corrupted. The photos were manually transferred to a photo album, but the file names of each image reflect the source of each photo being from the Survey123 application.

Helpful Definitions for Applying Ch 62-340, F.A.C.

[1]**RSJ** stands for Reasonable Scientific Judgment where used throughout this Data Form (See *The Florida Wetlands Delineation Manual* pg. 2 & 12)

[2]**HSTS** stands for Hydric Soils Technical Standard (See NRCS Hydric Soils Technical Note 11)

Definition from §62.340.200(19) Florida Administrative Code

"**Wetlands**," as defined in subsection 373.019(17), F.S., means those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.

Definition from §373.019(19) Florida Statutes

"**Surface water**" means water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface.

Definition from §373.019(14) Florida Statutes

"**Other watercourse**" means any canal, ditch, or other artificial watercourse in which water usually flows in a defined bed or channel. It is not essential that the flowing be uniform or uninterrupted.

Definition from §62.340.200(15) Florida Administrative Code

"**Seasonal High Water**" means the elevation to which the ground and surface water can be expected to rise due to a normal wet season.

From The Florida Wetlands Delineation Manual pg. 37

Ordinary high water is that point on the slope or bank where the surface water from the water body ceases to exert a dominant influence on the character of the surrounding vegetation and soils. The OHWL frequently encompasses areas dominated by non-listed vegetation and non-hydric soils. When the OHWL is not at a wetland edge, the general view of the area may present an "upland" appearance.

Definition from §403.803(14) Florida Statutes

"Swale" means a manmade trench which:

(a) Has a top width-to-depth ratio of the cross-section equal to or greater than 6:1, or side slopes equal to or greater than 3 feet horizontal to 1 foot vertical;

(b) Contains contiguous areas of standing or flowing water only following a rainfall event;

(c) Is planted with or has stablized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and

(d) Is designed to take into acount the soil erodibility, soil percolation, slope, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

Site Inspection Photos

Site ID ERP_278137
Project Name: Gissy_9150 SW 177th Ave Rd_Fence
Parcel ID: 34572-002-00
Staff: Charlie Nolan, Jordan Evans, Mara GalvezGonzalez
Soil Profile ID: Wetland Reference Point 2
Date: 6/10/2024

All photos in this album have not been altered and are in original format.

Gissy_9150 SW 177 Ave Rd--inspectionphoto-20240610-162801: Soil profile.

Gissy_9150 SW 177 Ave Rd--inspectionphoto-20240610-162745: Soil profile close-up.

Gissy_9150 SW 177 Ave Rd--inspectionphoto-20240610-162834: Cut at 6 inches.

Gissy_9150 SW 177 Ave Rd--inspectionphoto-20240610-163110: Standing water, 2 inches deep, 10 ft S of point.

Gissy_9150 SW 177 Ave Rd--inspectionphoto-20240610-163340: Evidence of aquatic fauna, fish, 15 ft S of point.

Gissy_9150 SW 177 Ave Rd--inspectionphoto-20240610-163422: Loop root on U. alata, 10 ft S of point.

Gissy_9150 SW 177 Ave Rd--inspectionphoto-20240610-163646: Photo of point facing north.

Gissy_9150 SW 177 Ave Rd--inspectionphoto-20240610-163701: Photo of point facing east.

Gissy_9150 SW 177 Ave Rd--inspectionphoto-20240610-163741: Photo of point facing south.

Gissy_9150 SW 177 Ave Rd--inspectionphoto-20240610-163756: Photo of point facing west.