



FLORIDA DEPARTMENT OF Environmental Protection

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Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

November 13, 2024

Water View Property Owners' Association, Inc.
3754 Cape Haze Dr
Rotonda West, FL 33947
sthompson.1949@gmail.com

Prince J. & Diane I. Contemprato
5753 Highway 85 N #3120
Crestview, FL 32536

Re: Warning Letter
Site No. 388517 / Project Nos. 420197 and 421018
Man-Altered Waterbody, Class III waters
Parcel No. 412126103010 – Greenbelt area adjacent to 9149 Lane Ct, Port Charlotte,
Florida 33981
Charlotte County – SLERC

Waterview Property Owners Association, Inc. and Prince and Diane Contemprato:

A compliance inspection was conducted at the above-referenced site on **October 29, 2024**. During this inspection, possible violations of Section(s) 403.9321-403.9333, 373.430(1), 403.9326, Florida Statutes (F.S.), and Rule 62-330.020(2), Florida Administrative Code (F.A.C.), were observed.

During the inspection, Florida Department of Environmental Protection (department) personnel noted the following activities were conducted without a permit from the department:

- Installation of approximately 282 square feet of riprap
- Alteration of approximately 456 square feet of mangroves

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 403.121, Florida Statutes.

Please contact **Kelly Dino** at **(239) 344-5636** or Kelly.Dino@FloridaDEP.gov, within **15 days** of receipt of this Warning Letter to arrange a meeting to discuss this matter. The department is interested in receiving any facts you may have that will assist in determining whether any

Waterview Property Owners' Association
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violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,



Elizabeth "Liz" Sweigert
Director of District Management
South District Office
Florida Department of Environmental Protection

Enclosures: Site Inspection Report
Chapter 62-340, F.A.C. Data Forms (Test Point 1)
Photo Log (Test Point 1)



Florida Department of Environmental Protection
 SOUTH DISTRICT COMPLIANCE ASSURANCE PROGRAM
 ERP Inspection Report

Inspection Date: 10/29/2024

Compliance Status: In Compliance

Inspector: Kelly Dino

Minor Non-Compliance

Persons present during inspection: Xenia Alonso

Significant Non-Compliance

Inspection Type:

Complaint

Compliance

Enforcement

Other: Application Review Related

Application File No. 388517-003EE

Site No. 388517

Project Nos. 420197 and 421018

Owner of Property 1: Waterview Property Owners Association Inc.

Contact: 3754 Cape Haze Dr, Rotonda West, FL 33947.

Previous Owners of Property 2: Prince J. Contemprato & Diane I. Contemprato

Contact: 5753 Highway 85 N #3120, Crestview, FL 32536.

Current Owner of Property 2: Kory B. McGlothlen & Theresa K. McGlothlen

Contact: 9149 Lane Ct, Port Charlotte, FL 33981.

Activity/Site Locations:

A section of Parcel ID 412126103010 that is adjacent to 9149 Lane Ct, Port Charlotte, FL 33981 Parcel ID 412123151002 and outlined in white in Figure 2 below (Property 1)

9149 Lane Ct, Port Charlotte, FL 33981, Parcel ID 412123151002 (Property 2)

Waterbody: Unnamed wetlands

State Lands: Yes No

Class: I II III IV V

Aquatic Preserve: Yes No

Shellfish Harvesting: Approved Conditionally Approved
 Conditionally Restricted Prohibited
 Unclassified

Aquatic Preserve Name: N/A

Outstanding Florida Waters (OFW): Yes No

SSL Lease Inspection Completed: N/A

Site History

Property 1 is owned by Waterview Property Owners Association, Inc.

05/21/2018: According to Charlotte County records (Instrument Nos. 6082116 & 6500173), Prince J. Contemprato and Diane I. Contemprato obtained ownership of Property 2. Property 2 is directly adjacent to Property 1.

6/2/2020: Marine Contracting Group, Inc. used the Florida Department of Environmental Protection's (department) electronic Self Certification process to certify compliance with the terms and conditions to

construct an exempt dock (Self Certification file No. 0388517-001 EE) at a private, single-family residence on Property 1.

prior to 01/2021: A review of aerial photographs of Property 1 by department staff (Kelly Dino) indicates that approximately 50 linear feet of rip rap was installed along the shoreline of Property 1 (see Figure 3).

