

**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):** August 19, 2007

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Baltimore District Office, CENAB-OP-RPA, (Fairfield Honda Expansion)200601094

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:** Fairfield Honda Expansion, Muncy Township, Lycoming County

State: Pennsylvania

County/parish/borough: Lycoming City: Muncy

Center coordinates of site (lat/long in degree decimal format): Lat: 41.237222°N Long: 76.813611°E

Name of nearest waterbody: Carpenter's Run

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: West branch Susquehanna River

Name of watershed or Hydrologic Unit Code (HUC): 02050206: Lower West Branch Susquehanna River

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: 08-15-07

Field Determination. Date(s): April 2006 & September 2006

**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):**<sup>1</sup>

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters<sup>2</sup> (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: linear feet: width (ft) and/or acres.

Wetlands: **Wetland A = 3.69 acres**

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

Elevation of established OHWM (if known): N/A.

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

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

Explain: .

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> 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).

<sup>3</sup> 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 waterbody<sup>4</sup> 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: 675 acres

Drainage area: 1.49 acres

Average annual rainfall: 40 inches

Average annual snowfall: 51 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. **Wetland A is the project waters.**

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

Project waters are 1 (or less) aerial (straight) miles from RPW. **Wetland A is the project waters.**

Project waters cross or serve as state boundaries. Explain: N/A.

Identify flow route to TNW<sup>5</sup>: **Wetland A flows northwest through property channels that are mapped as Carpenter’s Run which then flows southeast into the West Branch Susquehanna River.**

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

<sup>5</sup> 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.

Tributary stream order, if known: **First Order Stream**.

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

**Tributary is:**  Natural  
 Artificial (man-made). Explain:  
 Manipulated (man-altered). Explain:

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

Average width: **25 feet**

Average depth: **1.5 feet**

Average side slopes: **2:1**

**Primary tributary substrate composition (check all that apply):**

Silts  Sands  Concrete  
 Cobbles  Gravel  Muck  
 Bedrock  Vegetation. Type/% cover:  
 Other. Explain:

**Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:** **The streambanks are entrenched and slightly eroding. There is good vegetation cover on the banks.**

**Presence of run/riffle/pool complexes. Explain:** **Good riffle run pool glide sequence.**

**Tributary geometry:** **Meandering**

**Tributary gradient (approximate average slope):** **2 %**

(c) **Flow:**

**Tributary provides for:** **Perennial**

**Estimate average number of flow events in review area/year:** **20 (or greater)**

**Describe flow regime:** **Flow is low and slow during dry months creating stagnant water. Good flow during seasonal storm events, winter and spring.**

**Other information on duration and volume:** **N/A.**

**Surface flow is:** **Discrete** **Characteristics:** **This stream has defined bed and banks but enough water enters the system from up drainage areas that the water does come out of banks to its floodplain. Flood events are frequent and affect many surrounding properties.**

**Subsurface flow:** **Unknown** **Explain findings:** **There were no spring seeps or other evidence of subsurface flow observed during field investigations.**

**Dye (or other) test performed:** **No test was performed.**

**Tributary has (check all that apply):**

**Bed and banks**  
 **OHWM<sup>6</sup> (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.<sup>7</sup> 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):

<sup>6</sup>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.

<sup>7</sup>Ibid.

(iii) **Chemical Characteristics:**

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

Explain: **This is a WWF watershed and is surrounded by agriculture, commercial development and roadways. The water color is brown and murky and has a high volume of fine sediment. Receives a great deal of untreated stormwater from surrounding development.**

Identify specific pollutants, if known: **De-icing salts for I-180, roadway runoff, herbicides and pesticides, etc.**

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

- Riparian corridor. Characteristics (type, average width): **Forested, 50 feet to each side.**
- Wetland fringe. Characteristics: .
- Habitat for:
  - Federally Listed species. Explain findings: .
  - Fish/spawn areas. Explain findings: .
  - Other environmentally-sensitive species. Explain findings: .
  - Aquatic/wildlife diversity. Explain findings: **Good habitat for ducks and amphibians and minnows, creek chubs and insects. Poor EPT taxonomy.**

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: **Wetland A = 3.69 acres**

Wetland type: **Paulustrine Emergent** Explain: **Wetland A is dominated by sedges, rushes and grasses which have an indicator status of FAC or wetter.**

Wetland quality: **Low to moderate** Explain: **Function value for aquatic diversity, wildlife diversity and abundance, recreation and uniqueness and heritage is low because of surrounding development and highways. In addition, the area is maintained through mowing. Function value for sediment and toxicant retention, sediment stabilization, floodflow alteration and nutrient removal and transformation is moderate to high because it receives a great deal of untreated stormwater from the surrounding impervious surfaces and it stores and desynchronizes flood waters after rain events.**

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

(b) General Flow Relationship with Non-TNW:

Flow is: **Intermittent flow** Explain: **Wetland A and Carpenter's Run are connected via property and roadway drainage features which hold water for at least three months out of the year.**

Surface flow is: **Discrete**

Characteristics: **The surface flow between is typically contained within the roadway drainage swales, but during flood events the surface flow can be overland sheet flow.**

Subsurface flow: **Unknown.** Explain findings: **No sping seeps or other subsurface flow was observed during field investigations.**

Dye (or other) test performed: **No test was performed.**

(c) Wetland Adjacency Determination with Non-TNW:

- Directly abutting
- Not directly abutting
  - Discrete wetland hydrologic connection. Explain: .
  - 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 **100 - 500-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: **When there is standing water on the surface of the wetland the water color is clear** however the drainage area for Wetland A consists primarily of agricultural fields, commercial development and roadways. The quality of water draining to this wetland is assumed to be somewhat poor.

