attenuation of rainfall, as well as sediment trapping functions, that benefit the downstream TNWs by reducing flash flows within the tributaries and sediment transport associated with such flows. .

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

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

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

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

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

3. **Non-RPWs[8] that flow directly or indirectly into TNWs.**
   - ☒ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

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

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**
   - ☒ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
     - ☒ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
     - ☒ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

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

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**
   - ☒ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

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

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**
   - ☒ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

---

[8]See Footnote # 3.

Provide estimates for jurisdictional wetlands in the review area: **2898** acres.

7. **Impoundments of jurisdictional waters.**[9]
As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
☒ Demonstrate that impoundment was created from "waters of the U.S.," or
☒ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☒ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[10]
☒ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☒ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☒ which are or could be used for industrial purposes by industries in interstate commerce.
☒ Interstate isolated waters. Explain: .
☒ Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

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

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):
☒ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☒ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☒ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☒ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
☒ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):
☒ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☒ Lakes/ponds: acres.
☒ Other non-wetland waters: acres. List type of aquatic resource: .
☒ Wetlands: See attachment 3 for list - 71.0 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):
☒ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
☒ Lakes/ponds: acres.
☒ Other non-wetland waters: acres. List type of aquatic resource: .
☒ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):
☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

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[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
[10] **Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.***

☒ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report.
☒ Data sheets prepared by the Corps: .
☒ Corps navigable waters' study: .
☒ U.S. Geological Survey Hydrologic Atlas: .
☐ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name:Yankeetown and Yankeetown SE, Quad Sheet blowups.
☒ USDA Natural Resources Conservation Service Soil Survey. Citation:Levy County Soils Survey.
☒ National wetlands inventory map(s). Cite name:Yankeetown and Yankeetown SE, Quad Sheet blowups.
☒ State/Local wetland inventory map(s): .
☒ FEMA/FIRM maps: .
☒ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): .
or ☐ Other (Name & Date): .
☒ Previous determination(s). File no. and date of response letter: .
☒ Applicable/supporting case law: .
☒ Applicable/supporting scientific literature: .
☒ Other information (please specify): See attached MFR .

B. ADDITIONAL COMMENTS TO SUPPORT JD: See attached MFR (Attachment 1), site map with wetlands (Attachment 2), and lists of wetlands subject of this Approved JD form - both jurisdictional (Attachment 4) and non-jurisidctional-isolated (Attachment 3) .

CESAJ-RD-NP (1145) January 28, 2011

MEMORANDUM FOR RECORD

SUBJECT: Progress Energy Florida (PRF)/Levy Nuclear Plant (LNP)
Jurisdictional Determination Request for "North", "South" and various Smaller Parcels at the LNP Site
File # SAJ-2008-00490 (JD2-GAH) – Modification of Previously Issued JD

1. This MFR is a corrected modification of the MFR dated January 27, 2011 regarding the subject referenced above, and serves as background and additional information for modification of a JD done for the various parcels comprising the LNP site, including the north and south parcels, and smaller surrounding parcels for access into the site for the proposed project. The original JD for these parcels was issued on October 5, 2009, and was a combination of an "Approved" JD and a "Preliminary" JD. This modification is for an "Approved" JD for all of the parcels at the site, including the portion of the South parcel, which was previously reviewed as a Preliminary JD. This MFR is identified as Attachment 1 for the Approved JD form for isolated wetlands and for wetlands adjacent to non-RPWs located with the parcels subject to this review. Attachment 2 is a small two-page site map of the various parcels showing the location of both jurisdictional and isolated wetlands within the parcels. All of the wetlands subject to of this Approved JD were flagged by PEF's consultants, and were spot checked by the Corps. The Corps made the determination of whether a wetland was isolated or not with almost all of isolated wetlands individually reviewed in the field. It is the Corps determination that the wetlands, as flagged and shown on Attachment 2, and the surveys of the flagged wetland delineations, on which Attachment 2 is based (copies of which are in the administrative file for this project), delineate wetlands in compliance with the Corps' requirements for Approved JDs.

