

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 11/30/2016

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: JD Form 1 of 1; SAC-2015-01674 Blanchard Blackwell Property

C. PROJECT LOCATION AND BACKGROUND INFORMATION: The site borders Lazy Hawk Road and is southwest of the SC 901/I-77 interchange

State: South Carolina County/parish/borough: **York** City: **Rock Hill**
Center coordinates of site (lat/long in degree decimal format): Lat. **34.8528° N**, Long. **81.0175 ° W**.
Universal Transverse Mercator: **NAD 83**

Name of nearest waterbody: **Browns Branch**

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Fishing Creek Reservoir**

Name of watershed or Hydrologic Unit Code (HUC): **HUC 12 - 030501030407**

- Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
 Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date: **December 20, 2016**
 Field Determination. Date(s): **February 10, 2016**

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

- Waters subject to the ebb and flow of the tide.
 Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
 Wetlands adjacent to TNWs
 Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
 Non-RPWs that flow directly or indirectly into TNWs
 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
 Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
 Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
 Impoundments of jurisdictional waters
 Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: **648** linear feet: width (ft) or **0.14** acres.
Wetlands: **0.07** acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual, Established by OHWM., Pick List

Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):³

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: **The project area includes three upland dug detention basins and several non-jurisdictional drainage features.**

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

Detention Basin C is located in the center of the site and connected to a non-jurisdictional drainage feature which flows off-site. Detention Basin B is located just west of Detention Basin C and is connected along a non- drainage feature which connects to Detention Basin A in the northern portion of the site. The non-jurisdictional drainage feature continues in a semi-circle shape in the center portion of the site. Additional non-jurisdictional drainage features run out of Detention Basin A and B and continue off-site. Non-jurisdictional drainage features carry water from detention basins when they become full, which appears to be infrequent, and did not show evidence of an ordinary high water mark or relatively permanent flows. Based on submitted, available, and collected information, including aerial imagery and an on-site visit on February 10, 2016, these features are non-jurisdictional and are not waters of the United States.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. **TNW**

Identify TNW: .

Summarize rationale supporting determination: .

2. **Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is “adjacent”: .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. **Characteristics of non-TNWs that flow directly or indirectly into TNW**

(i) **General Area Conditions:**

Watershed size: **185,010 acres** ; Fishing Creek HUC10: **0305010304**

Drainage area: **10.89 acres**

Average annual rainfall: **46.77 inches**

Average annual snowfall: **3.2 inches**

(ii) **Physical Characteristics:**

(a) **Relationship with TNW:**

Tributary flows directly into TNW.

Tributary flows through **1** tributaries before entering TNW.

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

Project waters are **2-5** river miles from TNW.
Project waters are **1 (or less)** river miles from RPW.
Project waters are **2-5** aerial (straight) miles from TNW.
Project waters are **1 (or less)** aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW⁵: **The tributary flows into Browns Branch (perennial RPW) which flows directly into Fishing Creek (TNW).**

Tributary stream order, if known: **1.**

(b) General Tributary Characteristics (check all that apply):

Tributary is: Natural
 Artificial (man-made). Explain:
 Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: **1-5** feet

Average depth: **2-3** feet

Average side slopes: **2:1.**

Primary tributary substrate composition (check all that apply):

Silts Sands Concrete
 Cobbles Gravel Muck
 Bedrock Vegetation. Type/% cover:
 Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: In the upstream portion of the tributary the channel is narrow and deeper, which is leading to slightly more erosion compared to further downstream where the channel widens and the slopes are more stable.

Presence of run/riffle/pool complexes. Explain: **None observed.**

Tributary geometry: **Relatively straight.**

Tributary gradient (approximate average slope): **1-2 %**

(c) Flow:

Tributary provides for: **Seasonal flow**

Estimate average number of flow events in review area/year: **20 (or greater)**

Describe flow regime: **Seasonal.**

Other information on duration and volume: **Seasonal flow is defined as tributaries that have continuous flow typically three months each year under normal climatic conditions. The tributary was well defined with an ordinary high water mark and contained slow moving water during the site visit on February 11, 2016. The tributary is additionally fed by an abutting upstream wetland.**

