



# FLORIDA DEPARTMENT OF Environmental Protection

South District  
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**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

July 22, 2024

Nikola and Jelka Petrovic  
4454 Peppermill Ln  
Lake Orion, MI 48359  
[jsp1958@hotmail.com](mailto:jsp1958@hotmail.com)

Re: Warning Letter  
Site No. 329643 / Project No. 418878  
Complaint No. 40829  
Unnamed Wetlands, Class III Waters  
Parcel No. 412126103010 – Greenbelt area adjacent to 16152 La Barge Cir, Port  
Charlotte, Florida 33981  
Charlotte County – SLERC

Nikola and Jelka Petrovic:

A complaint inspection was conducted at the above-referenced site on May 17, 2024. During this inspection, possible violations of Section(s) 403.9321-403.9333, 403.161(1), 373.430(1), Florida Statutes (F.S.), and Rule(s) 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 conducted without a valid permit from the department:

- Impacts to approximately 6,600 square feet of wetlands
- Impacts to approximately 935 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 via email at [Kelly.Dino@FloridaDEP.gov](mailto: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 violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Nikola and Jelka Petrovic  
Site No. 329643 / Project No. 418878  
Warning Letter  
Page 2 of 2

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,

A handwritten signature in blue ink, appearing to read "Elizabeth Sweigert".

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

Enclosures: Inspection Report, Ch. 62-340, F.A.C., Data Forms, and Photo Logs

cc: US Army Corp, [SAJ\\_RD\\_Enforcement@usace.army.mil](mailto:SAJ_RD_Enforcement@usace.army.mil)



# Florida Department of Environmental Protection

SOUTH DISTRICT COMPLIANCE ASSURANCE PROGRAM

## ERP Program Inspection Report

Inspection Date: 5/17/2024

Inspector: Kelly Dino

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

Inspection Type:  Complaint  
 Compliance  
 Enforcement  
 Other: *Click here to enter.*

Complaint No. 40829

Site No. 329643

Project Nos. 418167 / 418878

Lease/Easement No.: N/A

Owner of Property 1: Waterview Property Owners Association Inc

Contact: PO Box 298, Placida, FL 33946  
eccwaterview@gmail.com

Owner of Property 2: Nikola and Jelka Petrovic

Contact: Jelka Petrovic, 4454 Peppermill Ln, Lake Orion, MI 48359, jsp1958@hotmail.com, 248-891-6858

Activity/Site Location: Section of Parcel ID No. 412126103010 (Property 1) adjacent to 16152 La Barge Cir, Port Charlotte, FL 33981 / Parcel ID No. 412123154018 (Property 2)

Waterbody: Unnamed wetlands

Class:  I  II  III  IV  V

Shellfish Harvesting:  Approved  Conditionally Approved  
 Conditionally Restricted  Prohibited

Outstanding Florida Waters (OFW):  Yes  No

State Lands:  Yes  No

Aquatic Preserve:  Yes  No

Aquatic Preserve Name: N/A

SSL Lease Inspection Completed: N/A

### Site History

According to Charlotte County Records, Nikola and Jelka Petrovic obtained ownership of the property located at 16152 La Barge Cir, Port Charlotte, FL 33981 (Property 2) on 04/06/2012. Property 2 is adjacent to the Greenbelt area (Property 1) owned by Waterview Property Owners Association, Inc.

09/24/2014: Eric Stover of J & E Marine Contractors, Inc. submitted a Self-Certification to the department on behalf of Nikola Petrovic for the construction of a single-family dock on Property 1 (File No. 0329643001 EE).

09/22/2023: The department received a complaint for potential unauthorized wetland and mangrove impacts at Property 1.

06/25/2024: Waterview POA submitted photographic evidence to the department showing that mangroves had been removed along the shoreline of Property 1 (see photos 9-12) and correspondence with Nikola and Jelka Petrovic notifying them of the potential violations.