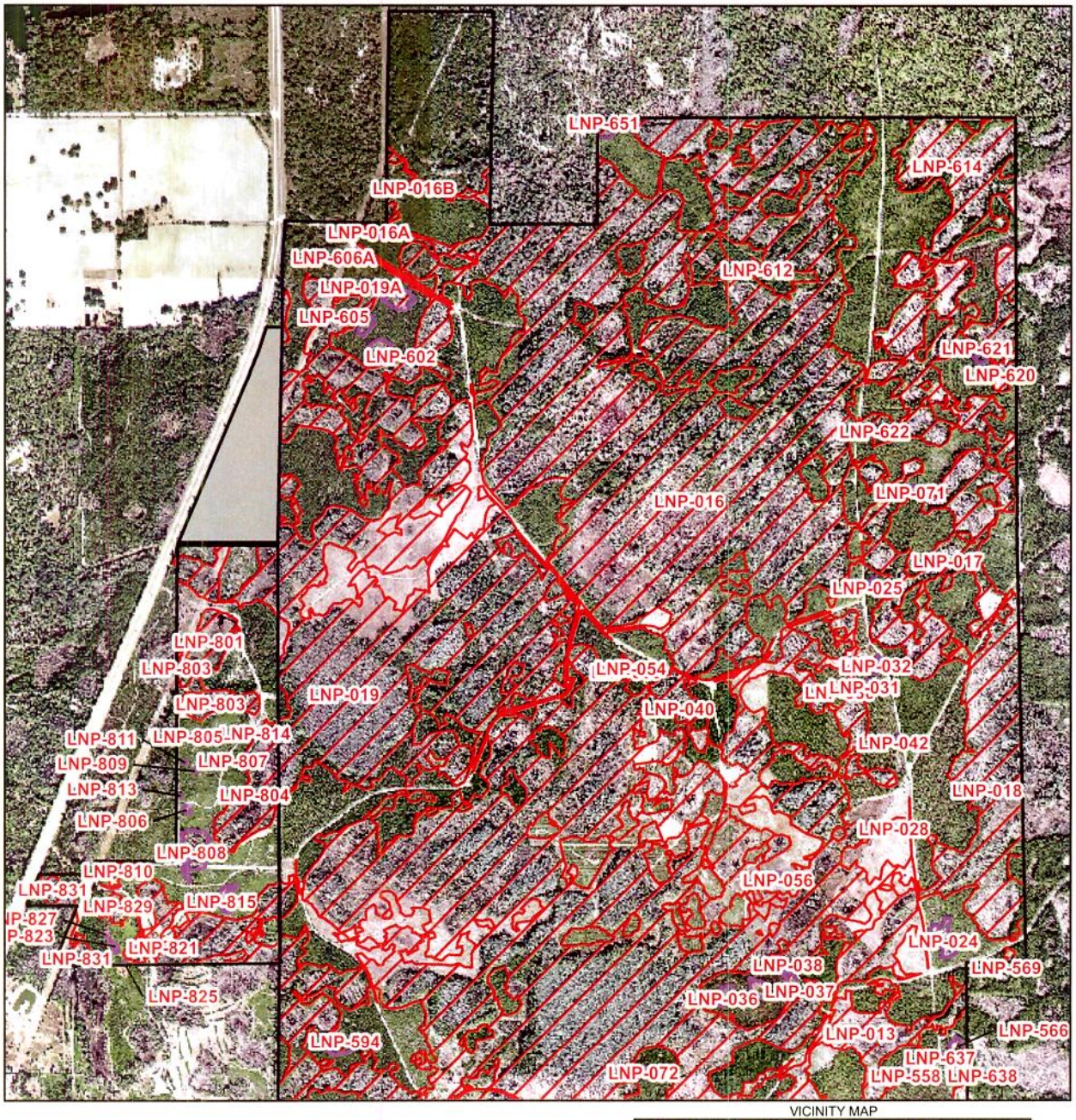
2. The review area is comprised of the two large parcels, and several smaller parcels, which encompass the LNP power generation site and surrounding land for access, various associated facilities, and other uses. The parcels together are approximately 5000 acres is size and are comprised of a complex landscape of uplands and very large areas of interconnected wetlands with approximately ninety small, isolated wetlands scattered about the site. The wetlands total to approximately 2970 acres. The landscape is very flat with a gentle tilt to the west and south. Drainage maps show that there are two main watersheds that meet on the site (Gulf of Mexico and Withlacoochee River). 98% of the wetlands (2898 acres) on the parcels are interconnected, contiguous, and drain through a multitude of unnamed non-RPW natural tributaries and ditches to offsite non-RPWs and RPWs, which flow either to the Gulf of Mexico to the west or the Withlacoochee River to the south. Isolated wetlands comprise about 2% of the wetlands on the parcels (71.0 acres), and are separated by uplands from other wetlands. There is no evidence from aerial photographs, soils maps, and other map resources, as well as from extensive ground-truthing, that any of the wetlands on the list