Surface flow is: **Discrete and confined.** Characteristics: **Water flows within channelized bed and banks of tributary under normal climatic conditions.**

Subsurface flow: **Unknown.** Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks
 OHWM⁶ (check all indicators that apply):
 clear, natural line impressed on the bank the presence of litter and debris
 changes in the character of soil destruction of terrestrial vegetation
 shelving the presence of wrack line
 vegetation matted down, bent, or absent sediment sorting
 leaf litter disturbed or washed away scour
 sediment deposition multiple observed or predicted flow events
 water staining abrupt change in plant community
 other (list):
 Discontinuous OHWM.⁷ Explain:

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

⁶ A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷ Ibid.

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> High Tide Line indicated by: | <input type="checkbox"/> Mean High Water Mark indicated by: |
| <input type="checkbox"/> oil or scum line along shore objects | <input type="checkbox"/> survey to available datum; |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings; |
| <input type="checkbox"/> physical markings/characteristics | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges | |
| <input type="checkbox"/> other (list): | |

(iii) **Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: **Water color appeared clear and had oxidizing material. This tributary is situated in a landscape comprised of forest and previously cleared areas which are now growing back except for a maintained utility right of way. Land use/land cover in the watershed includes: 55.0% forested land, 30.8% agricultural land, 13.0% urban land, 0.7% forested wetland (swamp), and 0.5% water.**

Identify specific pollutants, if known: **There is likely runoff from the nearby interstate (I-77) along with potential for fecal coliform as it is found throughout the watershed.**

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width): **Forested riparian corridor is about 30-40 feet wide.**
- Wetland fringe. Characteristics: **There is a wetland abutting the tributary at the headwaters.**
- Habitat for:
 - Federally Listed species. Explain findings: .
 - Fish/spawn areas. Explain findings: .
 - Other environmentally-sensitive species. Explain findings: .
 - Aquatic/wildlife diversity. Explain findings: **This unnamed tributary likely provides an opportunity for aquatic and terrestrial to have an area of refuge, foraging, and rearing of young.**

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: **0.07** acres

Wetland type. Explain: **Palustrine forested freshwater wetland.**

Wetland quality. Explain: **This wetland is moderately impacted by adjacent land use practices. The largest impact is the adjacent I-77 corridor imputing runoff into the wetland. There is also an area that was previously cleared but now is recovering along with a maintained utility corridor.**

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Intermittent flow**. Explain: **This wetland feeds the unnamed tributary at its southern end. Water flows from wetland during the wetter months and after heavy rain.**

Surface flow is: **Overland sheetflow**

Characteristics: **This wetland feeds the unnamed tributary at its southern end.**

Subsurface flow: **Unknown**. Explain findings: .

Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

- Directly abutting
- Not directly abutting
 - Discrete wetland hydrologic connection. Explain: .
 - Ecological connection. Explain: .
 - Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **2-5** river miles from TNW.

Project waters are **2-5** aerial (straight) miles from TNW.

Flow is from: **Wetland to navigable waters.**

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: **This wetland is situated in landscape comprised of forest and previously cleared**

areas which are now growing back except for a maintained utility right of way. No surface water was observed

within this wetland Land use/land cover in the watershed includes: 55.0% forested land, 30.8% agricultural land, 13.0% urban land, 0.7% forested wetland (swamp), and 0.5% water.

Identify specific pollutants, if known: A likely pollution source includes runoff from the adjacent I-77 corridor.

(iii) Biological Characteristics. Wetland supports (check all that apply):

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain: **The wetland is forested with primarily red maple (*Acer rubrum*), sugarberry (*Celtis laevigata*), and sweetgum (*Liquidambar styraciflua*).**
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings: **Wetland likely provides breeding grounds for aquatic species in the area.**
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings: **This wetland likely provides habitat for wildlife in the area.**

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **1**

Approximately (**0.07**) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
Y	0.07		

Summarize overall biological, chemical and physical functions being performed: **The wetland in this significant nexus determination is performing biological, chemical and physical functions that relate to the integrity of the downstream TNW (Fishing Creek). The wetland abuts a seasonal RPW which flows into Browns Branch (perennial RPW) which flows into the TNW (Fishing Creek). The wetland is forested and provides breeding and foraging areas for aquatic species, in addition to habitat for wildlife in the area. The wetland helps filter run-off and possible pollutants from the adjacent interstate (I-77) and surrounding land before reaching the TNW. The wetland also helps to maintain flow by storing flood waters during times of heavy rain.**

