

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): 17 July 2007

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Mobile District, Gregory Holmes - Nazaree Full Gospel Church school, SAM-2007-989-LET

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Alabama County/parish/borough: Mobile City: Mobile
Center coordinates of site (lat/long in degree decimal format): Lat. 30.72327° N, Long. -88.12125° W.
Universal Transverse Mercator: X-392647.519061137 Y-3399470.64874215

Name of nearest waterbody: Threemile Creek

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Threemile Creek

Name of watershed or Hydrologic Unit Code (HUC): 031602040504 Three Mile 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: 19 June 2007

Field Determination. Date(s): 22 June 2007

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There Are "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: The first 4 river miles of Threemile Creek upstream of its convergence with Mobile River are listed as Section 10 waters of the Mobile District with one mile of that segment being identified as under authorized project.

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: 33,792 linear feet: Variable from 10 - 50+ width (ft) and/or acres.

Wetlands: 120+ 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

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.

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

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: 29,400 acres

Drainage area: Indeterminate/unknown acres

Average annual rainfall: Approximately 65 inches

Average annual snowfall: None inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through 2 tributaries before entering TNW.

Project waters are 2.5 river miles from TNW.

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

Project waters are 2.5 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 TNW⁵: The Unnamed tributary (RPW) flows perennially into Threemile Creek, which flows into the Mobile River .

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, Threemile Creek is a 2nd order or greater stream, and the Mobile River is 4th order or greater.

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

Tributary is: Natural

Artificial (man-made). Explain: Decades ago what appears to be a manmade drainage canal was excavated through the wetlands adjacent to Threemile Creek to facilitate drainage of water from surrounding lands and urbanized areas into Threemile Creek. The drainage canal (which is a RPW that is shown as a blue line, perennial tributary on USGS topographic maps) to which the proposed project site is both adjacent and abutting flows through box culverts under the interstate highway to connect with Threemile Creek, which is also a blue line perennial stream on USGS topographic maps, conveying water to the Mobile River .

Manipulated (man-altered). Explain: Threemile Creek has been engineered over time into a channelized urban stream/drainage conveyance that has been widened, deepened, and confined into a relatively straight trapezoidal channel.

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

Average width: 20 + feet

Average depth: 12 + 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: Banks appear to be relatively stable. Portions of the tributary/drainage canal adjacent to the project site show signs of receiving periodic maintenance dredging or excavation activity. These segments have less stabilizing vegetation on the side slopes and show more evidence of developing erosional rills in the slopes .

Presence of run/riffle/pool complexes. Explain: The tributary no longer has natural run/riffle/pool complexes because it has been almost completely channelized into a city drainage canal.

Tributary geometry: Relatively straight

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: Flow of water in the tributary is perennial.

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

Surface flow is: Confined. Characteristics: The waterbody is in an urban setting surrounded by residential and commercial development and therefore has been over-widened and over-deepened and defined/confined along its length to increase drainage capacity and rate, and reduce flooding impacts to surrounding developed areas.

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

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

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):

Discontinuous OHWM.⁷ Explain: .

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

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

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.

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

(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: Due to urbanization of the area, typical pollutants include trash/litter, petroleum compounds from roads and parking surface runoff, sediment from new construction activities. Furthermore the waters of Threemile Creek are on the Alabama 303(d) list of impaired waters not meeting its use classifications because of to pathogen and pesticide presence, and organic enrichment and dissolved oxygen problems.

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

- Riparian corridor. Characteristics (type, average width): Segments of channel have forested upland and wetland habitat buffering, and some segments are filled urbanized land developed up to the edge of the channel.
- 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 Threemile Creek and the Mobile River. The tributary also provides a constant water source for amphibians, reptiles and mammals that may utilize the remaining forested riparian corridor areas.

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: 20+ acres

Wetland type. Explain: Hardwood forested riparian wetlands.

Wetland quality. Explain: Wetland quality is low due to adverse hydrology effects from extensive channelizing and ditching once natural streams, drainages and wetland floodplains to construct roads, reduce flooding and mosquito populations, and facilitate urban development. Reduced hydroperiod has allowed facultative exotic species such as privet and tallow to colonize aggressively in the wetlands.

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 of rainfall runoff to the tributary/canal.