Attachment 1

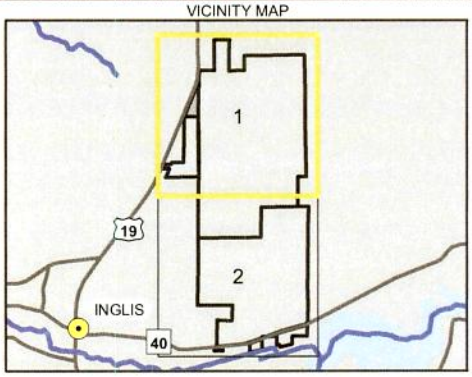
of isolated wetlands (see Attachment 3) are near or adjacent to any tributaries or conveyances to tributaries. Attachment 4 is the list of jurisdictional wetlands.

3. The point of contact for the above is the undersigned (tel.# (850) 763-0717 ext. 25).

Gordon A. Hambrick, III
Senior Project Manager
Panama City Section



VICINITY MAP



LEGEND

- Wetlands and Other Surface Waters
- Isolated Wetland
- Approved JD Issued by USACE 4/12/2009
- Property Boundary

Imagery: FDOT 2008

N

0 500 1,000 2,000
Feet

OVERVIEW FIGURE 1
USACE Map of Requested Approved Jurisdictional Determination Area
Progress Energy Florida, Levy Nuclear Plant
Levy County, Florida

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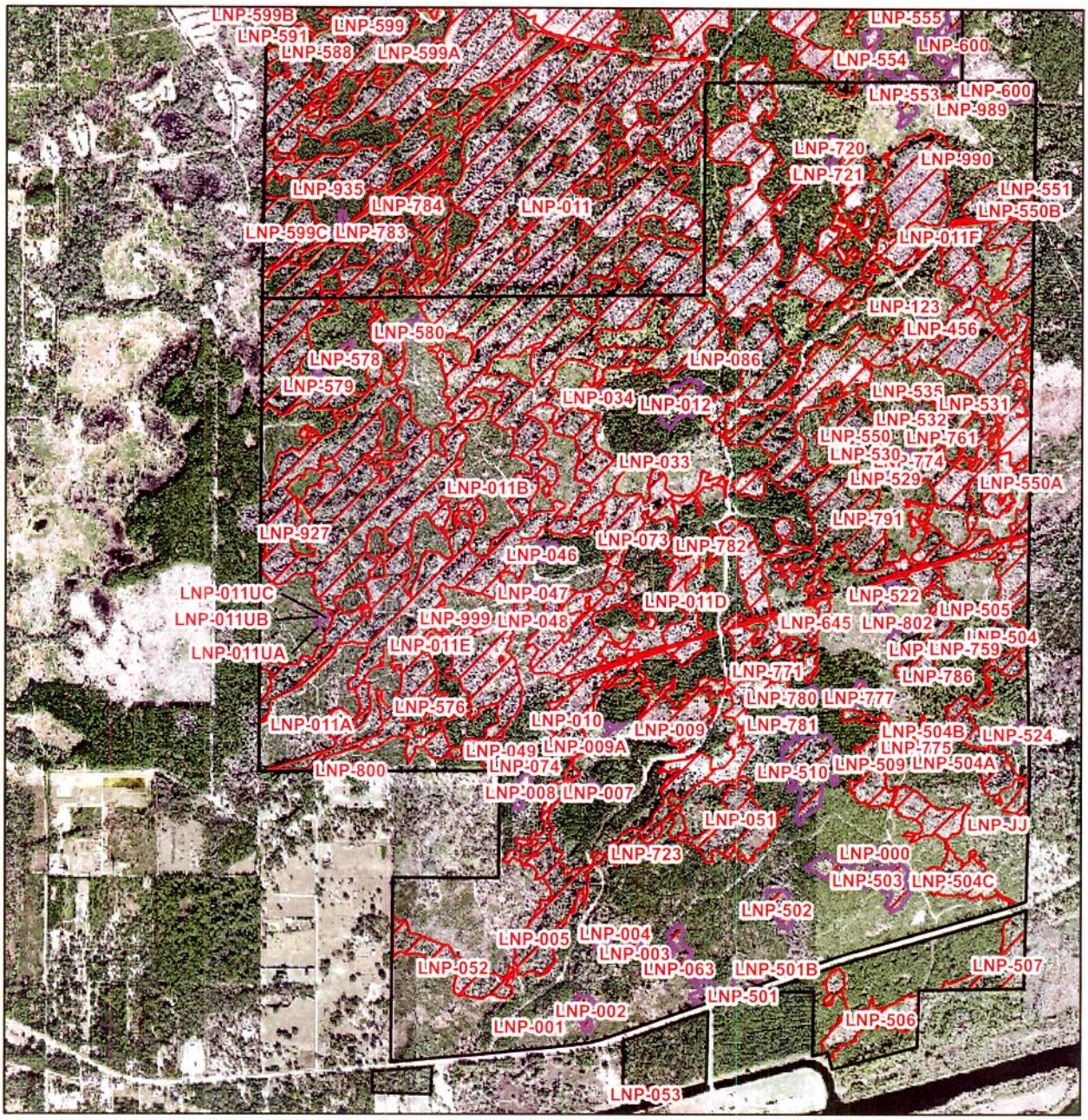
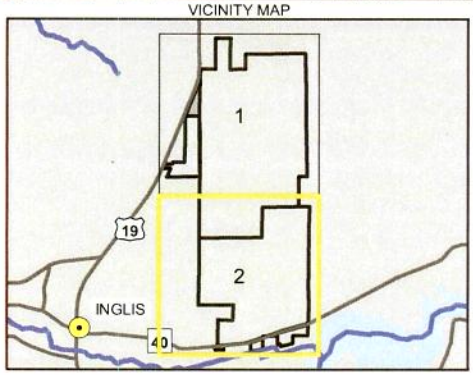
PANAMA CITY REGULATORY FIELD OFFICE
RECEIVED
JAN 18 2011

