



## **Regulatory Program**

### **APPROVED JURISDICTIONAL DETERMINATION FORM**

#### **U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in the Approved Jurisdictional Determination Form User Manual.

#### **SECTION I: BACKGROUND INFORMATION**

A. COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): December 18, 2019

B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): MVP-2017-03691-SRK

#### **C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Minnesota

County/parish/borough: St. Louis

City: McKinley

Center coordinates of site (lat/long in degree decimal format): Lat. 47.52, Long. -92.413.

Map(s)/diagram(s) of review area (including map identifying single point of entry (SPOE) watershed and/or potential jurisdictional areas where applicable) is/are: ☐ attached ☐ in report/map titled .

☐ Other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form. List JD form ID numbers (e.g., HQ-2015-00001-SMJ-1): .

#### **D. REVIEW PERFORMED FOR SITE EVALUATION:**

☐ Office (Desk) Determination Only. Date: .

☒ Office (Desk) and Field Determination. Office/Desk Date(s): July 15, 2019 Field Date(s): April 10, 2019.

#### **SECTION II: DATA SOURCES**

Check all that were used to aid in the determination and attach data/maps to this JD form and/or references/citations in the administrative record, as appropriate.

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant. Title/Date: Wetland Delineation and Functional Assessment Report – June 2018.

☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☒ Office concurs with data sheets/delineation report.. Title/Date: Wetland Delineation and Functional Assessment Report – June 2018.

☐ Office does not concur with data sheets/delineation report. Summarize rationale and include information on revised data sheets/delineation report that this JD form has relied upon: . Revised Title/Date: .

☐ Data sheets prepared by the Corps. Title/Date: .

☐ Corps navigable waters study. Title/Date: .

☒ CorpsMap ORM map layers. Title/Date: Embarrass SPOE, Pike SPOE.

☐ USGS Hydrologic Atlas. Title/Date: .

☐ USGS, NHD, or WBD data/maps. Title/Date: .

☐ USGS 8, 10 and/or 12 digit HUC maps. HUC number: .

☐ USGS maps. Scale & quad name and date: .

☒ USDA NRCS Soil Survey. Citation: .

☐ USFWS National Wetlands Inventory maps. Citation: .

☐ State/Local wetland inventory maps. Citation: .

☒ FEMA/FIRM maps. Citation: .

☒ Photographs: ☒ Aerial. Citation: GoogleEarth Pro. or ☐ Other. Citation: Digital Globe.

☒ LiDAR data/maps. Citation: ArcMap.

☐ Previous determinations. File no. and date of jurisdictional determination letter: .

☐ Applicable/supporting case law: .

☐ Applicable/supporting scientific literature: .

☐ Other information (please specify): .

### **SECTION III: SUMMARY OF FINDINGS**

#### **Complete Spreadsheet Tab “Aquatic Resources” – Required for All AJDs**

##### **A. RIVERS AND HARBORS ACT (RHA) SECTION 10 DETERMINATION OF JURISDICTION:**

☐ “navigable waters of the U.S.” within RHA jurisdiction (as defined by 33 CFR part 329) in the review area.

- **List water(s) and area/length within review area – Required:**

**NOTE:** If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Section 10 navigable waters list, DO NOT USE THIS FORM TO MAKE THE DETERMINATION. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Section 10 RHA navigability determination.

##### **B. CLEAN WATER ACT (CWA) SECTION 404 DETERMINATION OF JURISDICTION: “waters of the U.S.” within CWA jurisdiction (as defined by 33 CFR part 328.3) in the review area. Check all that apply.**

☐ (a)(1): All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (Traditional Navigable Waters or TNW).

- **Complete Spreadsheet Tab “(a)(1)” - Required**

☐ This JD includes a case-specific (a)(1) TNW (Section 404 navigable-in-fact) determination on a water that has not previously been designated as such. Documentation required for this case-specific (a)(1) TNW determination is attached.

