DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
BOISE REGULATORY OFFICE
10095 WEST EMERALD STREET
BOISE, IDAHO 83704-9754

REPLY TO
ATTENTION OF

April 20, 2009

Regulatory Division

SUBJECT: NWW-2009-199-B01

Mr. John Anderson, Airport Manager
City of McCall
216 E. Park Street
McCall, Idaho 83638

Dear Mr. Anderson:

Enclosed is a copy of our approved jurisdictional determination indicating the site of your proposed airport expansion project located in portions of Section 21, Township 18 North, Range 3 East, in McCall, Valley County, Idaho contains waters of the United States that are regulated under Section 404 of the Clean Water Act. We reviewed your wetland delineation map entitled Delineation of Wetlands and Other Waters for McCall Airport Environmental Assessment, dated January 13, 2009, prepared by WH Pacific, Inc., and have determined the map accurately delineates the extent of waters of the United States, including wetlands for your project. A copy of the approved map is enclosed. The map shows Areas 3 and 4 to be jurisdictional wetlands; Area 9 to be an unnamed jurisdictional stream; Areas 1, 2, 5A, 5B, 6A, 7, and 8 to be jurisdictional wetland ditches and Areas 6B and 10 to be jurisdictional ditches subject to regulation under Section 404 of the Clean Water Act. This jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision of the determination before the expiration date or the District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

With regard to Areas 11 and 12, these areas are upland features which are not subject to regulation under Section 404 of the Clean Water Act.

We are enclosing an appeals form that explains the options you have if you do not agree with this approved jurisdictional determination. If you decide to appeal this determination, you need to send the form to the Division Engineer, Northwestern Division, so he receives it within 60 days of this letter. If you have new information you want us to consider, you may send it to the Regulatory Division, Walla Walla District, at the letterhead address before you file the appeal.

We have also reviewed the three future build options and the no action alternative described in the Environmental Assessment (EA). Under the Section 404 (b)(1) guidelines the applicant must consider alternatives that would avoid or minimize impacts to waters of the United States to include wetlands and yet still meet project purpose and need. Given this, it would appear that Alternatives 3 and 4 both meet the FAA standards for future ARC expansion as cited in the ALP, whereas Alternative 1 and the No Action Alternative do not. Alternative 4 has the additional advantage of also meeting the build out standard as recommended in the Master Plan and has the least amount of impact to waters of the United States (0.3 acre). We would suggest that you look at a 350 foot design option. This alternative would reduce the amount of land acquisition, meet the FAA standard for future expansion and possibly meet the build out standard as recommended in the Master Plan. The disadvantage is that impacts to waters and wetlands would increase, but it appears would still be considerably less than impacts associated with Alternative 3, and thus would be a viable option for consideration under the 404 (b)(1) guidelines.

With regard the way impacts are assessed in the EA for each build alternative, it appears that you have addressed impacts correctly out to the cut and fill line. Our authority under Section 404 of the Clean Water Act; pertains to the discharge of dredged or fill material directly into wetlands or waters of the United States. In your March 20, 2009 transmittal letter, your consultant addresses a concern that direct fill impacts may affect wetlands beyond the actual fill area. Although the area of concern is not specifically pointed out we believe it involves wetland Area 3, and Alternative 4. This wetland is a wetland swale that varies from 30 to 90 feet wide within the project area. During the spring snow melt this area is subject to sheet flow across the entire wetland instead of concentrated flow within a confined channel like most of the other wetlands and channels within the project area. The filling of a portion of this wetland for the new taxiway would leave a 50-foot reach between the new taxiway and the existing taxiway. Your consultant is concerned that not enough water would reach this area for it to be maintained. This concern we believe can be addressed by placing multiple culverts or a wider open bottom culvert under the proposed taxiway to ensure that surface water during the spring snow melt reaches this area. As your proposed project moves forward we are available to meet with you and your consultants to discuss the proposed project and permitting issues.