## Inspection Findings

On 05/17/2024, the Department of Environmental Protection (department) staff conducted a complaint inspection of Property 1. The following department staff were present for the inspection: Kelly Dino and Xenia Alonso.

Upon entering the site, department staff observed that Property 1 had been cleared and filled. Department staff observed a docking structure and measured the total overwater surface area of the structure to be approximately 864.6 square feet.

**Pursuant to Chapter 62-330.051, Florida Administrative Code (F.A.C.), construction of private docks or piers of 1,000 square feet or less of over-water surface area in artificial waters in accordance with Section 403.813(1)(i), F.S. is exempt from the need to obtain an Environmental Resource Permit (ERP) from the department.**

Pursuant to Chapter 62-340, F.A.C., the property was determined to contain wetlands. This determination was made using reasonable scientific judgment, conducting a review of historical aerial maps of this area, and the altered site methodology described in Chapter 62-340.300(3), 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 3 different test points at different locations and utilized in a forensic manner. These points are identified as "Test Point A", "Test Point B", and "Test Point C" in Figure 5 below. Prior to the dredging and filling activities, the wetland impact area was determined to be wetlands, as found at "Test Point B."

"Test Point B" is a location where the canopy, sub-canopy, and ground cover vegetation was left undisturbed by the recent dredging and filling activities. In addition, the ground surface at "Test Point B" was left undisturbed and at original grade. "Test Point B" met the wetland definition, A test, B test and C test requirements for wetlands under the guidelines provided by Chapter 62-340, F.A.C. "Test Point A" was found to be uplands under the guidelines provided by Chapter 62-340, F.A.C.

The property contains approximately 6,600 square feet of unauthorized dredge and fill in wetlands (identified as "Unauthorized Wetland Impacts (6,600 sq ft) in Figure 5 below. The fill is comprised of, but not limited to, sand, gravel, and plywood.

**Pursuant to Chapter 62-330.020, Florida Administrative Code (F.A.C.), these dredging and filling activities required an Environmental Resource Permit (ERP) from the department. The department has no record of an ERP permit being issued for this Property.**

Additionally, department staff observed red and white mangroves along the shoreline of Property 1. Department staff observed that approximately 84.7 linear feet of mangroves had been removed from along the shoreline of Property 1. The remaining mangroves consisted of approximately 70% red mangroves (*Rhizophora mangle*) and 30% white mangroves (*Laguncularia racemosa*). Department staff measured the remaining mangroves to range between approximately 8-12 feet in height, as measured from the substrate with an

average diameter at breast height (DBH) of approximately 2 inches. The remaining mangrove fringe was measured to be approximately 15.6 feet in depth.

**Pursuant to Section 403.9328, Florida Statutes (F.S.), these mangrove alteration activities required a mangrove Individual Permit from the department. The department has no record of a mangrove permit being issued for this Property.**

## Resource Assessment

### WETLANDS

FLUCCS/FNAI Community Type(s):	Hydric Hammock
Wetlands/Other Surface Waters (OSW) Present:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other Resources Present:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "Yes", identify: seagrass
Resource Impacts:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Area of <b>Authorized</b> Impacts (ft <sup>2</sup> ):	0
Area of <b>Unauthorized</b> Impacts (ft <sup>2</sup> ):	6,600

### MANGROVES

Total Length of Shoreline (ft.):	115
Length of Mangrove Fringe (ft.):	115
Depth of Mangrove Fringe (ft.):	15.6
Mangroves Trimmed:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 0%
Mangroves Altered:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 73%
Pre-Impact Height:	<input type="checkbox"/> <6 ft. <input checked="" 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:	70% RED 0% BLK 30% WHT 0% OTHER: N/A

