

MEMORANDUM FOR RECORD
Jurisdictional Determination – 200400938
Raleigh County Memorial Airport Industrial Park
20 September 2004

1. By letter received July 20, 2004, we were provided a request to verify the preliminary jurisdiction determination on behalf of the Raleigh County Airport Authority for a proposed industrial park located west of the existing Raleigh County Airport located, approximately 3.0 miles north of the I-64 Airport Road exit in Beaver, Raleigh County, West Virginia.
2. On September and 10 September 2004, the undersigned and Noah Kennedy met with the consultant Will Ratcliffe of Thrasher Engineering, Inc. to verify the limits of waters of the U. S. within the project site. At that time it was determined the plan submitted on July 20, 2004 was inaccurate. The consultant underestimated the size of four wetland areas. Based on our evaluation of these areas, we re-delineated four wetland areas and delineated eight streams. Additionally three emergent wetlands, identified as Wetland Nos. 11, 12, and 13 and totaling approximately 0.64 acre were determined to be isolated wetlands. These three areas do not meet the definition of waters of the U. S. pursuant to 33 CFR 328. Therefore Wetland Nos. 11, 12, and 13 are not waters of the U. S.
3. The Corps of Engineers authority to regulate waters of the United States is based on the definitions and limits of jurisdiction contained in 33 CFR 328. Navigable waters, their tributaries and adjacent wetlands are waters of the United States subject to the provisions of Section 404 of the Clean Water Act.
4. The New River (a navigable waterway), and Piney Creek are waters of the U. S. and are connected to the site. Waters of the U. S. present on the project site include fifteen unnamed tributaries of Piney Creek, totaling approximately 14,723.60 linear feet and eleven adjacent wetlands, totaling approximately 6.16 acres.
5. The revised report titled "Raleigh County Memorial Airport Industrial Park Jurisdictional Determination Report", dated September 2004, prepared by Thrasher Engineering, Inc., appears to accurately depict the limits of waters of the U. S.



Jennifer Walker
Regulatory Project Manager
South Regulatory Section