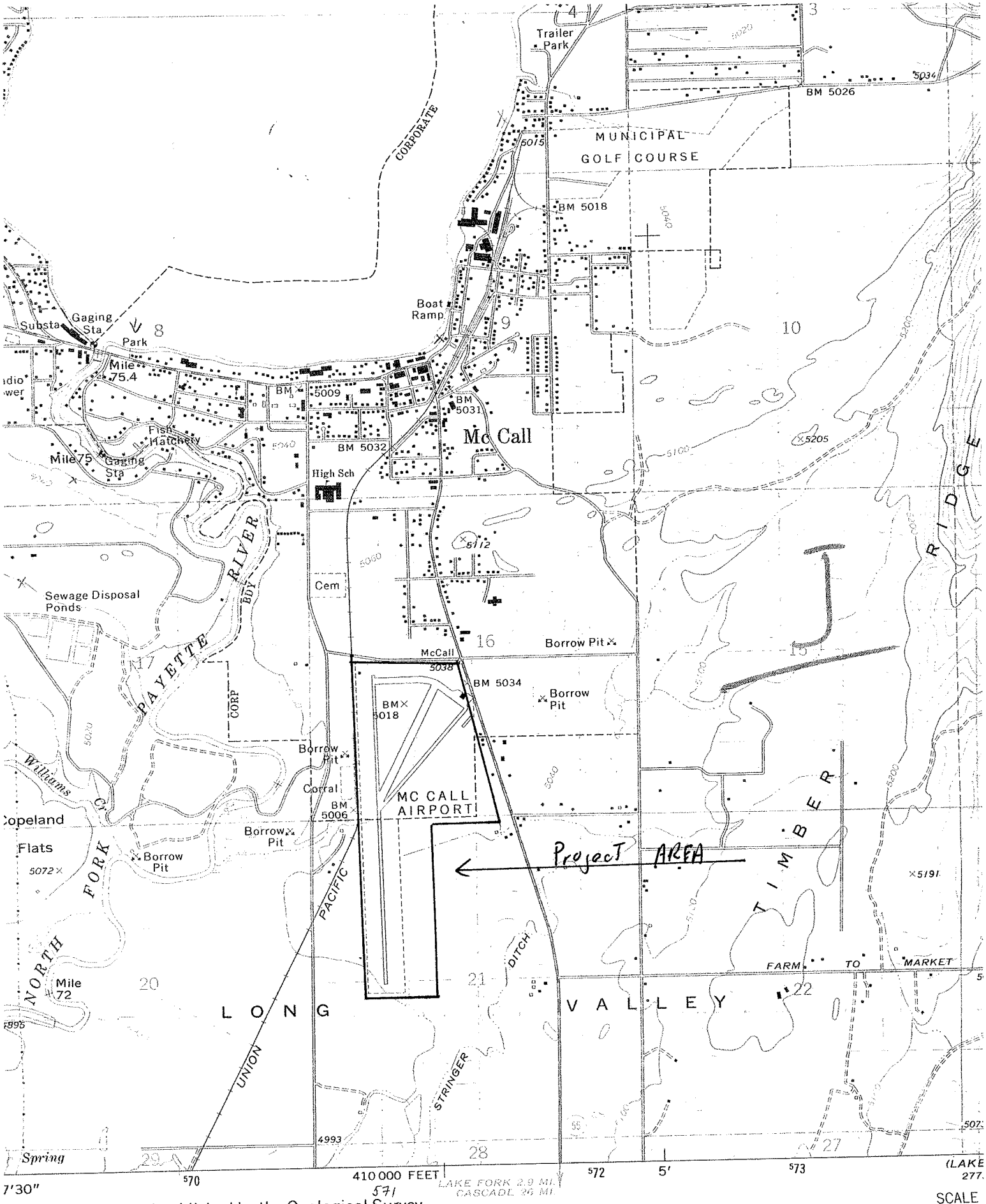
Section 404 of the Clean Water Act (33 U.S.C. 1344) requires a Department of the Army permit be obtained for the discharge of dredged or fill material into waters of the United States, including wetlands. This includes excavation activities which result in the discharge of dredged material and destroy or degrade waters of the United States. If your proposed project will involve discharging dredged or fill material into jurisdictional areas listed above, you will need to obtain a Department of the Army permit before you start work.