## Recommendations for Corrective Action

**For Waterview Property Owners Association, Inc. and Nikola and Jelka Petrovic:**

- 1. Cease any further dredging and/or filling of wetlands; and**
- 2. Ensure that appropriate measures have been taken to prevent erosion of sediment (soils) onto adjacent areas of undisturbed wetlands; and**
- 3. Enter into a Consent Order with the Department to resolve the unauthorized wetland dredge and fill on the Property; 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 and 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, pursuant to Chapter 62-330, 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 Administrative Code: <https://www.flrules.org/>

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

Mangrove Trimming and Preservation Act: [https://floridadep.gov/sites/default/files/mtpa96\\_0.pdf](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](https://floridadep.gov/sites/default/files/Mangrove-Homeowner-Guide-sm_0.pdf)



Kelly Dino, Environmental Specialist III

7/09/2024

Date



Matt Czahor, Environmental Administrator

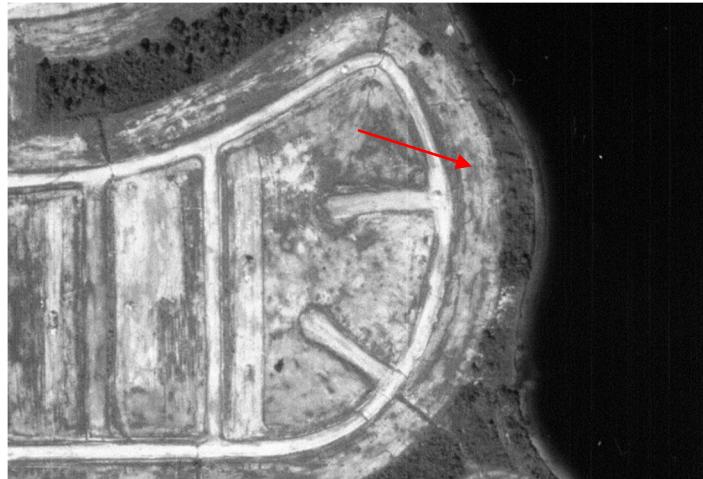
7/17/2024

Date

Site Inspection Photos

Inspection Date: 05/17/2024

Inspector: Kelly Dino



**Figure 1:** 1985 aerial photograph of Property 2 (indicated by the red arrow) showing the historically filled area. Taken from the Florida Department of Transportation.



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



**Figure 3:** 2014 aerial photograph of Property 1 (outlined in white) and Property 2 (outlined in yellow). Taken from Google Earth

Site Inspection Photos

Inspection Date: 05/17/2024

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Figure 4: 2023 aerial photograph of Property 1 (outlined in white) and Property 2 (outlined in yellow). Taken from Google Earth

