VEGETATION – Use scientific names of plants.

Sampling Point: FDS-6

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Indicator Status
1. None	0		
2.			
3.			
4.			
5.			
6.			
7.			
	0 = Total Cover		
Sapling Stratum (Plot size: 15)			
1. None	0		
2.			
3.			
4.			
5.			
6.			
7.			
	0 = Total Cover		
Shrub Stratum (Plot size: 15)			
1. None	0		
2.			
3.			
4.			
5.			
6.			
7.			
	0 = Total Cover		
Herb Stratum (Plot size: 5)			
1. Festuca pratensis	55	Yes	FACU
2. Rubus argutus	30	Yes	FACU
3. Rosa multiflora	10	No	FACU
4. Potentilla canadensis	5	No	UPL
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	100 = Total Cover		
Woody Vine Stratum (Plot size: 30)			
1.			
2.			
3.			
4.			
5.			
	= Total Cover		

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 1 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	0	x 3 =	0
FACU species	95	x 4 =	380
UPL species	5	x 5 =	25
Column Totals:	100 (A)		405 (B)

Prevalence Index = B/A = 4.05

Hydrophytic Vegetation Indicators:

___ Rapid Test for Hydrophytic Vegetation

___ Dominance Test is >50%

___ Prevalence Index is ≤3.0[1]

___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata:

Tree – Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and 3 in. (7.6 cm) or larger in diameter at breast height (DBH).

Sapling – Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and less than 3 in. (7.6 cm) DBH.

Shrub – Woody plants, excluding woody vines, approximately 3 to 20 ft (1 to 6 m) in height.

Herb – All herbaceous (non-woody) plants, including herbaceous vines, regardless of size. Includes woody plants, except woody vines, less than approximately 3 ft (1 m) in height.

Woody vine – All woody vines, regardless of height.

Hydrophytic Vegetation Present? **Yes** _____ **No** ✓

Remarks: (Include photo numbers here or on a separate sheet.)

SOIL

Sampling Point: FDS-6

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox %	Type[1]	Loc[2]	Texture	Remarks
0-3	10YR 4/3	100					Loam	
6-12	10YR 4/4	100					Loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

___ Histosol (A1)
___ Histic Epipedon (A2)
___ Black Histic (A3)
___ Hydrogen Sulfide (A4)
___ Stratified Layers (A5)
___ 2 cm Muck (A10) **(LRR N)**
___ Depleted Below Dark Surface (A11)
___ Thick Dark Surface (A12)
___ Sandy Mucky Mineral (S1) **(LRR N, MLRA 147, 148)**
___ Sandy Gleyed Matrix (S4)
___ Sandy Redox (S5)
___ Stripped Matrix (S6)
___ Dark Surface (S7)
___ Polyvalue Below Surface (S8) **(MLRA 147, 148)**
___ Thin Dark Surface (S9) **(MLRA 147, 148)**
___ Loamy Gleyed Matrix (F2)
___ Depleted Matrix (F3)
___ Redox Dark Surface (F6)
___ Depleted Dark Surface (F7)
___ Redox Depressions (F8)
___ Iron-Manganese Masses (F12) **(LRR N, MLRA 136)**
___ Umbric Surface (F13) **(MLRA 136, 122)**
___ Piedmont Floodplain Soils (F19) **(MLRA 148)**

Indicators for Problematic Hydric Soils[3]:

___ 2 cm Muck (A10) **(MLRA 147)**
___ Piedmont Floodplain Soils (F19) **(MLRA 136, 147)**
___ Red Parent Material (TF2)
___ Very Shallow Dark Surface (TF12)
___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** _____ **No** ✓

Remarks:

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Enlow Fork Restoration Site City/County: Washington Sampling Date: 11/28/12

Applicant/Owner: First Pennsylvania Resource, LLC State: PA Sampling Point: FDS-7

Investigator(s): J Bohdan Section, Township, Range: West Finley

Landform (hillslope, terrace, etc.): Floodplain Local relief (concave, convex, none): Concave

Slope (%): 3 Lat: 39.986113 N Long: 80.451274 W Datum: NAD 83

Soil Map Unit Name: Dormont-Culleoka silt loams NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ✓ No ____ (If no, explain in Remarks.)

Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes ✓ No ____

Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ✓	No ____	**Is the Sampled Area within a Wetland?** **Yes ✓** **No ____**
Hydric Soil Present?	Yes ✓	No ____	
Wetland Hydrology Present?	Yes ✓	No ____	

Remarks:

This data station is located in an active livestock pasture.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ✓ High Water Table (A2)
- ✓ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ True Aquatic Plants (B14)
- ___ Hydrogen Sulfide Odor (C1)
- ✓ Oxidized Rhizospheres on Living Roots (C3)
- ✓ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ✓ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ Microtopographic Relief (D4)
- ✓ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ____	No ✓	Depth (inches): ____
Water Table Present?	Yes ____	No ✓	Depth (inches): >14
Saturation Present? (includes capillary fringe)	Yes ✓	No ____	Depth (inches): 10

Wetland Hydrology Present? **Yes ✓** **No ____**

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION – Use scientific names of plants.

Sampling Point: FDS-7

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Indicator Status
1. None	0		
2.			
3.			
4.			
5.			
6.			
7.			
	0 = Total Cover		
Sapling Stratum (Plot size: 15)			
1. None	0		
2.			
3.			
4.			
5.			
6.			
7.			
	0 = Total Cover		
Shrub Stratum (Plot size: 15)			
1. None	0		
2.			
3.			
4.			
5.			
6.			
7.			
	0 = Total Cover		
Herb Stratum (Plot size: 5)			
1. Carex lurida	70	Yes	OBL
2. Festuca pratensis	20	Yes	FACU
3. Ploygonum hydropiper	5	No	OBL
4. Juncus effusus	5	No	FACW
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	100 = Total Cover		
Woody Vine Stratum (Plot size: 30)			
1.			
2.			
3.			
4.			
5.			
	= Total Cover		

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 2 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 50 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	75	x 1 =	75
FACW species	5	x 2 =	10
FAC species	0	x 3 =	0
FACU species	20	x 4 =	80
UPL species	0	x 5 =	0
Column Totals:	100 (A)		165 (B)

Prevalence Index = B/A = 1.65

Hydrophytic Vegetation Indicators:

___ Rapid Test for Hydrophytic Vegetation

___ Dominance Test is >50%

✓ Prevalence Index is ≤3.0[1]

___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

✓ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata:

Tree – Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and 3 in. (7.6 cm) or larger in diameter at breast height (DBH).

Sapling – Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and less than 3 in. (7.6 cm) DBH.

Shrub – Woody plants, excluding woody vines, approximately 3 to 20 ft (1 to 6 m) in height.

Herb – All herbaceous (non-woody) plants, including herbaceous vines, regardless of size. Includes woody plants, except woody vines, less than approximately 3 ft (1 m) in height.

Woody vine – All woody vines, regardless of height.

Hydrophytic Vegetation Present? **Yes** ✓ **No** ___

Remarks: (Include photo numbers here or on a separate sheet.)

Fescue species have allelopathic properties especially in an active livestock pasture. Festuca pratensis is functioning as an invasive species in this plant community by out competing the native hydrophytic vegetation.

SOIL

Sampling Point: FDS-7

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Type[1]	Loc[2]	Texture	Remarks
0-4	2.5Y 4/1	90	10YR 5/8	10	C	PL	SICL	
4-14	Gley 1 4/10	95	10YR 4/6	5	C	PL	SICL	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Muck (A10) **(LRR N)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1) **(LRR N, MLRA 147, 148)**
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7)
- ___ Polyvalue Below Surface (S8) **(MLRA 147, 148)**
- ___ Thin Dark Surface (S9) **(MLRA 147, 148)**
- ___ Loamy Gleyed Matrix (F2)
- ✓ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Iron-Manganese Masses (F12) **(LRR N, MLRA 136)**
- ___ Umbric Surface (F13) **(MLRA 136, 122)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 148)**

