

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): January 8, 2015

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Pittsburgh District LRP 2012-1017 Windjammer Drive site

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Ohio County/parish/borough: Mahoning City: St. Columbiana
Center coordinates of site (lat/long in degree decimal format): Lat. 40.90178.° **N**, Long. -80.69042° **E**.
Universal Transverse Mercator:

Name of nearest waterbody: Arrowhead Lake

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Arrowhead Lake discharges into an unnamed tributary to Mill Creek, Mill Creek flows into the Mahoning River (TNW) in Youngstown, Ohio approximately 12 miles to the north.

Name of watershed or Hydrologic Unit Code (HUC): Mill Creek

- 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:
 Field Determination. Date(s): 3-18-2014 and 4-17-2014

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

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

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

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

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

1. Waters of the U.S.

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

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

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

Non-wetland waters: Arrowhead Lake is an approximately 35 acre lake which is formed by the dam which backs up several unnamed tributaries to Mill Creek in the northeast section of Columbiana. For the purpose of this analysis Arrowhead Lake is a RPW with 9 adjacent wetlands/impoundments which were formally utilized as a fish hatchery. According to the consultant that conducted the wetland delineation 8 of the 9 wetlands/impoundments have an open-water component with a total of 0.92 acre. Pond 1 (0.054), Pond 2 (0.065), Pond 3 (0.122), Pond 4 (0.113), Pond 5 (0.12), Pond 6 (0.119), Pond 7 (0.129), and Pond 8 (0.198). linear feet: width (ft) and/or acres.

Wetlands: There are 9 wetlands/impoundments which were formally utilized as a fish hatchery adjacent to Arrowhead Lake. According to the consultant that conducted the wetland delineation all of the wetlands/impoundments contain a palustrine emergent/scrub-shrub fringe (except for Wetland E which does not contain any open water) for a total of 0.412 acre of palustrine emergent/scrub-shrub wetlands. Wetland B (0.032), Wetland C (0.033) Wetland D (0.038), Wetland E (0.075), Wetland F (0.036) Wetland G (0.036), Wetland H (0.037), Wetland I (0.025) and Wetland J (0.10) acres.

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

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).

Elevation of established OHWM (if known): .

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

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

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

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

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”:

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

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

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

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

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

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

(i) General Area Conditions:

Watershed size: Arrowhead Lake has a contributing watershed of approximately 550 acres

Drainage area: Arrowhead Lake is fed by several unnamed tributaries to Mill Creek and has a drainage area of 550 acres

Average annual rainfall: 40 inches

Average annual snowfall: 60 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through 2 tributaries before entering TNW.

Project waters are 10-15 river miles from TNW.

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

Project waters are 10-15 aerial (straight) miles from TNW.

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

Project waters cross or serve as state boundaries. Explain: No.

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: Wetlands B through J and open water ponds 1 through 8 are located adjacent to Arrowhead Lake. Arrowhead Lake discharges into an unnamed tributary to Mill Creek for 0.65 miles and flows into Mill Creek. Mill Creek flows north and empties into the Mahoning River (TNW) in Youngstown, Ohio.
Tributary stream order, if known: .

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

Tributary is: Natural
 Artificial (man-made). Explain: Arrowhead Lake was created by a man-made dam.
 Manipulated (man-altered). Explain: Arrowhead Lake is fed by headwater streams in the

northeast portion of Columbiana. The unnamed tributary between the lake and Mill Creek appears to have been relocated as it contains 2 ninety degree bends and straight sections.

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

Average width: The wetlands/impoundments are located adjacent to Arrowhead Lake feet
 Average depth: unknown feet
 Average side slopes: **4:1 (or greater)**.

Primary tributary substrate composition (check all that apply):

Silts Sands Concrete
 Cobbles Gravel Muck
 Bedrock Vegetation. Type/% cover:
 Other. Explain: Arrowhead Lake is adjacent to the wetlands and ponds being considered.

