

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): July 3, 2014.

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Seattle District, Pullman-Moscow Airport, NWS-2009-1281.
Name of water being evaluated on this JD form: Airport Creek, a pond, seasonal RPWs, and abutting wetlands

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Washington County: Whitman City: Pullman

Center coordinates of site (lat/long in degree decimal format): Lat: 46.74467 **N**, Long: -117.1109 **W**

Universal Transverse Mercator: Willamette.

Name of nearest waterbody: Airport Creek.

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Snake River.

Name of watershed or Hydrologic Unit Code (HUC): 17060108.

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. List other JDs: _____

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: _____.

Field Determination. Date(s): April 22, 2013.

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: 15,709 linear feet 2-3 width (ft) and/or _____ acres.

Wetlands: 44.03 acres.

c. Limits (boundaries) of jurisdiction based on: **Established by OHWM,** and **1987 Delineation Manual.**

Elevation of established OHWM (if known): _____.

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: _____.

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

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

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs – NOT APPLICABLE

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: ~120 acres
Drainage area: ~120 acres
Average annual rainfall: 35 inches
Average annual snowfall: 43 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

- Tributary flows directly into TNW.
- Tributary flows through 2 tributaries before entering TNW.

Project waters are 30 (or more) river miles from TNW.
Project waters are 1 (or less) river miles from RPW.
Project waters are 10-15 aerial (straight) miles from TNW.
Project waters are 1 (or less) aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: NA.

Identify flow route to TNW⁴: Seasonal ditches (RPWs) to Airport Creek to South Fork of Palouse River to Snake River (a Section 10 navigable water of the U.S.) The pond shown on Sheet 9 of the drawings flows through a seasonal ditch into Airport Creek.

Tributary stream order, if known: 2.

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

Tributary is: Natural
 Artificial (man-made). Explain: _____.

Manipulated (man-altered). Explain: Seasonal ditches (RPWs) have been altered via farming and Airport Creek has been ditched and tightlined through the Pullman-Moscow Airport.

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

Average width: 3-4 feet
Average depth: 2 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: Moslty stable with some sloughing banks (10%).

Presence of run/riffle/pool complexes. Explain: Limited due to channelization for agricultural and commercial uses.

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): 2-3 %

(c) Flow:

Tributary provides for: **Seasonal flow**

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

Describe flow regime: intermittent flows for 3-4 months a year.

Other information on duration and volume: _____.

Surface flow is: **Discrete and confined.** Characteristics: Trapezoidal channel geometry is present due maintenace activites resulting in discrete and confined flow.

Subsurface flow: **Yes.** Explain findings: _____.

⁴ 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.
Version 2-8-08 Seasonal RPW and Abutting Only 2 of 4

Dye (or other) test performed: Holes dug in channel and hyporheic flow was observed.

Tributary has (check all that apply):

- Bed and banks
- OHWM⁵ (check all indicators that apply):
- | | |
|---|--|
| <input type="checkbox"/> clear, natural line impressed on the bank | <input checked="" type="checkbox"/> the presence of litter and debris |
| <input type="checkbox"/> changes in the character of soil | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input checked="" type="checkbox"/> shelving | <input checked="" type="checkbox"/> the presence of wrack line |
| <input checked="" type="checkbox"/> vegetation matted down, bent, or absent | <input checked="" type="checkbox"/> sediment sorting |
| <input checked="" type="checkbox"/> leaf litter disturbed or washed away | <input type="checkbox"/> scour |
| <input checked="" type="checkbox"/> sediment deposition | <input checked="" type="checkbox"/> multiple observed or predicted flow events |
| <input checked="" type="checkbox"/> water staining | <input type="checkbox"/> abrupt change in plant community |
| <input type="checkbox"/> other (list): _____ | |
- Discontinuous OHWM.⁶ Explain: _____.

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 is generally clean. There is an infinite amount of bedload contribution in the tributaries in the project area as the surrounding land use is tilled wheat. This leads to large amounts of sediment pulses in the watercourse during the spring freshet.

Identify specific pollutants, if known: Sediment and all associated vehicular pollutants associated with impervious surfaces at the airport.

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

- Riparian corridor. Characteristics (type, average width): _____.
- Wetland fringe. Characteristics: 100% homogenous assemblage of Reed Canarygrass.
- Habitat for:
- Federally Listed species. Explain findings: _____.
 - Fish/spawn areas. Explain findings: Speckled Dace, Stickleback, Peamouth.
 - Other environmentally-sensitive species. Explain findings: _____.
 - Aquatic/wildlife diversity. Explain findings: Northwestern Garter Snake, Wandering Garter Snake, Pacific Tree Frog,

and Bullfrog.

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW – NOT APPLICABLE

3. Characteristics of all wetlands adjacent to the tributary (if any) – NOT APPLICABLE

C. SIGNIFICANT NEXUS DETERMINATION – NOT APPLICABLE

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

2. **RPWs that flow directly or indirectly into TNWs.**

- Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide rationale indicating that tributary flows 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: Pacific Tree Frog tadpoles were observed in the tributary. Baetidae and Heptageneidae mayflies, Simuliidae, Tipulidae, and several Odoantes were all observed via kick net sampling on site. All of these are indicators of a flow duration that is seasonal (3 months or more) in nature.

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

- Tributary waters: 15,709 linear feet 2-3 width (ft).
- Other non-wetland waters: _____ acres.

⁵A 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.

⁶Ibid.

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: All wetland areas on site are abutting as there is no physical (topographic) or hydrologic disconnection between the wetland from the tributaries on site.

Provide acreage estimates for jurisdictional wetlands in the review area: **44.03** acres.

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 - NOT APPLICABLE

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS - NOT APPLICABLE

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: Amended October 2009 Wetland Delineation Report dated May 1, 2014.
- 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: The waterbody is on the Section 10 Navigable Waterway List for Seattle District.
- 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: _____
- USDA Natural Resources Conservation Service Soil Survey. Citation: _____.
- National wetlands inventory map(s). Cite name: _____.
- State/Local wetland inventory map(s): _____
- FEMA/FIRM maps: _____.
- 100-year Floodplain Elevation is: _____ (National Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): _____
or Other (Name & Date): _____.
- Previous determination(s). File no. and date of response letter: NWS-2009-1281, January 27, 2010.
- Applicable/supporting case law: _____.
- Applicable/supporting scientific literature: _____.
- Other information (please specify): SDAM data sheets.

B. ADDITIONAL COMMENTS TO SUPPORT JD: _____.