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10) **(MLRA 147)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 136, 147)**
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** ✓ **No** ___

Remarks:

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Enlow Fork Restoration Site City/County: Washington Sampling Date: 11/28/12

Applicant/Owner: First Pennyslvania Resource LLC State: PA Sampling Point: FDS-8

Investigator(s): J Bohdan Section, Township, Range: West Finley

Landform (hillslope, terrace, etc.): Side slope Local relief (concave, convex, none): None

Slope (%): 15 Lat: 39.986091 N Long: 80.451124 W Datum: NAD 83

Soil Map Unit Name: Dormont-Culleoka silt loams NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ✓ No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes ✓ No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____	No ✓	**Is the Sampled Area within a Wetland?** **Yes** ✓ **No** ✓
Hydric Soil Present?	Yes _____	No ✓	
Wetland Hydrology Present?	Yes _____	No ✓	

Remarks:

This data station is located in an active livestock pasture.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

___ Surface Water (A1)
___ High Water Table (A2)
___ Saturation (A3)
___ Water Marks (B1)
___ Sediment Deposits (B2)
___ Drift Deposits (B3)
___ Algal Mat or Crust (B4)
___ Iron Deposits (B5)
___ Inundation Visible on Aerial Imagery (B7)
___ Water-Stained Leaves (B9)
___ Aquatic Fauna (B13)
___ True Aquatic Plants (B14)
___ Hydrogen Sulfide Odor (C1)
___ Oxidized Rhizospheres on Living Roots (C3)
___ Presence of Reduced Iron (C4)
___ Recent Iron Reduction in Tilled Soils (C6)
___ Thin Muck Surface (C7)
___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

___ Surface Soil Cracks (B6)
___ Sparsely Vegetated Concave Surface (B8)
___ Drainage Patterns (B10)
___ Moss Trim Lines (B16)
___ Dry-Season Water Table (C2)
___ Crayfish Burrows (C8)
___ Saturation Visible on Aerial Imagery (C9)
___ Stunted or Stressed Plants (D1)
___ Geomorphic Position (D2)
___ Shallow Aquitard (D3)
___ Microtopographic Relief (D4)
___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes _____	No ✓	Depth (inches): _____
Water Table Present?	Yes _____	No ✓	Depth (inches): >14
Saturation Present? (includes capillary fringe)	Yes _____	No ✓	Depth (inches): >14

Wetland Hydrology Present? **Yes** _____ **No** ✓

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION – Use scientific names of plants.

Sampling Point: FDS-8

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Indicator Status
1. None	0		
2.			
3.			
4.			
5.			
6.			
7.			
	0 = Total Cover		
Sapling Stratum (Plot size: 15)			
1. None	0		
2.			
3.			
4.			
5.			
6.			
7.			
	0 = Total Cover		
Shrub Stratum (Plot size: 15)			
1. None	0		
2.			
3.			
4.			
5.			
6.			
7.			
	0 = Total Cover		
Herb Stratum (Plot size: 5)			
1. Festuca pratensis	85	Yes	FACU
2. Rosa multiflora	5	No	FACW
3. Trifolium repens	5	No	FACU
4. Daucus carota	2	No	UPL
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	100 = Total Cover		
Woody Vine Stratum (Plot size: 30)			
1.			
2.			
3.			
4.			
5.			
	= Total Cover		

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 1 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	5	x 2 =	10
FAC species	0	x 3 =	0
FACU species	90	x 4 =	360
UPL species	2	x 5 =	10
Column Totals:	97 (A)		28 (B)

Prevalence Index = B/A = 3.9

Hydrophytic Vegetation Indicators:

___ Rapid Test for Hydrophytic Vegetation

___ Dominance Test is >50%

___ Prevalence Index is ≤3.0[1]

___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata:

Tree – Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and 3 in. (7.6 cm) or larger in diameter at breast height (DBH).

Sapling – Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and less than 3 in. (7.6 cm) DBH.

Shrub – Woody plants, excluding woody vines, approximately 3 to 20 ft (1 to 6 m) in height.