Surface flow is: Overland sheetflow

Characteristics: Wetland receives rainfall and runoff from adjacent uplands and developed urban lands allowing for treatment and infiltration of the water, and appears to allow sheetflow directly to the tributary/canal when sufficient saturation or standing water conditions are present.

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

Dye (or other) test 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 5-10 river miles from TNW.

Project waters are 2-5 aerial (straight) miles from TNW.

Flow is from: Wetland to navigable waters.

Estimate approximate location of wetland as within the 50-100-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 water in the wetland area.

Identify specific pollutants, if known: No specific pollutants to the wetlands are known.

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

Riparian buffer. Characteristics (type, average width): The total buffer width along this tributary and Threemile Creek varies from non-existent or minimal (estimated 25 feet total buffer width) along the more urbanized segments to 500+ feet along a segment near Threemile Creek convergence with Mobile River. The naturally vegetated buffer areas appear to consist primarily of hardwood forested uplands and wetlands. Near the Threemile Creek/Mobile River convergence forested wetland appears to be intermixed with emergent wetland vegetation based on review of NWI maps.

Vegetation type/percent cover. Explain: The dominant vegetation in the forested wetlands consist of Magnolia virginiana, Acer rubrum, Sapium sebiferum, Ligustrum sinense, Quercus nigra, Woodwardia virginica, no percent cover estimates were made.

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 from the wetlands

and uplands in the riparian buffer downstream to the resident aquatic vertebrates and invertebrates spawning and feeding in lower Threemile Creek and the Mobile River, and provide natural lands adjacent to a consistent water source where more terrestrial wildlife species may rest, forage, nest, 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: 2

Approximately (120+) 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>
Y	100+		
Y	20+		

Summarize overall biological, chemical and physical functions being performed: The estimated 20+ acres of wetlands considered in the cumulative analysis for this tributary consist of hardwood forested wetlands adjacent to the project impact area that provide a water recharge source to the tributary, retention of stormwater/floodwater from developed urban areas, and initial treatment and removal of pollutants from urban runoff prior to stormwater entering the tributary. Detritus and decomposition of organic matter from the wetlands also provides nutrients and organic carbon to the tributary for use by wildlife and fish in downstream food chains. These areas also provide natural lands in a highly developed, paved and urbanized area where wildlife may rest, forage, and seek refuge from predators. The estimated 100+ acres of wetlands considered in the cumulative analysis for this tributary consist of hardwood forested wetlands intermixed with emergent wetland vegetation near the Threemile Creek convergence with the Mobile River that reduce adverse erosion impacts from storm surges, provide retention of stormwater/floodwater from developed urban areas, and treatment and removal of pollutants from urban runoff prior to stormwater entering the Mobile River. 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. The emergent wetland areas also may provide nursery and refugia area for juvenile fishes.

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 *Rapans* 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: This assessment requirement DOES NOT apply to this tributary, as the tributary is a RPW.
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 assessment requirement DOES NOT apply to this tributary, as the tributary is a RPW.
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: This assessment requirement DOES NOT apply to this tributary, as the adjacent wetlands directly abut the tributary.

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: 21,120 linear feet 50 width (ft), Or, acres.
 Wetlands adjacent to TNWs: 100 + 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 tributary/drainage canal is depicted on the Mobile AL USGS topographic map as a solid blue line, which typically indicates a perennial drainage, that drains to Threemile Creek (also a solid blue line), which drains to the Mobile River. The tributary/canal contained water and was flowing on 22 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: 33,792 linear feet varies from 10 - 50+ width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters:

3. Non-RPWs^a 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: **These are riparian wetlands associated with the unnamed perennial tributary/drainage canal which is depicted on the Mobile AL USGS Topographic Quadrangle Map as being a solid blue line or perennially flowing waterbody to its convergence with Threemile Creek which flows into the Mobile River .**
 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 the Threemile Creek tributary system in review area but permanent wetland impacts of proposed project are approximately 0.234 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: 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.

^aSee Footnote # 3.

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.

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.

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.

- 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: 1:24,000 Mobile, AL.
- USDA Natural Resources Conservation Service Soil Survey. Citation: No soil data was available for Mobile County, AL .
- National wetlands inventory map(s). Cite name: .
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): .
or Other (Name & Date): Digital photos taken by project manager during site inspection 22 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: .