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Majority of the shoreline along Arrowhead Lake consists of mowed lawns.

Presence of run/riffle/pool complexes. Explain: Arrowhead Lake is an approximately 35 acre open water lake.

Tributary geometry: **Pick List**

Tributary gradient (approximate average slope): Flat %

(c) Flow:

Tributary provides for: **Pick List**

Estimate average number of flow events in review area/year: **Pick List**

Describe flow regime: .

Other information on duration and volume: Arrowhead Lake is filled year round.

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

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

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

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.

⁷Ibid.

(iii) Chemical Characteristics:

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

Explain: Water in Arrowhead Lake is clear no discoloration or oily film was observed on the 2 field visits.

Identify specific pollutants, if known: .

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

- Riparian corridor. Characteristics (type, average width): Arrowhead Lake is surrounded by residential development and majority of the shoreline is mowed to the waters edge.
- Wetland fringe. Characteristics: Each of the ponds under consideration (Ponds 1 through 8 and associated Wetlands A through J) have an open water component (except Wetland E).
- Habitat for:
- Federally Listed species. Explain findings: .
 - Fish/spawn areas. Explain findings: Fish species observed within Arrowhead Lake includes bluegill, bass and carp.
 - Other environmentally-sensitive species. Explain findings: .
 - Aquatic/wildlife diversity. Explain findings: Arrowhead Lake and the adjacent wetlands/impoundments provide

habitat for fish and waterfowl feeding, nesting, spawning, and rearing of young fish and wildlife. Numerous geese were observed nesting on the site at the 4-17-14 field view.

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: There are 9 wetlands/impoundments which were formally utilized as a fish hatchery adjacent to Arrowhead Lake. According to the consultant that conducted the wetland delineation all of the wetlands/impoundments contain a palustrine emergent/scrub-shrub fringe (except Wetland E which does not contain any open water) for a total of 0.412 acre of palustrine emergent/scrub-shrub wetlands. Wetland B (0.032), Wetland C (0.033) Wetland D (0.038), Wetland E (0.075), Wetland F (0.036) Wetland G (0.036), Wetland H (0.037), Wetland I (0.025) and Wetland J (0.10) acres

Wetland type. Explain: Wetlands include both palustrine emergent and palustrine shrub scrub wetlands.

Wetland quality. Explain: The land owner recently cleared and grubbed the areas surrounding each of the ponds (1 through 8 and Wetland E) and cut the wetland vegetation within each pond.

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

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: The flow regime is unknown.

It appears that Pond 1 to 6 plus Wetland E drained into Arrowhead Lake through appromity 3-inch diameter steel pipes. Four pipes were observed out letting into the lake downslope of the ponds. There is a swale which connects Pond 7 to the lake. Remant channels were observed along Pond 8 which fed all of the downslope ponds - ponds 1-7 plus Wetland E. According to the owner the original use of these water bodies were constructed as a fish hatchery. Water was discharged into Pond 8 from across the road which then fed each of the downslope ponds (1 through 7 plus Wetland E). During the field view on 3-18-14 ice was connecting Pond 2 and 3.

Surface flow is: **Overland sheetflow**

Characteristics: .

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

Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: It appears that Pond 1 to 6 plus Wetland E drained into Arrowhead Lake through appromity 3-inch diameter steel pipes. Four pipes were observed out letting into the lake downslope of the ponds. There is a swale which connects Pond 7 to the lake. Remant channels were observed along Pond 8 which fed all of the downslope ponds - ponds 1-7 plus Wetland E. According to the owner the original use of these water bodies were constructed as a fish hatchery. Water was discharged into Pond 8 which then fed each of the downslope ponds (1 through 7 plus Wetland E). .

Ecological connection. Explain: .

Separated by berm/barrier. Explain: Each of the ponds 1 through 8 and Wetland E are seperated by an upland berm between each pond and an upland area between each and Arrowhead Lake.