Attachment 2 - page 1 of 2



VICINITY MAP



LEGEND

- Wetlands and Other Surface Waters
- Isolated Wetland
- Approved JD Issued by USACE 4/12/2009
- Property Boundary

Imagery: FDOT 2008

N

0 500 1,000 2,000

Feet

OVERVIEW FIGURE 2
USACE Map of Requested Approved Jurisdictional Determination Area
Progress Energy Florida, Levy Nuclear Plant
Levy County, Florida

CH2MHILL

Attachment 2 - Page 2 of 2

ISOLATED

WETLAND	JD STATUS	ACREAGE
LNP-000	ISOLATED	0.49371517
LNP-001	ISOLATED	0.07270172
LNP-002	ISOLATED	1.6075812
LNP-003	ISOLATED	0.44428857
LNP-004	ISOLATED	1.18819833
LNP-007	ISOLATED	0.71523807
LNP-008	ISOLATED	1.29743178
LNP-009A	ISOLATED	0.3343488
LNP-011A	ISOLATED	0.11761782
LNP-011UA	ISOLATED	0.04778879
LNP-011UB	ISOLATED	0.07876215
LNP-011UC	ISOLATED	0.04323578
LNP-012	ISOLATED	4.79766959
LNP-019A	ISOLATED	1.52141444
LNP-024	ISOLATED	1.76420687
LNP-025	ISOLATED	0.21184795
LNP-030	ISOLATED	0.06937038
LNP-031	ISOLATED	0.0580616
LNP-032	ISOLATED	0.23883295
LNP-034	ISOLATED	0.23020243
LNP-036	ISOLATED	0.93983867
LNP-037	ISOLATED	0.91377064
LNP-038	ISOLATED	0.49977131
LNP-042	ISOLATED	0.1109756
LNP-046	ISOLATED	1.25087479
LNP-047	ISOLATED	0.45097397
LNP-048	ISOLATED	0.09431194
LNP-049	ISOLATED	0.14773512
LNP-056	ISOLATED	0.17690901
LNP-063	ISOLATED	3.803631
LNP-071	ISOLATED	0.14928816
LNP-072	ISOLATED	0.12481467
LNP-074	ISOLATED	0.02231989
LNP-123	ISOLATED	0.06416702
LNP-456	ISOLATED	0.07485519
LNP-501	ISOLATED	1.36434276
LNP-501B	ISOLATED	0.09305601
LNP-502	ISOLATED	2.3965663
LNP-503	ISOLATED	7.88483524
LNP-505	ISOLATED	0.38463846
LNP-510	ISOLATED	10.24666507
LNP-522	ISOLATED	1.69305107
LNP-524	ISOLATED	0.93918317
LNP-529	ISOLATED	0.41282575
LNP-530	ISOLATED	0.07030977
LNP-531	ISOLATED	0.15812483

