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

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 02-Apr-2013

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: New York District, NAN-2012-00837-JD1

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State : NY - New York
County/parish/borough: Sullivan
City: Thompson
Lat: 41.661242
Long: -74.652987
Universal Transverse Mercator
Folder UTM List
UTM list determined by folder location
- NAD83 / UTM zone 18N

Waters UTM List
UTM list determined by waters location
- NAD83 / UTM zone 18N

Name of nearest waterbody: Neversink RIver
Name of nearest Traditional Navigable Water (TNW): Delaware River
Name of watershed or Hydrologic Unit Code (HUC):

☐ 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 the action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION:

☐ Office Determination Date:
☑ Field Determination Date(s): ☐ 03-May-2012
☐ 17-Jul-2012
☐ 31-Jul-2012

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION

There "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

☐ 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 "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area:[1]

Water Name	Water Type(s) Present
Klamesha Creek System	Relatively Permanent Waters (RPWs) that flow directly or indirectly into TNWs
Wetland 71A	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
Wetland 72B	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

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

Area: (m^2)
Linear: (m)

c. Limits (boundaries) of jurisdiction:

based on: 1987 Delineation Manual.
OHWM Elevation: (if known)

2. Non-regulated waters/wetlands:[3]

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain:

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

1.TNW
Not Applicable.

2. Wetland Adjacent to TNW
Not Applicable.

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

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

(i) General Area Conditions:
Watershed size:
Drainage area:
Average annual rainfall: inches
Average annual snowfall: inches

(ii) Physical Characteristics
(a) Relationship with TNW:
☐ Tributary flows directly into TNW.
☐ Tributary flows through [ ] tributaries before entering TNW.
:Number of tributaries

Project waters are river miles from TNW.
Project waters are river miles from RPW.
Project Waters are aerial (straight) miles from TNW.
Project waters are aerial(straight) miles from RPW.

☐ Project waters cross or serve as state boundaries.
Explain:

Identify flow route to TNW:[5]

Tributary Stream Order, if known:

Order	Tributary Name
-	Klamesha Creek System

(b) General Tributary Characteristics:
Tributary is:

Tributary Name	Natural	Artificial	Explain	Manipulated	Explain
Klamesha Creek System	X	-	wetland connectionswere established between main creek and wetlands via culverts.	X	Wetland connections were established between main creek and wetlands via culverts. As the creek bisected existing golf course, it appeared that some areas may have been previously were altered as features of golf course site layout.

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

Tributary Name	Width (ft)	Depth (ft)	Side Slopes
Klamesha Creek System	6	4	2:1

Primary tributary substrate composition:

Tributary Name	Silt	Sands	Concrete	Cobble	Gravel	Muck	Bedrock	Vegetation	Other
Klamesha Creek System	X	X	-	X	-	-	-	-	-

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

Tributary Name	Condition\Stability	Run\Riffle\Pool Complexes	Geometry	Gradient (%)
Klamesha Creek System	Banks were eroding in some areas. Evidence of sediment deposits in larger open water areas.	Few areas of riffle pool, mostly typical open water ponding areas associated with golf course "water hazards"	Meandering	-

(c) Flow:

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

Surface Flow is:

Tributary Name	Surface Flow	Characteristics
Klamesha Creek System	Discrete and confined	-

Subsurface Flow:

Tributary Name	Subsurface Flow	Explain Findings	Dye (or other) Test
Klamesha Creek System	-	-	-

Tributary has:

Tributary Name	Bed & Banks	OHWM	Discontinuous OHWM[7]	Explain
Klamesha Creek System	X	X	-	-

Tributaries with OHWM[6] - (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
Klamesha Creek System	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
Klamesha Creek System	Water color is clear.	-

(iv) Biological Characteristics. Channel supports:

Tributary Name	Riparian Corridor	Characteristics	Wetland Fringe	Characteristics	Habitat
Klamesha Creek System	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
Klamesha Creek System	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 71A	4.66	Forested wetland	Quality of wetland is good	-
Wetland 72B	1.23	forested wetland	good	-

(b) General Flow Relationship with Non-TNW:
Flow is:

