

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):** 04/20/2016
- B. DISTRICT OFFICE:** San Francisco District **FILE NUMBER:** 2007-4004115
File Name: Pilarcitos Quarry
Waterbody Name: Nuff Creek
- C. PROJECT LOCATION AND BACKGROUND INFORMATION:**
State: California County/parish/borough: San Mateo City: Half Moon Bay
Center coordinates of site: (lat/long (in degree decimal format): Lat: 37.500 N Long: 122.392 W
Pick List (lat/long (in degree decimal format): Lat: Pick Long: Pick
Pick List (lat/long (in degree decimal format): Lat: Pick Long: Pick
Universal Transverse Mercator:
Name of nearest waterbody: Nuff Creek
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Pilarcitos Creek
Name of watershed or Hydrologic Unit Code (HUC): San Francisco Bay HUC: 18050006
 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: 04/20/2016
 Field Determination. Date(s): 03/15/2016

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 and are not** "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: 32,726 linear feet and 0.31 acres. (other comments: The site contains 23,035 lineal feet of intermittent stream, 8,202 lineal feet of perennial stream, 1,489 lineal feet of culverted stream, and 0.31 acre of created pond.)

Wetlands: 5.24 acres. (other comments: The site contains 0.24 acre of seasonal wetland and 5.00 acres of willow riparian wetland.)

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual

Elevation of established OHWM (if known):

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).

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:** Five quarry operational ponds totaling 6.94 acre are non-jurisdictional because they were excavated in uplands to capture water for sediment control. These sediment ponds form a series of interconnected basins to remove sediment from the quarry slope runoff.

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 that waterbody is a TNW:

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: 880.81 square miles

Drainage area: Pick List

Average annual rainfall: 24.0 inches

Average annual snowfall: 0 inches

(ii) Physical Characteristics:

a. Relationship with TNW:

- Tributary flows directly into TNW
 Tributary flows through Pick List tributaries before entering TNW

Project waters are 1 (or less) river miles from TNW.

Project waters are 1 (or less) river miles from RPW.

Project waters are 1 (or less) aerial (straight) miles from TNW.

Project waters are 1 (or less) aerial (straight) miles from RPW.

Project waters cross or serve as a state boundary. **Explain:**

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.

Identify flow route to TNW⁵: The main stem of Nuff Creek bisects the project area roughly north to south, with many smaller intermittent tributaries branching off. Some of the site's jurisdictional wetlands, as well as both of the created ponds, directly abut either Nuff Creek or one of its tributaries, while the remaining wetlands are hydrologically connected to one of the interconnected streams by overland flow and/or groundwater. Nuff Creek drains into Pilarcitos Creek, a TNW that discharges into the Pacific Ocean, approximately 0.1 mile south of the project area.

Tributary stream order, if known:

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

Tributary is:

- Natural: (comment if needed Two disconnected segments of the main stem of Nuff Creek, which total 8,202 lineal feet, are natural. All 23,035 lineal feet of intermittent tributary streams are also natural.)
- Artificial (man-made): *Explain:*
- Manipulated (man-altered): *Explain:* Below the active quarry site, 1,489 lineal feet of the main stem of Nuff Creek is culverted below the ground (though the permit application currently under consideration proposes daylighting this culverted stream).

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

Average width: feet (measured from top of bank to top of bank)
 Average depth: feet. (measured from OHWM to top of bank)
 Average side slopes: [Pick List](#)

Primary tributary substrate composition (check all that apply):

- Silt:
- Sand:
- Clay:
- Cobbles:
- Gravel:
- Muck:
- Bedrock:
- Concrete:
- Vegetation (Type / % cover):
- Other (Explain):

Tributary condition/stability [e.g., highly eroding, sloughing banks]. *Explain:* .

Presence of run/riffle/pool complexes. *Explain:* .