Attachment 3

WETLAND	JD STATUS	ACREAGE
LNP-532	ISOLATED	0.20453633
LNP-535	ISOLATED	0.56752224
LNP-554	ISOLATED	0.28722265
LNP-555	ISOLATED	0.2660362
LNP-558	ISOLATED	0.21588686
LNP-566	ISOLATED	0.61571279
LNP-578	ISOLATED	1.02030664
LNP-579	ISOLATED	0.54859338
LNP-580	ISOLATED	1.02973016
LNP-588	ISOLATED	0.29310666
LNP-591	ISOLATED	0.05656971
LNP-594	ISOLATED	1.67010798
LNP-599A	ISOLATED	0.4024949
LNP-602	ISOLATED	0.89821311
LNP-605	ISOLATED	0.5354886
LNP-621	ISOLATED	0.26711078
LNP-637	ISOLATED	0.05634474
LNP-638	ISOLATED	0.07861638
LNP-651	ISOLATED	1.26923551
LNP-720	ISOLATED	0.57915302
LNP-721	ISOLATED	0.24916278
LNP-723	ISOLATED	0.06485544
LNP-759	ISOLATED	0.03326185
LNP-771	ISOLATED	0.22337226
LNP-774	ISOLATED	0.17284793
LNP-777	ISOLATED	1.1851167
LNP-780	ISOLATED	0.70826079
LNP-781	ISOLATED	0.73625521
LNP-786	ISOLATED	0.02941073
LNP-802	ISOLATED	1.78439428
LNP-805	ISOLATED	0.01281917
LNP-806	ISOLATED	0.17395809
LNP-807	ISOLATED	0.01531424
LNP-808	ISOLATED	3.074373
LNP-809	ISOLATED	0.00921027
LNP-811	ISOLATED	0.02952988
LNP-813	ISOLATED	0.01957563
LNP-815	ISOLATED	1.00962675
LNP-823	ISOLATED	0.20079048
LNP-825	ISOLATED	0.04588684
LNP-827	ISOLATED	0.03768887
LNP-935	ISOLATED	0.38087936
LNP-989	ISOLATED	0.04025199
LNP-JJ	ISOLATED	0.14532634
TOTAL		71.04450732

JURISDICTIONAL

WETLAND	JD STATUS	ACREAGE
LNP-005	JURISDICTIONAL	20.52865353
LNP-009	JURISDICTIONAL	15.19307566
LNP-010	JURISDICTIONAL	10.06462483
LNP-011	JURISDICTIONAL	1211.195488
LNP-011B	JURISDICTIONAL	0.35723259
LNP-011D	JURISDICTIONAL	9.16706047
LNP-011E	JURISDICTIONAL	0.2847846
LNP-011F	JURISDICTIONAL	0.04901765
LNP-013	JURISDICTIONAL	37.3755198
LNP-016	JURISDICTIONAL	526.0629616
LNP-016A	JURISDICTIONAL	0.80786972
LNP-016B	JURISDICTIONAL	2.91739106
LNP-017	JURISDICTIONAL	57.35265986
LNP-018	JURISDICTIONAL	65.47685005
LNP-019	JURISDICTIONAL	301.8298404
LNP-028	JURISDICTIONAL	0.91286505
LNP-033	JURISDICTIONAL	0.21002711
LNP-040	JURISDICTIONAL	6.99443994
LNP-051	JURISDICTIONAL	26.97599254
LNP-052	JURISDICTIONAL	10.70824967
LNP-053	JURISDICTIONAL	0.33991083
LNP-054	JURISDICTIONAL	0.10421136
LNP-055	JURISDICTIONAL	0.60009196
LNP-073	JURISDICTIONAL	0.16696711
LNP-086	JURISDICTIONAL	0.22421239
LNP-504	JURISDICTIONAL	27.05882878
LNP-504A	JURISDICTIONAL	0.08722365
LNP-504B	JURISDICTIONAL	1.76438377
LNP-504C	JURISDICTIONAL	15.47319433
LNP-506	JURISDICTIONAL	10.02279611
LNP-507	JURISDICTIONAL	8.79191107
LNP-508	JURISDICTIONAL	5.27422699
LNP-509	JURISDICTIONAL	11.3304887
LNP-550	JURISDICTIONAL	177.4502788
LNP-550A	JURISDICTIONAL	0.3863178
LNP-550B	JURISDICTIONAL	0.13650852
LNP-551	JURISDICTIONAL	0.10895739
LNP-553	JURISDICTIONAL	6.82280922
LNP-569	JURISDICTIONAL	0.38743225
LNP-576	JURISDICTIONAL	0.10339912
LNP-599	JURISDICTIONAL	164.6333147
LNP-599B	JURISDICTIONAL	0.53060421
LNP-599C	JURISDICTIONAL	11.28440745
LNP-600	JURISDICTIONAL	8.52278491
LNP-606A	JURISDICTIONAL	0.00725993
LNP-612	JURISDICTIONAL	0.27276549