4/18/2022: According to Charlotte County records (Instrument No. 3092179), Kory B. McGlothlen & Theresa K. McGlothlen obtained ownership of Property 2.

2/13/2024: The department received an application for a Verification of Exemption from an Environmental Resource Permit (ERP) (File No. 0388517-002 EE) to install a boat lift cover over an existing boat slip for a total overwater structure of 787 square feet along the shoreline of Property 1. This exemption was verified.

5/29/2024: The department received an application for a Verification of Exemption from an ERP (File No. 0388517-003 EE) for an after-the-fact authorization to place riprap along the shoreline of Property 1.

Inspection Findings

10/29/2024: Department staff conducted a site inspection of Property 1 and Property 2. The following department staff were present at the time of inspection: Kelly Dino and Xenia Alonso.

Dock

At the time of inspection, department staff observed that Property 1 had been cleared and filled. Department staff observed a docking structure with a covered boatlift and measured the total overwater surface area to be approximately 647 square feet.

Pursuant to Chapter 62-330.051(5)(b), Florida Administrative Code (F.A.C.) and Section 403.813(1)(b), Florida Statutes (F.S.), construction of a dock with an overwater area of 1,000 square feet or less, with a minimum distance of 65 feet from another dock, is exempt from the need to obtain an ERP permit. **Therefore, the docking structure is considered exempt.**

Uplands

Pursuant to Chapter 62-340, F.A.C., Property 1 was determined to be uplands. Additional information on how this determination was made is attached in the 62-340, F.A.C. Data Form (Test Point 1). This determination was made using reasonable scientific judgement, conducting a review of historical aerial maps of this area, on site visual inspection, ground truthing, and the altered site methodology described in Chapter 62-340, F.A.C. Wetland delineations pertaining to potentially non-compliant activities do not consider the alterations as they exist but rather what they were immediately before the non-compliant activities took place. Thus, the information used for the wetland determination was collected from 1 test point (Test Point 1) and used in a forensic manner.

Test Point 1 is a location where the canopy, sub-canopy, and ground cover vegetation was left undisturbed by recent filling activities. In addition, the ground surface at Test Point 1 was left undisturbed and at original grade. Test Point 1 was determined to be uplands under the guidelines provided by Chapter 62-340, F.A.C. Additional information on how this determination was made is in the attached 62-340, F.A.C. Data Form.

Riprap

At the time of inspection, department staff also observed approximately 282 square feet of rip rap installed along the shoreline of Property 1.

Installation of riprap along the shoreline of Property 1 does not meet the exemption criteria outlined in Chapter 62-330.051(12)(a) F.A.C.

Pursuant to Chapter 62-330.020, F.A.C., installation of riprap in a man-altered waterway required a permit from the department. The department has no record of a permit being issued for Property 1.

Mangroves

Additionally, at the time of inspection, department staff observed mangroves along the shoreline of Property 1. Department staff observed that approximately 76 linear feet of mangroves had been removed from along the shoreline of Property 1. The remaining mangroves consisted of approximately 50% red mangroves (*Rhizophora mangle*) and 50% white mangroves (*Laguncularia racemosa*). Department staff measured the remaining mangroves to range between 10-16 feet in height, as measured from the substrate, with an average diameter at breast height (DBH) of approximately 1-3 inches. The remaining mangrove fringe was measured to be approximately 6 feet in depth.

Pursuant to Section 403.9328, F.S., these mangrove alteration activities required a permit from the department. The department has no record of a mangrove permit being issued for Property 1.

