



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
**LOS ANGELES DISTRICT, CORPS OF ENGINEERS**  
**TUCSON PROJECT OFFICE**  
**5205 EAST COMANCHE STREET**  
**TUCSON, ARIZONA 85707**

December 7, 2006

Office of the Chief  
Regulatory Branch

Mr. Raymond R. Powell  
777 Harrah Way, Unit 415  
Lake Havasu City, Arizona 86403

File Number: 2006-01344-MB

Dear Mr. Powell:

Reference is made to the letter of September 25, 2006 in which you inquired as to the jurisdictional limits of Section 404 of the Clean Water Act for the proposed Sagebrush Trails Estates at Dutch Flats, 25 miles south of Yucca (Section 3, T14N, R17W), Mohave County, Arizona.

The enclosed aerial photographs delineate the waters of the United States, including wetlands, regulated by Section 404 of the Clean Water Act. Please note there are no jurisdictional waters of the U.S. within this property boundary as shown on the attached aerial photographs. This approved jurisdictional determination will remain in effect for five years from the date of this letter unless an unusual flood event occurs. After this five-year period or after an unusual flood event alters stream conditions, the Corps of Engineers reserves the authority to retain the original jurisdictional limits or to establish new jurisdictional limits as conditions warrant.

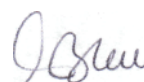
Each water of the United States herein delineated is an interstate water or a water that is tributary to an interstate water. The Section 404 jurisdictional limit for a water of the United States is defined at 33 CFR Part 328. The jurisdictional limit for a non-tidal water of the United States is determined by the jurisdictional wetland boundary and/or the ordinary high water mark. The jurisdictional limit of a wetland is determined in accordance with the Corps of Engineers 1987 Wetlands Delineation Manual. Otherwise, presence of the indicators stated in the definition of ordinary high mark (33CFR 328.3(e)) are used to establish the jurisdictional limit of a water of the United States. The basis of this jurisdictional determination is shown on the enclosed checklist.

Any discharge of dredged or fill material within the designated jurisdictional area requires a Section 404 permit from the Corps of Engineers. The Corps of Engineers emphasizes avoidance of the delineated jurisdictional area. Please review this delineation and evaluate your proposed activity to ensure that avoidance of the jurisdictional area is given full consideration in your design. If all discharges of dredged or fill material occur outside the designated jurisdictional area, no Section 404 permit is required. If avoidance is not practicable, please reference File Number 2006-01344-MB when submitting your Section 404 permit application to the Corps of Engineers. Please be advised that your application needs to substantiate that avoidance of designated jurisdictional areas is not practicable and substantiate that impacts to waters of the United States have been minimized.

Furthermore, you are hereby advised that the Corps of Engineers has established an Administrative Appeal Process for jurisdictional determinations which is fully described at 33 CFR Part 331. The Administrative Appeal Process for jurisdictional determinations is diagrammed on the enclosed Appendix C. If you decide not to accept this approved jurisdictional determination and wish to provide new information please send the information to this office. If you do not supply additional information you may appeal this approved jurisdictional determination by completing the attached "Notification of Administrative Appeal Options and Process and Request for Appeal" form and submitting it directly to the Appeal Review Officer at the address provided on the form.

The receipt of your letter is appreciated. If you have questions, please contact me at (520) 584-1684.

Sincerely,



Marjorie E. Elaine  
Senior Project Manager  
Arizona Section, Regulatory Branch

Enclosure(s)

## **Basis of Jurisdictional Determination**

Date of desk determination: September 28, 2006

Supporting documentation:

- Applicant's proposed Jurisdictional determination
- Wetland delineation following 1987 Corps Wetland Delineation Manual
- Aerial photography interpretation
- Ground photographs/videotape of site
- Topographic map interpretation
- Review of historical records and/or aerial photography
- Comparison of previously accepted delineations of the area
- USGS map(s)
- Flow data (drainage reports, modeled flows, USGS gage data, or other sources)
- Floodplain maps
- Soil Maps
- Environmental Assessment/ Environmental Impact Statement
- National Wetland Inventory Maps
- Staff knowledge of precipitation and fluvial dynamics of the region
- Biological resource reports
- Other