If you have any questions, please contact me at 208-345-2154. A copy of this letter is being sent to: Mr. John Olson, Environmental Protection Agency, 1435 North Orchard, Boise, Idaho 83706; Mr. Phil Quarterman, WH Pacific, 9755 SW Barnes Road, Suite 300, Portland, Oregon 97225.

Sincerely,

Gregory J. Martinez
Regulatory Project Manager

Enclosures



Mapped, edited, and published by the Geological Survey
In cooperation with the U. S. Forest Service
Control by USGS, NOS/NOAA, and USFS
Topography by photogrammetric methods from aerial

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: McCall Airport	File Number: NWW -2009-199-B01	Date: April 17, 2009
Attached is:		See Section Below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://usace.army.mil/inet/functions/cw/cecwo/reg or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations (JD) associated with the permit.

OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.

APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

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): April 17, 2009

B. DISTRICT OFFICE, FILE NAME, AND NUMBER:Walla Walla District; McCall Airport; NWW-2009-199-B01

C. PROJECT LOCATION AND BACKGROUND INFORMATION: .

State:Idaho County/parish/borough: Valley City: McCall
Center coordinates of site (lat/long in degree decimal format): ° Lat. ° Long.
Universal Transverse Mercator: Zone 11 Northing 4970120 **N**, Easting 571080 **E**.
Name of nearest waterbody: Wetlands (Area 3 &4), intermittent stream (Area 9), wetland ditches (Areas 1,2,5A,5B, 6A, 7 & 8), ditches (Areas 6B & 10)
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: North Fork Payette River
Name of watershed or Hydrologic Unit Code (HUC): 17050123

☒ 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: April 17, 2009
☐ 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 waters[2] (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: 230 linear feet: 5 width (ft) and/or acres.
      Wetlands: 1.89 acres.

   c. **Limits (boundaries) of jurisdiction** based on: **1987 Delineation Manual**
      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: .

[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).
[3] Supporting documentation is presented in Section III.F.

the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:
Watershed size: **Pick List**
Drainage area: **Pick List**
Average annual rainfall: inches
Average annual snowfall: inches

(ii) Physical Characteristics:
(a) Relationship with TNW:
☐ Tributary flows directly into TNW.
☐ Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.
Project waters are **Pick List** river miles from RPW.
Project waters are **Pick List** aerial (straight) miles from TNW.
Project waters are **Pick List** aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW[5]: .
Tributary stream order, if known: .

(b) General Tributary Characteristics (check all that apply):
Tributary is: ☐ Natural
☐ Artificial (man-made). Explain: .
☐ Manipulated (man-altered). Explain: .

Tributary properties with respect to top of bank (estimate):
Average width: feet
Average depth: feet
Average side slopes: **Pick List.**

Primary tributary substrate composition (check all that apply):
☐ Silts ☐ Sands ☐ Concrete
☐ Cobbles ☐ Gravel ☐ Muck
☐ Bedrock ☐ Vegetation. Type/% cover:
☐ Other. Explain: .

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: .
Presence of run/riffle/pool complexes. Explain: .
Tributary geometry: **Pick List**
Tributary gradient (approximate average slope): %

(c) Flow:
Tributary provides for: **Pick List**
Estimate average number of flow events in review area/year: **Pick List**
Describe flow regime: .
Other information on duration and volume: .

Surface flow is: **Pick List.** Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .
☐ Dye (or other) test performed: .

Tributary has (check all that apply):
☐ Bed and banks
☐ OHWM[6] (check all indicators that apply):
☐ clear, natural line impressed on the bank ☐ the presence of litter and debris
☐ changes in the character of soil ☐ destruction of terrestrial vegetation

[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.
[6] A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

(iv) Biological Characteristics. Channel supports (check all that apply):

- ☐ Riparian corridor. Characteristics (type, average width): .
- ☐ Wetland fringe. Characteristics: .
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings: .
  - ☐ Fish/spawn areas. Explain findings: .
  - ☐ Other environmentally-sensitive species. Explain findings: .
  - ☐ Aquatic/wildlife diversity. Explain findings: .

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: .

Surface flow is: **Pick List**

Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

- ☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☐ Not directly abutting
  - ☐ Discrete wetland hydrologic connection. Explain: .
  - ☐ Ecological connection. Explain: .
  - ☐ Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List.**

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .

Identify specific pollutants, if known: .

(iii) Biological Characteristics. Wetland supports (check all that apply):

- ☐ Riparian buffer. Characteristics (type, average width): .
- ☐ Vegetation type/percent cover. Explain: .
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings: .
  - ☐ Fish/spawn areas. Explain findings: .
  - ☐ Other environmentally-sensitive species. Explain findings: .
  - ☐ Aquatic/wildlife diversity. Explain findings: .

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately ( ) acres in total are being considered in the cumulative analysis.

unnamed stream identified as Area 9 in the report. Both of these drainage ditches connect to other waters which eventually flow into the north Fork Payette River an in fact navigable water..

☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

3. **Non-RPWs[8] that flow directly or indirectly into TNWs.**
☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**
☒ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
☒ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: **A wetland delineation prepared for the McCall Airport comfirmed that wetlands along the unnamed stream identified as Area 9 meets the parameters in the 1987 wetland delineation manual to be a jurisdictional wetland. This stream and its adjacent wetlands have been previously determined to be subject to regulation under Section 404 of the Clean Water Act. Refer to File No. NWW-2008-146-B01 and File No. 962100400.**

☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: **0.054 (includes stream channel)** acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**
☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**
☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

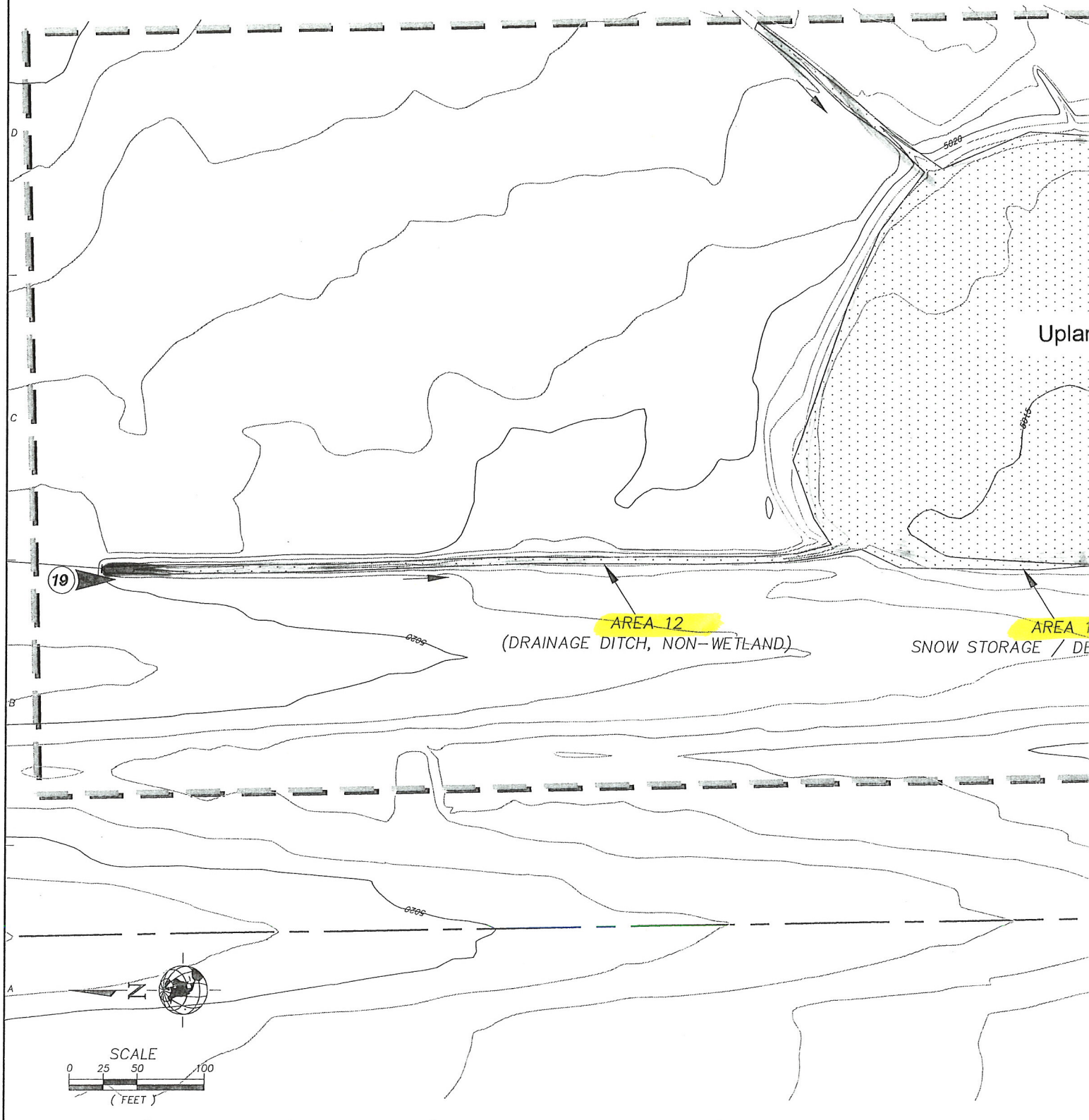
Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.[9]**
As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
☐ Demonstrate that impoundment was created from "waters of the U.S.," or
☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

[8]See Footnote # 3.
[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

☐ 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:File No. 962100400, letter dated March 26, 1996; File No 062100023, reverification of original delineation letter dated January 24, 2006, file given a new file number; File No.2008-146-B01, letter dated February 27, 2008, refined delineation of area on the east side of the airport; File No. 2008-205-B01, verification letter for unnamed stream on east side of airport .
☐ Applicable/supporting case law: .
☐ Applicable/supporting scientific literature: .
☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: : Wetlands, wetland ditches, upland drainage ditches and an unnamed stream within the proposed McCall Airport project area extend to, abut and discharge to the North Fork Payette River, an in fact navigable water. All wetlands, ditches and unnamed streams as identified in the report as Areas, 1,2,3,4, 5A, 5B, 6A, 6B, 7,8, 9 and 10 are waters of the United States subject to regulation under Section 404 of the Clean Water Act.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6015
Uplan
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AREA 12
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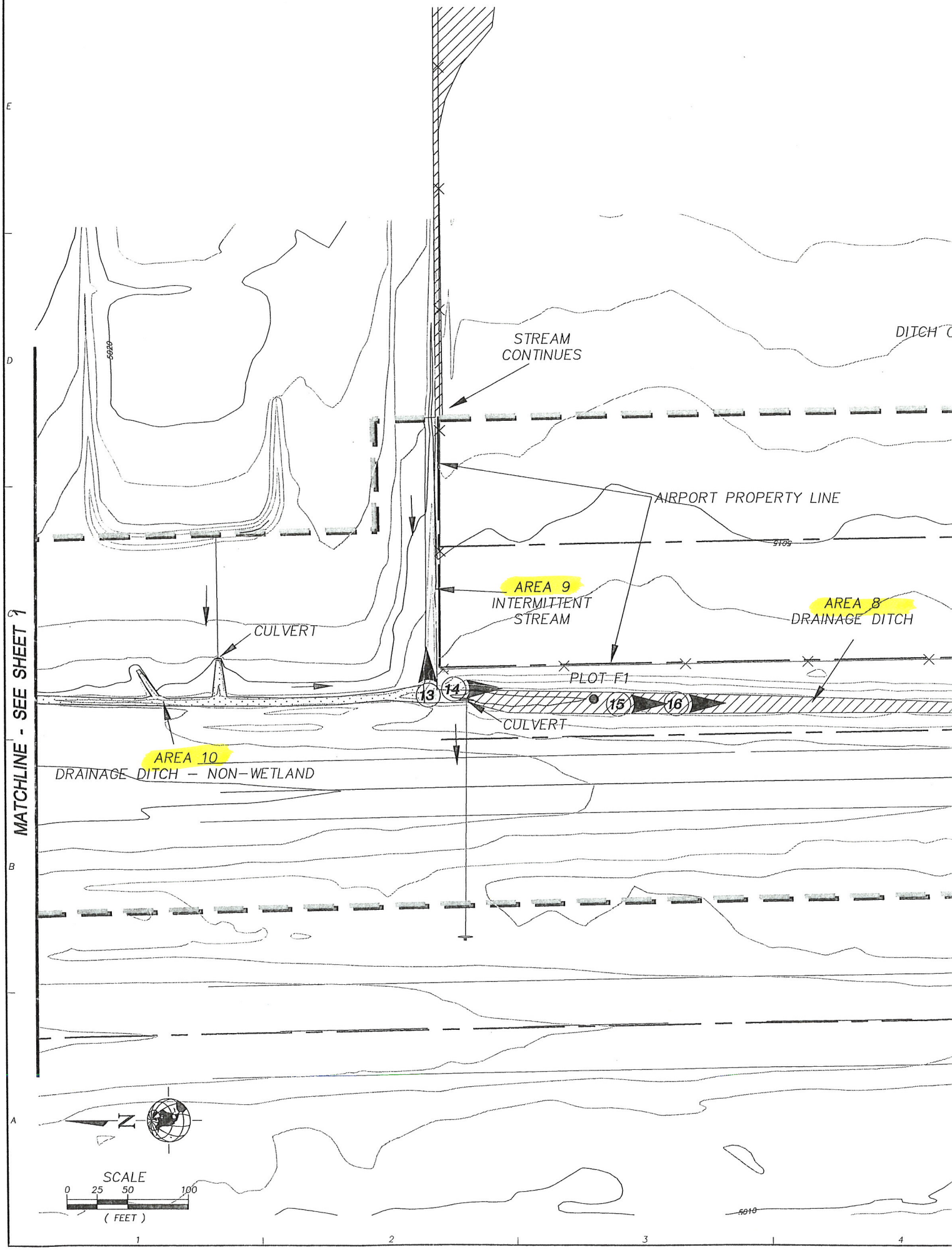
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DITCH C
AIRPORT PROPERTY LINE
AREA 9
INTERMITTENT STREAM
AREA 8
DRAINAGE DITCH
CULVERT
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13
