

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): September 3, 2017

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Walla Walla District, Whitetail Planned Unit Development, NWW-1994-0202770

C. PROJECT LOCATION AND BACKGROUND INFORMATION: In Area 2, the intermittent drainage that originates just northeast of the project area. The stream is small averaging 1 to 2 feet wide and less than 6 to 8 inches in depth when flow is present. The drainage is highly influenced by snow melt and rain events, and roadway runoff of West Lake Avenue (State Highway 55) and runoff by the golf course green. The unnamed drainage flow through the project area then flows under State Highway 55 by way of a 48-inch diameter culvert, where it then parallels the road for a short distance, then is piped under the Idaho Power electrical yard, flows in an open channel past the former US Forest Service building, flows under Rowland Street and then discharges to the North Fork Payette River. (Refer to attached drawings.) The North Fork of the Payette River merges with the South Fork Payette, which forms the main stem Payette River. The Payette River flows into the Snake River, below River Mile 44.5, which is considered a traditional navigable water. The golf course green north of West Lake Avenue was constructed as part of an overall expansion of the 18-hole golf course in 2005. The 2017 wetland delineation conducted by Crestline Engineering, Inc. was the first wetland delineation performed in Areas 2.

State: Idaho
 County/parish/borough: Valley City: McCall
 Center coordinates of site (lat/long in degree decimal format): 44.9141° Lat. -116.1250° Long.
 Universal Transverse Mercator: Zone 11 Northing 568124 N, Easting 4973521 E.
 Name of nearest waterbody: unnamed trib to North Fork Payette River
 Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Snake River
 Name of watershed or Hydrologic Unit Code (HUC): 17050123
 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: September 1, 2017
- Field Determination. Date(s): June 1, 2017

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]

I. Waters of the U.S.

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

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters² (RPs) that flow directly or indirectly into TNWs
- Non-RPs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPs 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: 200 linear feet: 1-2 width (ft) and/or acres.

Wetlands: 1.55 acres.

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

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

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

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: .

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

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 Sections III.A.1 and 2 and 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 *Kapanos* 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: 0/050 square miles
Drainage area: <5 acres
Average annual rainfall: 2.91 inches
Average annual snowfall: 37 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 Pick List river miles from TNW.

Project waters are 1-2 river miles from RPW.

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

Project waters are 1-2 aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW⁵: The unnamed intermittent stream channel flows in a 48-inch CMP culvert under West Lake Avenue (State Highway 55). The unnamed channel flows directly into the North Fork Payette River. The North Fork

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

⁵Flow 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.

Payette River merges with the South Fork Payette River to form the main stem Payette River, which flows directly into the Snake River, below River Mile 445.5. The Snake River is considered a traditional navigable water (TNW), below River Mile 445.5 under the Rivers and Harbors Act of 1899. Therefore, the unnamed channel is considered a tributary to the Snake River and thus, is regulated under Section 404 of the Clean Water Act.

Tributary stream order, if known: 1.

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

- Tributary is: Natural Artificial (man-made). Explain:
- Manipulated (man-altered). Explain: The intermittent stream channel was altered in 2005, as the result of the construction of an additional golf course green. Most of the flow. It should be noted that this drainage does not appear on the USGS 7.5 Minute Quad Map, north of West Lake Avenue.

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

Average width: 1 feet
 Average depth: 0 to 1 feet
 Average side slopes: **Vertical (1:1 or less).**

Primary tributary substrate composition (check all that apply):

- Silts Sands Gravel Vegetation. Type/% cover: 90
- Bedrock Other. Explain:
- Concrete Muck

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Stable. The intermittent reach of the is between 2 and 6 percent gradient.

Presence of run/riffle/pool complexes. Explain: This reach of the channel is consider to be a run reach with no riffle/pool complexes.

Tributary geometry: **Mandering**

Tributary gradient (approximate average slope): 2 to 6 percent %

(c) Flow:

Tributary provides for: **Seasonal flow**

Estimate average number of flow events in review area/year: **2-5**

Describe flow regime: Most of the flow of the intermittent stream channel is the result of snow melt within 0.50 square mile drainage area. Other contributing flows comes from the existing golf course on the north side of West Lake Avenue in the form of runoff from the golf course itself, and roadway runoff from West Lake Avenue (State Highway 55).

Other information on duration and volume: An existing 48-inch diameter CMP passes flows across to the south side of West Lake Avenue to Douglas Pond.

Surface flow is: **Confined**. Characteristics:

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

Tributary has (check all that apply):

- Bed and banks OHWM⁶ (check all indicators that apply):

- clear, natural line impressed on the bank the presence of litter and debris
- changes in the character of soil destruction of terrestrial vegetation
- shelving the presence of wrack line
- vegetation matted down, bent, or absent sediment sorting
- leaf litter disturbed or washed away sediment sorting
- leaf litter deposited scour
- water staining multiple observed or predicted flow events
- other (list): abrupt change in plant community

Discontinuous OHWM⁷ 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;

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.

- fine shell or debris deposits (foreshore)
 - physical markings/characteristics
 - physical markings;
 - tidal gauges
 - other (list):
 - vegetation lines/changes in vegetation types.
- (iii) Chemical Characteristics:**
 Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
 Explain:
 Identify specific pollutants, if known:

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

- (iv) **Biological Characteristics. Channel supports (check all that apply):**
 - Riparian corridor. Characteristics (type, average width):
 - Wetland fringe. Characteristics: combination of PEM, PSS and PFO.
 - Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

- (i) **Physical Characteristics:**
 - (a) **General Wetland Characteristics:**
 - Properties:
 - Wetland size: 1.5 acres
 - Wetland type. Explain: combination of PEM, PSS and PFO.
 - Wetland quality. Explain: low to moderate, influenced by activities in adjacent golf course.
 - Project wetlands cross or serve as state boundaries. Explain:
 - (b) **General Flow Relationship with Non-TNW:**
 - Flow is: **Intermittent flow**. Explain: flow through wetland is driven by snow melt.
 - Surface flow is: **Overland sheelflow**
 - Characteristics: area normally flooded during snow melt
 - Subsurface flow: **Unknown**. Explain findings:
 - Dye (or other) test performed:
 - (c) **Wetland Adjacency Determination with Non-TNW:**
 - Directly abutting
 - Not directly abutting
 - Discrete wetland hydrologic connection. Explain:
 - Ecological connection. Explain:
 - Separated by berm/barrier. Explain:
 - (d) **Proximity (Relationship) to TNW:**
 - Project wetlands are **2-5** 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 **2-year or less** 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:
 - Identify specific pollutants, if known:

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

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain:
- Habitat for:
- Federally Listed species. Explain findings:
- Fish/spawn areas. Explain findings:
- Other environmentally-sensitive species. Explain findings:
- Aquatic/wildlife diversity. Explain findings:

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

All wetland(s) being considered in the cumulative analysis: **2**
Approximately (1.55) acres in total are being considered in the cumulative analysis.

seasonally: Unnamed intermittent channel, including wetlands (northside of West Lake Avenue) drainage area for this jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are tributary is perennial:

- Tributaries of TNW where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial.
 - Tributaries of TNW where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial.
2. **RPWs that flow directly or indirectly into TNWs.**
- Wetlands adjacent to TNWs: _____ acres.
 - TNWs: _____ linear feet width (ft), Or, _____ acres.
1. **TNWS and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

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

- 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.
- 3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly about 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.

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that 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), provide habitat and life-cycle support functions for fish and 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), have the capacity to carry pollutants or flood waters to discussed in the Instructional Guidebook. Factors to consider include, for example:

Draw connections between the features documented and the effects on the TNW, as identified in the *Kapanos* Guidance and outside of a floodplain is not solely determinative of significant nexus.

tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within a wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW.

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.

C. SIGNIFICANT NEXUS DETERMINATION

Summarize overall biological, chemical and physical functions being performed: The unnamed channel does not contain either native or non-native fish. The primary purpose of the wetlands is to trap and filter roadway runoff during precipitation events, such as motor oil and sediment, and to trap and filter sediment, pesticides and herbicides from the existing golf course. To an extremely minor extent, the wetland areas provide for songbird nesting and feeding habitat.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Y (PSS)	1.530	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)
Y (PFO)	0.015					

waterway is about 0.50 square miles. The average snowfall in McCall, Idaho is estimated at 37.0 inches, annually. Rainfall is estimated at 2.91 inches, annually. Other sources of water are from irrigation runoff from the existing golf course and roadway runoff from West Lake Road. The waterway's small drainage area and snowpack is indicative of a seasonally, intermittent channel in the intermountain west.

Provide estimates for jurisdictional waters in the review area (check all that apply):
 Tributary waters: 200 linear feet-2width (ft).
 Other non-wetland waters: acres.
 Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**
 Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):
 Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
 Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**
 Wetlands directly abutting an 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: PSS and PFO wetlands north of West Lake Avenue are shaped in an hour glass polygon, in which the channel bisects through the center of the complex. Ponding of water within the wetland area is likely due to the influence of the roadway of West Lake Avenue. This roadway acts as physical barrier thus, retaining water on the northside of West Lake Avenue. This creates an elevated waterable and thus, provides the environmental conditions (hydrology and hydric soils) for a wetland to persist. The site was inspected on June 1, 2017 and confirmed to be directly abutting the unnamed stream.

Provide acreage estimates for jurisdictional wetlands in the review area: **1.55** 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.

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: 0/linear feet width (ft).

Other non-wetland waters: acres.

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: Whitetail Planned Unit Development, Wetland Delineation, June 2017.

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: 17050123.

USGS NHD data.

USGS 8 and 12 digit HUC maps.

U.S. Geological Survey map(s). Cite scale & quad name: 7.5 Minute Quad Map, Meadows.

USDA Natural Resources Conservation Service Soil Survey. Citation: Valley Area, Idaho, Parts of Adams and Valley Counties, 2006.

¹⁰ Prior to assenting 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.

B. ADDITIONAL COMMENTS TO SUPPORT JD: Attached illustrations of Wetland Area 2 are from Whitetail Planned Unit Development, Wetland Delineation Supplement, dated June 2017, prepared by Cresiline Engineers, Inc. Delineation of the wetland in Area 2 confirmed the wetland had greater than 50 percent wetland plants, had a hydric soil and had a ground water table within 12 inches of the surface during the spring of the year. The on-site conducted by the Corps confirmed the wetlands are directly abutting the unnamed stream and the stream has a direct connection to another waters of the United States. Based on the above the unnamed stream and adjacent wetlands are subject to regulation pursuant to Section 404 of the Clean Water Act in accordance with 33 CFR Part 328.3 (a) (5) and (7).

- 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): Google Earth, July 27, 2013 and prior historical aerial photographs.
- Previous determination(s). File no. and date of response letter: April 18, 2005 Wetland Delineation prepared by Sesech Engineering Company; and an October 3, 1996 Wetland Delineation prepared by Toothman-Orton Engineering Company.
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify): Corps of Engineers Regional Supplement, Western Mountains, Valleys, and Coast Region, Version 2.0, May 2010.