Resource Assessment

SHORELINE STABILIZATION

Total Length of Shoreline (ft.):	~8,128
Length of Shoreline Stabilized (ft.):	~50
Type of Shoreline Stabilization:	Riprap
Approx. Waterward Distance from MHW (ft.):	~6

DOCK

Total Length of Shoreline (ft.):	~8,128
Dock Over-Water Area (sq. ft.):	~647
Number of Slips:	1 Covered 0 Uncovered
Unauthorized Structures:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA

MANGROVES

Total Length of Shoreline (ft.):	~8,128
Length of Mangrove Fringe (ft.):	~76
Depth of Mangrove Fringe (ft.):	~6
Mangroves Trimmed:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 0%
Mangroves Altered:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 50%
Pre-Impact Height:	<input type="checkbox"/> <6 ft. <input type="checkbox"/> 6-10 ft. <input checked="" type="checkbox"/> 10-16 ft. <input type="checkbox"/> 16-24 ft. <input type="checkbox"/> >24 ft. <input type="checkbox"/> Unknown
Post-Impact Height:	<input checked="" type="checkbox"/> <6 ft. <input type="checkbox"/> 6-10 ft. <input type="checkbox"/> 10-16 ft. <input type="checkbox"/> 16-24 ft. <input type="checkbox"/> >24 ft.
Average Diameter at Breast Height (DBH):	<input type="checkbox"/> <1" <input checked="" type="checkbox"/> 1-3" <input type="checkbox"/> 3-5" <input type="checkbox"/> 5-7" <input type="checkbox"/> >7"
Percent Canopy Cover by Species:	50% RED 0% BLK 50% WHT 0% OTHER: N/A

Recommendations for Corrective Action

For Waterview Property Owner’s Association and Prince J. Contemprato & Diane I. Contemprato:

1. Cease all unauthorized mangrove trimming and alteration on Property 1; and
2. Cease any further unauthorized activities, construction, and discharge of fill materials in wetlands and/ or other surface waters on Property 1; and
3. Enter into a Consent Order with the department to resolve the unauthorized riprap and mangrove

alteration on Property 1; and

4. Conduct any future work involving mangroves in accordance with the 1996 Mangrove Preservation and Trimming Act ([link below](#)) or obtain appropriate regulatory authorization from the department prior to any future mangrove trimming or alterations pursuant to Sections 403.9321-409.9333, F.S.; and
5. Obtain the appropriate regulatory authorization from the department for any future construction in wetlands or surface waters, pursuant to Chapters 62-330 and 62-331, F.A.C.

Statute/Rule Reference(s)

Chapter 62-330, Florida Administrative Code (F.A.C.)

Chapter 62-340, Florida Administrative Code (F.A.C.)

Section 373.430, Florida Statutes (F.S.)

Sections 403.9321-409.9333, Florida Statutes (F.S.)

Links to Additional Documentation and/or Resources

Florida Statutes: <http://www.leg.state.fl.us/STATUTES/>

Florida Administrative Code: <https://www.flrules.org/>

Mangrove Trimming and Preservation Act: https://floridadep.gov/sites/default/files/mtpa96_0.pdf

Mangrove Trimming Guidelines for Homeowners: https://floridadep.gov/sites/default/files/Mangrove-Homeowner-Guide-sm_0.pdf



Kelly Dino, Environmental Specialist III

10/30/2024

Date



Matt Czahor, Environmental Administrator

11/06/2024

Date

Site Inspection Figures and Photos

Inspection Date: 10/29/2024

Inspector: Kelly Dino



Figure 1: 2024 aerial photograph of Property 1 (outlined in green) and Property 2 (shaded in yellow). Taken from Charlotte County Property Appraiser website.



Figure 2: 2017 aerial photograph of Property 1 (outlined in white) and Property 2 (outlined in yellow). Taken Aerial photograph taken from Google Earth.

