

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

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): August 4, 2016.

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Seattle District, Pinkley, John (bulkhead repair), NWS-2016-194 .
Name of water being evaluated on this JD form: Hood Canal

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Washington County: Mason City: Belfair

Center coordinates of site (lat/long in degree decimal format): Lat: 47.41770 N, Long: -122.868992 W

Universal Transverse Mercator: _____

Name of nearest waterbody: Hood Canal.

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

Name of watershed or Hydrologic Unit Code (HUC): 1711001801.

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): July 20, 2016.

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are** "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: 75 linear feet 13 width (ft) and/or _____ acres.

Wetlands: _____ acres.

c. Limits (boundaries) of jurisdiction based on: **Established by mean (average) high waters.** and **Not applicable.**

Elevation of established OHWM (if known): MHHW = 11.85 feet, Union Station Datum, relative to MLLW.

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

1. TNW

Identify TNW: Hood Canal.

Summarize rationale supporting determination: Hood Canal is a Section 10 navigable water; therefore, it is a TNW.

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": N/A.

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS - Not applicable

C. SIGNIFICANT NEXUS DETERMINATION - Not applicable

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE:

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:

TNWs: 75 linear feet 13 width (ft), or _____ acres.

Wetlands adjacent to TNWs: _____ 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 (CHECK ALL THAT APPLY): Not applicable

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD:

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: _____.

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: Field Notes for tidal elevation determination, dated July 20, 2016.

Corps navigable waters' study: The waterbody is on the Section 10 Navigable Waterway List for Seattle District. The list is available at www.nws.usace.army.mil click on Regulatory – Regulatory/Permits.

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 Geodetic Vertical Datum of 1929)

Photographs: Aerial (Name & Date): _____

or Other (Name & Date): Taken by the Corps during the site visit on July 20, 2016.

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: The applicant proposes to replace a damaged timber/rock bulkhead with a new rock bulkhead landward of MHHW. On July 20, 2016, the U.S. Army Corps of Engineers (Corps) inspected the proposed project site and conducted a tidal elevation determination. The Corps found that all the proposed work would be landward of MHW (10.87 feet elevation) and that the proposed excavation and fill would be more than 3 horizontal feet landward of MHHW (11.85 feet elevation). The attached photographs depict the location of MHHW (blue flag) at the southwest end of the property. The southwest end is the location of the most waterward area of the proposed work. The excavation and fill is proposed 3+ horizontal feet landward of MHHW at this location. The location of MHHW (blue flag) was measured to be 4.95 horizontal feet landward of the waterward corner of the adjacent property owner's bulkhead. MHW was 6.6 horizontal feet waterward of MHHW at this location. On the northeast end of the property, MHHW was found to be 9.2 horizontal feet waterward of the north pile of the deck. All bulkhead work is proposed landward of the deck. Per stipulations of other permitting agencies, the applicant will need to place gravel waterward of the reconstructed bulkhead. During the site inspection, the contractor stated gravel will be placed 2-3 feet landward of MHHW. There are waters of the U.S. in the review area but the applicant proposes to do all work landward of the MHHW and MHW, the Corps' line of jurisdiction; therefore, the impact area will not occur within any waters of the U.S.