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

22 April 2016

Wetland and Ditch 1

SECTION I: BACKGROUND INFORMATION

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Seattle District – Skagit Valley College, NWS-2016-85

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: WA County/parish/borough: Skagit City: Mount Vernon
Center coordinates of site (lat/long in degree decimal format): Lat: 48.43877º Long: -122.30559º
Universal Transverse Mercator: Zone 10 N E
Name of nearest waterbody: Trumpeter Creek
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Skagit River
Name of watershed or Hydrologic Unit Code (HUC): 17110007 (Lower Skagit River)

☒ 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.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 7 April 2016
☒ Field Determination. Date(s): 4 March 2016

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "*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: .

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: 995 linear feet total
Wetlands: 1.25+ acres (wetland extends offsite)

c. Limits (boundaries) of jurisdiction based on:

Elevation of established OHWM (if known): .

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

The agencies will assert jurisdiction over 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:
Summarize rationale supporting determination:

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

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

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). 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**.** Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

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: HUC 17110007 (Lower Skagit River) 447 **square miles**
Drainage area: 34 **acres**
Average annual rainfall: 33 inches
Average annual snowfall: 9 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

☐ Tributary flows directly into TNW.
☒ Tributary flows through 2 tributaries before entering TNW.

Project waters are **2-5** river miles from TNW.
Project waters are **1-2** aerial (straight) miles from TNW.
Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW[5]: Ditch 1 flows into a roadside ditch (along N 30th St), then into a stormwater conveyance system along College Way (State Route 538). The stormwater conveyance (36" and 30" pipes) flows approximately 2,400 feet before discharging into Trumpeter Creek, which flows approximately 4,500 feet before entering Nookachamps Creek, which flows 3.90 miles before entering the Skagit River.
Tributary stream order, if known: 1.

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

Tributary is: ☐ Natural
☒ Artificial (man-made). Explain: Ditch system may have replaced natural drainages in the area..
☐ Manipulated (man-altered). Explain:

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

Tributary properties with respect to top of bank (estimate):
Average width: 4-8 feet
Average depth: 3 feet
Average side slopes: **3:1 .**

Primary tributary substrate composition (check all that apply):

☒ Silts	☒ Sands	☐ Concrete
☐ Cobbles	☐ Gravel	☐ Muck
☐ Bedrock	☒ Vegetation. Type/% cover: 30% (grasses)	
☐ Other. Explain: .		

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Stable and routinely maintained.
Presence of run/riffle/pool complexes. Explain: none.
Tributary geometry: **Relatively straight**
Tributary gradient (approximate average slope): 2 %

(c) Flow:
Tributaries provides for: **Intermittent but not seasonal flow**
Estimate average number of flow events in review area/year: **11-20**
Describe flow regime: intermittent (responds to precipitation).
Other information on duration and volume: .

Surface flow is: **Confined.** Characteristics: See additional information below.

Subsurface flow: **Unknown**. Explain findings: .
☐ Dye (or other) test performed: .

Tributaries have (check all that apply):
☒ Bed and banks
☒ OHWM[6] (check all indicators that apply):

☒ clear, natural line impressed on the bank	☐ the presence of litter and debris
☐ changes in the character of soil	☒ destruction of terrestrial vegetation
☒ shelving (Ditch 3 and 4)	☐ the presence of wrack line
☒ vegetation matted down, bent, or absent	☐ sediment sorting
☐ leaf litter disturbed or washed away	☐ scour
☐ sediment deposition	☐ multiple observed or predicted flow events
☒ water staining	☐ abrupt change in plant community
☐ other (list):	

☐ 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:	☐ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects	☐ survey to available datum;
☐ fine shell or debris deposits (foreshore)	☐ physical markings;
☐ physical markings/characteristics	☐ vegetation lines/changes in vegetation types.
☐ tidal gauges	
☐ other (list):	

(iii) Chemical Characteristics:
Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Explain: Water is clear with moderate organic debris and minimal sediment load, general water quality is good, watershed has been extensively developed for commercial and residential uses, downstream waters of Nookachamps Creek are listed on the WA State 303(d) list.
Identify specific pollutants, if known: Herbicides, fertilizers, petrochemicals (road runoff0.

(iv) Biological Characteristics. Channel supports (check all that apply):
☒ Riparian corridor. Characteristics (type, average width): herbaceous and trees/shrubs, 20+ feet.
☒ Wetland fringe. Characteristics: PEM wetlands extend to edge of ditch.
☐ Habitat for:
☐ Federally Listed species. Explain findings: .

[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.

☐ Fish/spawn areas. Explain findings: .
☐ Other environmentally-sensitive species. Explain findings: .
☐ Aquatic/wildlife diversity. Explain findings: .

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

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: 1.25 acres

Wetland type. Explain: PEM depressional

Wetland quality. Explain: Category IV per the Washington State wetland rating System (based on a scale of I to IV, I being the highest functioning)

.