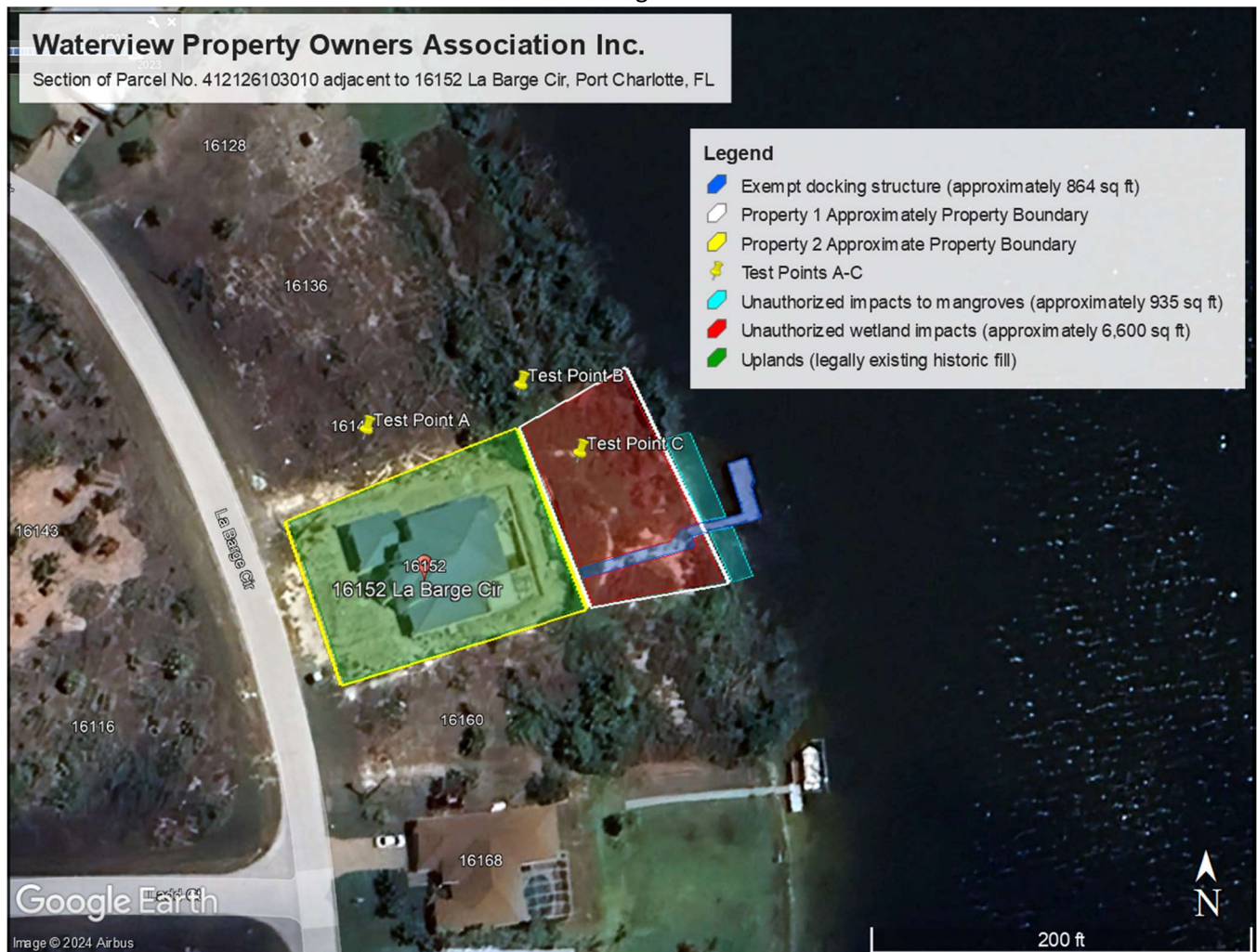


Figure 5: Figure showing the approximately parcel boundaries of Property 1 (outlined in white), Property 2 (outlined in yellow), locations of Test Points A-C, uplands on Property 2 (shaded in green), unauthorized wetland impacts on Property 1 (shaded in red), and unauthorized mangrove impacts on Property 1 (shaded in aqua). 2023 aerial photograph taken from Google Earth.



Site Inspection Photos

Inspection Date: 05/17/2024

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**Photo 1:** View of unauthorized docking structure on Property 1. Facing east



**Photo 2:** View of unauthorized docking structure/boardwalk in wetlands on Property 1. Facing west



**Photo 3:** View of unauthorized mangrove removal on Property 1. Facing northeast



**Photo 4:** View of unauthorized mangrove removal on Property 1. Facing south



**Photo 5:** View of remaining mangroves along the shoreline adjacent to Property 1. Facing north



**Photo 6:** View of remaining mangroves along the shoreline adjacent to Property 1. Facing south

Site Inspection Photos

Inspection Date: 05/17/2024

Inspector: Kelly Dino



**Photo 7:** View of unauthorized fill placed in wetlands on Property 1. Facing south



**Photo 8:** View of SAV along the shoreline of Property 1.



**Photo 9:** Submitted to the department on 06/25/2024 by Waterview POA. Photo taken on 03/01/2023 showing unauthorized alteration of mangroves on Property 1.