Wetland Name	Flow	Explain
Wetland 71A	Perennial flow.	-
Wetland 72B	Perennial flow.	-

Surface flow is:

Wetland Name	Flow	Characteristics
Wetland 71A	Discrete and confined	-
Wetland 72B	Discrete and confined	-

Subsurface flow:

Wetland Name	Subsurface Flow	Explain Findings	Dye (or other) Test
Wetland 71A	-	-	-
Wetland 72B	Unknown	-	-

(c) Wetland Adjacency Determination with Non-TNW:

Wetland Name	Directly Abutting	Discrete Wetland Hydrologic Connection	Ecological Connection	Separated by Berm/Barrier
Wetland 71A	Yes	X	-	-

Wetland 72B	Yes	-	-	-

(d) Proximity (Relationship) to TNW:

Wetland Name	River Miles From TNW	Aerial Miles From TNW	Flow Direction	Within Floodplain
Wetland 71A	-	-	-	-
Wetland 72B	1-2	2-5	-	100 - 500-year

(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 71A	-	-
Wetland 72B	-	-

(iii) Biological Characteristics. Wetland supports:

Wetland Name	Riparian Buffer	Characteristics	Vegetation	Explain
Wetland 71A	-	-	-	-
Wetland 72B	-	-	-	-

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
Klamesha Creek System	PERENNIAL	Hydrologic indicators include Surface water, saturation, water stained leaves, drainage patterns, and high water table.

Provide estimates for jurisdictional waters in the review area:

Wetland Name	Type	Size (Linear) (m)	Size (Area) (m²)
Klamesha Creek System	Relatively Permanent Waters (RPWs) that flow directly or indirectly into TNWs	-	1933183.1112
Total:		**0**	**1933183.1112**

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 72B	PERENNIAL	Hydrologic indicators include Surface water, saturation, and high water table.

Provide acreage estimates for jurisdictional wetlands in the review area:

Wetland Name	Type	Size (Linear) (m)	Size (Area) (m²)
Wetland 71A	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	-	18858.34896
Wetland 72B	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	-	4977.63288
Total:		**0**	**23835.98184**

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 soley 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
(listed 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 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.

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

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 04-Apr-2013

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: New York District, NAN-2012-00837-JD2

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State :	NY - New York
County/parish/borough:	Sullivan
City:	Thompson
Lat:	41.661242
Long:	-74.652987
Universal Transverse Mercator	Folder UTM List *UTM list determined by folder location* • NAD83 / UTM zone 18N Waters UTM List *UTM list determined by waters location* • NAD83 / UTM zone 18N
Name of nearest waterbody:	Neversink RIver
Name of nearest Traditional Navigable Water (TNW):	Delaware River
Name of watershed or Hydrologic Unit Code (HUC):	

☐ 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 the action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION:

☐ Office Determination Date:
☑ Field Determination Date(s): ☐ 03-May-2012
☐ 17-Jul-2012
☐ 31-Jul-2012

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION

There "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

☐ 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 "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area:[1]

Water Name	Water Type(s) Present
Wetland 17A	Isolated (interstate or intrastate) waters, including isolated wetlands
Wetland 17B	Isolated (interstate or intrastate) waters, including isolated wetlands
Wetland 20	Isolated (interstate or intrastate) waters, including isolated wetlands
Wetland 29	Isolated (interstate or intrastate) waters, including isolated wetlands
Wetland 38	Isolated (interstate or intrastate) waters, including isolated wetlands
Wetland 39	Isolated (interstate or intrastate) waters, including isolated wetlands
Wetland 41	Isolated (interstate or intrastate) waters, including isolated wetlands
Wetland 62	Isolated (interstate or intrastate) waters, including isolated wetlands
Wetland 66	Isolated (interstate or intrastate) waters, including isolated wetlands
Wetland 67B	Isolated (interstate or intrastate) waters, including isolated wetlands
Wetland 71B	Isolated (interstate or intrastate) waters, including isolated wetlands
Wetland 72A	Isolated (interstate or intrastate) waters, including isolated wetlands

