

AQUATIC RESOURCES DELINEATION REFRESHER

James 'Jamie' Robb

Wetland Specialist, Office of the Chief

12 October 2016



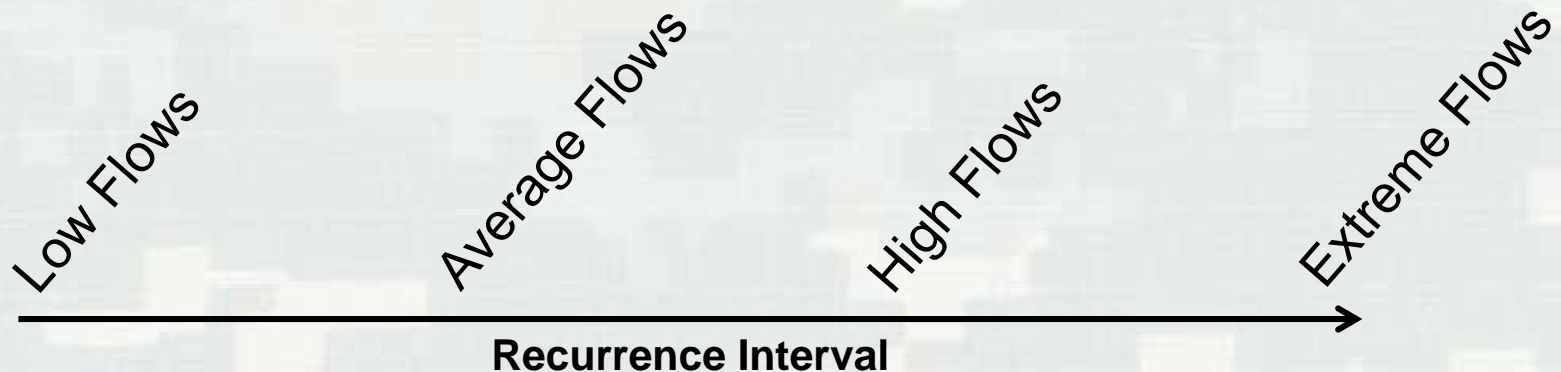
Ordinary High Water Mark (OHWM)



BUILDING STRONG®

How is the OHWM characterized hydrologically?

- “ordinary high water” implies flow levels that are above average, but less than extreme, and that occur with some regularity



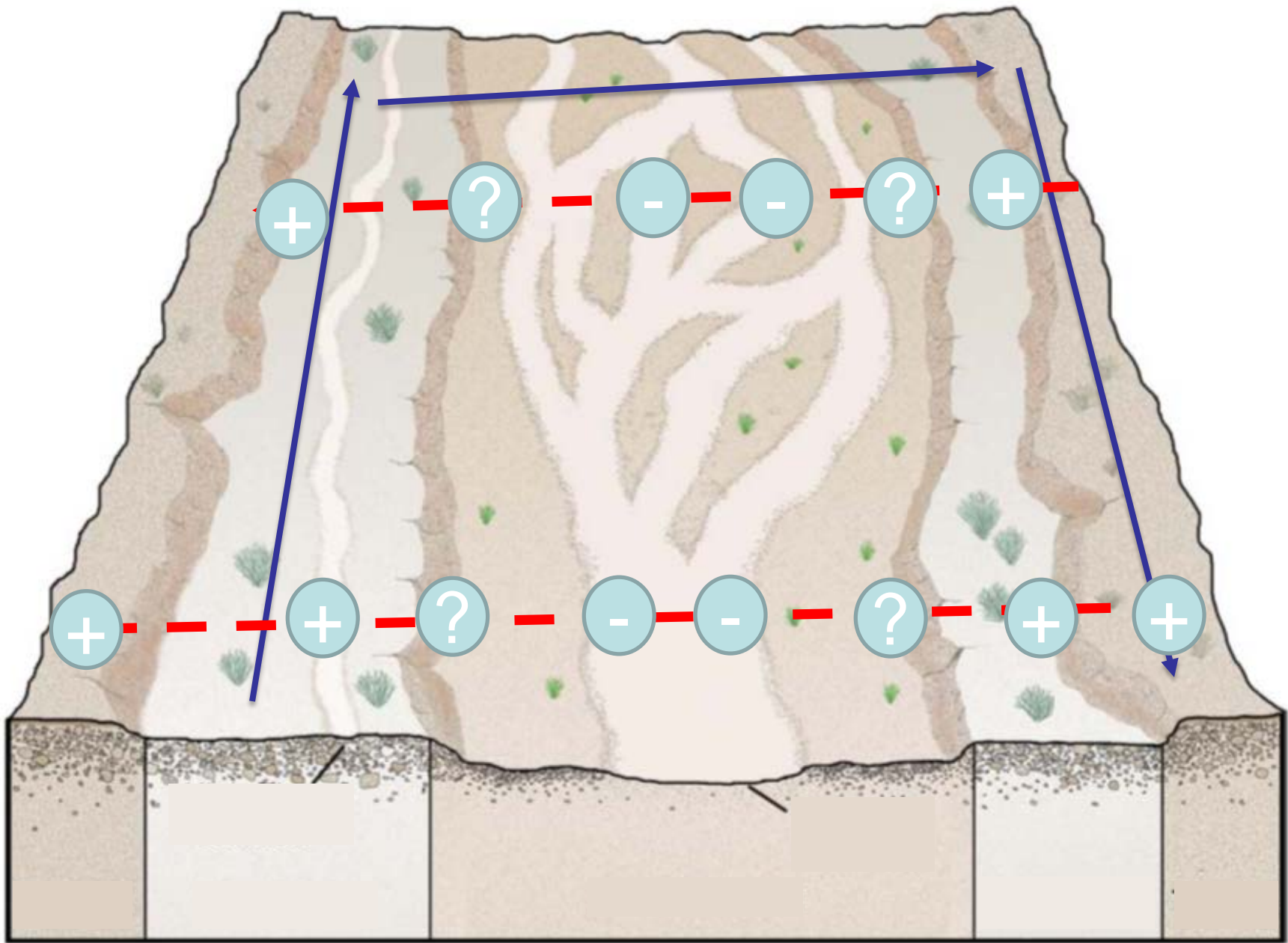
- But the OHWM is **NOT** associated with a specific streamflow recurrence interval (e.g., the 2-yr discharge)



Concepts of the OHWM

- We have a general notion of the hydrology associated with the OHWM (average < OHWM < extreme)
- BUT, the OHWM is ultimately defined by physical characteristics and should be represented by an actual mark on the landscape





The Active Channel “Signature”

- The active channel commonly leaves a physical and/or biological “signature” on the landscape
- Primary indicators of the active channel signature are:
 - **Topographic breaks in slope**
 - **Changes in sediment characteristics**
 - **Changes in vegetation characteristics**



Low-flow Channel(s)



- Contains water most frequently
- Unstable; migrates within the active channel
- Formed during flood recession and/or maintained by persistent low flows



Active Channel



- Principle zone of erosion and sediment transport
- Typically shaped & maintained by moderate floods
- Typically characterized by relative lack of vegetation, abundance of coarse sediment

***OHWM typically corresponds with active channel boundary**



BUILDING STRONG®

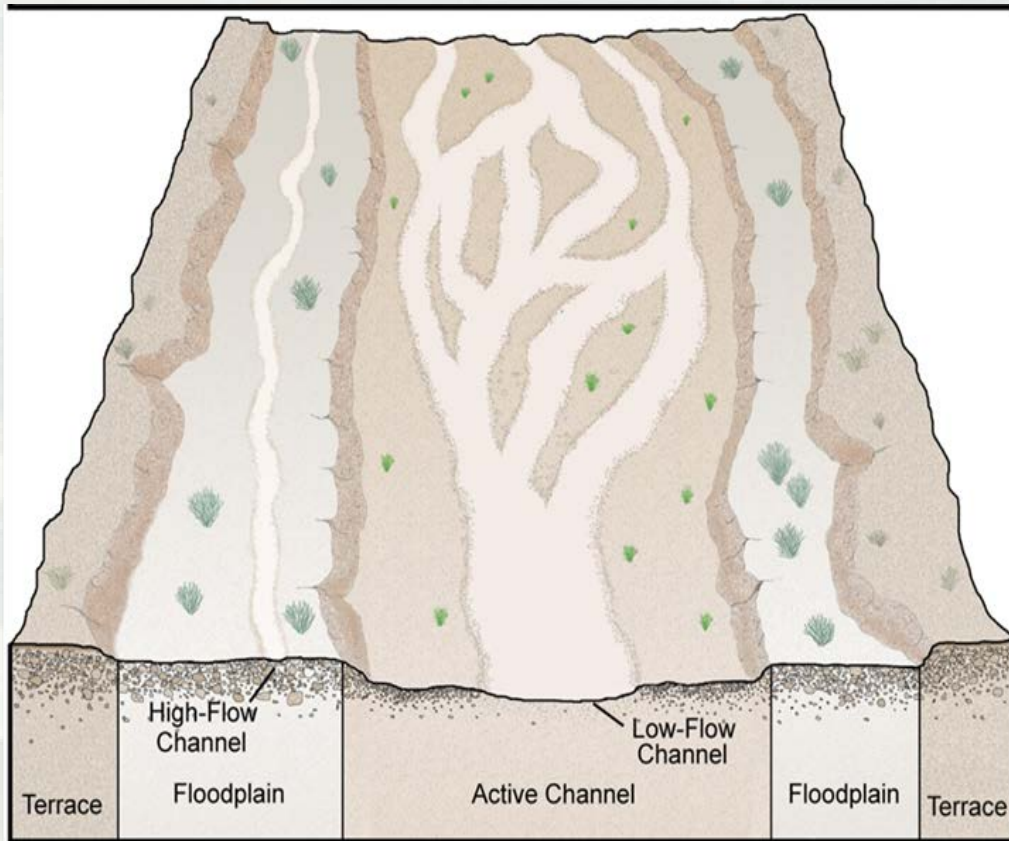
Floodplain



- Zone of deposition
- Characterized by well-established vegetation and fine sediment relative to the active channel
- Term has many meanings/uses
- Not always present



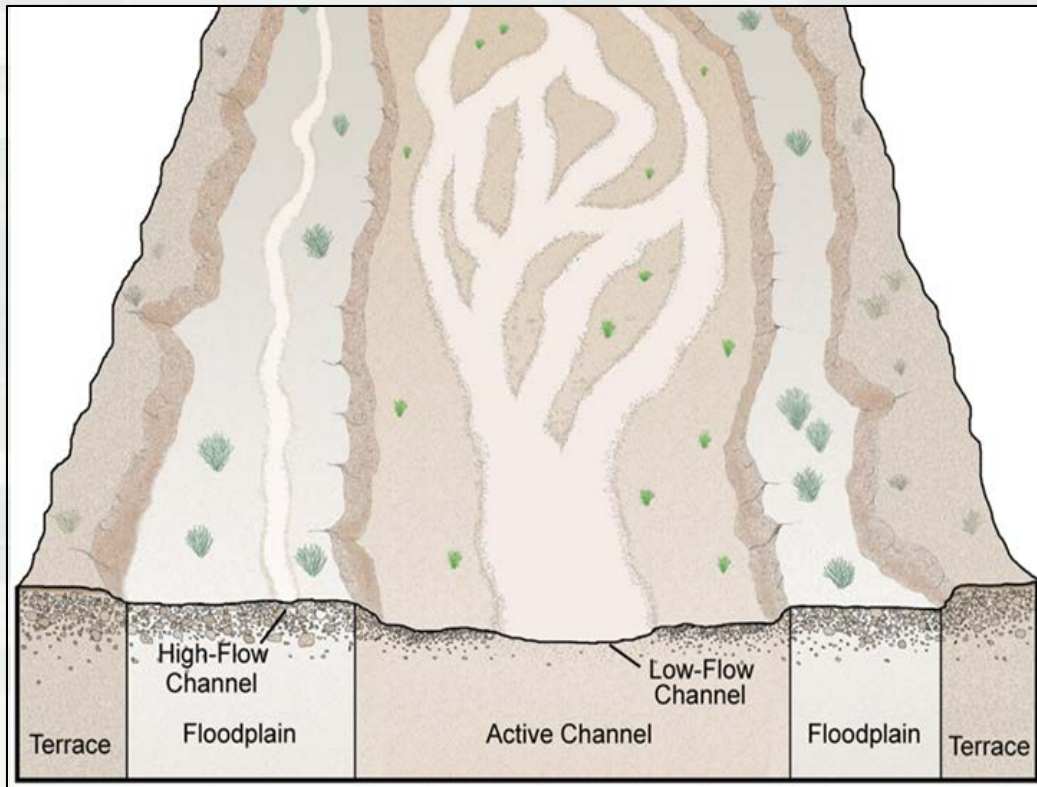
Terrace



- Abandoned floodplain
- Characterized by soil development, mature vegetation
- Transition to upland
- Inundated only during extreme events, if at all