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Intermittent flow**. Explain: Wetlands outflow into non-RPW during annual rain events.

Surface flow is**: Overland sheetflow**

Characteristics: .

Subsurface flow: **Unknown**. Explain findings: .

☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

☒ Directly abutting

☐ Not directly abutting

☐ Discrete wetland hydrologic connection. Explain: See additional information section.

☐ Ecological connection. Explain: .

☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **2-5** river miles from TNW.

Project waters are **1-2** aerial (straight) miles from TNW.

Flow is from: **Wetland to navigable waters.**

Estimate approximate location of wetland as within the **100 - 500-year** 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 flowing from wetlands is clear, general water quality is good, watershed has been extensively developed for commercial and residential uses, downstream waters of Nookachamps Creek are on the WA State 303(d) list.

Identify specific pollutants, if known: herbicides, fertilizers.

(iii) Biological Characteristics. Wetland supports (check all that apply):

☒ Riparian buffer. Characteristics (type, average width): Emergent (herbaceous) 30-70 feet.

☒ Vegetation type/percent cover. Explain: Emergent (grass species) 100% cover.

☐ Habitat for:

☐ Federally Listed species. Explain findings: .

☐ Fish/spawn areas. Explain findings: .

☐ Other environmentally-sensitive species. Explain findings: .

☐ Aquatic/wildlife diversity. Explain findings: .

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **25-30**
Approximately 114.8 acres* in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Wetland	Directly abuts? (Y/N)	Size (in acres)
A	Y	1.50

Wetlands on adjacent parcel (to east) from NWS-2007-1119

Wetland	Directly abuts? (Y/N)	Size (in acres)
A	Y	1.66
C	Y	0.10
H	Y	0.005
I	Y	0.03
P	Y	0.004
Q	Y	0.003
U	Y	0.27
X	Y	0.006
Y	Y	0.01
DD	Y	0.02
LL	Y	0.006
VV	Y	0.05
WW	Y	0.18

*14 wetlands identified by NWI in the subject drainage basin (111 acres estimated)

Summarize overall biological, chemical and physical functions being performed: see Section C below for summary.

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, 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. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

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.

Ditch 1 and Wetland A has a significant nexus to downstream TNW.

The subject site occurs in the 2,446 acre Trumpeter Creek basin. Ditch 1 is part of a tributary system that drains a 34 acre area within the basin. The tributary system is comprised of man-made drainage features (ditches). The constructed features are

believed to have replaced natural drainages that existed prior to development. Ditch 1 flows into a roadside ditch (along N 30th St), then into a stormwater conveyance system along College Way (State Route 538). The stormwater conveyance (36" and 30" pipes) flows approximately 2,400 feet before discharging into Trumpeter Creek, which flows approximately 4,500 feet before entering Nookachamps Creek, which flows 3.90 miles before entering the Skagit River. Ditches in the drainage basin are vegetated (grass species) and do not provide suitable habitat for fish; Trumpeter Creek and its tributaries - North Fork Trumpeter Creek, Logan Creek, and Thunderbird Creek – contain suitable habitat for fish.

Watershed has been extensively developed for commercial and residential uses; downstream waters of Trumpeter Creek receive stormwater and urban runoff from the 34 acre drainage basin. Essential Fish Habitat for Pacific Salmon, groundfish, and coastal pelagic species (designated under the Magnuson-Stevens Fishery Conservation and Management Act) occurs in Trumpeter Creek, Nookachamps Creek, and the TNW, Skagit River. Puget Sound chinook and steelhead, listed under the Endangered Species Act, may occur in the downstream waters of Trumpeter Creek and Nookachamps Creek and do occur on the Skagit River. Listed coastal-Puget Sound bull trout occur in Nookachamps Creek and the Skagit River. ESA designated critical habitat for chinook salmon and bull trout exists in Nookachamps Creek. The subject non-RPW, Ditch 1, contributes flow to downstream waters, vegetated channels intercept sediment and toxins in runoff water from local developed areas; and riparian areas provide enhanced food web support.

The National Wetland Inventory mapping shows 13 wetlands in the Trumpeter Creek basin. Map polygons are an approximate 111 acres total. Associated wetland functions are minimal to moderate wildlife habitat and habitat diversity, moderate enhanced food web support, moderate floodwater storage/attenuation, and moderate sediment input reduction and toxin removal. The wetlands create and transfer organic carbon which supports the downstream food web of the TNW. Wetlands improve downstream water quality in TNW through sediment and toxin interception in runoff water from local developed areas. The lengthy vegetated tributary system has the capacity to capture pollutants (road runoff petrochemicals, herbicides, pesticides and sediments) to reduce the amount of pollutants, sediments or flood waters from reaching the TNW. Wetlands attenuates downstream flooding by reducing peak flow in the watershed during major storm events and attenuates erosion by detaining high flows during storms and reduce the duration of erosive flows, thus decreasing downstream erosion in streams.

