

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

Upland area of interest

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** 23 October 2017.

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Seattle District, Innovative Solar Sytems LLC, NWS-2017-831.  
Name of water being evaluated on this JD form: N/A

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Washington County: Adams City: \_\_\_\_\_

Center coordinates of site (lat/long in degree decimal format): Lat: 47.2427 N, Long: -118.2518 W

Universal Transverse Mercator: 11.

Name of nearest waterbody: Crab Creek.

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A - Upland area is not an aquatic resource. If it was a wetland, it would flow to the Columbia River.

Name of watershed or Hydrologic Unit Code (HUC): 1702001303, South Fork Crab Creek - Crab Creek.

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: 25 September 2017.

Field Determination. Date(s): 18 October 2017.

**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]

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There **Are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**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: NOT APPLICABLE**

**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):<sup>1</sup> 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: Maps provided in report provided by agent entitled "Jurisdictional Determination Request and Wetland Delineation Report" by Alpha Environmental dated 6 September 2017 and located in the project file.

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Office concurs with data sheets/delineation report.

<sup>1</sup> Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

- Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: \_\_\_\_\_.
- Corps navigable waters' study: \_\_\_\_\_.
- U.S. Geological Survey Hydrologic Atlas: NHD data accessed on ORM, most recently on 23 October 2017.
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 24K, Ritzville NE
- USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS Soil Survey map provided in wetland delineation report as Figure 5. Confirmed mapped soils on NRCS soil mapper website on 23 October 2017.
- National wetlands inventory map(s). Cite name: National Wetland Inventory Map provided in wetland delineation report as Figure 4. Confirmed that no wetlands are mapped on NWI website accessed on 23 October 2017.
- State/Local wetland inventory map(s): \_\_\_\_\_
- FEMA/FIRM maps: \_\_\_\_\_.
- 100-year Floodplain Elevation is: \_\_\_\_\_ (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Aerial photographs provided in wetland delineation report dated 6 September 2017 and located in the project file. Google Earth historical imagery reviewed for dates of July 2017, June 2014, July 2013, October 2012, and September 2009.
  - or  Other (Name & Date): Site photographs provided as Appendix I in wetland delineation report dated 6 September 2017 and located in the project file.
- Previous determination(s). File no. and date of response letter: \_\_\_\_\_.
- Applicable/supporting case law: \_\_\_\_\_.
- Applicable/supporting scientific literature: \_\_\_\_\_.
- Other information (please specify): Site visit confirmed no wetlands are present as described below..

**B. ADDITIONAL COMMENTS TO SUPPORT JD:**

There are no waters of the U.S. in the review area because:

- The review area consists entirely of uplands.
  - Additional explanation: The Ritzville / Tokio area is within the driest area of the state receiving approximately 12 inches of rain annually. With prior permission from the property owner and agent, the project site was visited by the Corps Project Manager on October 18, 2017. Weather was overcast, cool, and lightly raining. The site was accessed at a gate approximately 1/2 mile north of the Griffith/Hill Road intersection. Vegetation consisted of mostly invasive upland weeds such as hounds tongue (Cynoglossum officinale), kanpweed (Centaurea spp.), cheat grass (Bromus tectorum), sage brush (Artemisia spp), and rye grass. There were no primary or secondary hydrologic indicators and no topographic features to suggest the presence of surface water. Following the site visit, the Corps PM observed the nearest low point offsite from the project area at the intersection of Hills and Templin Roads, where a dry gulch has a culvert crossing under Hills Road. The gulch has the same vegetation species, which indicate to the Corps PM that the gulch rarely receives significant water of enough duration to support hydrophytic plant communities, even at the nearest low-elevation drainage in relation to the project area. Based on the combination of the findings from the wetland delineation report, field visit observations, and data gathered in the office, there are no wetlands or other Waters of the U.S. on the project site.
- Per the preamble of the 1986 Corps implementing regulations for 33CFR328.3, the identified waters in the review area have been determined on a specific case-by-case basis to not be waters of the U.S.:
  - A non-tial drainage and irrigation ditch excavated on dryland
  - An artificially irrigated area which would revert to upland if the irrigation ceased
  - An artificial lake or pond created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing
  - An artificial reflecting or swimming pool or other small ornamental body of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons
  - A waterfilled depression created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the U.S.
  - Additional explanation: \_\_\_\_\_
- The water is a waste treatment system designed to meet the requirements of the U.S. (33 CFR 328.3(a)(8))
  - Additional explanation: \_\_\_\_\_