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

Area: (m^2)
Linear: (m)

c. Limits (boundaries) of jurisdiction:

based on:
OHWM Elevation: (if known)

2. Non-regulated waters/wetlands:[3]

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain:
The 0.76-acre wetland (Wetland 17A), 2.14-acre wetland (Wetland 17B), 0.35-acre wetland (Wetland 29), 0.18-acre wetland (Wetland 62) and the 0.14-acre wetland (Wetland 67B) present on-site in the northwestern portion on the site were determined not to be jurisdictional because each was considered to be isolated. The 0.04-acre wetland (Wetland 20), 0.10-acre wetland (Wetland 38), 0.38-acre wetland (Wetland 39), and the 0.18-acre wetland (Wetland 41) present on-site in the central portion on the site were determined not to be jurisdictional because each was considered to be isolated. The 0.39-acre wetland (Wetland 66), 0.16-acre wetland (Wetland 71B), and the 0.16-acre wetland (Wetland 72A) present on-site in the southern portion on the site were determined not to be jurisdictional because each was considered to be isolated. During the site inspection a majority of these wetlands appeared to be slope wetlands without any channel formations or evidence of direct surface inputs or drainages that would connect them to a on-site watercourses or TNWs in the vicinity of the review area. Wetlands 17A, 17B, 29, 39, 41, 62, and 67B were located at areas of significant changes in elevation and surrounded by upland non-hydric soils, upland plant species and did not contain any evidence of direct surface inputs or drainages that would connect it to a TNW. Wetland 71B was surrounded by upland vegetation and non-hydric soils with no evidence of any direct surface inputs or connections to Kiamesha Lake. The nearest water courses indentified by the NYSDEC are the Neversink River, located offsite of the northern border of the property and a series on unnamed tributaries to the Neversink River located offsite of the eastern border of the site. No hydrologic connection to any waters of the U.S. are present on site form these wetlands. The wetlands under review are not present on the NWI and USGA maps for this area. Therefore these wetlands are determined to isolated.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

1.TNW
Not Applicable.

2. Wetland Adjacent to TNW
Not Applicable.

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

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

(i) General Area Conditions:
Watershed size:
Drainage area:

Average annual rainfall: inches
Average annual snowfall: inches

(ii) Physical Characteristics
(a) Relationship with TNW:

☐ Tributary flows directly into TNW.
☐ Tributary flows through [ ] tributaries before entering TNW.
:Number of tributaries

Project waters are river miles from TNW.
Project waters are river miles from RPW.
Project Waters are aerial (straight) miles from TNW.
Project waters are aerial(straight) miles from RPW.

☐ Project waters cross or serve as state boundaries.
Explain:

Identify flow route to TNW:[5]

Tributary Stream Order, if known:
Not Applicable.

(b) General Tributary Characteristics:
Tributary is:
Not Applicable.

Tributary properties with respect to top of bank (estimate):
Not Applicable.

Primary tributary substrate composition:
Not Applicable.

Tributary (conditions, stability, presence, geometry, gradient):
Not Applicable.

(c) Flow:
Not Applicable.

Surface Flow is:
Not Applicable.

Subsurface Flow:
Not Applicable.

Tributary has:
Not Applicable.

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.).
Not Applicable.

(iv) Biological Characteristics. Channel supports:
Not Applicable.

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

(i) Physical Characteristics:
(a) General Wetland Characteristics:
Properties:
Not Applicable.

(b) General Flow Relationship with Non-TNW:
Flow is:
Not Applicable.

Surface flow is:
Not Applicable.

Subsurface flow:
Not Applicable.

(c) Wetland Adjacency Determination with Non-TNW:
Not Applicable.

(d) Proximity (Relationship) to TNW:
Not Applicable.

(ii) Chemical Characteristics:
Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Not Applicable.

(iii) Biological Characteristics. Wetland supports:
Not Applicable.

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:
Not Applicable.

Provide estimates for jurisdictional waters in the review area:
Not Applicable.

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.
Not Applicable.

Provide acreage estimates for jurisdictional wetlands in the review area:
Not Applicable.