(d) Proximity (Relationship) to TNW

Project wetlands are **10-15** river miles from TNW.

Project waters are **10-15** aerial (straight) miles from TNW.

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

Estimate approximate location of wetland as within the **500-year or greater** 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: Water in Arrowhead Lake is clear no discoloration or oily film was observed.

Identify specific pollutants, if known: .

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

Riparian buffer. Characteristics (type, average width): Arrowhead Lake is surrounded by residential development and majority of the shoreline is mowed to the waters edge.

Vegetation type/percent cover. Explain: .

Habitat for:

Federally Listed species. Explain findings: .

Fish/spawn areas. Explain findings: Fish species observed within Arrowhead Lake includes bluegill, bass and carp.

Other environmentally-sensitive species. Explain findings: .

Aquatic/wildlife diversity. Explain findings: Arrowhead Lake and the adjacent wetlands/impoundments provide habitat for fish and waterfowl feeding, nesting, spawning, and rearing of young fish and wildlife. Numerous geese were observed nesting on the site at the 4-17-14 field view.

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

All wetland(s) being considered in the cumulative analysis: **9**

Approximately (0.412) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
See Attached Table 1 and 2			

Summarize overall biological, chemical and physical functions being performed:

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: NA.
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: NA.
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: Arrowhead Lake and the adjacent wetlands/impoundments have the capacity to carry pollutants from the surrounding upland areas to Mill Creek and ultimately the Mahoning River (TNW). In addition, Arrowhead Lake and the adjacent wetlands/impoundments have the ability to reduce pollutants from reaching the river by biological action and reduction of flood flows by flood storage during heavy rain events. Arrowhead Lake and the adjacent wetlands/impoundments provide habitat for fish and waterfowl feeding, nesting, spawning, and rearing of young fish and wildlife. Arrowhead Lake and the adjacent wetlands/impoundments has the ability to transfer nutrients and organic carbon that sheet flows into the Lake from the surrounding residential and agricultural areas.

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
 TNWs: linear feet width (ft), Or, acres.
 Wetlands adjacent to TNWs: acres.
2. **RPWs that flow directly or indirectly into TNWs.**
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Arrowhead Lake is a perennial water body as evidenced by the presence of fish in the lake.

- 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: .

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

- Tributary waters: linear feet width (ft).
 Other non-wetland waters: **Arrowhead Lake covers approximately 35 acres.**
Identify type(s) of waters: **lake.**

3. Non-RPWs⁸ that flow directly or indirectly into TNWs.

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

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

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

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

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
 Wetlands directly abutting an RPW where tributaries typically flow “seasonally.” Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: 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: **There are 9 wetlands/impoundments which were formally utilized as a fish hatchery adjacent to Arrowhead Lake. According to the consultant that conducted the wetland delineation all of the wetlands/impoundments contain a palustrine emergent/scrub-shrub fringe (except Wetland E which does not have open water) for a total of 0.412 acre of palustrine emergent/scrub-shrub wetlands. Wetland B (0.032), Wetland C (0.033) Wetland D (0.038), Wetland E (0.075), Wetland F (0.036) Wetland G (0.036), Wetland H (0.037), Wetland I (0.025) and Wetland J (0.10) acres.**

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

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

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

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from “waters of the U.S.,” or
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
 Demonstrate that water is isolated with a nexus to commerce (see E below).

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: .
- Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

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

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
Identify type(s) of waters: .
- Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): .

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

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

SECTION IV: DATA SOURCES.

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

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Water Resources Delineation Report, 4.761 acres, Windjammer Drive, Columbiana, Ohio, February 2014. Prepared for Master Plan Builders prepared by Davey Resource Group.
- 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: Columbiana.
- USDA Natural Resources Conservation Service Soil Survey. Citation: .
- National wetlands inventory map(s). Cite name: Columbiana.

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.

- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date):ORM.
or Other (Name & Date): .
- 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: