Regulatory Program

INTERIM APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers
This form should be completed by following the instructions provided
in the Interim Approved Jurisdictional Determination Form User Manual.

SECTION I: BACKGROUND INFORMATION

A. COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (AJD): 8 November 2019

B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): NAE-2015-01628

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State:Vermont County/parish/borough: Windsor City: Andover
Center coordinates of site (lat/long in degree decimal format): Lat. 43.366338, Long. -72.670753.
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 jurisdictional determination (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 Dates: 24 October 2019 Field Date(s): 25 June 2019.

SECTION II: DATA SOURCES

Check all that were used to aid in the determination and attach data/maps to this AJD 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 PLAN ARGONAUT MINE", dated "07/29/15", revised "Nov. 2019".
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☒ Data sheets/delineation report are sufficient for purposes of AJD form. Title/Date: "WETLAND DETERMINATION DATA FORMS", dated "DRAFT 10-27-15".
☐ Data sheets/delineation report are not sufficient for purposes of AJD form. Summarize rationale and include information on revised data sheets/delineation report that this AJD form has relied upon: .
Revised Title/Date: .
☐ Data sheets prepared by the Corps. Title/Date: .
☒ Corps navigable waters study. Title/Date: 1976.
☐ CorpsMap ORM map layers. Title/Date: .
☐ 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: 1:24,000, Andover, VT, titled "Argonaut Mine", dated "11/05/19".
☒ USDA NRCS Soil Survey. Citation: NRCS web site.
☒ USFWS National Wetlands Inventory maps. Citation: USFWS web site.
☐ State/Local wetland inventory maps. Citation: .
☐ FEMA/FIRM maps. Citation: .
☒ Photographs: ☒ Aerial. Citation: Google Earth photos. or ☒ Other. Citation: Photos taken during site visits.
☐ LiDAR data/maps. Citation: .
☐ Previous JDs. File no. and date of JD letter: .
☐ Applicable/supporting case law: .
☐ Applicable/supporting scientific literature: .

☒ Other information (please specify): Corps JD Viewer.

SECTION III: SUMMARY OF FINDINGS

Complete ORM "Aquatic Resource Upload Sheet" or Export and Print the Aquatic Resource Water Droplet Screen from ORM for All Waters and Features, Regardless of Jurisdictional Status – Required

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.

- **Complete Table 1 - 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 (TNWs))

- **Complete Table 1 - Required**

☐ This AJD 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 Table 2 - Required**

☐ (a)(3): The territorial seas.

- **Complete Table 3 - Required**

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

- **Complete Table 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 Table 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 Table 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 Table 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 determination.

☐ (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 Table 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 determination.

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 Table 9 and 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 determination.

☒ 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 Table 9 and 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 determination.

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

- **Complete Table 10 - 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.[1]

☐ (b)(4)(iv): Small ornamental waters created in dry land.[1]

☒ (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.[1]

☐ (b)(4)(vii): Puddles.[1]

☐ (b)(5): Groundwater, including groundwater drained through subsurface drainage systems.[1]

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

☐ (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 Table 11 - Required.**

D. ADDITIONAL COMMENTS TO SUPPORT AJD: On 14 September 2015 and 25 June 2019, the Corps conducted site visits to review the waters subject to this Approved Jurisdictional Determination. Additional remote tools (online mapping resources, Corps JD Viewer, etc.), reports submitted by the applicant's agent were reviewed and the following conclusions were made:

[1] In many cases these excluded features will not be specifically identified on the AJD 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.

WETLAND #3 is a combination of connected unnamed perennial and intermittent streams that directly flows from the site to an unnamed stream off site into the Black River. The Black River flows directly into the Connecticut River, an (a)(1), Traditional Navigable Water (TNW). This stream is an (a)(5) waters (See Table 5).

WETLAND #1, WETLAND #5 and WETLAND #6 are within 100' of the ordinary high water mark of WETLAND #3 and, therefore, are (a)(6) waters (See Table 6).

WETLAND P, WETLAND Q and WETLAND #7 are not located within 100' of ordinary high water high water mark of an (a)(1) through (a)(5) water. These wetlands are not located within the 100 year floodplain of an (a)(1) through (a)(5) water. These wetlands are not located within 4,000' of the Connecticut River which is an (a)(1) water approximately 29 river miles or 13 aerial miles to the west of the parcel. A significant nexus assessment was made and determined that these wetlands do not have a significant nexus to the Connecticut River, the nearest TNW and are not jurisdictional waters of the U.S. (see Table 9)

WETLAND #2, WETLAND #4, 20' x 30' WETLAND are not located within 100' of ordinary high water high water mark of an (a)(1) through (a)(5) water. These wetlands are not located within the 100 year floodplain of an (a)(1) through (a)(5) water. These wetlands are not located within 4,000' of the Connecticut River which is an (a)(1) water approximately 29 river miles or 13 aerial miles to the west of the parcel. These wetlands are incidental to mining, and are (b)(4)(v) excluded features (See Table 10). .

Jurisdictional Waters of the U.S.

Table 1. (a)(1) Traditional Navigable Waters

(a)(1) Waters Name	(a)(1) Criteria	Rationale to Support (a)(1) Designation Include High Tide Line or Ordinary High Water Mark indicators, when applicable.
N/A	Choose an item.	N/A

Table 2. (a)(2) Interstate Waters

(a)(2) Waters Name	Rationale to Support (a)(2) Designation
N/A	N/A

Table 3. (a)(3) Territorial Seas

(a)(3) Waters Name	Rationale to Support (a)(3) Designation
N/A	N/A

Table 4. (a)(4) Impoundments

(a)(4) Waters Name	Rationale to Support (a)(4) Designation
N/A	N/A
N/A	N/A

Table 5. (a)(5)Tributaries

(a)(5) Waters Name	Flow Regime	(a)(1)-(a)(3) Water Name to which this (a)(5) Tributary Flows	Tributary Breaks	Rationale for (a)(5) Designation and Additional Discussion. Identify flowpath to (a)(1)-(a)(3) water or attach map identifying the flowpath; explain any breaks or flow through excluded/non-jurisdictional features, etc.
WETLAND #3 (SEDIMENT POND)	Perennial	Connecticut River	Yes	(NOTE: "WETLAND #3" as shown and labeled on the applicants plan is a waterway with an ordinary high water mark, it is not a wetland.) WETLAND #3 is a series of unnamed tributaries that are a combination of natural and man-altered waters located within the Permit Area. At the downstream end of WETLAND #3 is the SEDIMENT POND which is an impounded area sandwiched between two gravel roadways. Stream flow outlets the SEDIMENT POND through a culvert beneath the gravel drive along the northern end of the pond and into an unnamed stream that flows off the property that drains into the Black River. The Black River flows directly into the Connecticut River, a TNW. Upstream of the SEDIMENT POND are two NATURAL STREAMS connected by a MANMADE DITCH. The eastern NATURAL STREAM has intermittent stream flow that originates on a north facing wooded hillside south of the active quarry. This stream likely historical continued north into the quarry but was re-route at the quarry rim towards the west in the Constructed MANMADE DITCH. The western NATURAL STREAM flows north along the edge of the woods parallel to an old mining road that bisects WETLAND #1. The headwaters of this perennial stream is located on the wooded hillside within the Permit Area. The two converging systems flow into the SEDIMENT POND through a culvert beneath a gravel road that leads to the old mining road. The stream is an open system for about 40', where it then flows through

				another culvert at the upstream end of the SEDIMENTATION POND. The NATURAL STREAMs have sand and cobble streambeds with sufficient volume of flow to create an ordinary high water mark along the banks.
N/A	Choose an item.	N/A	Choose an item.	N/A

Table 6. (a)(6) Adjacent Waters

(a)(6) Waters Name	(a)(1)-(a)(5) Water Name to which this Water is Adjacent	Rationale for (a)(6) Designation and Additional Discussion. Identify the type of water and how the limits of jurisdiction were established (e.g., wetland, 87 Manual/Regional Supplement); explain how the 100-year floodplain and/or the distance threshold was determined; whether this water extends beyond a threshold; explain if the water is part of a mosaic, etc.
Wetland #5	WETLAND #3 (SEDIMENT POND)	This wetland was delineated using the Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region. Wetland #5 is a palustrine scrub/shrub – forested wetland that is about 1,500 sq. ft. in size. The wetland is within 50' from the ordinary high water mark of the eastern NATURAL STREAM channel of WETLAND #3, an a(5) water. The wetland is located on a flat terrace on a hillside and hydrology is primarily from precipitation. The primary functions of this wetland are water quality treatment, sediment trapping and wildlife habitat. This wetland is neighboring to WETLAND #3.
Wetland #6	WETLAND #3 (SEDIMENT POND)	This wetland was delineated using the Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region. Wetland #6 is a palustrine forested wetland that is about 170 sq. ft. in size. The wetland is within 20' from the ordinary high water mark of the western NATURAL STREAM channel of WETLAND #3, an a(5) water. The primary function of this wetland is water quality treatment. This wetland is neighboring to WETLAND #3.
Wetland #1	WETLAND #3 (SEDIMENT POND)	This wetland was delineated using the Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region.