Attachment 4

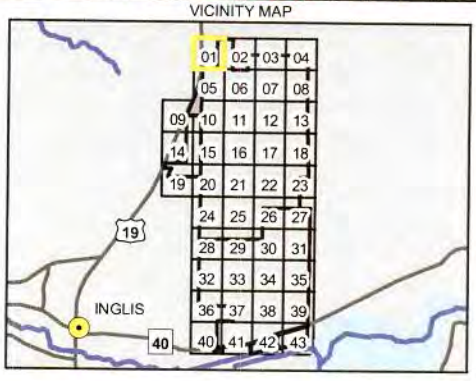
WETLAND	JD STATUS	ACREAGE
LNP-614	JURISDICTIONAL	90.89475708
LNP-620	JURISDICTIONAL	2.14276311
LNP-622	JURISDICTIONAL	2.73465167
LNP-645	JURISDICTIONAL	1.4362427
LNP-761	JURISDICTIONAL	0.05694156
LNP-775	JURISDICTIONAL	0.04279426
LNP-782	JURISDICTIONAL	0.9038589
LNP-783	JURISDICTIONAL	0.30692517
LNP-784	JURISDICTIONAL	0.34866247
LNP-791	JURISDICTIONAL	0.0362727
LNP-800	JURISDICTIONAL	0.44907568
LNP-801	JURISDICTIONAL	6.91239845
LNP-803	JURISDICTIONAL	6.9273922
LNP-804	JURISDICTIONAL	16.46879237
LNP-810	JURISDICTIONAL	1.48977606
LNP-814	JURISDICTIONAL	0.01881911
LNP-821	JURISDICTIONAL	1.37954978
LNP-829	JURISDICTIONAL	1.79005588
LNP-831	JURISDICTIONAL	6.93128665
LNP-927	JURISDICTIONAL	0.05776547
LNP-990	JURISDICTIONAL	0.34143621
LNP-999	JURISDICTIONAL	0.11823279
TOTAL		2898.138341

LEGEND

- Wetland Flag
- Wetlands and Other Surface Waters
- Isolated Wetland
- Approved JD Issued by USACE 4/12/2009
- Property Boundary

Imagery: FDOT 2008

VICINITY MAP



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Feet

FIGURE 1
USACE Map of Requested Approved Jurisdictional Determination Area
Progress Energy Florida, Levy Nuclear Plant
Levy County, Florida

