APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): November 30, 2014**.**

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Seattle District, Habitat Bank, LLC, NWS-2013-794.
Name of water being evaluated on this JD form: Coweeman River (TNW), unnamed tributaries (RPWs) to the Coweeman River, and adjacent (Wetland N) and abutting wetlands (Wetlands A through U, except N).

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: Washington County: Cowlitz City: Kelso
Center coordinates of site (lat/long in degree decimal format): Lat: 46.13950 **N**, Long: -122.86969 **W**
Universal Transverse Mercator: .
Name of nearest waterbody: Coweeman River.
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Coweeman River.
Name of watershed or Hydrologic Unit Code (HUC): Coweeman, 1708000508.
☒ 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. List other JDs: _____

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
☐ Office (Desk) Determination. Date: _____.
☒ Field Determination. Date(s): January 27, 2014 and February 27, 2014.

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are** "*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: The Coweeman River is listed on the Seattle District Corps of Engineers's List of Section 10 Navigable Waters.

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: 22,440 linear feet varies width (ft) and/or 14.31 acres.
      Wetlands: 37.75 acres.

   c. **Limits (boundaries) of jurisdiction** based on: **1987 Delineation Manual.** and **Established by OHWM.**
      Elevation of established OHWM (if known): Not applicable.

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.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs
If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW
Identify TNW: Coweeman River.
Summarize rationale supporting determination: The Coweeman River at the project site is listed on Seattle District Corps list of Section 10 Navigable Waters.

2. Wetland adjacent to TNW
Summarize rationale supporting conclusion that wetland is "adjacent": Wetland A is 33.51 acres in size and is located within the floodplain of the Coweeman River, within approximately 200 feet of the ordinary high water mark (OHWM). In addition to receiving flow from the adjacent tributaries, Wetland A receives surface flow from the Coweeman River during overbank flow events, both as overland sheetflow from the channel, and via a swale that feeds into the eastern edge of the wetland. Wetland A also contributes both surface and subsurface flow to the Coweeman River.

Wetland B is 0.44 acres in size and is located within the floodplain of the Coweeman River, on a pensinsula that is surrounded on three sides by the river channel. This wetland is located within 170 feet of the OHWM, and receives surface flow from the Coweeman River during overbank flow events. Because of the elevated water table compared to the Coweeman River and close proximity to the channel, this wetland also contributes subsurface flow to the river.

Wetland C is 1.02 acres in size, and is located withing the 100 year floodplain of the Coweeman River, within approximately 50 feet of the OHWM. This wetland receives seepage from the adjacent hillside and surface water from overbank flows, and also contributes both surface and subsurface flow to the Coweeman River.

Wetland D is 0.36 acres in size, and is situated with the 100-year floodplain of the Coweeman River, approximately 85 feet south of the OHWM. This wetland is fed by a seasonal stream, and also receives surface flow from the Coweeman River during overbank flow events.

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both.

If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for 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: Tributary 1 350 acres
Tributary 2 131 acres
Tributary 3 10 acres
Tributary 4 16 acres
Tributary 5 104 acres
Tributary 6 3 acres
Wetland Outlet Channel 364 acres
Drainage area: Same as above **Acres**
Average annual rainfall: 48 inches
Average annual snowfall: 7 inches

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

(ii) Physical Characteristics:

(a) Relationship with TNW:

☒ Tributary 1, Tributary 6 and the Wetland Outlet Channel flow directly into TNW.

☒ Tributaries 2, 3, 4 and 5 flow through 1 tributary (Wetland Outlet Channel) before entering the Coweeman, a TNW.

Project waters are **less than 1** river miles from TNW.

Project waters are RPWs.

Project waters are **less than 1** aerial (straight) miles from TNW.

Project waters are **RPWs**

Project waters cross or serve as state boundaries. Explain: NA.

Identify flow route to TNW[5]: Tributaries 2, 3, 4 and 5 flow into Wetland A, and then into the Wetland Outlet Channel before entering the Coweeman River. Tributary 1 flows directly into the Coweeman River.

Tributary stream order, if known: _____.

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☒ Natural

☐ Artificial (man-made). Explain: _____.