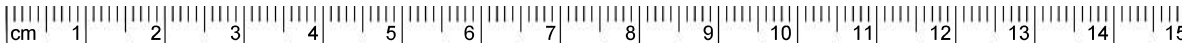
**Photo 10:** Submitted to the department on 06/25/2024 by Waterview POA. Photo taken on 03/20/2023 showing unauthorized alteration of mangroves on Property 1.



**Photo 11:** Submitted to the department on 06/25/2024 by Waterview POA. Photo taken on 06/22/2023 showing the unauthorized removal of mangroves along the shoreline of Property 1.



**Photo 12:** Submitted to the department on 06/25/2024 by Waterview POA. Photo taken on 06/22/2023 showing the unauthorized removal of mangroves along the shoreline of Property 1.



§ 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: 05/17/2024    2. Staff Present: Kelly Dino, Xenia Alonso    3. Form recorder(s): KD  
 4. County: Charlotte (8)    5. Site Name: 16152 La Barge Cir    Tracking #: \_\_\_\_\_  
 6. Point ID: Test Point A    GPS Coordinates: 26.89582°N, -82.182653°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 RSJ<sup>1</sup> 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			20	20			
2.	Euthamia spp.	F			15		15		
3.	Randia aculeata	F			15		15		
4.	Andropogon virginicus	F			20		20		
5.	Spermacoce verticillata	U			5	5			
6.	Eustachys pretraea	F			2		2		
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						25	52	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? 25  
 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? 25  
 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: Test Point A 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? compacted shell fill- mechanical (If No, skip to #18)

16. Soil Description: As is under current conditions, without considering RSJ<sup>1</sup> 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: <b>DA</b> (areas darker than matrix), <b>LA</b> (areas lighter than matrix), <b>RC</b> (redox concentrations): Record in moist condition hue value/chroma; % volume in horizon; boundaries (sharp/clear/diffuse); shape (rounded/linear/angular). - <b>OB</b> (organic bodies): Record texture (muck or mucky mineral), % volume in horizon. - <b>H<sub>2</sub>S</b> (hydrogen sulfide odor): Indicate shallowest depth where detected - <b>Note</b> if horizon is <b>Physically Mixed (PM)</b> , <b>Nonsoil</b> (any material not listed in "Textures" above), or <b>Fill</b> and describe.
1	0-4				compacted shell fill mechanically mixed
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

<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.		
<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 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? evaluation to 12+ inches impeded by disturbance (e.g., hydric soil definition, HSTS<sup>2</sup>, 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: 4 inches Why? compacted fill, mechanically mixed (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 RSJ<sup>1</sup> 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 *) <b>note the height from ground surface</b> 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 RSJ<sup>1</sup> 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<sup>1</sup> 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? compacted fill
- 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: Test Point A

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

**As is under current conditions, without considering RSJ<sup>1</sup> 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 cmplx, 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<sup>1</sup> 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? compacted fill \_\_\_\_\_ (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:** Test Point A

**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:** Test Point A

**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:**

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

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

<sup>2</sup>**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*

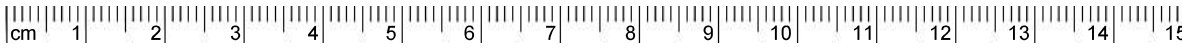
**Ordinary high water** is that point on the slope or bank where the surface water from the water body ceases to exert a dominant influence on the character of the surrounding vegetation and soils. The OHWL frequently encompasses areas dominated by non-listed vegetation and non-hydric soils. When the 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.