Site Inspection Figures and Photos

Inspection Date: 10/29/2024

Inspector: Kelly Dino

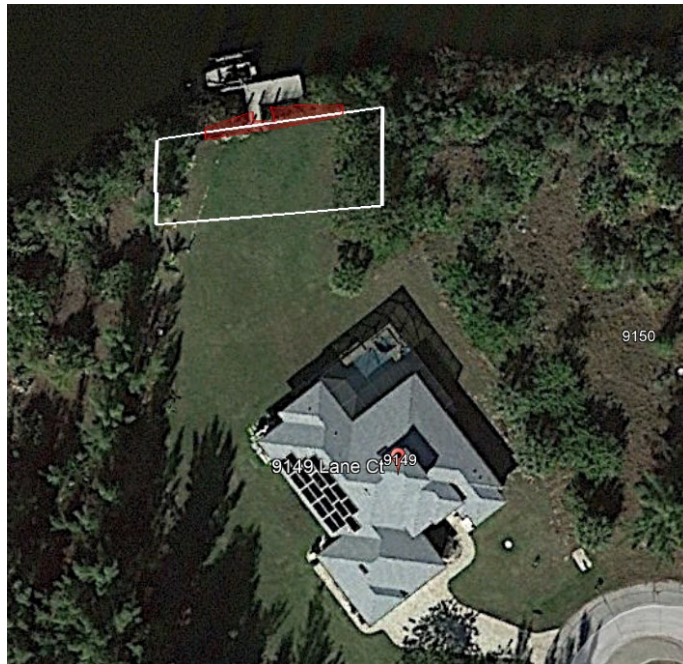


Figure 3: 2021 aerial photograph showing the unauthorized rip rap (shaded in red) on Property 1 (outlined in white).



Figure 3: Figure showing the approximately property boundaries of Property 1 (outlined in white) and Property 2 (outlined in yellow), the uplands boundary (shaded in orange), exempt docking structure (shaded in blue), unauthorized rip rap (shaded in red), unauthorized impacts to mangroves (shaded in aqua) and location of Test Point 1 (indicated by the yellow pin). 2023 aerial photograph taken from Google Earth.

Site Inspection Figures and Photos

Inspection Date: 10/29/2024

Inspector: Kelly Dino



Photo 1: View of Property 1. Facing north.



Photo 2: View of exempt docking structure along the shoreline of Property 1. Facing north.



Photo 3: View of unauthorized riprap along the shoreline of Property 1. Facing north.



Photo 4: Additional view of unauthorized riprap along the shoreline of Property 1. Facing north.



Photo 5: Additional view of unauthorized riprap along the shoreline of Property 1. Facing west.

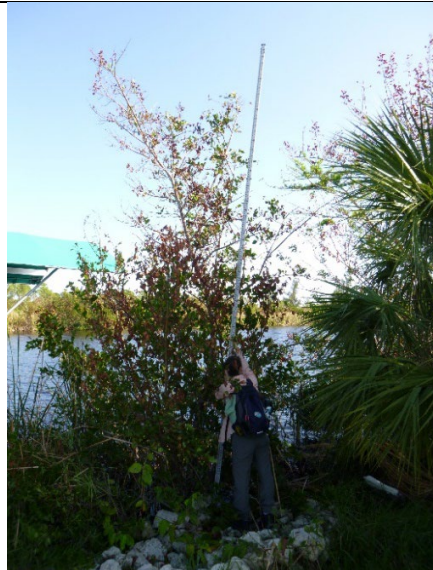


Photo 6: View of remaining mangroves along the shoreline of Property 1. Facing east.



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

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

1. Date: 10/29/2024 2. Staff Present: Kelly Dino, Xenia Alonso 3. Form recorder(s): KD
 4. County: Charlotte 5. Site Name: 9149 Lane Ct Tracking #: _____
 6. Point ID: Test Point 1 GPS Coordinates: 26°53'52"N, -82°11'23"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?** _____

11. Plant List §62-340.200(2),(6),(16), §62-340.400, §62-340.450, F.A.C.: Areal extent estimator: KD
As is under current conditions, without considering RSJ¹ or the legality of any alterations:

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.	Serenoa repens	U			30				
2.	Sabal palmetto	F	40				40		
3.	Liatris aspera	U			2				
4.	Schinus terebinthifolius	F	10	50			10		
5.	Myrsine guianensis	F	5				5		
6.	Setaria geniculata	F			1				
7.	Andropogon virginicus	F			3				
8.	Phyla spp	F			1				
9.	Spermacoce verticillata	U			1				
10.	Dactyloctenium aegyptium	U			2				
11.	Flaveria linearis	FW			3				
12.									
13.									
14.									
15.									
16.									
17.									
18.									
19.									
20.									