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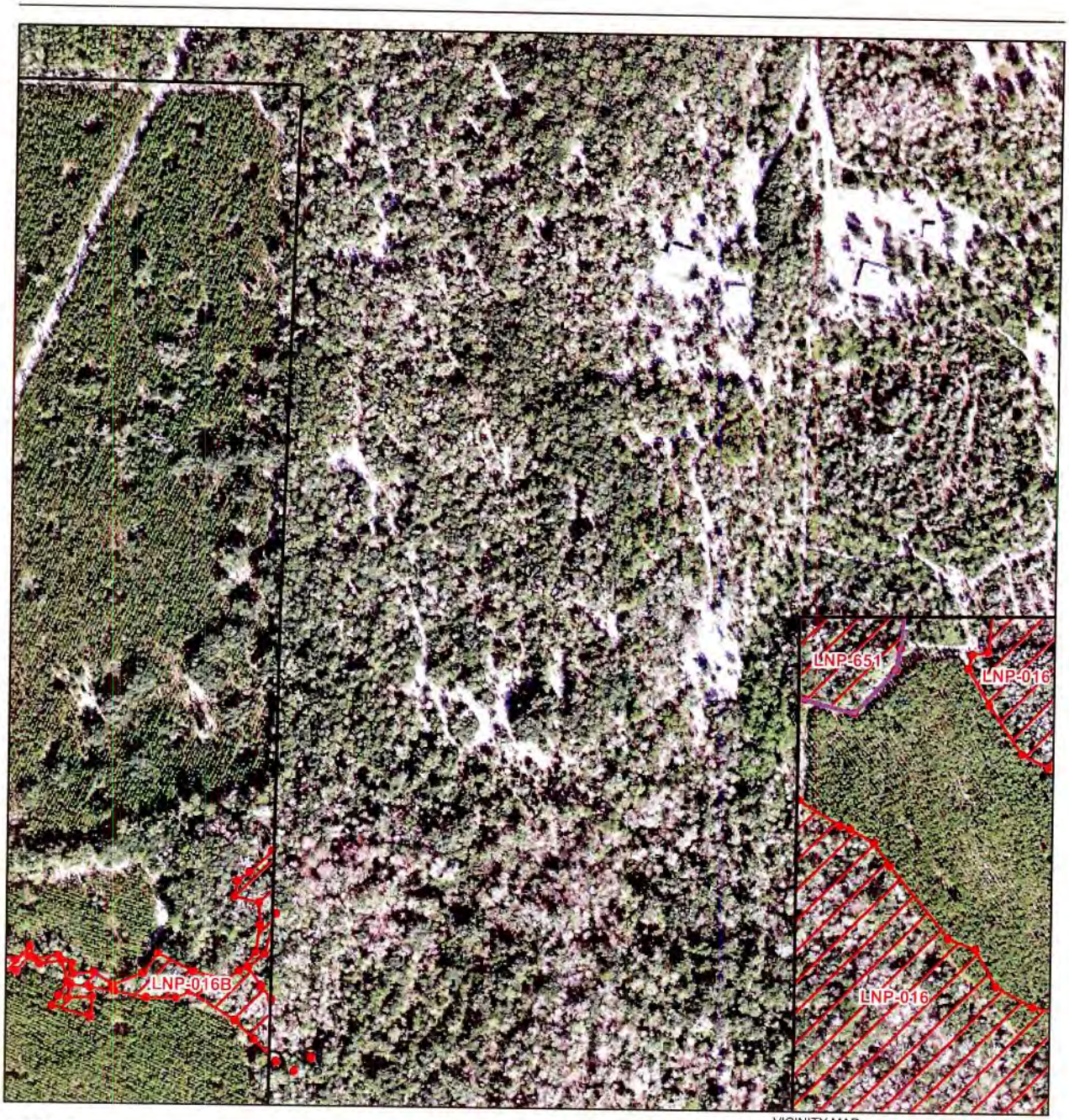

LEGEND

- Wetland Flag
- Wetlands and Other Surface Waters
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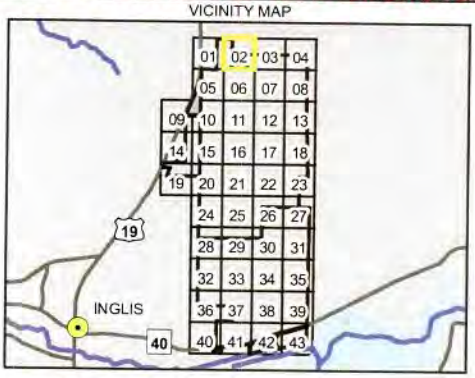
- Property Boundary

Imagery: FDOT 2008

VICINITY MAP



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Feet

FIGURE 2
USACE Map of Requested Approved Jurisdictional Determination Area
Progress Energy Florida, Levy Nuclear Plant
Levy County, Florida

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