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:

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: linear feet width (ft), Or, acres.
   - ☐ Wetlands adjacent to TNWs: 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 seasonally: .
   - ☐ 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: Tributaries identified as having continuous flow for 3-6 months. See additional information for details.

   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: .

3. **Non-RPWs[8] that flow directly or indirectly into TNWs.**
   - ☒ 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: 995 linear feet total
   - ☐ 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.

[8]See Footnote # 3.

☐ 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: **8.6** 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:.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

☒ 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: 1.50 acres.

7. Impoundments of jurisdictional waters.[9]

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]

☐ 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):

☐ 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):

[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.*

☐ 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: Wetland delineation report dated May 2006.
☒ 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: .
☐ 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: Mount Vernomn Quad
☐ USDA Natural Resources Conservation Service Soil Survey. Citation: .
☐ National wetlands inventory map(s). Cite name: .
☒ State/Local wetland inventory map(s): WA State Department of Ecology, 2001
☐ FEMA/FIRM maps: .
☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): Google Earth 2015.
  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:

Site Visit
15 July 2015
10:00 – 12:30
Weather – Slightly overcast, breezy. Significant rainfall during month.

Randel Perry, (Corps)
Oscar Graham (Wetland Consultant)
Brian Adams (Skagit College agent)

Site Description: The subject site is rectangular, trending north-south, and consists of 2 parcels, labeled A (north) and B (south), totaling 9.7 acres. The property is generally flat with a slight slope to the south for Parcel B and to the north for Parcel A. Surrounding vicinity has been substantially developed for commercial and residential uses. The site is bounded by Skagit College property to the west and north, State Route 538 (College Way) to the south, and undeveloped property to the east. The property was historically used for agricultural purposes. Parcel B has been developed and features a building and parking area, originally used as a church but later converted to the College's East Campus building. The northern half of the site is currently undeveloped and primarily vegetated with a field grasses. The subject wetland occupies a large portion of Parcel A. The two parcels are separated by the edge of the development fill area that results in a two to five foot drop from the uplands down to the Wetland A area. There are no identified natural streams within the immediate project vicinity, but drainage features (ditches and seasonal drainage channels) exist. Trumpeter Creek, an RPW, is located approximately 0.20 miles east of the site.

Delineation: A wetland delineation was conducted by Talasaea Consultants Inc. in 2014. One wetland was identified by the consultant (See Discussion/Observation section below).

Soils: Mapped soils are: Skipopa silt loam (0-3% slopes), hydric.

Observed soil colors are:
Wetlands:
10YR 2/2 silt loam from 0 to 9 inches with 10YR 5/4 redox features (common, distinct).

Uplands:
10YR 3/4 silt loam 0" – 16; no redox features

Vegetation:
Wet

Common (soft) rush (*Juncus effusus*), FACW
Reed canary grass (*Phalaris arundinacea*), FACW
Red fescue (*Festuca rubra*), FAC
Colonial bentgrass (*Agrostis tenuis*), FAC

Upland

Red fescue (*Festuca rubra*), FAC
Canadian thistle (*Cirsium arvense*), FACU
English plantain *(Plantago lanceolata),* FACU+
Tall fescue *(Festuca arundinacea),* FAC-
Sweet vernal grass, *(Anthroxanthrum odoratum),* FACU

Wetland acreage identified for this determination: 1.50 acres
Wetland acreage to be filled: Unknown

Observations/Discussion:
Corps personnel walked around the identified boundaries of the wetland and followed the apparent flow path offsite. The wetland is defined by clear topographic breaks to the south, west, and north; the eastern edge was set at the property line in the delineation report but extends onto the adjacent property to the east (see NWS-2007-1119). The flagged wetland boundaries appeared to accurately delineate the wetland edges.

The site exhibits signs of previous disturbance through human use and development. Existing ditches were originally installed for agricultural purposes and have been periodically maintained. The Corps followed the flow paths of the onsite ditch and documented its connections. Ditch 1 runs along the eastern edge of the property, then eastward across the northern edge of the adjacent property to North 30th Street. Flow in the ditch is split with the northern half flowing north and the southern half flowing south. Ditch 1 flows into a roadside ditch (along N 30th St), then into a stornwater conveyance system along College Way (State Route 538). The stormwater conveyance (30" and 36" pipes) flows approximately 2,400 feet before discharging into Trumpeter Creek, which flows approximately 4,500 feet before entering Nookachamps Creek, which flows 3.90 miles before entering the Skagit River. The ditch conveys ephemeral flow only with no continuous flow exceeding 3 continuous months.

Jurisdictional Determination:
Wetland A abuts a non-relatively permanent tributary, Ditch 1. Wetland A and Ditch 1 have a direct connection (via other unnamed tributaries) to the Skagit River, a designated Section 10 navigable waterbodies used for interstate and foreign commerce. Ditch 1 and Wetland A have a significant nexus to downstream traditional navigable waters and are jurisdictional waters of the U. S.