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]

Waters Name	Interstate\Foreign Travelers	Fish/Shellfish Commerce	Industrial Commerce	Interstate Isolated	Explain	Other Factors	Explain
Wetland 17A	-	-	-	-	-	-	-
Wetland 17B	-	-	-	-	-	-	-
Wetland 20	-	-	-	-	-	-	-
Wetland 29	-	-	-	-	-	-	-
Wetland 38	-	-	-	-	-	-	-
Wetland 39	-	-	-	-	-	-	-
Wetland 41	-	-	-	-	-	-	-
Wetland 62	-	-	-	-	-	-	-
Wetland 66	-	-	-	-	-	-	-
Wetland 67B	-	-	-	-	-	-	-
Wetland 71B	-	-	-	-	-	-	-
Wetland 72A	-	-	-	-	-	-	-

Identify water body and summarize rationale supporting determination:

Water Name	Adjacent To TNW Rationale	TNW Rationale
Wetland 17A	-	-
Wetland 17B	-	-
Wetland 20	-	-
Wetland 29	-	-
Wetland 38	-	-
Wetland 39	-	-
Wetland 41	-	-
Wetland 62	-	-
Wetland 66	-	-
Wetland 67B	-	-
Wetland 71B	-	-
Wetland 72A	-	-

Provide estimates for jurisdictional waters in the review area:

Water Name	Type	Size (Linear) (m)	Size (Area) (m²)
Wetland 17A	Isolated (interstate or intrastate) waters, including isolated wetlands	-	3075.61056
Wetland 17B	Isolated (interstate or intrastate) waters, including isolated wetlands	-	8660.27184
Wetland 20	Isolated (interstate or intrastate) waters, including isolated wetlands	-	161.87424
Wetland 29	Isolated (interstate or intrastate) waters, including isolated wetlands	-	1416.3996
Wetland 38	Isolated (interstate or intrastate) waters, including isolated wetlands	-	404.6856
Wetland 39	Isolated (interstate or intrastate) waters, including isolated wetlands	-	1537.80528
Wetland 41	Isolated (interstate or intrastate) waters, including isolated wetlands	-	728.43408
Wetland 62	Isolated (interstate or intrastate) waters, including isolated wetlands	-	728.43408
Wetland 66	Isolated (interstate or intrastate) waters, including isolated wetlands	-	1578.27384
Wetland 67B	Isolated (interstate or intrastate) waters, including isolated wetlands	-	566.55984
Wetland 71B	Isolated (interstate or intrastate) waters, including isolated wetlands	-	647.49696
Wetland 72A	Isolated (interstate or intrastate) waters, including isolated wetlands	-	647.49696
Total:		**0**	**20153.34288**

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 soley 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:

Water Name	Type	Size (Linear) (m)	Size (Area) (m²)
Wetland 17A	Isolated (interstate or intrastate) waters, including isolated wetlands	-	3075.61056
Wetland 17B	Isolated (interstate or intrastate) waters, including isolated wetlands	-	8660.27184
Wetland 20	Isolated (interstate or intrastate) waters, including isolated wetlands	-	161.87424
Wetland 29	Isolated (interstate or intrastate) waters, including isolated wetlands	-	1416.3996
Wetland 38	Isolated (interstate or intrastate) waters, including isolated wetlands	-	404.6856
Wetland 39	Isolated (interstate or intrastate) waters, including isolated wetlands	-	1537.80528
Wetland 41	Isolated (interstate or intrastate) waters, including isolated wetlands	-	728.43408
Wetland 62	Isolated (interstate or intrastate) waters, including isolated wetlands	-	728.43408
Wetland 66	Isolated (interstate or intrastate) waters, including isolated wetlands	-	1578.27384
Wetland 67B	Isolated (interstate or intrastate) waters, including isolated wetlands	-	566.55984
Wetland 71B	Isolated (interstate or intrastate) waters, including isolated wetlands	-	647.49696
Wetland 72A	Isolated (interstate or intrastate) waters, including isolated wetlands	-	647.49696
Total:		**0**	**20153.34288**

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
(listed items shall be included in case file and, where checked and requested, appropriately reference below):
Not Applicable.

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.