

Explain:

Identify flow route to TNW:⁵

Tributary Stream Order, if known:

Order	Tributary Name
2	Indian Kill

(b) General Tributary Characteristics:

Tributary is:

Tributary Name	Natural	Artificial	Explain	Manipulated	Explain
Indian Kill	X	-	-	-	-

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

Tributary Name	Width (ft)	Depth (ft)	Side Slopes
Indian Kill	5	.5	2:1

Primary tributary substrate composition:

Tributary Name	Silt	Sands	Concrete	Cobble	Gravel	Muck	Bedrock	Vegetation	Other
Indian Kill	-	-	-	X	X	-	-	X	-

Tributary (conditions, stability, presence, geometry, gradient):

Tributary Name	Condition/Stability	Run/Riffle/Pool Complexes	Geometry	Gradient (%)
Indian Kill	-	low energy creek, potential areas for riffle pool complexes. Site inspection was performed during low rainfall time period.	Meandering	-

(c) Flow:

Tributary Name	Provides for	Events Per Year	Flow Regime	Duration & Volume
Indian Kill	Perennial flow	20 (or greater)	-	-

Surface Flow is:

Tributary Name	Surface Flow	Characteristics
Indian Kill	Discrete and confined	-

Subsurface Flow:

Tributary Name	Subsurface Flow	Explain Findings	Dye (or other) Test
Indian Kill	Unknown	-	-

Tributary has:

Tributary Name	Bed & Banks	OHWM	Discontinuous OHWM ⁷	Explain
Indian Kill	X	X	-	-

Tributaries with OHWM⁶ - (as indicated above)

Tributary Name	OHWM	Clear	Litter	Changes in Soil	Destruction Vegetation	Shelving	Wrack Line	Matted/Absent Vegetation	Sediment Sorting	Leaf Litter	Scour	Sediment Deposition	Flow Events	Water Staining	Changes Plant	Other
Indian Kill	X	X	X	-	-	-	X	X	-	-	X	-	-	X	-	-

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction:

High Tide Line indicated by:

Not Applicable.

Mean High Water Mark indicated by:

Not Applicable.

(iii) Chemical Characteristics:

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

Tributary Name	Explain	Identify specific pollutants, if known
Indian Kill	water color is clear	-

(iv) Biological Characteristics. Channel supports:

Tributary Name	Riparian Corridor	Characteristics	Wetland Fringe	Characteristics	Habitat
Indian Kill	X	-	-	-	X

Habitat for: (as indicated above)

Tributary Name	Habitat	Federally Listed Species	Explain Findings	Fish/Spawn Areas	Explain Findings	Other Environmentally Sensitive Species	Explain Findings	Aquatic/Wildlife Diversity	Explain Findings
Indian Kill	X	-	-	X	-	X	-	X	-

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

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland Name	Size (Acres)	Wetland Type	Wetland Quality	Cross or Serve as State Boundaries. Explain
Wetland 1	.03	Palustrine forested wetland, specifically red maple hardwood swamp.	Wetland quality is good	-
Wetland 2	3.07	Palustrine Forested Wetland. Red maple hardwood swamp.	Good	-
Wetland 3	1.32	Palustrine emergent/ Forested wetland	good	-
Wetland 4	.18	Palustrine Forested Wetland. Red maple hardwood swamp.	good	-

(b) General Flow Relationship with Non-TNW:

Flow is:

Wetland Name	Flow	Explain
Wetland 1	Perennial flow.	-
Wetland 2	Perennial flow.	-
Wetland 3	Perennial flow.	-
Wetland 4	Perennial flow.	-

Surface flow is:

Wetland Name	Flow	Characteristics
Wetland 1	Overland sheetflow	Wetland appears to flow to the south into Wetland 2
Wetland 2	Overland sheetflow	This wetland appears to be flood plain for the indian kill within the subject property.
Wetland 3	Discrete and confined	-
Wetland 4	Discrete and confined	-

Subsurface flow:

Wetland Name	Subsurface Flow	Explain Findings	Dye (or other) Test
Wetland 1	Unknown	-	-
Wetland 2	Unknown	-	-

Wetland 3	Unknown	-	-
Wetland 4	-	-	-

(c) Wetland Adjacency Determination with Non-TNW:

Wetland Name	Directly Abutting	Discrete Wetland Hydrologic Connection	Ecological Connection	Separated by Berm/Barrier
Wetland 1	Yes	X	-	-
Wetland 2	Yes	-	-	-
Wetland 3	Yes	-	-	-
Wetland 4	Yes	-	-	-