☒ Manipulated (man-altered). Explain: The Wetland Outlet Channel exhibits evidence of historic modification, including re-alignment.

Tributary properties with respect to top of bank (estimate):

Stream	Average Width	Length (miles)
Tributary 1	7 feet	0.92
Tributary 2	4.5 feet	1.06
Tributary 3	2 feet	0.19
Tributary 4	2 feet	0.29
Tributary 5	3.5 feet	0.26
Tributary 6	2 feet	0.03
Wetland Outlet Channel	8 feet	0.16

Average depth: varies feet

Average side slopes: **2:1.**

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: All tributaries have relatively stable banks, with minor and localized erosion consistent with natural hydrological conditions and fluvial processes.

Presence of run/riffle/pool complexes. Explain: All tributaries generally exhibit run/riffle/pool complexes. The relationship between these characteristics varies depending on tributary.

Tributary geometry: Meandering

Tributary gradient (approximate average slope): All tributaries average less than 20 percent gradient.

(c) Flow:

Tributary provides for:

Tributary 1	perennial
Tributary 2	perennial
Tributary 3	seasonal
Tributary 4	seasonal
Tributary 5	perennial
Tributary 6	seasonal
Wetland Outlet Channel	seasonal

Estimate average number of flow events in review area/year: >20 (all tributaries)

Describe flow regime: Tributaries 1, 2 and 5 are all perennial. Tributaries 3, 4 and 6 are seasonal, and flow for more than three months per year. The Wetland Outlet Channel is also seasonal, and flows for a minimum of 6 months per year.

Other information on duration and volume: None.

Surface flow is: **discreet and confined.** Characteristics: Flow in all tributaries occurs within defined beds and banks.

[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.

Subsurface flow: **unknown**. Explain findings: The Wetland Outlet Channel is dry during the late summer/early fall period. However, the present of soil saturation along the channel suggests that subsurface flow contribution to the Coweeman River occurs.

☐ Dye (or other) test performed: _____.

Tributary has (check all that apply):

☒ Bed and banks

☒ OHWM[6] (check all indicators that apply): All of the tributaries exhibit similar characteristics, as checked below.

- ☒ clear, natural line impressed on the bank
- ☐ changes in the character of soil
- ☒ shelving
- ☐ vegetation matted down, bent, or absent
- ☒ leaf litter disturbed or washed away
- ☒ sediment deposition
- ☐ water staining
- ☐ other (list): _____
- ☒ the presence of litter and debris
- ☒ destruction of terrestrial vegetation
- ☒ the presence of wrack line
- ☒ sediment sorting
- ☒ scour
- ☐ multiple observed or predicted flow events
- ☒ abrupt change in plant community

☐ Discontinuous OHWM.[7] Explain:_____.

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☐ High Tide Line indicated by:

- ☐ oil or scum line along shore objects
- ☐ fine shell or debris deposits (foreshore)
- ☐ physical markings/characteristics
- ☐ tidal gauges
- ☐ other (list):

☐ Mean High Water Mark indicated by:

- ☐ survey to available datum;
- ☐ physical markings;
- ☐ vegetation lines/changes in vegetation types.

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: Water color in all tributaries is clear.

Identify specific pollutants, if known: None known.

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

☒ Riparian corridor. Characteristics (type, average width): All tributaries with the exception of the Wetland Outlet Channel have fully intact riparian (shrub and tree) corridors extending to the site potential tree height. Riparian vegetation along the Wetland Outlet Channel consists of herbaceous vegetation.

☐ Wetland fringe. Characteristics: _____.

☒ Habitat for:

☒ Federally Listed species. Explain findings: ESA listed species in the project area include steelhead, coho, Chinook and chum salmon.

☒ Fish/spawn areas. Explain findings: The lower reaches of Tributary 1 provide spawning and rearing habitat for resident trout and ESA-listed species, including coho salmon and steelhead. Chum and Chinook also rear within the mouth of this tributary. The Wetland Outlet Channel provides rearing habitat for ESA-listed species, including Chinook, steelhead and coho. Use of the remaining tributaries by fish is unknown.

☒ Other environmentally-sensitive species. Explain findings: Red-legged frogs were observed in Tributaries 1, 2 and 5.

