

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

JD 1 of 1

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): January 10, 2008.

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Seattle District, NWS-2007-1673-CRS, Edwards Cedar Creek.
Name of water being evaluated on this JD form: Cedar Creek

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Washington County: Clark City: Amboy

Center coordinates of site (lat/long in degree decimal format): Lat: 45° 55' 27.66" N, Long: 122° 29' 24.30" W

Universal Transverse Mercator: _____

Name of nearest waterbody: Cedar Creek.

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

Name of watershed or Hydrologic Unit Code (HUC): F17080002.

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: January 10, 2008.

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 **Pick List** "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: 1850 linear feet _____ width (ft) and/or _____ acres.

Wetlands: 35 acres.

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

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 – NOT APPLICABLE
- C. SIGNIFICANT NEXUS DETERMINATION – NOT APPLICABLE
- D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE:

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: Creek is shown as a blue line on USGS quadrangle maps; watershed above the site is about 40 square miles, supports salmonids, the study reach is fed by about 11 miles of main stem stream channel with about 9 miles of tributary channel as well as numerous smaller tributaries. USGS guage (14221500) located downstream has annual flow ranging from 101 to 207 CFS between 1952 and 1968 (only time period guage maintained) Furthermore, the lowest monthly mean during this time period was in August with an average CFS of 16. Describe flow path to a TNW: Cedar Creek flows west to the North Fork Lewis River at about RM 16. Lewis River is considered a section 10 water to RM 18 and is thus also considered a TNW to this point. Lewis River flows west to where it empties into the Columbia River.

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

- Tributary waters: 1800 linear feet 15 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: Based upon review of NWI, aerial photographs and county wetland mapping, wetlands are abutting creek, in flood plain.

Provide acreage estimates for jurisdictional wetlands in the review area: 35 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 (CHECK ALL THAT APPLY): 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):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: JARPA and supporting information.
- 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: CENWS Navigability List, revised May 2000.
http://www.nws.usace.army.mil/publicmenu/DOCUMENTS/REG/Navigable_waters.pdf.
- U.S. Geological Survey Hydrologic Atlas: guage 14221500 data at
http://nwis.waterdata.usgs.gov/nwis/annual?search_site_no=14221500&format=sites_selection_links.
 - 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): Clark County Digital Atlas.
<http://gis.clark.wa.gov/imf/imf.jsp?site=digitalatlas&CFID=356418&CFTOKEN=18249092>
- 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: _____.
- Applicable/supporting case law: _____.
- Applicable/supporting scientific literature: _____.
- Other information (please specify): _____.

B. ADDITIONAL COMMENTS TO SUPPORT JD: _____.