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): 13 July 2007

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Mobile District, Gulf South Pipeline Company, LP, SAM-2007-876-LET Segment 29A- water crossing 2 from north end of segment

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Mississippi County/parish/borough: Covington City: north of Sanford
Center coordinates of site (lat/long in degree decimal format): Lat. 31.514722° N, Long. -89.438333° W.
Universal Transverse Mercator: Zone 16 NAD83 Datum
Name of nearest waterbody: UT to Okatoma Creek
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Leaf River
Name of watershed or Hydrologic Unit Code (HUC): 03170004

- ☒ 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: 29 June 2007
- ☒ Field Determination. Date(s): 21 June 2007

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 waters[2] (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: 7,392 linear feet: 6 width (ft) and/or acres.
   Wetlands: 35 acres.

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

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[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[3] Supporting documentation is presented in Section III.F.

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[4] 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: 1121090.52 acres
   Drainage area: Indeterminate/unknown acres
   Average annual rainfall: Approximately 50 inches
   Average annual snowfall: None inches

   (ii) **Physical Characteristics:**
   (a) Relationship with TNW:
   ☐ Tributary flows directly into TNW.
   ☒ Tributary flows through 3 tributaries before entering TNW.

   Project waters are 15-20 river miles from TNW.
   Project waters are 1 (or less) river miles from RPW.
   Project waters are 15-20 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: Project waters do not cross or serve as state boundaries.

   Identify flow route to TNW[5]: The unnamed tributary converges with another unnamed tributary then flows into Okatoma Creek which flows into the Bowie/Bouie River, which flows into the Leaf River.

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[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Tributary stream order, if known: The unnamed tributary is a 1st order stream, Okatoma Creek is a 2nd order or greater stream, Bowie/Bouie River is a 3rd order or greater stream, and the Leaf River is 4th order or greater.

(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: 6 feet
Average depth: 4 feet
Average side slopes: 3:1.

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: Tributary appears stable, no evidence of excessive erosion or bank sloughing.

Presence of run/riffle/pool complexes. Explain: The tributary appears to have natural run/riffle/pool complexes. The typical dimension and expected number per stream meander segment are unknown.

Tributary geometry: Meandering

Tributary gradient (approximate average slope): Unknown %

(c) Flow:

Tributary provides for: Seasonal flow

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

Describe flow regime: Water flows in tributary perennially and has at least one seasonal/non-RPW drain that converges with it.

Other information on duration and volume: No other information available.

Surface flow is: Discrete. Characteristics: The tributary originates from a combination of a groundwater driven spring or seepage from surrounding lands and overland sheetflow from rainfall events upstream of the project impact site and exhibits a defined bed and bank drainage channel.

Subsurface flow: Yes. Explain findings: Groundwater moves laterally toward the tributary drainage, seeps into and becomes part of the surface water flowing downstream within the tributary.

- ☐ Dye (or other) test performed: .

Tributary has (check all that apply):
- ☒ Bed and banks
- ☒ OHWM[6] (check all indicators that apply):
  - ☒ clear, natural line impressed on the bank
  - ☐ changes in the character of soil
  - ☐ shelving
  - ☒ vegetation matted down, bent, or absent
  - ☒ leaf litter disturbed or washed away
  - ☐ sediment deposition
  - ☐ water staining
  - ☐ other (list):
  - ☐ the presence of litter and debris
  - ☐ destruction of terrestrial vegetation
  - ☐ the presence of wrack line
  - ☐ sediment sorting
  - ☒ scour
  - ☐ multiple observed or predicted flow events
  - ☐ abrupt change in plant community
- ☐ 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:
  - ☐ oil or scum line along shore objects
  - ☐ fine shell or debris deposits (foreshore)
  - ☐ physical markings/characteristics
  - ☐ tidal gauges
  - ☐ other (list):
- ☐ Mean High Water Mark indicated by:
  - ☐ survey to available datum;
  - ☒ physical markings;
  - ☐ vegetation lines/changes in vegetation types.

[6]A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
[7]Ibid.

(iii) Chemical Characteristics:

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

Explain: Water was clear such that the bottom of the channel was visible.

