

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

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): May 5, 2008.

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Seattle District, Foussard, Daniel NAME, NWS 2008 570 CRC ..
Name of water being evaluated on this JD form: unnamed channel and wetland.

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Washington County: Okanogan City: _____

Center coordinates of site (lat/long in degree decimal format): Lat: 48 28 44.69 N, Long: 120 11 42.51 W

Universal Transverse Mercator: _____

Name of nearest waterbody: Methow River.

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

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

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): May 1, 2008.

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: 2000 linear feet 10 width (ft) and/or _____ acres.

Wetlands: 10.91 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: Wetlands on the site were inundated on May 1st of this year (2008). Water in the channel on the eastern side of the site was approximately 1 foot deep on May 1st 2008. The wetlands and the channel on the site appear to be spring fed and fed by runoff from the Cascade range foothills in the vicinity of the proposed project. May 1st 2008 was before Site visit was on May 1 which was well before the spring runoff in the area. Spring runoff did not peak until June of 2008 due to spring low temperatures/snow fall through mid June 2008 in the mountains of this area. Because of the depth of water in the channel and in the wetlands during the Corps/Ecology site visit on May 1, 2008 and because channel is both spring fed and fed by runoff from the Cascade Mountains, the Corps believes that the channel and wetlands have year round hydrology.

Describe flow path to a TNW: The source of water on the Foussard site is both spring water and runoff from the Cascade Mountains to the west and north of the site. Water on the Foussard property flows to the south and into a roadside ditch along the North Cascades Highway. The water then congingles with other waters and flows from the ditch into culverts under the North Cascades Highway. There are two culverts in the general area of the Foussard property that flow under the North Cascades Highway. Water flows under the highway and then east and south to the Methow River. There are also wetlands on the south side of the highway that are adjacent to the channel. Wetlands and the channel on the oppsite side of the highway have been filled and altered in several locations but still flow to the Methow River. The NWI map of the area shows wetlands on the site that are part of a wetland system which is contiguous to the Methow River. The Corps has visited this area numerous times and is familiar with this wetland system and it's connection to the Methow River.

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

- Tributary waters: 2000 linear feet 10 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: Wetlands on the site are are contiguous with the channel on the site and are contiguous with the Methow River.

Provide acreage estimates for jurisdictional wetlands in the review area: 10.91 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: Map of site prepared by Debbie Knaub, Corps of Engineers, Seattle District, Reuglatory Branch, for enforcement purposes.
- 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: Prepared by Debbie Knaub, Seattle District Corps of Engineers Regulatory Branch.
- Corps navigable waters' study: _____.
- 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: See Corps file.
- State/Local wetland inventory map(s): _____

- FEMA/FIRM maps: _____.
- 100-year Floodplain Elevation is: _____ (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): See Corps file
or Other (Name & Date): See Corps file.
- 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: _____.