

JURISDICTIONAL DETERMINATION

DISTRICT OFFICE: Walla Walla District (CENWW)

FILE NUMBER: NWW No. 052700006

PROJECT LOCATION INFORMATION:

State: Idaho
County: Valley
Center coordinates of site (UTM): Zone:11 North:4977428 East:574479
Name of nearest waterway: Payette Lake
Name of watershed: Payette

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: October 15, 2004
Site visit(s) Date(s):

Jurisdictional Determination (JD):

- Preliminary JD - Based on available information, *there appear to be* (or) *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable. (Reference 33 CFR part 331).
- Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).
Check all that apply:

- There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
- There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
- There are* "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
 Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction

Basis of Jurisdictional Determination:

A. Waters defined under 33CFR part 329 as "navigable waters of the United States":

- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters defined as a Water of the US.
- (5) The presence of a tributary to a water identified in (1) - (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). Payette Lake is an Impoundment on the North Fork Payette River that flows to the Payette River that flows to the Snake River an interstate, navigable, category 1 water. Payette Lake is a category 1 water. It supports interstate recreational boating and fishing. Public boat ramps are located on the lake and allow the general public access to the lake.

Lateral Extent of Jurisdiction: (Reference: 33 CFR 328 and 329)

- | | |
|--|--|
| <input checked="" type="checkbox"/> Ordinary High Water Mark indicated by: | <input type="checkbox"/> High Tide Line indicated by: |
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects |
| <input type="checkbox"/> the presence of litter and debris | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input type="checkbox"/> changes in the character of soil | <input type="checkbox"/> physical markings/characteristics |
| <input type="checkbox"/> destruction of terrestrial vegetation | <input type="checkbox"/> tidal gages |
| <input type="checkbox"/> shelving | <input type="checkbox"/> other: _____ |
| <input checked="" type="checkbox"/> other: Payette Lake is controlled at the outlet by an irrigation weir, which sets the summer pool elevation. | |

- Mean High Water Mark indicated by:
- survey to available datum; physical markings; vegetation lines/changes in vegetation types

- Wetland boundaries, as shown on the attached wetland delineation map and/or in a jurisdictional report prepared by:
_____.

Preparer: Dean Hilliard

Date: October 15, 2004

¹ Wetlands identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

² The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.