OHWM = Active Channel Boundary



- Topography (break in slope)
 - Channel topography formed by sediment transport in moderate events
- Sediment
 - Function of how vigorous the flow is
 - Coarse sediment in main channel, finer on floodplains
- Vegetation
 - Balance between supply of water and vigorous flow that uproots vegetation





New River, AZ



BUILDING STRONG®



New River, AZ



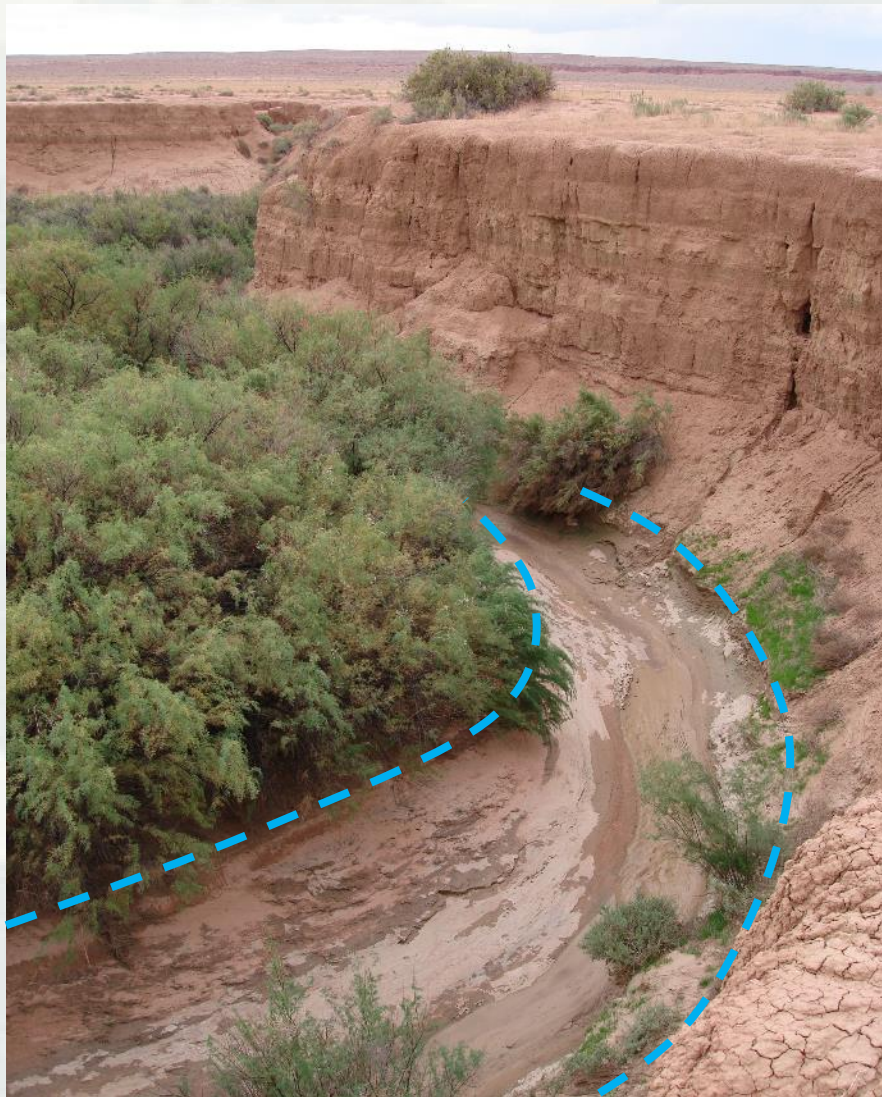
BUILDING STRONG®



Hanover, NH



BUILDING STRONG®



Oraibi Wash, AZ



BUILDING STRONG®



Mission Creek, CA



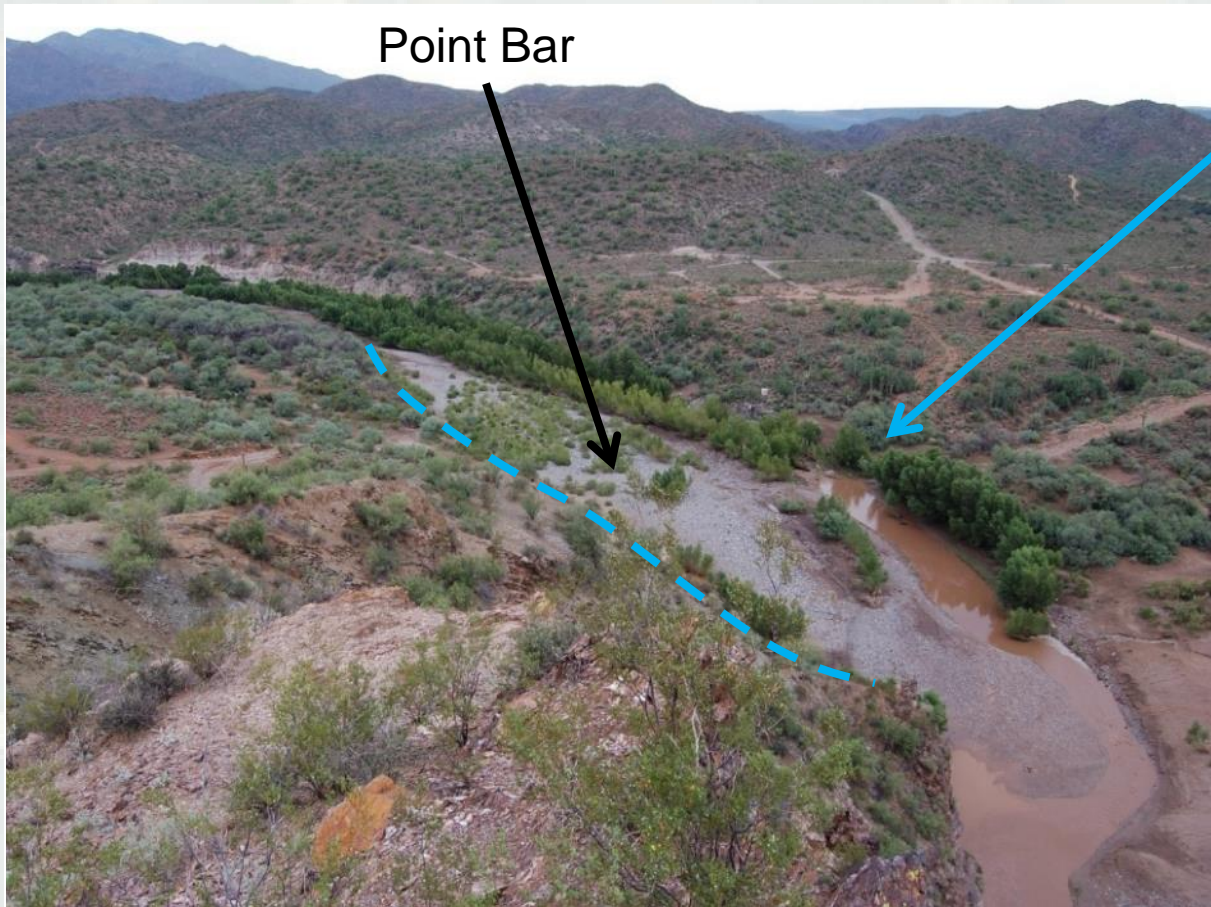
BUILDING STRONG®



Palm Canyon, CA



BUILDING STRONG®



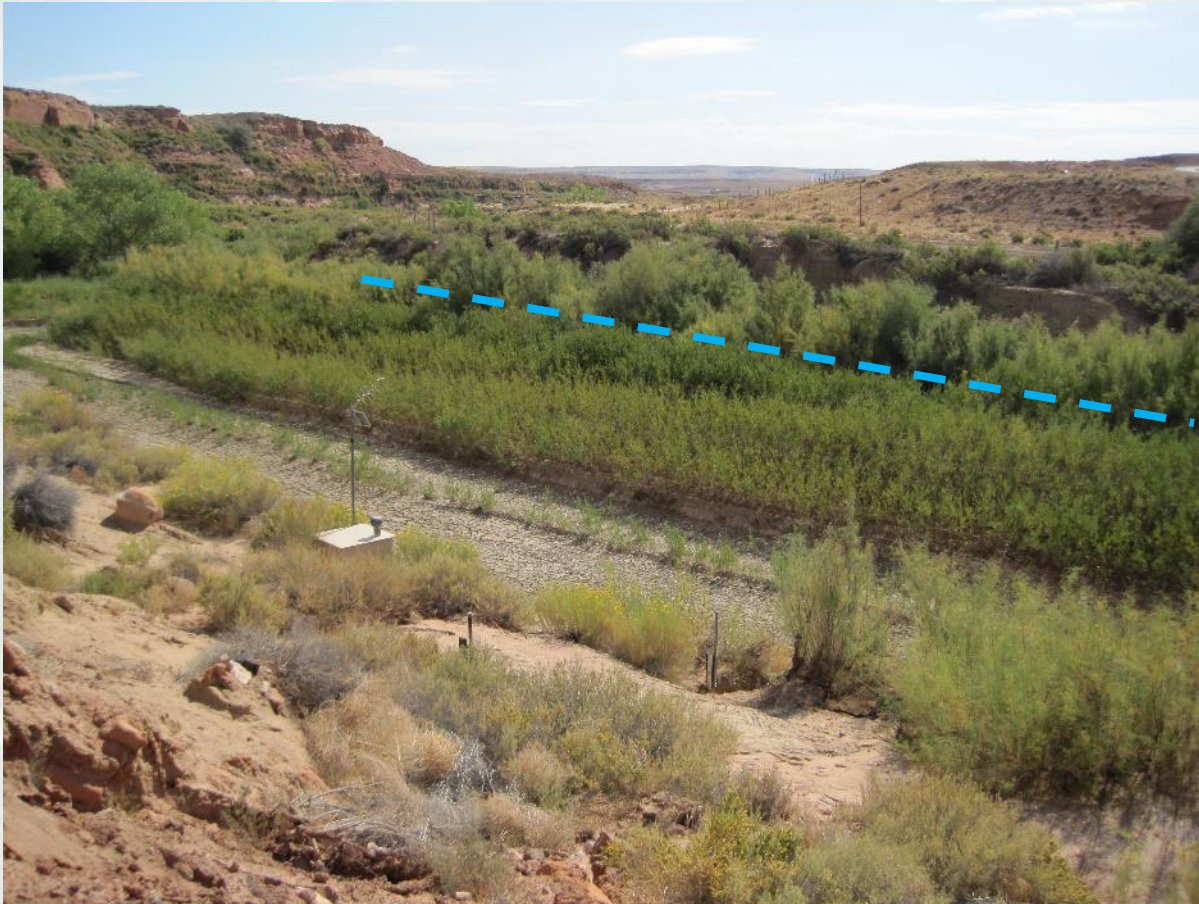
Point Bar

OHWM??
Needs field
verification

Agua Fria River, AZ



BUILDING STRONG®



Moenkopi River, AZ



BUILDING STRONG®



Moenkopi River, AZ



BUILDING STRONG®

PJD vs. AJD

Preliminary Jurisdictional Determination	Approved Jurisdictional Determination
Not appealable (instead request an AJD)	Appealable