☒ Aquatic/wildlife diversity. Explain findings: Onsite tributaries are surrounded by a mature forest, and provide suitable habitat for a diversity of amphibians, reptiles, small and large mammals, and invertebrates. Evidence of use by beaver, otter, raccoons and deer was found during field inspections by the Corps. The mature riparian corridors adjacent to these streams provide high quality nesting and feeding habitat for birds, including neotropical migrant species and raptors (bald eagles, osprey, owls, hawks, etc).

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

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties: See below Table. Note: Functional scores are derived from the Department of Ecology Washington State Wetland Rating System for Western Washington.

[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.

[7]Ibid.

Wetland	Size (ac.)	Cowardin Class	HGM Classification	Ecology Rating	Total Functional Assessment Score	Habitat Functions Score	Adjacency Determination
E	0.01	[illegible]	Riverine	II	54	22	abutting Tributary 1
F	0.05	FO/SS/EM	Depressional	III	31	20	abutting Tributary 1
G	0.05		Riverine	II	53	23	abutting Tributary 1
H	0.01		Riverine	III	39	21	abutting Tributary 1
I	0.43	EM	Riverine	II	63	29	abutting Tributary 1
J	0.17		Riverine	II	60	20	abutting Tributary 1
K	0.12	FO/SS/EM	Riverine	II	52	30	abutting Tributary 1
L	0.10		Depressional	III	37	26	abutting Tributary 1
M	0.06		Depressional	III	37	26	abutting Tributary 1
N	0.01		Depressional	III	35	20	adjacent to Tributary 1
O	0.28		Depressional	III	44	27	abutting Tributary 1
P	0.13		Depressional	III	44	27	abutting Tributary 1
Q	0.26		Riverine	II	51	28	abutting Tributary 1
R	0.17		Riverine	II	51	28	abutting Tributary 1
S	0.08		Riverine	III	47	26	abutting Tributary 1
T	0.05		Riverine	III	48	24	abutting Tributary 2
U	0.44		Slope	III	44	28	abutting Tributary 2

Wetland type. Explain: see above.
Wetland quality. Explain: see above.

Project wetlands cross or serve as state boundaries. Explain: Not applicable.

(b) General Flow Relationship with Non-TNW:
Flow is: **perennial**. Explain: All of the above wetlands provide flow contribution to the abutting or adjacent tributaries.

Surface flow is**:** All of the above wetlands provide perennial or seasonal surface flow to Tributaries 1 and 2, which are perennial watercourses.
Characteristics: Flow from the above wetlands enters the streams through a combination of defined channels, shallow surface sheetflow and seepage, with the exception of Wetland N. Flow contribution from Wetland N transitions from subsurface flow to surface flow before entering the stream. Because of impoundment of stream flows from beaver dams, flows within wetlands I, K and L are highly integrated.
Subsurface flow: Yes. Explain findings: Based on their geomorphic position and documentation of surface and subsurface hydrology conditions, all of the above abutting or adjacent wetlands provide perennial subsurface flow contribution to Tributaries 1 and 2.
☐ Dye (or other) test performed: Visual observations.

(c) Wetland Adjacency Determination with Non-TNW:
☒ Directly abutting: Wetlands E, F, G, H, I, J, K, L, M, O, P, Q, R, T and U all directly abut tributaries.
☒ Not directly abutting: Wetland N is adjacent to, but not directly abutting, Tributary 1.
☒ Discrete wetland hydrologic connection. Explain: Wetland N does not directly abut Tributary 1. However, hydrology from this wetland is feeding a downslope seep that flows directly into Tributary 1.
☒ Ecological connection. Explain: Wetland N is located in close proximity to Tributary 1. This wetland provides habitat for aquatic wildlife species (e.g., amphibians, reptiles, invertebrates) that also utilize Tributary 1 and nearby wetlands K, L, M, O and P. Wetland N is also serving to filter surface water runoff from upslope areas.

☒ Separated by berm/barrier. Explain: Surface flow from Wetland N is currently blocked by large woody material situated at the natural topographical outlet. This wood is causing infiltration of surface flows, which emerge as a seep down-slope. This seep forms a defined channel before entering the tributary.