Tributary geometry: [meandering](#)

Tributary gradient (approximate average slope): %

c. FLOW INFORMATION

Tributary provides for: [perennial and intermittent flow](#)

Estimate average number of flow events in review area/year: [Pick List](#)

Describe flow regime: [The site's intermittent tributaries, created pond, and adjacent wetlands flow into the main stem of Nuff Creek, which bisects the project area.](#)

Other information on duration and volume: .

Surface flow is: [overland flow](#). Characteristics: .

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):

<input checked="" type="checkbox"/> clear, natural line impressed on the bank	<input type="checkbox"/> the presence of litter and debris
<input checked="" type="checkbox"/> changes in the character of soil	<input checked="" type="checkbox"/> shelving
<input type="checkbox"/> destruction of terrestrial vegetation	<input type="checkbox"/> the presence of wrack line

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.

⁶A 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.

- vegetation matted down, bent, or absent
- leaf litter disturbed or washed away
- multiple observed or predicted flow events
- water staining
- abrupt change in plant community. *Explain:*
- other (list):

- sediment sorting
- scour
- sediment deposition

Discontinuous OHWM.⁷ *Explain:*

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: | OR | <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 (<i>list</i>): | | |

(iii) **Chemical Characteristics:**

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

Identify specific pollutants, if known:

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

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
 - Federally Listed species. *Explain findings:*
Fish/spawn areas. *Explain findings:* Steelhead are present in Pilarcitos Creek, which Nuff Creek discharges into approximately 0.1 mile south of the project area and which may function as steelhead spawning habitat. However, the portion of Nuff Creek located within the project area has been altered with culverts and large drops that serve as barriers to fish passage
 - Other environmentally-sensitive species. *Explain findings:*
Aquatic/wildlife diversity. *Explain findings:* Waters and adjacent wetlands provide water, supply food, and contribute nutrients needed by fishes and other aquatic organisms. Other important ways in which wetlands enhance aquatic and wildlife biodiversity include the vital functions of flood storage, involving the containment and slow release of flood waters, and sediment control, as wetland vegetation binds soil particles and retards the movement of sediment in slowly flowing water.

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: 5.24 acres

Wetland type. *Explain:* There is 0.24 acre of seasonal wetland and 5.00 acre of willow riparian wetland.

Wetland quality. *Explain:* intact palustrine wetlands

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

(b) General Flow Relationship with Non-TNW:

Flow is: perennial and intermittent flow *Explain:* One of the willow riparian wetlands, which comprises 2.79 acres, directly abuts a perennial stream. The remaining wetlands either directly abut an intermittent stream or are adjacent to but do not directly abut either a perennial and/or intermittent stream.

Surface flow is: overland flow

Characteristics:

Subsurface flow: unknown *Explain findings:*

- Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- Directly abutting

⁷Ibid.
ud080207 HED

- Not directly abutting
 - Discrete wetland hydrologic connection. *Explain: All of the wetlands are either directly abutting a stream or situated within a short distance via overland flow to Nuff Creek and/or one of its tributary streams.*
 - Ecological connection. *Explain:*
 - Separated by berm / barrier. *Explain:*

(d) Proximity (Relationship) to TNW

Project wetlands are 1 (or less) river miles from TNW.
 Project waters are 1 (or less) aerial (straight) miles from TNW.
 Flow is from: wetland to navigable waters
 Estimate approximate location of wetland as within the: 2-5 year 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:*

Identify specific pollutants, if known: *Explain:*

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

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. *Explain:*
- Habitat for:
 - Federally Listed species. *Explain findings:*
 - Fish/spawn areas. *Explain findings:*
 - Other environmentally-sensitive species. *Explain findings:*
- Aquatic/wildlife diversity. *Explain findings: Wetlands provide water, supply food, and contribute nutrients needed by fish and other aquatic organisms. Other important ways in which wetlands enhance aquatic and wildlife biodiversity include the vital functions of flood storage, involving the containment and slow release of flood waters, and sediment control, as wetland vegetation binds soil particles and retards the movement of sediment in slowly flowing water. Wetlands in general support high biodiversity and provide crucial habitat for many threatened and endangered species, including many terrestrial species that depend upon wetlands to reproduce.*

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

- (i) All wetland(s) being considered in the cumulative analysis: 9
- (ii) Approximately 5.24 acres in total are being considered in the cumulative analysis.