☐ (a)(2): All interstate waters, including interstate wetlands.

- **Complete Spreadsheet Tab “(a)(2)” - Required**

☐ (a)(3): The territorial seas.

- **Complete Spreadsheet Tab “(a)(3)” - Required**

☐ (a)(4): All impoundments of waters otherwise identified as waters of the U.S. under 33 CFR part 328.3.

- **Complete Spreadsheet Tab “(a)(4)” - Required**

☐ (a)(5): All tributaries, as defined in 33 CFR part 328.3, of waters identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab “(a)(5)” - Required**

☒ (a)(6): All waters adjacent to a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.

- **Complete Spreadsheet Tab “(a)(6)” - Required**

☒ Bordering/Contiguous.

Neighboring:

☐ (c)(2)(i): All waters located within 100 feet of the ordinary high water mark (OHWM) of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3.

☐ (c)(2)(ii): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 and not more than 1,500 feet of the OHWM of such water.

☐ (c)(2)(iii): All waters located within 1,500 feet of the high tide line of a water identified in paragraphs (a)(1) or (a)(3) of 33 CFR part 328.3, and all waters within 1,500 feet of the OHWM of the Great Lakes.

☐ (a)(7): All waters identified in 33 CFR 328.3(a)(7)(i)-(v) where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab “(a)(7)” for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(7) waters identified in the similarly situated analysis. – Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.

☐ (a)(8): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3 not covered by (c)(2)(ii) above and all waters located within 4,000 feet of the high tide line or OHWM of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab “(a)(8)” for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(8) waters identified in the similarly situated analysis. – Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.

##### **C. NON-WATERS OF THE U.S. FINDINGS:**

**Check all that apply.**

☐ The review area is comprised entirely of dry land.

- ☐ Potential-(a)(7) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• **Complete Spreadsheet Tab “NonWaters-No SigNex”. Attach a map delineating the SPOE watershed boundary with potential (a)(7) waters identified in the similarly situated analysis. – Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.

- ☒ Potential-(a)(8) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• **Complete Spreadsheet Tab “NonWaters-No SigNex”. Attach a map delineating the SPOE watershed boundary with potential (a)(8) waters identified in the similarly situated analysis. – Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.

- ☒ Excluded Waters (Non-Waters of U.S.), even where they otherwise meet the terms of paragraphs (a)(4)-(a)(8):

• **Complete Spreadsheet Tab “NonWaters-Excluded” - Required**

☐ (b)(1): Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA.

☐ (b)(2): Prior converted cropland.

☒ (b)(3)(i): Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.

☒ (b)(3)(ii): Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.

☐ (b)(3)(iii): Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1)-(a)(3).

☐ (b)(4)(i): Artificially irrigated areas that would revert to dry land should application of water to that area cease.

☐ (b)(4)(ii): Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds.

☐ (b)(4)(iii): Artificial reflecting pools or swimming pools created in dry land.<sup>1</sup>

☐ (b)(4)(iv): Small ornamental waters created in dry land.<sup>1</sup>

☒ (b)(4)(v): Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water.

☐ (b)(4)(vi): Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways.<sup>1</sup>

☐ (b)(4)(vii): Puddles.<sup>1</sup>

☐ (b)(5): Groundwater, including groundwater drained through subsurface drainage systems.<sup>1</sup>

☐ (b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.<sup>1</sup>

☐ (b)(7): Wastewater recycling structures created in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.

- ☒ Other non-jurisdictional waters/features within review area that do not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).

• **Complete Spreadsheet Tab “NonWaters-Other” - Required**

D. ADDITIONAL COMMENTS TO SUPPORT JD: .

<sup>1</sup> In many cases these excluded features will not be specifically identified on the approved JD form, unless specifically requested. Corps Districts may, in case-by-case instances, choose to identify some or all of these features within the review area.

(a)(6) Waters of the U.S.

[illegible]

NONWATERS, NO SIGNIFICANT NEXUS									
SPOE Name	Non-(a)(7)/(a)(8) Waters Name	Waters Subtype	(a)(1)-(a)(3) Water Name to which this Water DOES NOT have a Significant Nexus	Measured from OHWM or HTL (for Non-(a)(8) Water)?	OHWM Present (for Non-(a)(8) Water)?	Limits (boundaries) of Waters (use indicator(s) to the right)	Were Any Waters Determined to be Similarly Situated?	Functions Assessed (use indicator(s) to the right)	Basis for Determination that the Functions DO NOT Contribute Significantly to the Chemical, Physical, or Biological Integrity of the (a)(1)-(a)(3) Water.
Embarrass	CR-02	Non-(a)(8)	Embarrass	OHWM	NO	26	NO	1, 2, 3, 4, 5, 9	Based on the location of the wetland in the single point of entry watershed, there is no significant contribution of physical, chemical, or biological functions to any (a)(1)-(a)(3) waters. There is no hydrologic connection to other waters and no substantial evidence that the wetland has the potential to affect the physical, chemical or biological integrity of the nearest downstream traditional navigable water.
Embarrass	CR-03	Non-(a)(8)	Embarrass	OHWM	NO	26	NO	1, 2, 3, 4, 5, 9	Based on the location of the wetland in the single point of entry watershed, there is no significant contribution of physical, chemical, or biological functions to any (a)(1)-(a)(3) waters. There is no hydrologic connection to other waters and no substantial evidence that the wetland has the potential to affect the physical, chemical or biological integrity of the nearest downstream traditional navigable water.
Embarrass	CR-06	Non-(a)(8)	Embarrass	OHWM	NO	26	NO	1, 2, 3, 4, 5, 9	Based on the location of the wetland in the single point of entry watershed, there is no significant contribution of physical, chemical, or biological functions to any (a)(1)-(a)(3) waters. There is no hydrologic connection to other waters and no substantial evidence that the wetland has the potential to affect the physical, chemical or biological integrity of the nearest downstream traditional navigable water.
Embarrass	CR-07	Non-(a)(8)	Embarrass	OHWM	NO	26	NO	1, 2, 3, 4, 5, 9	Based on the location of the wetland in the single point of entry watershed, there is no significant contribution of physical, chemical, or biological functions to any (a)(1)-(a)(3) waters. There is no hydrologic connection to other waters and no substantial evidence that the wetland has the potential to affect the physical, chemical or biological integrity of the nearest downstream traditional navigable water.
Embarrass	CR-08	Non-(a)(8)	Embarrass	OHWM	NO	26	NO	1, 2, 3, 4, 5, 9	Based on the location of the wetland in the single point of entry watershed, there is no significant contribution of physical, chemical, or biological functions to any (a)(1)-(a)(3) waters. There is no hydrologic connection to other waters and no substantial evidence that the wetland has the potential to affect the physical, chemical or biological integrity of the nearest downstream traditional navigable water.
Embarrass	CR-09	Non-(a)(8)	Embarrass	OHWM	NO	26	NO	1, 2, 3, 4, 5, 9	Based on the location of the wetland in the single point of entry watershed, there is no significant contribution of physical, chemical, or biological functions to any (a)(1)-(a)(3) waters. There is no hydrologic connection to other waters and no substantial evidence that the wetland has the potential to affect the physical, chemical or biological integrity of the nearest downstream traditional navigable water.
Embarrass	CR-10	Non-(a)(8)	Embarrass	OHWM	NO	26	NO	1, 2, 3, 4, 5, 9	Based on the location of the wetland in the single point of entry watershed, there is no significant contribution of physical, chemical, or biological functions to any (a)(1)-(a)(3) waters. There is no hydrologic connection to other waters and no substantial evidence that the wetland has the potential to affect the physical, chemical or biological integrity of the nearest downstream traditional navigable water.
Pike	CR-11	Non-(a)(8)	Pike	OHWM	NO	26	NO	1, 2, 3, 4, 5, 9	Based on the location of the wetland in the single point of entry watershed, there is no significant contribution of physical, chemical, or biological functions to any (a)(1)-(a)(3) waters. There is no hydrologic connection to other waters and no substantial evidence that the wetland has the potential to affect the physical, chemical or biological integrity of the nearest downstream traditional navigable water.
Embarrass	CR-13	Non-(a)(8)	Embarrass	OHWM	NO	26	NO	1, 2, 3, 4, 5, 9	Based on the location of the wetland in the single point of entry watershed, there is no significant contribution of physical, chemical, or biological functions to any (a)(1)-(a)(3) waters.
Embarrass	CR-14	Non-(a)(8)	Embarrass	OHWM	NO	26	NO	1, 2, 3, 4, 5, 9	Based on the location of the wetland in the single point of entry watershed, there is no significant contribution of physical, chemical, or biological functions to any (a)(1)-(a)(3) waters. There is no hydrologic connection to other waters and no substantial evidence that the wetland has the potential to affect the physical, chemical or biological integrity of the nearest downstream traditional navigable water.
Embarrass	CR-15	Non-(a)(8)	Embarrass	OHWM	NO	26	NO	1, 2, 3, 4, 5, 9	Based on the location of the wetland in the single point of entry watershed, there is no significant contribution of physical, chemical, or biological functions to any (a)(1)-(a)(3) waters. There is no hydrologic connection to other waters and no substantial evidence that the wetland has the potential to affect the physical, chemical or biological integrity of the nearest downstream traditional navigable water.

## NonWaters, No Significant Nexus

[illegible]

NonWaters, No Significant Nexus

Embarrass	CR-35	Non-(a)(8)	Embarrass	OHW	NO	26	NO	1, 2, 3, 4, 5, 9	Based on the location of the wetland in the single point of entry watershed, there is no significant contribution of physical, chemical, or biological functions to any (a)(1)-(a)(3) waters. There is no hydrologic connection to other waters and no substantial evidence that the wetland has the potential to affect the physical, chemical or biological integrity of the nearest downstream traditional navigable water.
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Excluded Waters or Features

EXCLUDED WATERS OR FEATURES		
(b) Excluded Feature/Water Name	(b) Exclusion Criteria	Rationale for (b) Excluded feature and Additional Discussion.
CR-05	(b)(3)(i) Ditch Type A-Ephemeral ditch that is not a relocated tributary or excavated in a tributary	CR-05 has been impacted by a mining haul road and has been turned into a roadside ditch due to mining activities.
CR-36	(b)(4)(v) Water-filled depressions created in dry land incidental to mining or construction activity	The wetland is impounded on the east side by a mining road and a stockpile to the south. Wetland CR-36 does not have an apparent surficial connection to navigable or interstate waters. The wetland was created by impoundment due to the construction of a stockpile prior to 1950
CR-37	(b)(4)(v) Water-filled depressions created in dry land incidental to mining or construction activity	The wetland is impounded on the west side by a mining road and a stockpile to the south. Wetland CR-37 does not have an apparent surficial connection to navigable or interstate waters. The wetland was created by impoundment due to the construction of a stockpile prior to 1950
CR-61	(b)(4)(v) Water-filled depressions created in dry land incidental to mining or construction activity	Wetland CR-61 is located in small enclosed depression in a power line corridor. This wetland has been heavily disturbed by the vegetation management of the power line corridor. This wetland appears to have formed as a result of the construction of mining stockpiles and roads.
CR-63	(b)(4)(v) Water-filled depressions created in dry land incidental to mining or construction activity	The wetland is in a topographically-enclosed depression adjacent to a haul road with no surficial outlets. The haul road at the west end of the wetland impounds water. The wetland was created by the impounding haul road and is not naturally formed
CR-64	(b)(4)(v) Water-filled depressions created in dry land incidental to mining or construction activity	The wetland is in a topographically-enclosed depression in a roadside ditch with no surficial outlets. Roads at the east and south end of the wetland impounds water. The wetland was created by the impounding of the adjacent roads, and is not naturally formed
CR-67	(b)(4)(v) Water-filled depressions created in dry land incidental to mining or construction activity	The wetland is in a topographically-enclosed depression adjacent to a stockpile with no surficial outlets. The stockpile at the north end of the wetland impounds water. The wetland was created by the construction of the stockpile and is not naturally formed