(d) Proximity (Relationship) to TNW
Project wetlands are located between 0.1 and 1river miles from the TNW.
Project waters are located between 0.1 and 1 aerial (straight) miles from TNW.
Flow is from: wetland to navigable waters.
Estimate approximate location of wetland as within the 500-year or greater 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: Water color within wetlands is generally clear. In areas with high organic matter inputs, standing/ponded water exhibits darker coloration from presence of tannins. Overall, water quality in all onsite wetlands is high.
Identify specific pollutants, if known: The wetlands abutting Tributary 1 are expected to receive some contaminants from the residential development that is situated on the ridge-top to the west. It is unknown whether runoff from this development is captured and treated before discharge.

(iii) Biological Characteristics. Wetland supports (check all that apply): See Attachment 1 for additional detail.
☒ Riparian buffer. Characteristics (type, average width): All onsite wetlands have intact riparian corridors consisting of mature conifer and deciduous forest, or a combination of trees and shrubs. Buffers extend to and beyond the site-potential tree height (minimum 150 feet).
☒ Vegetation type/percent cover. Explain: Exact percent cover has not been measured, but all wetlands are vegetated with emergent, scrub-shrub, and/or forested plant communities.
☒ Habitat for:
☒ Federally Listed species. Explain findings: Tributaries 1 and 2 are classified as fish-bearing, and the lower reaches are partially accessible to ESA-listed steelhead and coho. Wetlands E through U contribute to habitat for ESA-listed fish in Tributaries 1 and 2 by providing nutrients and base flow, attenuating flood flows, and improving water quality. Wetlands H, I, and K also provide ponded areas that are at least seasonally accessible to resident fish and juvenile steelhead and coho.
☐ Fish/spawn areas. Explain findings:
☒ Other environmentally-sensitive species. Explain findings: Red-legged frogs were observed in Wetlands E, F, and G, and are expected to occur in all wetlands adjacent to Tributaries 1 and 2.
☒ Aquatic/wildlife diversity. Explain findings: As evidenced by the functional assessment, Wetlands E through U provide moderate to high habitat functions, and provide spawning, rearing, cover, and/or nesting habitat for a diversity of wildlife, including invertebrates, songbirds, amphibians, reptiles, small mammals, and large mammals. All wetlands are rated as Category II or III, and provide moderate to high wildlife functions.

3. Characteristics of all wetlands adjacent to the tributary (if any)
All wetland(s) being considered in the cumulative analysis: Wetlands K, L, M, N, O and P are being considered in the cumulative analysis.
Approximately (10.3) acres in total are being considered in the cumulative analysis.
For each wetland, specify the following:

	Directly abuts? (Y/N)	Size (in acres)
Wetland K	Yes	0.12
Wetland L	Yes	0.10
Wetland M	Yes	0.06
Wetland N	No	0.01
Wetland O	Yes	0.28
Wetland P	Yes	0.13

Summarize overall biological, chemical and physical functions being performed: Wetlands K, L, M, O and P all directly abut the unnamed tributary to Tributary 1. Wetland N is separated from a surface seep that flows directly into the same tributary stream by a 30-foot-wide area of upland. This seep is situated downslope from, and is fed by, Wetland N. In combination, Wetland N and nearby abutting Wetlands K, L, M, O and P provide similar functions, including serving as the primary source of hydrology for the tributary stream. Because of their geomorphic position, these wetlands also provide flow attenuation and water quality functions that benefit the tributary, downstream reaches of Tributary 1, and the Coweeman River. All of these wetlands are rated as Category II or III, and are dominated by native plant communities. Wetlands K, L, N and O all support areas of seasonal inundation and standing water that provide breeding habitat for amphibians, and overall habitat values are rated as moderate to high.

C. SIGNIFICANT NEXUS DETERMINATION

1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: _____.

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: _____.

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: The relevant reach analyzed includes Tributary 1 and Wetlands K, L, M, N, O, and P (see Figure 3a, Detail B). This reach contributes flow to the Coweeman River (a TNW) located approximately 2500 feet downstream. Based on the discussion in this JD form, Wetland N and the waters in this relevant reach has a biological, chemical and physical significant nexus the Coweeman River (the nearest TNW).