		Wetland #1 is a palustrine emergent and forested wetland that is about 23,550 sq. ft. in size. This wetland has formed alongside and atop of an old abandoned mining road. The wetland is located within 50 of the ordinary high water mark of the western NATURAL STREAM channel of WETLAND #3, an a(5) water. The plans indicate that the wetland is connected by a culvert beneath the old road to the stream channel. Although the culvert was not visible during the site visit, flow was observed leaching from the roadway shoulder at its approximate known location into the stream channel. Therefore, this wetland is neighboring to WETLAND #3.

Table 7. (a)(7) Waters

SPOE Name	(a)(7) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; discuss whether any similarly situated waters were present and aggregated for SND; discuss data, provide analysis, and summarize how the waters have more than speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Table 8. (a)(8) Waters

SPOE Name	(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to subject water and aggregated for SND; discuss data, provide analysis, and then summarize how the waters have more than speculative or insubstantial effect the on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Non-Jurisdictional Waters

Table 9. Non-Waters/No Significant Nexus

SPOE Name	Non-(a)(7)/(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water DOES NOT have a Significant Nexus	Basis for Determination that the Functions DO NOT Contribute Significantly to the Chemical, Physical, or Biological Integrity of the (a)(1)-(a)(3) Water. Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to the subject water; discuss data, provide analysis, and summarize how the waters did not have more than a speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water.
SPOE A (Black River Watershed)	WETLAND Q	Connecticut River	This wetland was delineated using the Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region. Wetland Q is about 300 sq. ft. dominated a Red maple and Eastern hemlock over story with a moss and goldthread understory. The wetland is located in a shallow depression located on a forested hillside. A vernal pool (VP) study conducted on the site concluded that this wetland was not a VP. Water received by this wetland likely infiltrates into the ground rather than flowing elsewhere via sheetflow. The primary function of this wetland is to provide water quality treatment through sediment/nutrient trapping of runoff from the surrounding hillside. The wetland functions at a very minimal level. The wetland does not function to retain and attenuate floodwaters nor does it contribute to the export of organic matter or food resources or provide wildlife habitat. The Single Point of Entry (SPOE) A is defined by the Black River watershed which flows into the Connecticut River, the nearest a(1) water. SPOE A is 1980 square miles in size. The wetland is located about 350 linear feet away from unnamed tributaries referred to as WETLAND #3. We assessed the potential for significant nexus for the wetland as an (a)(8) water through evaluation of individual and cumulative function of Similarly Situated Waters within the Black River's watershed to affect the chemical, physical or biological integrity of the Connecticut River, an (a)(1) water. For this assessment we evaluated Similarly Situated Waters that occurred within the same soil type, landform and cover type using the Corps JD Viewer tool. Based on the National Wetland Inventory (NWI) maps there are about five similarly situated wetlands within the watershed that are expected to function similar to the wetland located on the project site. However, these

			five wetlands are located outside of the same contiguous SVL area as the subject water. In addition, delineated WETLANDS P and WETLAND #7 are similarly situated waters within the SVL and AJD review area as WETLAND Q. There is no single function or combination of functions performed by these wetlands that contribute significantly to the nearest TNW. The functions considered include sediment trapping, nutrient recycling, pollutant trapping, transformation, filtering, and transport, retention and attenuation of floodwaters, runoff storage, contribution of flow, export of organic matter, export of food resources, or provision of life cycle dependent aquatic habitat (such as foraging, feeding, nesting, breeding, spawning, or use as a nursery area) for species located in a TNW. There is no hydrological connection from WETLAND Q to the Connecticut River. The wetland is clearly non-navigable, isolated and intrastate. Connecticut River, a TNW is over thirteen miles away "as the crow flies" from the wetland. The wetland does not have the opportunity to affect the chemical, physical, or biological integrity of the nearest TNW. Also, the use, degradation or loss of this wetland will not affect other waters of the United States or affect interstate or foreign commerce. The wetland does not have a significant nexus to the Connecticut River.
SPOE A (Black River Watershed)	WETLAND P	Connecticut River	This wetland was delineated using the Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region. Wetland P is about 600 sq. ft. dominated a Red maple and Eastern hemlock over story with a moss understory. The wetland is located in a shallow depression located on a forested hillside about 30' away from Wetland Q. A vernal pool (VP) study conducted on the site concluded that this wetland was not a VP. Water received by this wetland likely infiltrates into the ground rather than flowing elsewhere via sheetflow. The potential for a significant nexus between Wetland P and the Connecticut River was evaluated relative to the individual and cumulative function of Similarly Situated waters in SPOE A to affect the chemical, physical or biological integrity of the Connecticut River. This wetland in conjunction with other similarly situated waters located within SPOE A do not rise to a level beyond a speculative or insubstantial impact to the Connecticut River. See evaluation for WETLAND Q (above) for more detail.
SPOE A (Black River Watershed)	WETLAND #7	Connecticut River	This wetland was delineated using the Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region.

