

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

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

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

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Walla Walla District ; The Village at North Fork (G. Ambrose); 2008-644

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

Latitude (NAD83) 45.4048768716157
Longitude (NAD83) -113.994951552924
UTM Zone 12
UTM X Coordinate 265621.719105667
UTM Y Coordinate 5032292.68680392
PLSS Meridian Boise
PLSS Township 24 N
PLSS Range 21 E
PLSS Section 16

Name of nearest waterbody: Salmon River

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

Name of watershed or Hydrologic Unit Code (HUC): HUC Cat Name Middle Salmon-Panther. Idaho; 8 Digit Huc 17060203

- 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.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date: December 5, 2008
 Field Determination. Date(s):

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: Salmon River below ordinary high water mark an area about 30 ft by 30 ft. Review area is intentionally limited to river at project location within a ¼ mile radius. River width varies, but at bank full it is between 100 to 300 feet wide in the review area.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: Established by OHWM.

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).

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: .

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. **TNW**

Identify TNW: **Salmon River**

Summarize rationale supporting determination: Salmon River is an intrastate water draining to the Snake River and then the Columbia River. The Salmon River throughout most of its length supports interstate commercial boating in the form of guided rafting, boating, fishing, sightseeing, etc. The project segment supports commercial rafting and fishing. The reach supports substantial interstate fishing for steelhead and salmon. A number of public and private boat ramps exist on the river upstream toward Salmon and Carmen and a few downstream toward Shoup. There is an existing ramp in the area but it has been converted from public to private and thus a new public ramp is proposed. The town of North Fork is a well used base for many river based recreational and commercial users. The Village at North Fork provides camping opportunities and river access for many users.

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 (IF ANY): Not Applicable

C. SIGNIFICANT NEXUS DETERMINATION: Not Applicable

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

- TNWs: the project site is only 30 ft by 30 ft. The review area is the river in the immediate area of the project less than ¼ mile river length and approximately 100 to 300 feet wide.
 Wetlands adjacent to TNWs: . acres.

(remainder of Section III, D does not apply and has been deleted)

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):⁴ **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 (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: application includes diagrams of site.
 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: .

³ Supporting documentation is presented in Section III.F.

⁴ 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.

- 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: USGS 1:24K Quad Name ID-NORTH FORK
- 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 Geodetic 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): onsite conducted on May 15, 2008 but R. Brochu, Regulatory Project Manager has traveled and observed the area for 15 years, including observing boating uses in this river segment.

B. ADDITIONAL COMMENTS TO SUPPORT JD: The Salmon River has evidence of historic commercial navigation. A 1983 paper from the Idaho State Historic Society is enclosed as evidence of this historic navigation. Common sense evidence is also apparent with the nature of this application; a public accessible boat ramp.