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CULVERT
AREA 10
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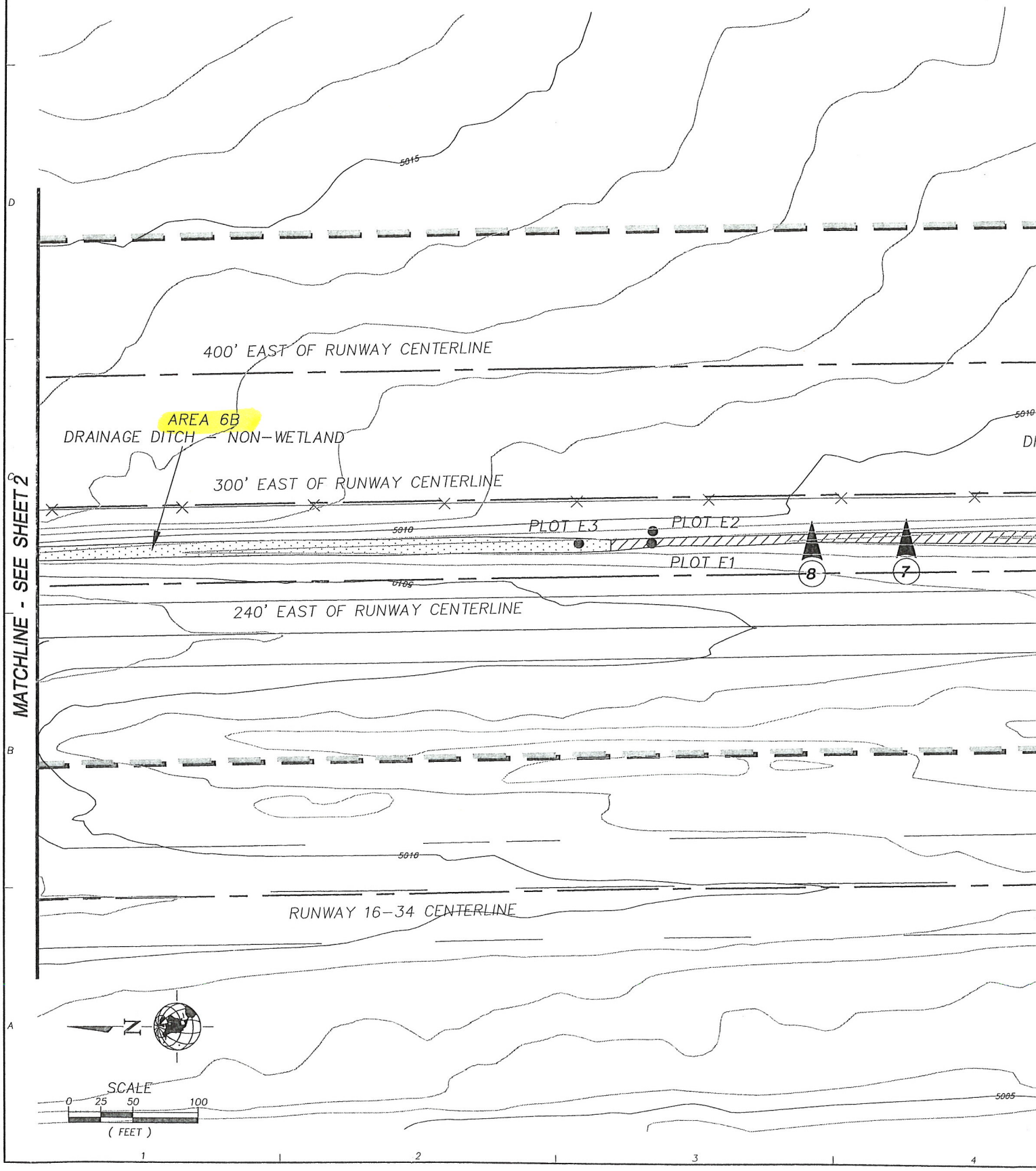
5015
400' EAST OF RUNWAY CENTERLINE
AREA 6B
DRAINAGE DITCH – NON–WETLAND
300' EAST OF RUNWAY CENTERLINE
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PLOT E3
PLOT E2
PLOT E1
8
7
240' EAST OF RUNWAY CENTERLINE
5010
RUNWAY 16–34 CENTERLINE
MATCHLINE - SEE SHEET 2
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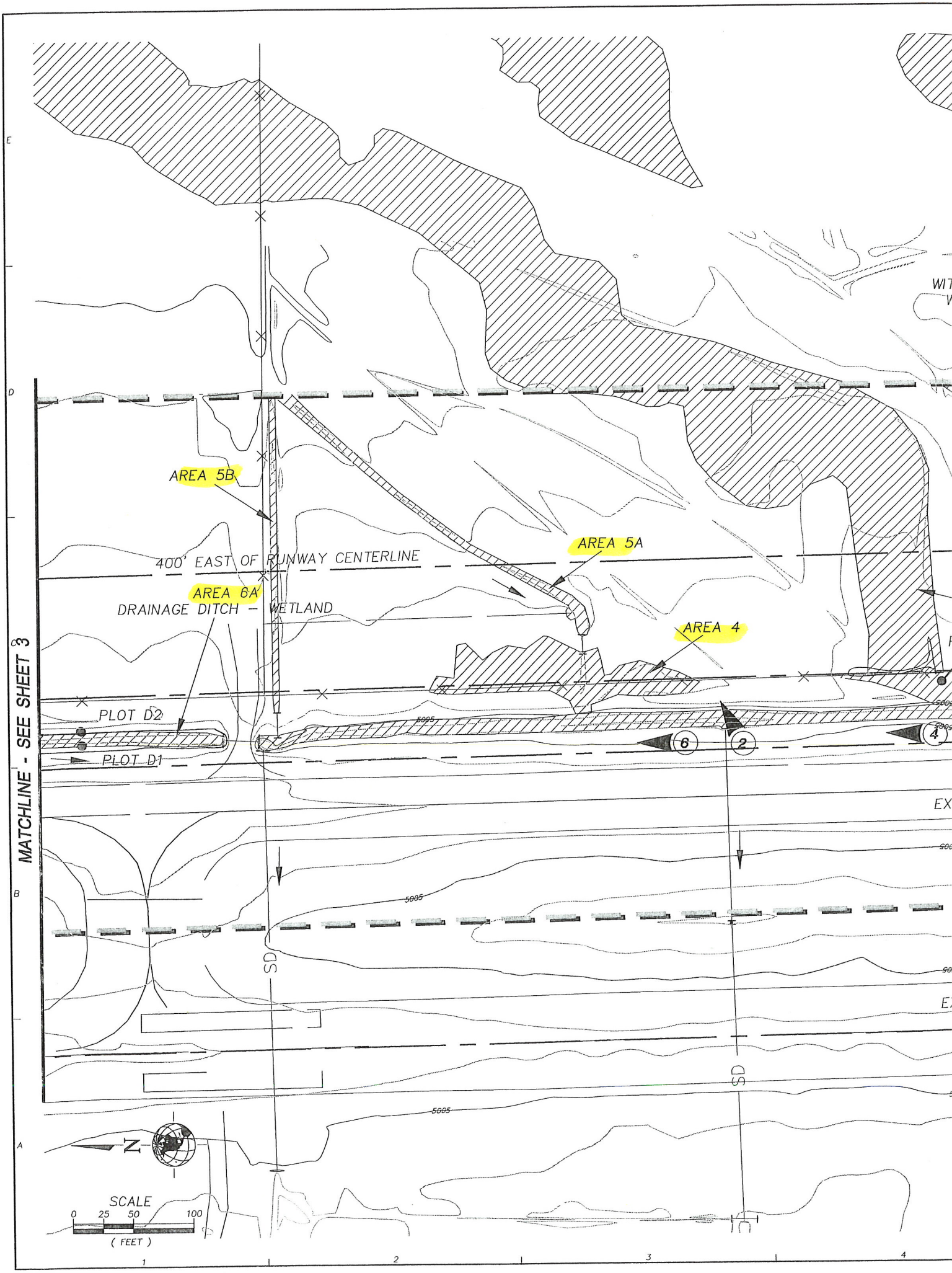
AREA 5B
AREA 5A
400' EAST OF RUNWAY CENTERLINE
AREA 6A
DRAINAGE DITCH – WETLAND
AREA 4
PLOT D2
PLOT D1
MATCHLINE - SEE SHEET 3
SCALE
0 25 50 100
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