			Wetland #7 is about 180 sq. ft. dominated a Red maple and Eastern hemlock. The wetland is located in a shallow depression located in the woods about 30'-50' away from WETLAND #1. A vernal pool (VP) study conducted on the site concluded that this wetland was not a VP. Water received by this wetland likely infiltrates into the ground rather than flowing elsewhere via sheetflow. The potential for a significant nexus between Wetland #7 and the Connecticut River was evaluated relative to the individual and cumulative function of Similarly Situated waters in SPOE A to affect the chemical, physical or biological integrity of the Connecticut River. This wetland in conjunction with other similarly situated waters located within SPOE A do not rise to a level beyond a speculative or insubstantial impact to the Connecticut River. See evaluation for WETLAND Q (above) for more detail.

Table 10. Non-Waters/Excluded Waters and Features

Paragraph (b) Excluded Feature/Water Name	Rationale for Paragraph (b) Excluded Feature/Water and Additional Discussion.
WETLAND #2	This wetland was delineated using the Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region. Wetland #2 is an open water and emergent feature that is about 23,100 sq. ft. in size. Wetland #2 is about 200' away from the ordinary high water mark of the western NATURAL STREAM channel of WETLAND #3, an a(5) water. There are no natural or man-made hydrologic connections between the wetland and stream channel. The western, northern and eastern sides of the wetland area bordered by overburden piles of rock from the quarry. Along the southern side is a north sloping upland forested area. Based on a 1994 aerial photo of the area, the open water and emergent wetland area is forested and the disposal of overburden surrounding the area appears to have been active for several years prior. In 2003, aerial imagery shows indications of discoloration within the forested area, indicating that the trees are stressed due to a change in hydrology and are dying. Mapped soils in this area are Tunbridge-Lyman, 15-35 percent slopes, very rocky and well drained. The deed trees identified within the wetland are Eastern hemlock and balsam fir, designated as FACU and FAC in the National Wetland Plant List. The primary function of this wetland is to provide retention and attenuation of flood waters, water quality treatment through sediment/nutrient trapping of runoff from the surrounding area and wildlife habitat. The wetland does not function to contribute to the export of organic matter or food resources or contribute flow to other waters.

	Based on site visits, aerial photos, soil maps, and dead trees it appears that WETLAND #2 is a water-filled depression created in dry land incidental to mining or construction activity, and therefore, is not a waters of the United States and is a (b)(4)(v) excluded feature.
WETLAND #4	This wetland was delineated using the Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region. Wetland #4 is an emergent wetland that is about 1,663 sq. ft. in size. Wetland # 4 is about 30' away from Wetland #2 and is at the bottom of a fill slope from overburden from the active quarry. Mapped soils in this area are Tunbridge-Lyman, 15-35 percent slopes, very rocky and well drained. The primary function of this wetland is water quality treatment through sediment/nutrient trapping of runoff from the surrounding area and wildlife habitat. The wetland does not function to provide retention and attenuation of flood waters, the export of organic matter or food resources or contribute flow to other waters. Based on site visits, aerial photos, and soil maps it appears that WETLAND #4 is a water-filled depression created in dry land incidental to mining or construction activity, and therefore, is not a waters of the United States and is a (b)(4)(v) excluded feature.
20' x 30' WETLAND	This wetland was delineated using the Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region. Wetland 20' x 30' is a man-made depression atop of the overburden pile dominated by grasses that is about 600 sq. ft. in size. A VP study conducted on the site concluded that this wetland was not a VP. Mapped soils in this area are Pits, quarry-dumps, mine complex, non-hydric. The wetland functions at a very minimal level. Based on site visits, aerial photos, and soil maps it appears that wetland 20' x 30' WETLAND is a water-filled depression created in dry land incidental to mining or construction activity, and therefore, is not a waters of the United States and is a (b)(4)(v) excluded feature.

Table 11. Non-Waters/Other

Other Non-Waters of U.S. Feature/Water Name	Rationale for Non-Waters of U.S. Feature/Water and Additional Discussion.
N/A	N/A