Herb – All herbaceous (non-woody) plants, including herbaceous vines, regardless of size. Includes woody plants, except woody vines, less than approximately 3 ft (1 m) in height.

Woody vine – All woody vines, regardless of height.

Hydrophytic Vegetation Present? **Yes** _____ **No** ✓

Remarks: (Include photo numbers here or on a separate sheet.)

.

SOIL

Sampling Point: FDS-8

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox %	Type[1]	Loc[2]	Texture	Remarks
0-6	2.5Y 4/3	100					Fine Sandy Loam	Auger Refusal at 6".

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Muck (A10) **(LRR N)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1) **(LRR N, MLRA 147, 148)**
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7)
- ___ Polyvalue Below Surface (S8) **(MLRA 147, 148)**
- ___ Thin Dark Surface (S9) **(MLRA 147, 148)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Iron-Manganese Masses (F12) **(LRR N, MLRA 136)**
- ___ Umbric Surface (F13) **(MLRA 136, 122)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 148)**

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10) **(MLRA 147)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 136, 147)**
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** _____ **No** ✓

Remarks:

APPENDIX B
REPRESENTATIVE SITE PHOTOGRAPHS

Degraded PEM wetland located within a pasture at FDS – 1. (11-28-12, Jason Bohdan)

Upland pasture at FDS – 2. (11-28-12, Jason Bohdan)

Facing upstream toward a POW wetland along the main tributary on site. (11/26/2012, Jason Bohdan)

Facing downstream at the main tributary toward the agricultural impoundment. (11/28/12, Jason Bohdan)

Degraded PEM wetland located within a pasture at FDS-3. (11/28/12, Jason Bohdan)

Upland pasture located at FDS – 4. (11/18/12, Jason Bohdan)

PFO wetland located at FDS-5. (11/28/13, Jason Bohdan)

Upland pasture located at FDS-6. (11/28/12, Jason Bohdan)

Facing upstream along the western fork of the unnamed tributary. (11/28/12, Jason Bohdan)

Facing upstream at an ephemeral tributary in the headwaters of the site. (11/28/12, Jason Bohdan)

PEM wetland located below the agricultural impoundment at FDS - 7. (11/28/12, Jason Bohdan)

Upland pasture located at FDS-8. (11/28/12, Jason Bohdan)

APPENDIX C
COE JD REQUEST FORM

ATTACHMENT

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD):

Site: Enlow Fork Restoration Site

Date: 8-13-13

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:
Requested by:
Jason Bohdan – Timmons Group
1001 Boulders Parkway, Suite 300
Richmond, VA 23225

Requested on behalf of:
Will Donaldson - First Pennsylvania Resource, LLC
380 Southpointe Blvd., Suite 405
Canonsburg, PA 15317

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:

Pittsburgh District

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: Pennsylvania
County/parish/borough: Washington County/West Finley Township
City: N/A

Center coordinates of site (lat/long in degree decimal format):
Lat. 39.592198 N, Long. 80.271589 W

Universal Transverse Mercator: 17

Name of nearest waterbody: Enlow Fork

Identify (estimate) amount of waters in the review area:
Non-wetland waters: 6,433 linear feet.
Cowardin Class: primarily R3SB3 with R4SB3 and R6SB3 tributaries
Stream Flow: less than 1 c.f.s.
Wetlands: 3.10 acres
Cowardin Class: PEM, PFO, and POW

Name of any water bodies on the site that have been identified as Section 10 waters:
Tidal: Not Applicable
Non-Tidal: Not Applicable

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

☐ Office (Desk) Determination. Date:

☐ Field Determination. Date(s):

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps

permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there *"may be"* waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

☐ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .

☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

- ☐ 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 Geodectic Vertical Datum of 1929)

☐ Photographs: ☐ Aerial (Name & Date): .

or ☐ Other (Name & Date): .

☐ Previous determination(s). File no. and date of response letter: .

☐ Other information (please specify): .

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

_____	_____
Signature and date of Regulatory Project Manager (REQUIRED)	Signature and date of person requesting preliminary JD (REQUIRED, unless obtaining the signature is impracticable)