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   ☒ TNWs: 1.5 miles 70 width (ft), or _____ acres.
   ☒ Wetlands adjacent to TNWs: 35.33 acres.

2. **RPWs that flow directly or indirectly into TNWs.**
   ☒ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide rationale indicating that tributary flows perennial: Direct visual observations by the project biologists demonstrate that Tributaries 1, 2 and 5 are perennial.

   ☒ 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: Direct visual observations by the project biologists demonstrate that Tributaries 3, 4, 6 and the Wetland Outlet Channel are seasonal.

   Provide estimates for jurisdictional waters in the review area (check all that apply):
   ☒ Tributary waters: 2.91 miles 4.14 (average) width (ft).
   ☐ Other non-wetland waters: _____ acres.
   Identify type(s) of waters: _____.

3. **Non-RPWs[8] that flow directly or indirectly into TNWs. Not applicable**
   ☐ 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: Wetland delineation verifies that the boundaries of Wetlands E, F, G, H, I, J, K, L, M, O, P, Q, R, S, T and U extend to, or encompass, the OHWM of Tributaries 1 and 2.

   ☐ 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: 2.41 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: 0.01 acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs. Not applicable.**

[8]See Footnote # 3.

☐ 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] Not applicable.**
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).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[10] NOT APPLICABLE.
☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain: _____.
☐ Other factors. Explain: _____.

Identify water body and summarize rationale supporting determination: _____

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: _____.
☐ Wetlands: _____ acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY): NOT APPLICABLE.
☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☐ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: _____.
☐ Other: (explain, if not covered above): _____.

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams): _____ linear feet _____ width (ft).
☐ Lakes/ponds: _____ acres.
☐ Other non-wetland waters: _____ acres. List type of aquatic resource: _____.
☐ Wetlands: _____ acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams): _____ linear feet _____ width (ft).
☐ Lakes/ponds: _____ acres.
☐ Other non-wetland waters: _____ acres. List type of aquatic resource: _____.
☐ Wetlands: _____ acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):
☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Coweeman Mitigation Bank Jurisdictional Determination Supplemental Data, dated May 15, 2014 and prepared by Ecological Land Services, Inc; Revised Coweeman River Mitigation Bank Basis of Design Report, Cowlitz County, Washington, dated November 31, 2014 and prepared by Shannon & Wilson,

[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
[10] **Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.***

Inc.; Coweeman River Wetland and Conservation Bank Prospectus, prepared by Habitat Bank, LLC and dated June 2013; Draft Wetland and Tributary Stream Summary, prepared by Ecological Land Services, Inc.; and, Coweeman Mitigation Bank Data Sheets (Appendix A) and Wetland Rating Forms (Appendix B) .

☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  ☒ Office concurs with data sheets/delineation report.
  ☐ Office does not concur with data sheets/delineation report.
☐ Data sheets prepared by the Corps: _____.
☒ Corps navigable waters' study: The Coweeman River is on the Section 10 Navigable Waterway List for Seattle District.
☐ U.S. Geological Survey Hydrologic Atlas: _____.
  ☐ USGS NHD data.
  ☐ USGS 8 and 12 digit HUC maps.
☐ U.S. Geological Survey map(s). Cite scale & quad name: _____
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Figure 6, excerpts from NRCS soil survey map submitted with Basis of Design Report.
☐ National wetlands inventory map(s). Cite name: _____.
☐ State/Local wetland inventory map(s): _____
☒ FEMA/FIRM maps: FEMA Flood Insurance Rate Map (FIRM) (2001).
☐ 100-year Floodplain Elevation is: _____ (National Geodectic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): Aerial photos submitted with Basis of Design Report.
  or ☐ Other (Name & Date): _____.
☐ Previous determination(s). File no. and date of response letter: _____.
☐ Applicable/supporting case law: _____.
☐ Applicable/supporting scientific literature: _____.
☐ Other information (please specify): _____.

B. ADDITIONAL COMMENTS TO SUPPORT JD: The JD was forwarded to EPA on December 22, 2014, and concurrence was received on December 30, 2014.