### Excluded Waters or Features

CR-68	(b)(4)(v) Water-filled depressions created in dry land incidental to mining or construction activity	CR-68 is located in a swale and a ditch at the toe of a stockpile. The largest part of the wetland formed after the removal and reclamation of mine operation facilities. The wetland appears to have formed as a result of mining activities.
CR-69A	(b)(4)(v) Water-filled depressions created in dry land incidental to mining or construction activity	Wetland CR-69A is located where a parking lot and road were present in 1972. The parking lot and associated buildings were removed before 1980 and the wetland formed since that time. The wetland is impounded on the south side by an abandoned rail road grade and on the east by a mining road. Based on a review of historical imagery, the area west of the wetland was previously used as an ore processing facility.
CR-69B	(b)(4)(v) Water-filled depressions created in dry land incidental to mining or construction activity	Wetland CR-69B is located where a parking lot and road were present in 1972. The parking lot and associated buildings were removed before 1980 and the wetland formed since that time. The wetland is impounded on the south side by an abandoned rail road grade and on the east by a mining road. Based on a review of historical imagery, the area west of the wetland was previously used as an ore processing facility.
CR-70	(b)(3)(ii) Ditch Type B-Ditch with intermittent flow that is not a relocated tributary, excavated in a tributary, or drains wetlands	The wetland is located in a roadside ditch impounded to the north by an abandoned railroad grade and to the south by Old Highway 135. The wetland was created by the construction of the highway and is not naturally formed
CR-71	(b)(3)(ii) Ditch Type B-Ditch with intermittent flow that is not a relocated tributary, excavated in a tributary, or drains wetlands	CR-71 is located in a roadside ditch between Old Highway 135 and an old railroad grade. The wetland appears to have formed as a result of the construction of Old Highway 135.
CR-74	(b)(4)(v) Water-filled depressions created in dry land incidental to mining or construction activity	CR-74 is located in a ditch between an old railroad grade and a stockpile. The wetland appears to have formed as a result of the construction of the railroad grade.
CR-75	(b)(4)(v) Water-filled depressions created in dry land incidental to mining or construction activity	CR-75 is located in a test pit area. The wetland has formed as a result from mining activities.

### Excluded Waters or Features

[illegible]

Other NonJurisdictional Waters/Features

OTHER NONJURISDICTIONAL WATERS/FEATURES		
Other NonWater of US Waters /Features	NonWaters/Other NJD Criteria	Rationale for NonWater of US/Feature and Additional Discussion
CR-24	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
CR-27	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
CR-28	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
CR-29	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
CR-30	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
CR-31	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
CR-40	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
CR-41	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
CR-42	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
CR-43	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
CR-44	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
CR-45	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).

Other NonJurisdictional Waters/Features

CR-46	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
CR-47	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
CR-48	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
CR-49	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
CR-50	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
CR-51	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
CR-52	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
CR-53	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
CR-54	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
CR-57	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
CR-58	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
CR-59	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
CR-60	Outside distance threshold or 100 yr floodplain	does not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).

## Other NonJurisdictional Waters/Features

CR-66

Outside distance threshold  
or 100 yr floodplain

does not meet the definitions in 33 CFR 328.3 of  
(a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).