No set expiration date	Expires after 5 years
Cannot use to disclaim jurisdiction	Required to disclaim jurisdiction
Not posted on the web	Posted on the web
Sufficient for permitting	Sufficient for permitting



AJD/PJD FAQs

I have a non-tidal irrigation ditch excavated on dry land in my study area. Can I just leave it off the map and do a PJD?

No, if it's an aquatic resource it needs to be on the map. If it's a preamble excluded water then the Corps will need to do an AJD to disclaim jurisdiction.



AJD/PJD FAQs

Is the Corps required to coordinate all Approved JDs with EPA?

No, the Corps is only required to coordinate isolated & significant nexus calls with EPA. Other non-jurisdictional findings (i.e., preamble excluded waters) do not required EPA coordination but do require an AJD.



AJD/PJD FAQs

What about puddles? The stayed rule talks about these in the same context as the 1986 preamble excluded waters. Do I need to map those?

No, puddles are not aquatic resources since they do not have an OHWM nor are they wet long enough to meet the definition of wetland.



AJD/PJD FAQs

How long is EPA's review of an Approved JD?

Region VIII has agreed to review positive significant nexus determinations in 3 days

15 days for a significant nexus determination, 21 days for isolated



BUILDING STRONG®

AJD/PJD FAQs

Can the Corps issue an Approved JD when the applicant asked for a Preliminary JD?

Yes, when jurisdiction is contested or when the Corps determines that it does not have jurisdiction over an aquatic resource (Regulatory Guidance Letter 08-02)



AJD/PJD FAQs

Where can I find jurisdictional determinations on the web?

The Sacramento District publishes all of its approved jurisdictional determinations at <http://www.spk.usace.army.mil/Missions/Regulatory/Jurisdiction.aspx>



BUILDING STRONG®

Confused?



Call me, that's what I'm
here for!

James 'Jamie' Robb

(916) 557-7610

James.T.Robb@USACE.army.mil



BUILDING STRONG®