

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

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** 6/29/2018.

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Seattle District, Brice, Wiliam, NWS-2018-62 .  
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: 47.391645 N, Long: -122.907302 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): 171100180102.

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): 18 April 2018.

**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: The line of jurisdiction for Section 10 of the RHA in the marine environment is the tidal elevation of mean high water (MHW). The tidal elevation of MHW at the project location is +11.06' mean lower low water (MLLW). On an 18 April 2018 site visit, the Corps surveyed the tidal elevations within the project area, using the predicted tides from the tidal station in Union, Washington. The tidal elevations were surveyed four times to determine the tidal elevation approximately 1-2" above the footing of the existing bulkhead. The average tidal elevation above the footing of the bulkhead is +11.1' MLLW. Since the tidal elevation was measured 1-2" above the footing, and the measurement of +11.1' is less than 0.1" above MHW, the existing bulkhead is subject to regulation under Section 10 of the RHA. The approximate elevations of MHHW, MHW, and +11.1' MLLW are shown in the attached Figure 3.

**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):** <sup>1</sup>

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters<sup>2</sup> (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: 70 linear feet \_\_\_\_\_ 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): \_\_\_\_\_.

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> 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).

2. **Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.  
Explain: \_\_\_\_\_.

**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 TNW because it is subject to the ebb and flow of the tides. During a site visit on 18 April 2018, it was determined that the existing bulkhead is located at a tidal elevation of +11.1' MLLW. The line of jurisdiction for Section 404 of the CWA is mean higher high water (MHHW). The tidal elevation of MHHW at the project location is +12.07' MLLW. The existing bulkhead is located at a tidal elevation below MHHW, therefore, subject to regulations under Section 404 of the CWA.

**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: 70 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: Figure 1: 12/27/2017.  
 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: Figure 2: Field Notes for Tidal Elavation Determination, 4/18/2018.  
 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](http://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 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): Figure 3: Diagram of approximate tidal elevations. Figure 4: Union WA, Tides Table. Figure 5: MHHW vDatum screenshot.jpg. Figure 6: MHW vDatum screenshot.jpg.

<sup>3</sup> Supporting documentation is presented in Section III.F.  
Version 2-8-08 TNW Only

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** On 18 April 2018, U.S. Army Corps of Engineers (Corps), Seattle District, Regulatory staff, Jason Sweeney, Jerry Gregory, Daisy Douglass, and Bethany Nickison conducted a site visit to survey tidal elevations at 15661 State Route 106, Belfair, Mason County, Washington. The wind was calm, and wave action was not a factor that would alter the results of the survey. Four separate tidal elevation surveys were conducted using the predicted tides from the Union, Washington tidal station, a hand level site, and stadia rod. Each tidal elevation survey measured up to approximately 1-2" above the footing of the existing bulkhead. Each tidal elevation survey result is shown in Figure 2: Field Notes for Tidal Elevation Determination, dated 18 April 2018. Photographs were taken during the site visit but were deleted from the digital camera before staff could download them to an external disk. Although there is no photographic evidence, the tidal elevations shown in Figure 3, were observed by all members of the Corps staff. The elevation of MHHW and MHW at the project site was identified by using NOAA's vDatum application. Screenshots of the vDatum application's determination of MHHW and MHW are attached (Figure 5, and Figure 6).