(iii) For each wetland associated with the reach or waterbody being analyzed in this form, specify the following:

Number/Name ⁸	Directly abuts (Yes/No)	Size	Number/Name	Directly abuts (Yes/No)	Size
SW1	Yes	0.22 acre	WR4	No	0.31 acre
SW2	Yes	0.02 acre	WR5	No	0.60 acre
WR1	No	0.16 acre	WR6	Yes	0.66 acre
WR2	Yes	2.79 acres	WR7	Yes	0.02 acre
WR3	No	0.46 acre			

- (iv) Summarize overall biological, chemical and physical functions being performed: *The jurisdictional wetlands can be expected to provide water, supply food, and contribute nutrients needed by fishes and other aquatic organisms. Other important ways in which wetlands enhance aquatic and wildlife biodiversity include the vital functions of flood storage, involving the containment and slow release of flood waters, and sediment control, as wetland vegetation binds soil particles and retards the movement of sediment in slowly flowing water. Wetlands in general support high biodiversity and provide crucial habitat for many threatened and endangered species, including many terrestrial species that depend upon wetlands to reproduce.*

⁸ In the Number/Name column, add the number and/or name that you have given the wetland being referred to in the table. Example, you are referring to a wetland on your wetland delineation map number 6, that you call wetland No.3 on a reach you refer to as Putah Creek. For this wetland you would add to the table in the Number/Name column, something like the following: (No. 3, Putah Ck., Map # 6).

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:
Three of the site's nine wetlands are adjacent to but not directly abut a RPW, either Nuff Creek or one of its intermittent tributaries. However, all of the wetlands have a significant nexus via overland flow, and likely also via groundwater, into one or more of the site's streams.

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), and/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: *There are 9,691 lineal feet of perennial stream, including 1,489 lineal feet of culverted stream below the active quarry. This perennial stream is the main stem of Nuff Creek, a tributary of Pilarcitos Creek (a TNW).*
 - 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: *There are numerous intermittent streams totaling 23,035 on the site that are tributaries of Nuff Creek. .*

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

- Tributary waters: 23,035 linear feet width (ft).
- Other non-wetland waters: 0.34 acre.

Identify type(s) of waters: Two created ponds totaling 0.31 acre are adjacent to the main stem of Nuff Creek.

3. Non-RPWs⁹ 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: One willow riparian wetland totaling 2.79 acres directly abuts the main stem of Nuff Creek, a perennial stream.
 - 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: Three willow riparian wetlands totaling 1.14 acre and two seasonal wetlands totaling 0.24 acre directly abut one of the tributary streams of Nuff Creek, which are intermittent streams where water flows seasonally.

Provide acreage estimates for jurisdictional wetlands in the review area: 4.17 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 jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: 1.07 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.¹⁰

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):¹¹

⁹See Footnote # 3.

¹⁰To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹¹Prior 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.

- 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): *Five quarry operational ponds totaling 6.94 acres were constructed in uplands to capture water for sediment control. These ponds are located on the floor of the active quarry to remove sediment from the quarry slope runoff.*

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: *6.94* 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: *study area map, site plan, special status plant species map, special status wildlife species map, biological communities map, wetland impacts map, mining expansion plans, proposed mitigation plan, construction plans.*
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - 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: .

- USDA Natural Resources Conservation Service Soil Survey. Citation: .
- National wetlands inventory map(s). Cite name: .
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): *ArcGIS and Google Earth Pro aerial imagery (2016)*.
- Other (Name & Date): *photos submitted by agent (2012) and taken by Corps (03/15/2016)*.
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .
-

B. ADDITIONAL COMMENTS TO SUPPORT JD: