

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): March 14, 2012

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Omaha District, SDDOT add travel lanes on SD11 in Lincoln and Minnehaha Counties PCN 00CP, NWO-2011-2761-PIE

C. PROJECT LOCATION AND BACKGROUND INFORMATION: The review area consists of a 4 mile corridor along SD HWY 11 near Sioux Falls, South Dakota. The corridor reviewed in this Jurisdictional Determination is approximately 600 feet wide. A wetland delineation was preformed within the review area by the project proponents consultant and 38 wetlands totaling 20.39 acres were identified. The review area is located in the upper reaches of three small unnamed ephemeral tributaries that flow directly into the Big Sioux River which is a Traditional Navigable Water. Twenty-three wetlands within the review area are directly connected to one of the three ephemeral tributaries motioned above. The remaining 15 wetlands are isolated depressions that do not have a direct surface water connection with any drainage features flowing into the Big Sioux River or any other Traditional Navigable Water.

State: **South Dakota** County/parish/borough: **Lincoln and Minnehaha** City: **Sioux Falls**

Center coordinates of site (lat/long in degree decimal format): **Lat. 43.50374 N; Long. -96.65038 W**

Universal Transverse Mercator: **14**

Name of nearest waterbody: **Unnamed Tributary to the Big Sioux River**

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Big Sioux River**

Name of watershed or Hydrologic Unit Code (HUC): **10170203**

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: **February 17, 2011**

Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

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

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

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

1. Waters of the U.S.

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

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

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

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

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

Non-wetland waters: linear feet: width (ft) and/or acres.

Wetlands: **17.56** acres.

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

Elevation of established OHWM (if known): .

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: **fifteen wetlands identified within the review area were determined to be isolated and not subject to regulation under Section 404 of the CWA. All wetlands determined to be isolated lacked a direct surface water connection to a TNW or any tributaries draining into a TNW.**

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: **7000** acres
Drainage area: **7000** acres
Average annual rainfall: **25** inches
Average annual snowfall: **40** inches

(ii) **Physical Characteristics:**

(a) **Relationship with TNW:**

- Tributary flows directly into TNW.
 Tributary flows through **Pick List** tributaries before entering TNW.

³ Supporting documentation is presented in Section III.F.

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

Project waters are **2-5** river miles from TNW.
 Project waters are **2-5** river miles from RPW.
 Project waters are **2-5** aerial (straight) miles from TNW.
 Project waters are **2-5** aerial (straight) miles from RPW.
 Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW⁵: **Wetlands reviewed in this JD are situated at the upper reaches of three small ephemeral tributaries to the Big Sioux River. During storm events and during excessively wet periods surface water flows directly into the tributaries and then flows directly into the Big Sioux River.**

Tributary stream order, if known: **Two of the tributaries are 1st order and one tributary is second order.**

(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: **10** feet
 Average depth: **3** 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: **All tributaries appear to be stable.**
 Presence of run/riffle/pool complexes. Explain: **Riffle/pool complexes are present downstream of the review area. No riffle/pool complexes are not present within the review area.**

Tributary geometry: **Meandering**

Tributary gradient (approximate average slope): 1 %

(c) Flow:

Tributary provides for: **Ephemeral flow**

Estimate average number of flow events in review area/year: **6-10**

Describe flow regime: **Flow is primarily ephemeral except for the lower portions of the tributaries near the confluence with the Big Sioux River where intermittent flow is likely present. Most flow events are associated with large precipitation events and spring snow melt.**

Other information on duration and volume:

Surface flow is: **Discrete and confined.** Characteristics:

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

Dye (or other) test performed:

Tributary has (check all that apply): **Tributary characteristics were observed from aerial photography.**

Bed and banks
 OHWM⁶ (check all indicators that apply):
 clear, natural line impressed on the bank the presence of litter and debris
 changes in the character of soil destruction of terrestrial vegetation
 shelving the presence of wrack line
 vegetation matted down, bent, or absent sediment sorting
 leaf litter disturbed or washed away scour
 sediment deposition multiple observed or predicted flow events
 water staining abrupt change in plant community
 other (list):
 Discontinuous OHWM.⁷ Explain:

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.

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.

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

- | | |
|--|--|
| <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 quality of the tributaries is unknown; however, it is likely that water is affected by urban and agricultural runoff.**

Identify specific pollutants, if known: **Specific pollutants are now known; however, pollutants associated with urban and agricultural runoff probably affect the system.**

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

- Riparian corridor. Characteristics (type, average width): **A vegetated riparian corridor is present along the tributaries. In the upper reaches of the tributaries the riparian corridor appears to consist of wet meadow grasses such as Prairie cordgrass and reedcanary grass. In the lower reaches a wooded riparian corridor is present.**
- Wetland fringe. Characteristics: .
- Habitat for:
 - Federally Listed species. Explain findings: .
 - Fish/spawn areas. Explain findings: **The lower reaches of tributaries likely provide habitat for native prairie fishes.**
 - Other environmentally-sensitive species. Explain findings: .
 - Aquatic/wildlife diversity. Explain findings: **The tributaries provide habitat for a variety of wildlife species including song birds, small mammals, aquatic and terrestrial invertebrates, reptiles, and amphibians.**

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: **17.56** acres

Wetland type. Explain: **Plaustrine Emergent.**

Wetland quality. Explain: **Wetlands are likely degraded to some extent from sediment input and pollution runoff from adjacent urban and agricultural lands.**

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

(b) General Flow Relationship with Non-TNW:

Flow is: **Ephemeral flow**. Explain: **Flow from the wetlands into the Non-TNW tributaries occurs during large precipitation events and during spring snow melt.**

Surface flow is: **Discrete and confined**

Characteristics: **Wetlands are linear in nature.**

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 **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: **Water quality of the wetlands is unknown; however, it is likely that water is affected**

by urban and agricultural runoff.

Identify specific pollutants, if known: **Specific pollutants are now known; however, pollutants associated with urban and agricultural runoff probably affect the system.**

(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: **It is likely that during wet periods pioneering fish species colonize wetlands.**
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings: **The wetlands provide habitat for a variety of wildlife species including song birds, games birds, small mammals, deer, aquatic and terrestrial invertebrates, reptiles, and amphibians.**

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

All wetland(s) being considered in the cumulative analysis: **20-25**

Approximately (17.56) 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> |
|------------------------------|------------------------|------------------------------|------------------------|
| Wetland 1 (Y) | 0.13 | Wetland 27 (Y) | 4.01 |
| Wetland 2 (Y) | 0.11 | Wetland 28 (Y) | 0.38 |
| Wetland 11 (Y) | 0.21 | Wetland 29 (Y) | 0.01 |
| Wetland 12 (Y) | 0.06 | Wetland 30 (Y) | 0.14 |
| Wetland 13 (Y) | 0.37 | Wetland 31 (Y) | 0.44 |
| Wetland 14 (Y) | 0.12 | Wetland 32 (Y) | 0.50 |
| Wetland 18 (Y) | 2.76 | Wetland 33 (Y) | 0.85 |
| Wetland 20 (Y) | 2.06 | Wetland 34 (Y) | 0.55 |
| Wetland 21 (Y) | 1.40 | Wetland 35 (Y) | 0.09 |
| Wetland 24 (Y) | 2.68 | Wetland 36 (Y) | 0.05 |
| Wetland 25 (Y) | 0.16 | Wetland 37 (Y) | 0.15 |
| Wetland 26 (Y) | 0.33 | | |

Summarize overall biological, chemical and physical functions being performed: **The wetlands reviewed above are located in the upper most reaches of three small ephemeral tributaries to the Big Sioux River. Land use surrounding the wetlands consists of a mix of agricultural lands and urban development. The reviewed wetlands moderate the downstream transport of storm water generated from urban and agricultural lands. Similarly, the wetlands have some capacity to capture and process pollutants associated this storm water runoff. The wetlands moderate the downstream flow of floodwaters associated impervious surfaces and agricultural lands. The wetlands also provide habitat for a variety wildlife species in a semi-urban environment.**