§ 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: 05/17/2024    2. Staff Present: Kelly Dino, Xenia Alonso    3. Form recorder(s): KD  
 4. County: Charlotte (8)    5. Site Name: 16152 La Barge Cir    Tracking #: \_\_\_\_\_  
 6. Point ID: Test Point B    GPS Coordinates: 26.89593°N, -82.18645°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 RSJ<sup>1</sup> 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.	Pluchea spp.	FW	25		3			25	
2.	Schinus terebinthifolius	F			10				
3.	Cladium spp.	O			30				
4.	Thelypteris spp.	FW			1				
5.	Myrica cerifera	F	15	5			15		
6.	Rhizophora mangle	O	10						10
7.	Conocarpus erectus	FW	20					20	
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	15	45	10

12. In the stratum selected in #10: What is the % areal extent of Obligate plants? 10  
 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? 55  
 What is the total % areal extent of Obligate, Facultative Wet, & Upland plants combined? 55  
 What is the percentage of OBL + FACW in relation to all plants, excluding FAC? (  $\frac{OBL+FACW}{OBL+FACW+UPL}$  ) 100.0%

Point ID/Location: 26.89593°N, -82.18645°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 RSJ<sup>1</sup> 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: <b>DA</b> (areas darker than matrix), <b>LA</b> (areas lighter than matrix), <b>RC</b> (redox concentrations): Record in moist condition hue value/chroma; % volume in horizon; boundaries (sharp/clear/diffuse); shape (rounded/linear/angular). - <b>OB</b> (organic bodies): Record texture (muck or mucky mineral), % volume in horizon. - <b>H<sub>2</sub>S</b> (hydrogen sulfide odor): Indicate shallowest depth where detected - <b>Note</b> if horizon is <b>Physically Mixed (PM)</b> , <b>Nonsoil</b> (any material not listed in "Textures" above), or <b>Fill</b> and describe.
1	+2-0	peat			
2	0-4.5	muck	10 YR 2/1	95%	muck at surface
3	4.5-8	sand	10 YR 6/3		DA1: 10 YR 2/1, linear/diffuse, 15% DA2: 10 R 3/1, rounded/diffuse, 3% RC: 10 YR 3/8, rounded/diffuse, 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. A8	0	4.5
<input type="checkbox"/> (A2) Histic Epipedon*	<input type="checkbox"/> (S5) Sandy Redox	<input type="checkbox"/> (F3) Depleted Matrix	2. S7	0	4.5
<input type="checkbox"/> (A3) Black Histic*	<input type="checkbox"/> (S6) Stripped Matrix	<input type="checkbox"/> (F6) Redox Dark Surface	3. _____	_____	_____
<input type="checkbox"/> (A4) Hydrogen Sulfide*	<input checked="" 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 checked="" 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, HSTS<sup>2</sup>, 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? root refusal  
(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 RSJ<sup>1</sup> 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 *) <b>note the height from ground surface</b> 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	✓			crayfish burrows
(8) Hydrologic data*	✓			(A8) Muck Presence from 0-4.5"
(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:   0   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<sup>1</sup> 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<sup>1</sup> 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: 26.89593°N, -82.18645°W

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

**As is under current conditions, without considering RSJ<sup>1</sup> 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 cmplx, 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<sup>1</sup> 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: 26.89593°N, -82.18645°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:** 26.89593°N, -82.18645°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.**

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

<sup>2</sup>**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 B Photo Log – Greenbelt area adjacent to 16152 La Barge Cir – Charlotte County Parcel ID: 412126103010**  
(All photos were taken on May 17, 2024, by Kelly Dino and Xenia Alonso)



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



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



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



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



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



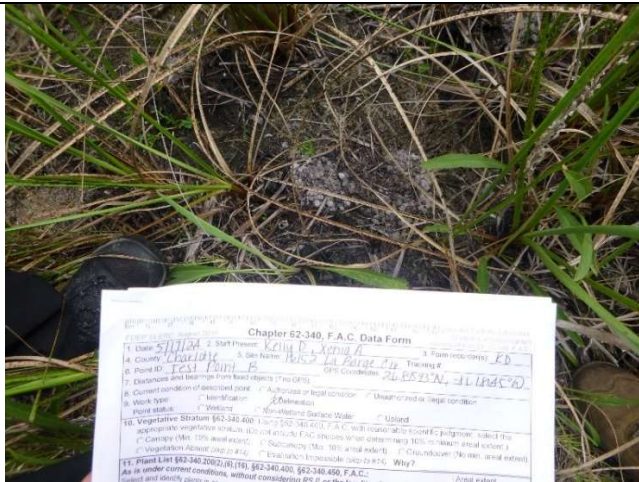
6. View of "Ten Tub Fiber Test" results (peat) from +2-0 inches above soil surface at Test Point B.



