

REGULATORY DIVISION MEMORANDUM

SUBJECT: Designation of Traditional Navigable Waters – 2007-01031-LAM

1. Purpose: To provide documentation to determine that Sunbeam Lake in Imperial County, California is a Traditional Navigable Water (TNW) in accordance with Appendix D of the *Rapanos* Guidance for purposes of Section 404 of the Clean Water Act.

2. Applicability: This applies to jurisdictional determinations for Section 404 of the Clean Water Act within the Sunbeam Lake watershed in the County of Imperial, California.

3. References:

- a. Appendix D (including all legal citations), *Rapanos* Guidance issued June 5, 2007
- b. Section 404 of the Clean Water Act, 33 USC 1344
- c. 33 CFR 329
- d. "Imperial Valley will Dedicate Desert Lake." Los Angeles Times, Apr 26, 1953. P. A16.
- e. Water Quality Control Plan- Colorado River Basin – Region 7. 2002.
- f. Sunbeam Lake RV Resort webpage. Available: www.sunbeamlake.com. Accessed 02/15/2008.
- g. MyTravelGuide webpage. Available: <http://www.mytravelguide.com>. Accessed 02/15/2008.
- h. Imperial Irrigation District (IID) webpage. Available: www.iid.com. Accessed 02/14/2008.
 1. Actual Water Use in 2007 - <http://www.iid.com/Water/WaterUse>
 2. <http://www.iid.com/Water/OSAWaterTransfer>
- i. Jones & Stokes. 2007. Biological Resources Constraints Study and Jurisdictional Delineation for the Sunbeam Lake Improvement Project Letter. Dated August 2, 2007.

4. Definitions:

- a. Traditional Navigable Waters: any water body which meets the tests set forth in 33 CFR 329, has been determined by a federal court to be “navigable-in-fact,” is “navigable-in-fact” under the standards that have been used by the federal courts.
- b. Navigable-In-Fact (compilation of federal court determinations): a water body which is currently used or was used in the past, or is susceptible of being used, in their ordinary condition, as highways for commerce (no matter the mode of commerce), over which trade and travel are or may be conducted. Navigability does not depend on the particular mode in which use is or may be had nor on an absence of occasional difficulties in navigation; actual use is not necessary for a navigability determination. So long as a water is susceptible to use as a highway of commerce, it is navigable-in-fact, even if the water has never been used for any commercial purpose.
- c. Relatively-Permanent Water: a water body where the flow through the tributary is year-round or continuous at least seasonally.
- d. Significant Nexus: a water body which, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW.

5. Background: The *Rapanos* guidance was issued June 5, 2007 by the Corps of Engineers. This guidance provides Corps regulators with the procedures for determining jurisdictional waters of the U.S. Integral to this process is establishing TNWs since any delineated water of the U.S. must be either a TNW, be a relatively permanent water (RPW), or have a significant nexus to a TNW. Sunbeam Lake should be considered for designation as a TNW solely for the purpose of Section 404 of the Clean Water Act based on the definition of “Traditional Navigable Waters” in Appendix D.

6. TNW Documentation:

- a. Sunbeam Lake is a created lake, dedicated in 1953(LA Times 1953), in the Imperial Valley/Salton Sea Subbasin of the Colorado River Basin. This approximately 18-acre, manmade lake is filled with water from the Imperial Irrigation District (IID) irrigation delivery system. The source of this water can be traced back to the Colorado River (IID-2). Sunbeam Lake is dependent on the availability of such water and can vary in depth as, on occasion, less water is available. The Lake drains via a 24-inch culvert into a tributary to the New River which flows to the Salton Sea. The flow route of the Lake to the New River is

west through the culvert, traveling underground for approximately 225 feet to a 1-foot wide channel for approximately 2,150 feet before reaching the New River (Jones & Stokes 2007).

The lake currently provides the beneficial uses of agricultural supply, water contact recreation, non-contact water recreation, warm freshwater habitat, wildlife habitat, and, on an intermittent basis, cold freshwater habitat (Colorado Basin Plan, 2002). In addition, Sunbeam Lake has the potential to provide municipal and domestic water supply. The lake supports wetland vegetation including cattails, bulrush, and sedges (*Carex* sp.) along portions of its bank (Jones & Stokes 2007).

Sunbeam Lake is managed by the County of Imperial as a Regional Park. In addition to water sports, recreation and navigation, recreational fishing is also practiced on the Lake. The public is required to purchase fishing licenses at local sporting goods stores or other entities that sell licenses. Sunbeam Lake operates as an RV park that provides short term and seasonal rental spaces. Many tourists who visit the lake are from other states (outside of California) or from Canada (My Travel Guide 2008). Day trips to Mexico are also advertised as one of the many recreational activities. Other tourists choose Sunbeam Lake for its proximity to low-cost health and dental care provided in Mexico. The majority of tourists are retirees traveling south during the winter season, making the busy season from November to March (Sunbeam Lake RV Resort 2008).