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: **Wetlands reviewed in this JD capture and transport pollutants generated from agricultural and urban runoff. The wetlands have some capacity to process nutrients before they are discharged into the non-RPW tributary and eventually the Big Sioux River. The wetlands reviewed retain overland runoff during large precipitation events and during spring runoff. The retention of overland runoff functions to moderate downstream flood flows.**
- 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: .

Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .

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

Tributary waters: linear feet width (ft).

Other non-wetland waters: acres.

Identify type(s) of waters: .

- 3. Non-RPW⁸ that flow directly or indirectly into TNWs.**

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

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

Tributary waters: linear feet width (ft).

Other non-wetland waters: acres.

Identify type(s) of waters: .

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

Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.

Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Wetlands directly abutting an RPW where tributaries typically flow “seasonally.” Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

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

⁸See Footnote # 3.

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: **17.56** 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: **2.83** 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):

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.**

- 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: [See project file.](#)
- 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: [SD-SIOUX FALLS EAST.](#)
- USDA Natural Resources Conservation Service Soil Survey. Citation: .
- National wetlands inventory map(s). Cite name: [ORM/GIS.](#)
- 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, 2010.](#)
 - or Other (Name & Date): .
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: [See attached wetland summary table and map of the review area.](#)

Table 1. List of wetlands reviewed in this Jurisdictional Determination with delineated size and jurisdictional status.

| Wetland ID | Wetland Size (acres) | Jurisdictional Status |
|-------------------|-----------------------------|------------------------------|
| Wetland 1 | 0.13 | Jurisdictional |
| Wetland 2 | 0.11 | Jurisdictional |
| Wetland 3 | 1.49 | Isolated |
| Wetland 4 | 0.01 | Isolated |
| Wetland 5 | 0.04 | Isolated |
| Wetland 6 | 0.02 | Isolated |
| Wetland 7 | 0.02 | Isolated |
| Wetland 8 | 0.01 | Isolated |
| Wetland 9 | 0.27 | Isolated |
| Wetland 9a | 0.05 | Isolated |
| Wetland 10 | 0.03 | Isolated |
| Wetland 11 | 0.21 | Jurisdictional |
| Wetland 12 | 0.06 | Jurisdictional |
| Wetland 13 | 0.37 | Jurisdictional |
| Wetland 14 | 0.12 | Jurisdictional |
| Wetland 15 | 0.04 | Isolated |
| Wetland 16 | 0.05 | Isolated |
| Wetland 17 | 0.02 | Isolated |
| Wetland 18 | 2.76 | Jurisdictional |
| Wetland 19 | 0.71 | Isolated |
| Wetland 20 | 2.06 | Jurisdictional |
| Wetland 21 | 1.40 | Jurisdictional |
| Wetland 22 | 0.04 | Isolated |
| Wetland 23 | 0.03 | Isolated |
| Wetland 24 | 2.68 | Jurisdictional |
| Wetland 25 | 0.16 | Jurisdictional |
| Wetland 26 | 0.33 | Jurisdictional |
| Wetland 27 | 4.01 | Jurisdictional |
| Wetland 28 | 0.38 | Jurisdictional |
| Wetland 29 | 0.01 | Jurisdictional |
| Wetland 30 | 0.14 | Jurisdictional |
| Wetland 31 | 0.44 | Jurisdictional |
| Wetland 32 | 0.50 | Jurisdictional |
| Wetland 33 | 0.85 | Jurisdictional |
| Wetland 34 | 0.55 | Jurisdictional |
| Wetland 35 | 0.09 | Jurisdictional |
| Wetland 36 | 0.05 | Jurisdictional |
| Wetland 37 | 0.15 | Jurisdictional |