Identify specific pollutants, if known: No specific pollutants known.

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

☒ Riparian corridor. Characteristics (type, average width): Mixed pine and hardwood forest composed of upland and wetland habitats. Riparian corridor has been encroached upon in areas by low-density residential development and apparent agricultural/silvicultural activity.

☐ 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: The tributary conveys organic carbon and nutrients downstream to the resident aquatic vertebrates and invertebrates spawning and feeding in Okatoma Creek, the Bowie/Bouie River, and the Leaf River. The tributary also provides a smaller more protected water with potential for spawning and growth of juvenile fishes .

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: Unknown total acres

Wetland type. Explain: Mixed pine and hardwood forested riparian wetlands.

Wetland quality. Explain: Wetland quality in the assessment area along the along RPW tributary and its non-RPW drainages is primarily medium quality. Vegetation age and compostition have been affected by past silviculture activities Ligustrum sinense appears to be the most prevalent exotic or nuisance species affecting the vegetative composition of wetlands along the tributary.

Project wetlands cross or serve as state boundaries. Explain: Project wetlands do not cross or serve as state boundaries.

(b) General Flow Relationship with Non-TNW:

Flow is: **Intermittent flow**. Explain: Periodic sheet flow from rainfall runoff or from downstream flow of flood stage waters spreading across the floodplain.

Surface flow is: **Overland sheetflow**

Characteristics: Wetland receives runoff from adjacent uplands and slows the overland flow of the water to the tributary allowing for treatment, and infiltration of the waters.

Subsurface flow: **Yes**. Explain findings: Groundwater moves laterally toward the tributary drainage, seeps into and becomes part of the surface water flowing downstream within the tributary .

☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

☒ Directly abutting

☒ Not directly abutting

☒ Discrete wetland hydrologic connection. Explain: There are additional wetland impacts across non-RPW bayhead drains and their abutting wetlands that converge with the RPW unnamed tributary. These drains do not exhibit a defined channel with bed and bank but are low and sloping valley areas on the landscape surrounded by upland hills that converge with the RPW unnamed tributary The bayhead shows evidence of flow in response to rain events such as flow related scour and sediment depostion in the non-RPW drain.

☒ Ecological connection. Explain: The non-RPW drains and their abutting wetlands interconnect on the landscape with the unnamed tributary and its abutting and adjacent wetlands creating an overall system with a broad expanse of wetland floodplain with intermixed upland hummocks and ridges that connect to the unnamed RPW tributary.

☐ Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **15-20** river miles from TNW.

Project waters are **15-20** 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: There was no standing or flowing water observed in the bayhead drains or wetland system between the unnamed tributary and ephemeral drains, however these areas create a system of riparian wetlands on a gentle broad slope that flattens out and receives, filters, and retains floodwater/run-off prior to its discharge into the perennial tributary.

Identify specific pollutants, if known: No specific pollutants known.

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

☒ Riparian buffer. Characteristics (type, average width): Mixed pine and hardwood forested riparian wetlands associated with the RPW and several converging non-RPW drainages. The riparian buffer has an average total width of 250+/- feet in areas with no residential/agricultural/silvicultural development. .

☒ Vegetation type/percent cover. Explain: The dominant vegetation in the forested wetland consists of Nyssa sp. 25%, Pinus sp. 5%, Liquidambar styraciflua 10% , Liriodendron tulipifera 10%, Magnolia virginiana 40%, Acer rubrum 10% Sapium sebiferum 5%in the canopy, Ligustrum sinense 35% in the shrub/midstory, Rubus sp. 10%, Smilax sp. 20%, Woodwardia sp. 5% in the vine/groundcover .

☒ Habitat for:

☐ Federally Listed species. Explain findings: .

☐ Fish/spawn areas. Explain findings: .

☐ Other environmentally-sensitive species. Explain findings: .

☒ Aquatic/wildlife diversity. Explain findings:The interconnected system of the RPW tributary and non-RPW drains convey organic carbon and nutrients downstream to the resident aquatic vertebrates and invertebrates spawning and feeding in Okatoma Creek, the Bowie/Bouie River, and the Leaf River, and provide natural lands adjacent to a consistent water source where more terrestrial wildlife species may rest, forage, nest, reproduce, or seek refuge from predators.