7. View of soil profile cross-section at 3 inches below soil surface at Test Point B.



8. View of soil profile cross-section at 5.5 inches below soil surface at Test Point B.



9. View of evidence of aquatic fauna (crayfish burrows) observed near Test Point B.

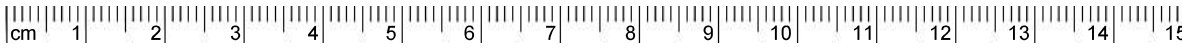


10. View of algal matting observed near Test Point B.



11. Additional view of algal matting observed near Test Point B.





§ 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: 05/17/2024    2. Staff Present: Kelly Dino and Xenia Alonso    3. Form recorder(s): KD  
 4. County: Charlotte (8)    5. Site Name: 16152 La Barge Cir    Tracking #: \_\_\_\_\_  
 6. Point ID: Test Point C    GPS Coordinates: -26.89570°N, -82.18631°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: \_\_\_\_\_  
***As is under current conditions, without considering RSJ<sup>1</sup> 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.

- Record the scientific name (binomial) and status of each plant species necessary to identify/delineate and classify the plant community in the selected area.
- Record the percent areal extent in the canopy, subcanopy, and groundcover columns for each species.
- 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.									
2.									
3.									
4.									
5.									
6.									
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

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? (  $\frac{OBL+FACW}{OBL+FACW+UPL}$  ) \_\_\_\_\_

Point ID/Location: -26.89570°N, -82.18631°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? compacted fill (If No, skip to #18)

16. Soil Description: As is under current conditions, without considering RSJ<sup>1</sup> 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: <b>DA</b> (areas darker than matrix), <b>LA</b> (areas lighter than matrix), <b>RC</b> (redox concentrations): Record in moist condition hue value/chroma; % volume in horizon; boundaries (sharp/clear/diffuse); shape (rounded/linear/angular). - <b>OB</b> (organic bodies): Record texture (muck or mucky mineral), % volume in horizon. - <b>H<sub>2</sub>S</b> (hydrogen sulfide odor): Indicate shallowest depth where detected - <b>Note</b> if horizon is <b>Physically Mixed (PM)</b> , <b>Nonsoil</b> (any material not listed in "Textures" above), or <b>Fill</b> and describe.
1					
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

<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.		
<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 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, HSTS<sup>2</sup>, 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: 0 inches Why? compacted fill  
(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 RSJ<sup>1</sup> 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 *) <b>note the height from ground surface</b> 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 RSJ<sup>1</sup> 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<sup>1</sup> 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: -26.89570°N, -82.18631°W

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

**As is under current conditions, without considering RSJ<sup>1</sup> 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 RSJ<sup>1</sup> 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: -26.89570°N, -82.18631°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? area has been cleared of vegetation and filled \_\_\_\_\_ (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?** Test Point A is a reference point taken in a community representative of Test Point C prior to alteration

**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:** -26.89570°N, -82.18631°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.**

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

<sup>2</sup>**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 C Photo Log – Greenbelt area adjacent to 16152 La Barge Cir – Charlotte County Parcel ID: 412126103010**

**(All photos were taken on May 17, 2024, by Kelly Dino and Xenia Alonso)**



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



2. Representative vegetative community at Test Point C facing east.



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



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



5. View of compacted fill at Test Point C.