Identify specific pollutants, if known: **De-icing salts for I-180, roadway runoff, herbicides and pesticides, etc.**

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

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. **100% coverage** Explain: **Species found within this wetland are primarily emergent hydrophytic species however this wetland also contains an abundance of emergent upland vegetation such as goldenrod, which emerges after drier portions of the year.**
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings: **Emergent wetland would provide good habitat for small game and non-game species and amphibians.**

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

All wetland(s) being considered in the cumulative analysis: **1**

Approximately (**Wetland A = 3.69**) 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>
<b>Wetland A = No</b>			

Summarize overall biological, chemical and physical functions being performed: **Because the subject upland-wetland system is not permanently flooded, has favorable topography, an impervious watershed and soils of slow permeability the function value is high for groundwater recharge. Because the subject upland-wetland system has a permanent outlet, significant areas of erect vegetation and high plant productivity the function value for production export is high. All other function and values have been rated as moderate to low.**

**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? **Yes, within the project area Wetland A and Carpenter's Run are receiving runoff from commercial development and roadways therefore both resources have the ability to assimilate floodwaters, pollutants and excess nutrients via erect vegetation, reachable floodplain, hydric soil components, etc.**
- 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? **Yes, Carpenter's Run provides suitable habitat for warm water fish species such as minnows and creek chubs. Wetland A and the vegetated riparian corridor of Carpenter's Run provide suitable nesting and rearing habitat for small game and non-game species.**
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs? **A portion of Wetland A is situated within the 500 year flood area and is surrounded on three sides by commercial and roadway development and is therefore essential for assimilating nutrients prior to entering the Carpenter's Run. Carpenter's Run is a perennial watercourse which has the capability to transfer nutrients and organic carbon to 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? **Wetland A had indirect surface flow and Carpenter's Run has direct surface flow connections to the WB Susquehanna River therefore these resources are able to impact all ecological characteristics 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: **This does not apply to Wetland A or the West Branch Susquehanna River.**
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: **This does not apply to Wetland A or the West Branch Susquehanna River.**
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: **Wetland A has a significant nexus to Carpenter's Run. Wetland A is connected to this RPW via stormwater and roadway swales and via floodwaters during high storm events. Carpenter's Run is a perennial watercourse that drains directly to the TNW.**

**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: **Carpenter's Run is a USGS blue line stream that flows directly into the West Branch Susquehanna River and provides good habitat for ducks and amphibians and minnows, creek chubs and insects. Although there was poor EPT taxonomy, many of the aquatic insects and smaller fish observed are at the base of the food chain and serve not only to process organic material that are put in at the head waters, but also serve as a food source themselves. The wetland directly abutting Carpenters Run is near the head of a stream continuum. As a result, this area serves store and desynchronize flood waters. The storage and release of flood waters was observed at one of two on-site meetings that occurred during 2006 and during another site visit immediately downstream where flood events were a common occurrence. Without the storage capacity and subsequent filtering of incoming water that this head water wetland provides, untreated stormwater would pollute downstream reaches and race without any detention down stream. The result would be erosion, stream instability, more pollutant inputs, and higher flood levels to down stream reaches.**

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: acres.  
 Identify type(s) of waters: .

3. **Non-RPWs<sup>8</sup> 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: .

<sup>8</sup>See Footnote # 3.

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: **Wetland A = 3.69 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.<sup>9</sup>**

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):<sup>10</sup>**

- 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): \_\_\_\_\_ .

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

<sup>10</sup> 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.

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: **Wetland Delineation Plans with existing contours are included in the April 2006 Wetland Delineation Report.**
- Data sheets prepared/submitted by or on behalf of the applicant/consultant. **Routine onsite determination method data sheets are included in the April 2006 Wetland Delineation Report.**
  - 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). **Muncy, 1:24000**
- USDA Natural Resources Conservation Service Soil Survey. Citation:      .
- National wetlands inventory map(s). **A NWI Map for the Muncy Quadrangle is included in the April 2006 Wetland Delineation Report.**
- State/Local wetland inventory map(s):      .
- FEMA/FIRM maps: **A portion of the subject wetland lies within the 500 year flood area.**
- 100-year Floodplain Elevation is:      (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date):      .
  - or  Other (Name & Date): **Captioned photographs are included in the April 2006 Wetland Delineation Report.**
- 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:**      .