



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 4/15/2021

ORM Number: NWS-2021-189

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Washington City: near Moxee County/Parish/Borough: Yakima

Center Coordinates of Review Area: Latitude 46.5352 Longitude -120.2311

**II. FINDINGS**

**A. Summary:** Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.	N/A.

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>				
(a)(1) Name	(a)(1) Size		(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size		(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Unnamed drainage within 809 acre project area	13,410	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The project area is within the Black Rock area, which has no perennial streams and is outside of the Roza Irrigation District. This is in line with field observations that are consistent with findings described in wetland delineation report and SDAM forms. The drainage occasionally receives flows (which are high energy and flashy based on visual evidence) as a result of higher than normal rainfall or rain on snow events. The NHD map layer shows the drainage continuing through the town of Moxee where it drains to a ditched, irrigation drainage way and the Yakima River approximately 12 miles west of the project area. Irrigation district maps and documents indicate water enters the drainage at the lateral canal siphon located at the edge of the Roza Irrigation District (see drawing sheets 9 and 10). Field observation, aerial photos and a review of the irrigation district maps and documents confirms that any occasional surface water appears to infiltrate immediately past the small concrete culvert on Desmarais Cutoff Road and does not continue to the drainage and canal system downstream.

**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: [Goose Prairie Solar Project Wetland Delineation Dated July 2020 with Stream Duration Assessment Method \(SDAM\) forms \(Appendix B\).](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Aerial and Other: Site photos provided in wetland delineation report and from 8 April 2021 site visit. Aerial photos reviewed on Google Earth from 1985 to 2020.](#)

Corps site visit(s) conducted on: [8 April 2021](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Provided as Table 1 and Figure A-5 in wetland delineation report dated July 2020.](#)

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

- USFWS NWI maps: [Provided as Figure A-4 in wetland delineation report dated July 2020.](#)
- USGS topographic maps: [Provided as Figure A-2 in wetland delineation report dated July 2020.](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	N/A.
<a href="#">USDA Sources</a>	N/A.
<a href="#">NOAA Sources</a>	N/A.
<a href="#">USACE Sources</a>	N/A.
<a href="#">State/Local/Tribal Sources</a>	1) WDFW SalmonScape Map 2) Roza Irrigation District GIS system map
<a href="#">Other Sources</a>	Selah-Moxee Irrigation District Black Rock Area Water Marketing Strategy dated July 18, 2018 (obtained from US Bureau of Reclamation website) <a href="https://www.usbr.gov/watersmart/watermarketing/docs/applications/2018/Selah%20Moxee%20Irrigation%20District.pdf">https://www.usbr.gov/watersmart/watermarketing/docs/applications/2018/Selah%20Moxee%20Irrigation%20District.pdf</a>

**B. Typical year assessment(s):** See Section 4 of wetland delineation report. Precipitation data for the period preceding and during field work were collected from the National Weather Service, Yakima Airport, Washington Station. Data from the NRCS Climate Analysis for Wetlands Tables (WETS) Station in Moxee, Washington, were used to compare historical precipitation data with recent precipitation records. During the 10-day span preceding field work in 2019, which occurred on May 3 and 4, no precipitation was measured. Monthly precipitation in January and February 2019 were well above average; precipitation in March 2019 was slightly below average, but within the normal range for that period; and precipitation in April 2019 was average.

For the Water Year May 2018 through April 30, 2019, precipitation was 101 percent of average, with some months recording below average precipitation and others recording above average precipitation. Based on the precipitation data for the 3 months prior to the site visits (i.e., February, March, and April 2019), rainfall was approximately 1.8 inches above the average; thus, it was estimated that when field surveys were conducted in early May 2019, the groundwater table was likely closer to the surface than what is usually encountered at that time of year.

During the 10-day span preceding field work in 2020, which occurred on April 9, a trace of precipitation was measured on April 1, 3, and 5. Monthly precipitation in December 2019 was below average and precipitation in January 2020 was above average, but both were within the normal range. Monthly precipitation in February and March 2020 were below average.

For the Water Year April 2019 through March 2020, precipitation was 71 percent of average, with 8 months recording below average precipitation, 3 months recording above average, and 1 month recording average precipitation. Based on the precipitation data for the 3 months prior to the site visits (i.e., January, February, and March 2020), rainfall was approximately 0.69 inch below the average; thus, it was estimated that when field surveys were conducted in early April 2020, the groundwater table was likely lower than what is usually encountered at that time of year. Below average precipitation levels did not affect the delineation of other waters, as determination of intermittent versus ephemeral streams were made using indicators described in the Streamflow Duration Assessment Method, which relies on multiple indicators independent of the presence or absence of hydrology.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**C. Additional comments to support AJD:** As noted in the Selah-Moxee Irrigation District strategy document referenced above, the project area is within the Black Rock area, which has no perennial streams and is outside of any irrigation district according to the report. The Roza Irrigation District system map also confirms that the project area drainage is outside of the irrigation district boundary and that a lateral canal supplies water through as siphon in the drainage immediately downstream of the culvert (see project drawing 9 and 10). Above the siphon point (which also represents the irrigation district boundary), the channels are ephemeral. This is consistent with field observations that are consistent with findings described in wetland delineation report and SDAM forms. The agent completed SDAM forms for the unnamed drainage per the US EPA Streamflow Duration Assessment Method for the Pacific Northwest, which indicated no presence of aquatic macroinvertebrates, SAV, OLB or FACW plants, and therefore resulted in a finding of “ephemeral”. The drainage occasionally receives flows (which are high energy and flashy based on visual evidence) as a result of higher than normal rainfall or rain on snow events. Below the siphon, the NHD and irrigation district maps show a ditched stream serving as an irrigation drainage to the Yakima River approximately 12 miles to the west. However, field observation, aerial photos and a review of the irrigation district documents indicate that any occasional surface water in the subject area drainage reach will infiltrate immediately past the small concrete culvert on Desmarais Cutoff Road and does not contribute to the canal drainage system downstream. Based on the information above, the onsite drainage is a channelized feature that flows only in direct response to precipitation and does not meet the definition of an (a)(2) tributary.