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

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

Approximately (35) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)
Y	35		

Summarize overall biological, chemical and physical functions being performed: The estimated 35 acres of wetlands in the analysis area along this system of the RPW tributary and non-RPW drains and adjacent wetlands consist of a mixed pine and hardwood forested riparian wetland floodplain system that directly abuts the tributary. This wetland system provides a water source/water recharge to the tributary, retention of floodwater , and initial treatment and removal of pollutants and sediment from the run-off from agriculture/silviculture and low density residential activities in the drainage area prior to entering the tributary and waterbodies further downstream. Detritus and decomposition of organic matter from the wetlands also provide nutrients and organic carbon to the tributary for use by wildlife and fish in downstream food chains. These areas also provide natural lands adjacent to a consistent water source where wildlife may rest, forage, nest, or seek refuge from predators.

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: The system of wetlands adjacent to the non-RPWs which flow into the RPW with adjacent wetlands receive, reduce the flow velocity of, and convey runoff from adjacent lands that consist of low density single-family residential development, agricultural/livestock grazing lands, and silvicultural land uses. The non-RPW and its wetland areas provide 1) pollutant filtration and sediment retention for stormwater runoff entering the RPW which is critical to health of the Bowie/Bouie River and Leaf River due to the fact those waterbodies are currently listed on Mississippi's 303(d) list of impaired waters (the impairment parameters include nutrients, sedimentation/siltation, organic enrichment and low dissolved oxygen). 2) buffering along the RPW provide shading of the RPW helping prevent/reduce the increase of water temperature in the tributary 3) a water retention and recharge source for the tributary, Bowie/Bouie River, and Leaf River 4) resting, forage, and refuge area for wildlife such as songbirds, wading birds and raptors, mammals such as rabbits, racoons, and deer, amphibians, and reptiles such as turtles and snakes 5) the detritus and decomposition of organic material from the wetlands also provides a source of organic carbon and nutrients to the downstream foodchain that includes benthic invertebrates, fishes, birds, deer, squirrel, and eventually humans .

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: .

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: The middle UT to Okatoma Creek that would be crossed by the natural gas pipeline replacement Segment 29A is shown on the Seminary MS USGS Topographic Quadrangle Map as being a dendritic broken blue line or intermittent/seasonal waterbody for the entire length of the UT to its convergence with Okatoma Creek which flows into the Bowie/Bouie River, then into the Leaf River; however based on field verification of the area it was found that the tributary actually appears to be a perennially flowing watebody (with ephemeral drainage areas flowing into it) which contained water and was flowing on 21 June 2007 which was the date of field inspection .
   ☐ 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: **7,392** linear feet **6** width (ft).
   ☐ Other non-wetland waters: acres.
   Identify type(s) of waters: .

3. **Non-RPWs[8] 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: **1040** linear feet **2**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: **These are riparian wetlands associated with the unnamed perennial tributary which appears to be inaccurately depicted on the Seminary MS USGS Topographic Quadrangle Map as being a broken blue line or intermittent/seasonally flowing waterbody for the entire length of the UT to its convergence with another UT to Okatoma Creek which flows into the Bowie or Bouie River which flows into the Leaf River. The wetlands along this tributary do not generally appear to be separated from the tributary by natural upland depositional stream levees.**

   ☐ 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: **Undetermined total number of wetland acres along entire dendritic RPW and non-RPW tributary system in review area but temporary wetland impacts of proposed project are approximately 0.14** 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 jurisidictional. Data supporting this conclusion is provided at Section III.C.

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

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[8]See Footnote # 3.

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: **Undetermined total number of wetland acres along entire dendritic RPW and non-RPW tributary system in review area but temporary wetland impacts of proposed project are approximately 0.10** 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).

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.

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[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
[10] **Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.***

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: .
- ☒ 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: 1:50,000 Collins, MS.
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: No soil data was available for Covington County, MS .
- ☐ 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): Digital photos taken by project manager during field inspection 21 June 2007.
- ☐ 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: .