Summary of TNW Conditions

Sunbeam Lake should be considered a TNW because:

1. The lake supports navigation in terms of boats, rafts, canoes, etc.
2. It is used for interstate commerce (tourism, water sports, etc.) and draws many of its visitors from neighboring and northern states.
3. It is both a source and a driver for foreign commerce as people from other countries (including Canada) use the lake for recreational/tourism purposes and take trips into Mexico for recreation and/or services.



Mark Durham
South Coast Branch Chief
Regulatory Division

Attachment A - Photographs



1 - Looking towards northern shoreline



2 - Looking towards southeastern corner of lake



3 - Vegetated beach on the northern shoreline of lake



4 - Vegetated on top bank on the northern shoreline of lake



5 - Culvert from the lake to the New River tributary west of project site



6 - Tributary to the New River west of the project site



7 - Culvert into lake from pond by RV park office



8 - Jurisdictional drainage on southwestern side of project site



9 - New River west of project site



10 - Burrowing Owl observed along southern boundary of parcel

Exhibit B:

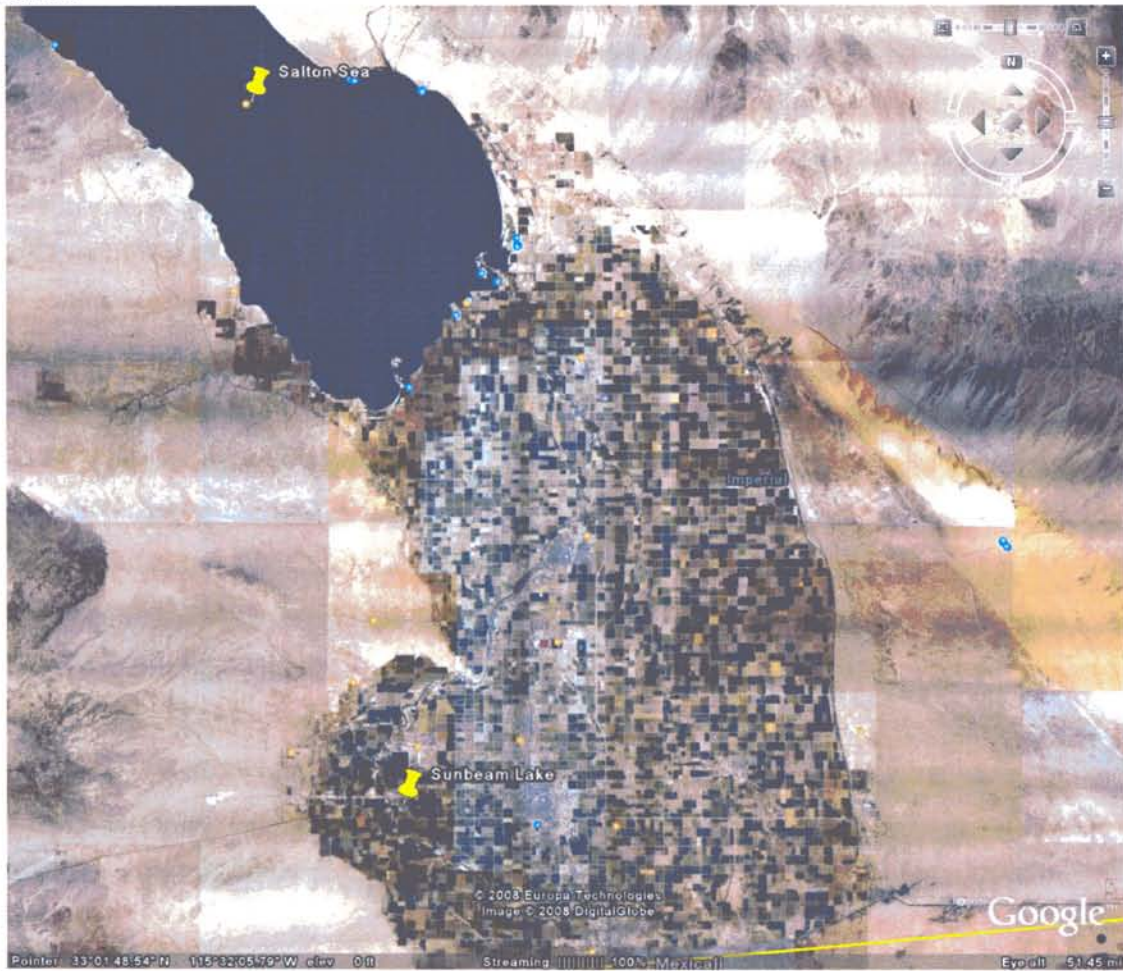


Exhibit C:



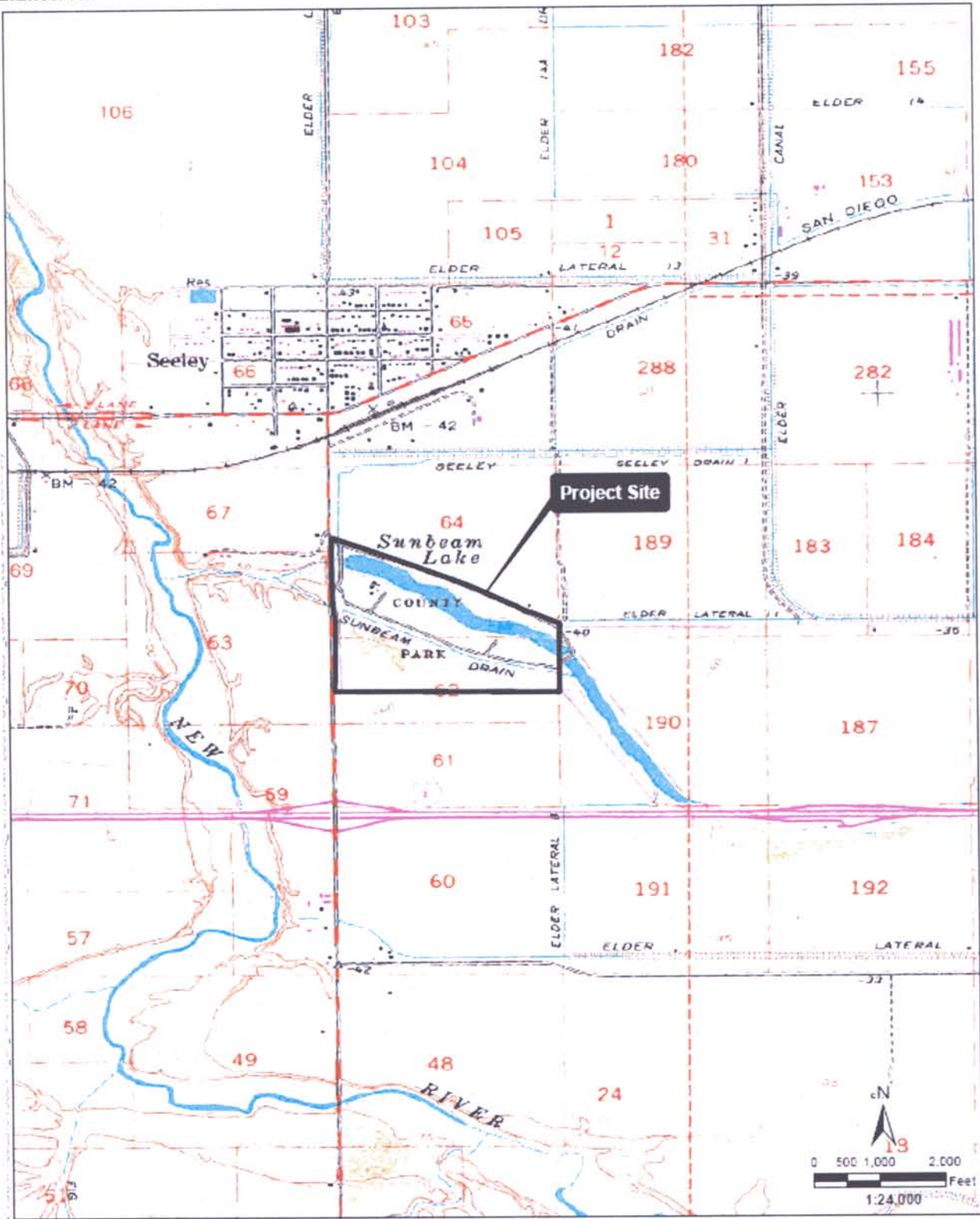
Tributary to the New River

Exhibit D:



Culvert from Lake into New River

Exhibit A:



SOURCE: USGS 7.5' Quad, California: Seeley (1980)

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- [Activities](#)
- [Photos](#)
- [Resort Map](#)
- [Rates & Reservations](#)
- [Attractions](#)
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2007/2008 Season

Once you've decided how long you'll be staying with us, [CLICK HERE](#) to make an online reservation.

SHORT-TERM SITE RATES

(includes all hook-ups)

STAY DURATION	GENERAL SITE	LAGOON SITE	LAKE SITE
Daily	\$35.00	\$37.00	\$39.00
Weekly	\$197.00	\$208.00	\$218.00

NOTES:

- Rates are based on double occupancy
- Additional guests are \$3/day or \$15/week, per person

LONG-TERM SITE RATES

(plus metered electric)

STAY DURATION	GENERAL SITE	LAGOON SITE	LAKE SITE
1 Month	\$452.00	\$468.00	\$509.00
3 Months*	\$1,263.00	\$1,358.00	\$1,471.00
4 Months	\$1,627.00	\$1,679.00	\$1,809.00
5 Months	\$1,835.00	\$1,913.00	\$2,017.00
6 Months	\$1,960.00	\$2,017.00	\$2,225.00
Snowbird Annual	\$2,148.00	\$2,225.00	\$2,405.00

Annual	\$2,330.00	\$2,460.00	\$2,512.00
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NOTES:

- *3 Month discount must include the month of December
- Rates are based on double occupancy
- Additional guests are \$35/month, per person
- All site balances must be paid in full at time of arrival
(You have the option of paying advance deposits prior to your arrival)

- We welcome   and personal checks
- Rates are subject to change

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