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** 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:

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:

Documentation for the Record only: Significant nexus findings for seasonal RPWs and/or wetlands abutting seasonal RPWs: The wetland in this significant nexus determination is performing biological, chemical and physical functions that relate to the integrity of the downstream TNW (Fishing Creek). The wetland abuts a seasonal RPW which flows into Browns Branch (perennial RPW) which flows into the TNW (Fishing Creek). The wetland is forested and provides breeding and foraging areas for aquatic species, in addition to habitat for wildlife in the area. The wetland helps filter run-off and possible pollutants from the adjacent interstate (I-77) and surrounding land before reaching the TNW. The wetland also helps to maintain flow by storing flood waters during times of heavy rain. Based on the collective functions described above and their importance to the biological, chemical, and physical integrity of the TNW, it has been determined there is a significant nexus between the relevant reach of the tributary and its adjacent wetlands to the downstream TNW.

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: **During an on-site visit, the seasonal tributary clearly exhibited bed and banks, an ordinary high water mark which consisted of changes in the character of soil, matted vegetation, disturbed leaf litter, sediment deposition, presence of litter and debris, destruction of terrestrial vegetation, rack lines, sediment sorting, and scour marks. Stream characteristics observed and available data led this office to conclude the tributary has a seasonal flow regime.**

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: **648** linear feet **1-5** width (ft).
 - Other non-wetland waters: acres.
- Identify type(s) of waters:

3. **Non-RPWs⁸ 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: **The jurisdictional wetland is directly abutting the seasonal RPW and is not separated from that tributary by any kind of berm or barrier .**

Provide acreage estimates for jurisdictional wetlands in the review area: **0.07** acres.

⁸See Footnote # 3.

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 jurisdictional. 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.

Provide estimates for jurisdictional wetlands in the review area: _____ 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).

Explain:

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): **The project area includes three upland dug detention basins and several non-jurisdictional drainage features. Detention Basin C is located in the center of the site and connected to a non-jurisdictional drainage feature which flows off-site. Detention Basin B is located just west of Detention Basin C and is connected along a non- drainage feature which connects to Detention Basin A in the northern portion of the site. The non-jurisdictional drainage feature continues in a semi-circle shape in the center portion of the site. Additional non-jurisdictional drainage features run out of Detention Basin A and B and continue off-site. Non-jurisdictional drainage features carry water from detention basins when they become full, which appears to be infrequent, and did not show evidence of an ordinary high water mark or relatively permanent flows. Based on submitted, available, and collected information, including aerial imagery and an on-site visit on February 10, 2016, these features are non-jurisdictional and are not waters of the United States.**

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.

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.

- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: 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: **Chris Carter, Keck & Wood, Inc.**
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report and findings.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters’ study: **1977 Navigability Survey.**
- U.S. Geological Survey Hydrologic Atlas: **HA 730-G, 1990 (03050108-01).**
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: **1:24,000k Edgemoor.**
- USDA Natural Resources Conservation Service Soil Survey. Citation: **SSURGO, Wynott-Winnsborom, Cecil, Pacolet, Helena, Chewacla, Hard Labor.**
- National wetlands inventory map(s). Cite name: **USFWS, R4SBC.**
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): **Google Earth Aerial 10/6/2015, NAIP 2004.**
 - or Other (Name & Date): **Corp photos #1 - 11 of 11 dated February 11, 2016 and consultant photos 1 - 17 of 17 dated November 12, 2015.**
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): **Site visit completed on February 11, 2016.**

B. ADDITIONAL COMMENTS TO SUPPORT JD: Aquatic resources documented on this form include one seasonal tributary and one wetland abutting that tributary (sRPW). RPWs and the abutting wetland are jurisdictional according to current guidance, however, the significant nexus findings for the record are included as required by Rapanos Guidance. The tributary and wetland documented on this form are waters of the U.S. and jurisdictional under the Clean Water Act.