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

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 2-19-09.

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: **Seattle District**, Kona Residence Trust, NWS-2009-151 .
Name of water being evaluated on this JD form: Mud Bay

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: Washington County: San Juan City: _____
Center coordinates of site (lat/long in degree decimal format): Lat: 48.4617 N, Long: -122.82179 W
Universal Transverse Mercator: .
Name of nearest waterbody: Mud Bay.
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Lopez Sound.
Name of watershed or Hydrologic Unit Code (HUC): 17110003.
☒ 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: 2-19-09.
☐ Field Determination. Date(s): _____.

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 waters[2] (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: 400 linear feet _____ width (ft) and/or _____ acres.
   Wetlands: _____ acres.

   c. **Limits (boundaries) of jurisdiction** based on: **Established by mean (average) high waters.** and **Pick List**
   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

1. **TNW**
   Identify TNW: Mud Bay.
   Summarize rationale supporting determination: _____.

2. **Wetland adjacent to TNW**
   Summarize rationale supporting conclusion that wetland is "adjacent": _____.

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: 400 linear feet _____ 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: _____.
- ☒ 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 – Wetlands and Waters of the US – Navigable Waters.
- ☐ 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: _____.
- ☐ Applicable/supporting case law: _____.
- ☐ Applicable/supporting scientific literature: _____.
- ☐ Other information (please specify): _____.

B. ADDITIONAL COMMENTS TO SUPPORT JD: _____.