(d) Proximity (Relationship) to TNW:

Wetland Name	River Miles From TNW	Aerial Miles From TNW	Flow Direction	Within Floodplain
Wetland 1	2-5	1-2	Wetland to navigable waters	100 - 500-year
Wetland 2	2-5	1-2	Wetland to navigable waters	100 - 500-year
Wetland 3	2-5	2-5	Wetland to navigable waters	100 - 500-year
Wetland 4	1-2	1-2	-	-

(ii) Chemical Characteristics:

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

Wetland Name	Explain	Identify specific pollutants, if known
Wetland 1	-	-
Wetland 2	-	-
Wetland 3	Water color is clear.	-
Wetland 4	water color is clear.	-

(iii) Biological Characteristics. Wetland supports:

Wetland Name	Riparian Buffer	Characteristics	Vegetation	Explain
Wetland 1	-	-	X	Red Maple, American Elm dominate the vegetation within area.
Wetland 2	-	-	-	-
Wetland 3	-	-	X	-
Wetland 4	-	-	-	-

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

All wetlands being considered in the cumulative analysis:

Not Applicable.

Summarize overall biological, chemical and physical functions being performed:

Not Applicable.

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.

Significant Nexus: **Not Applicable**

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE:

1. TNWs and Adjacent Wetlands:

Not Applicable.

2. RPWs that flow directly or indirectly into TNWs:

Wetland Name	Flow	Explain
Indian Kill	PERENNIAL	Hydrologic indicators include OHWM, water stained leaves, drainage patterns, saturation, surface water and visible in aerial imagery, streambed soils were inundated with 2 to 6 inches of water.

Provide estimates for jurisdictional waters in the review area:

Wetland Name	Type	Size (Linear) (m)	Size (Area) (m ²)
Indian Kill	Relatively Permanent Waters (RPWs) that flow directly or indirectly into TNWs	-	2104.36512
Total:		0	2104.36512

3. Non-RPWs that flow directly or indirectly into TNWs:⁸

Not Applicable.

Provide estimates for jurisdictional waters in the review area:

Not Applicable.

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

Wetland Name	Flow	Explain
Wetland 1	PERENNIAL	Hydrologic indicators include saturation and inundation, OHWM, water stained leaves, drainage patterns, dry season water table, with presence of hydric vegetation and soils.
Wetland 2	PERENNIAL	Hydrologic indicators include surface water, saturation to surface and inundation, OHWM, water stained leaves, and its geomorphic position within a concave position within a floodplain. The drainage patterns clearly indicate flow to/from Indian Kill. Other hydrologic indicators include an evident dry season water table, with presence of hydric vegetation and soils.
Wetland 3	PERENNIAL	Hydrologic indicators include surface water inundation, saturation, and a spillway flow which connects to a culvert system that leads to Wetland 2. An intermittent stream flows into the pond from the northern boundary of the property.
Wetland 4	PERENNIAL	Hydrologic indicators include saturation and inundation, water stained leaves, OHWM, hydric soils. Wetland drained to culvert underneath North Cross Road.

Provide acreage estimates for jurisdictional wetlands in the review area:

Wetland Name	Type	Size (Linear) (m)	Size (Area) (m ²)
Wetland 1	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	-	121.40568
Wetland 2	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	-	12423.84792
Wetland 3	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	-	5341.84992
Wetland 4	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	-	728.43408
Total:		0	18615.5376

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs:

Not Applicable.

Provide acreage estimates for jurisdictional wetlands in the review area:

Not Applicable.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs:

Not Applicable.

Provide estimates for jurisdictional wetlands in the review area:

Not Applicable.

7. Impoundments of jurisdictional waters:⁹

Not Applicable.

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:¹⁰

Not Applicable.

Identify water body and summarize rationale supporting determination:

Not Applicable.

Provide estimates for jurisdictional waters in the review area:

Not Applicable.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS

- 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):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (ie., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment:

Not Applicable.

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.

Not Applicable.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD

(Isted items shall be included in case file and, where checked and requested, appropriately reference below):

Data Reviewed	Source Label	Source Description
--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	-	-
---Office concurs with data sheets/delineation report	-	-
--U.S. Geological Survey Hydrologic Atlas	-	-
--U.S. Geological Survey map(s).	-	-
--National wetlands inventory map(s).	-	-
--State/Local wetland inventory map(s):	-	-
--Photographs	-	-
---Aerial	-	-

B. ADDITIONAL COMMENTS TO SUPPORT JD:

Not Applicable.

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.

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

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.

⁸ -See Footnote #3.

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.