Percent areal extent totals for the stratum selected in question 10 0 55 0 0

12. In the stratum selected in #10: What is the % areal extent of Obligate plants? 0
 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? 0
 What is the total % areal extent of Obligate, Facultative Wet, & Upland plants combined? 0
 What is the percentage of OBL + FACW in relation to all plants, excluding FAC? ($\frac{OBL+FACW}{OBL+FACW+UPL}$) 0.0%

Point ID/Location: 26°53'52"N, -82°11'23"W Soil describer: KD

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 RSJ¹ 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 . - H₂S (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	0-2.5	sand	10 YR 4/4	N/A	LA: 10 YR 4/6, round/diffuse, 20% LA2: 10 YR 6/4, round/diffuse, 2%
2	2.5-10	sand	10 YR 5/3	N/A	LA: 10 YR 4/3, round/diffuse, 8% DA: 10 YR 6/4, round/diffuse, 10%
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

<input checked="" type="checkbox"/> All Texture	<input checked="" type="checkbox"/> Sandy Texture	<input checked="" type="checkbox"/> Fine Texture	Indicator Present	Begin Depth	End Depth
<input type="checkbox"/> (A1) Histosol*	<input type="checkbox"/> (S4) Sandy Gleyed Matrix*	<input type="checkbox"/> (F2) Loamy Gleyed Matrix*	1. S6	2.5	10
<input type="checkbox"/> (A2) Histic Epipedon*	<input type="checkbox"/> (S5) Sandy Redox	<input type="checkbox"/> (F3) Depleted Matrix	2. _____	_____	_____
<input type="checkbox"/> (A3) Black Histic*	<input checked="" type="checkbox"/> (S6) Stripped Matrix	<input type="checkbox"/> (F6) Redox Dark Surface	3. _____	_____	_____
<input type="checkbox"/> (A4) Hydrogen Sulfide*	<input type="checkbox"/> (S7) Dark Surface	<input type="checkbox"/> (F7) Depleted Dark Surface	4. _____	_____	_____
<input type="checkbox"/> (A5) Stratified Layers*	<input type="checkbox"/> (S8) Polyvalue Below Surface	<input type="checkbox"/> (F8) Redox Depression	5. _____	_____	_____
<input type="checkbox"/> (A6) Organic Bodies	<input type="checkbox"/> (S9) Thin Dark Surface	<input type="checkbox"/> (F10) Marl	6. _____	_____	_____
<input type="checkbox"/> (A7) 5cm Mucky Mineral*	<input type="checkbox"/> (S12) Barrier Islands 1cm Muck	<input type="checkbox"/> (F12) Iron-Manganese Masses			
<input type="checkbox"/> (A8) Muck Presence*		<input type="checkbox"/> (F13) Umbric Surface			
<input type="checkbox"/> (A9) 1cm Muck*		<input type="checkbox"/> (F22) Very Shallow Dark Surface			
<input type="checkbox"/> (A11) Depleted Below Dark Surface	* = 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.		
<input type="checkbox"/> (A12) Thick Dark Surface					

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, HSTS², 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: 10 inches Why? loose sand
(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: _____ inches Above Below Not Observed

22. Hydrologic Indicators: *As is under current conditions, without considering RSJ¹ 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*				
(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: _____ 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 RSJ¹ 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 RSJ¹ 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

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

As is under current conditions, without considering RSJ¹ 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: Matlacha gravelly fine sand-Urban land complex, 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 RSJ¹ 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: 26°53'52"N, -82°11'23"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: 26°53'52"N, -82°11'23"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.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			

Notes: see attached photo log

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 stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and
- (d) Is designed to take into account the soil erodibility, soil percolation, slope, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

**Test Point 1 Photo Log – Greenbelt area adjacent to 9149 Lane Ct – Charlotte County Parcel ID:
412126103010**

(All photos were taken on October 29, by Kelly Dino)



1. Representative vegetative community at Test Point 1, facing north.



2. Representative vegetative community at Test Point 1, facing east.



3. Representative vegetative community at Test Point 1, facing south.



4. Representative vegetative community at Test Point 1, facing west.



5. View of soil profile taken at Test Point 1.



6. View of soil profile cross-section at 1.5 inches below soil surface at Test Point 1.

**Test Point 1 Photo Log – Greenbelt area adjacent to 9149 Lane Ct – Charlotte County Parcel ID:
412126103010**

(All photos were taken on October 29, by Kelly Dino)



7. View of soil profile cross-section at 4 inches below soil surface at Test Point 1.