

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

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** January 24, 2013.

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Seattle District, Camas Department of Public Works, NWS-2012-1344.  
Name of water being evaluated on this JD form: Unnamed tributary to Dwyer Creek, and abutting wetlands.

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Washington County: Clark City: Camas

Center coordinates of site (lat/long in degree decimal format): Lat: 45.62804 N, Long: -122.46566 W

Universal Transverse Mercator: \_\_\_\_\_

Name of nearest waterbody: Dwyer Creek.

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Washougal River.

Name of watershed or Hydrologic Unit Code (HUC): 170800010606.

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): November 5, 2012 field inspection by Steve Manlow and Peter Olmstead.

**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):<sup>1</sup>**

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters<sup>2</sup> (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: 1,990 linear feet 6 width (ft) and/or \_\_\_\_\_ acres.

Wetlands: 1.37 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):<sup>3</sup>**

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain: \_\_\_\_\_.

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> 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).

<sup>3</sup> Supporting documentation is presented in Section III.F.

**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs – NOT APPLICABLE**

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

**1. Characteristics of non-TNWs that flow directly or indirectly into TNW**

**(i) General Area Conditions:**

Watershed size: **2,100 acres**  
Drainage area: **80 acres**  
Average annual rainfall: **44.85 inches**  
Average annual snowfall: **N/A inches**

**(ii) Physical Characteristics:**

**(a) Relationship with TNW:**

- Tributary flows directly into TNW.
- Tributary flows through **3** tributaries before entering TNW.

Project waters are **5-10** river miles from TNW.  
Project waters are **1 (or less)** river miles from RPW.  
Project waters are **5-10** aerial (straight) miles from TNW.  
Project waters are **1 (or less)** aerial (straight) miles from RPW.  
Project waters cross or serve as state boundaries. Explain: Not Applicable.

Identify flow route to TNW<sup>4</sup>: The jurisdictional ditches that parallel NW Friberg Street converge on the east side of the road, and then enter a ditch that flows to the east approximately 0.25 miles before entering Dwyer Creek. Dwyer Creek is a perennial RPW. From the ditch confluence, Dwyer Creek flows approximately one mile to the north and east before entering Lacamas Creek. Lacamas Creek is also a perennial RPW, and flows into the Washougal River approximately 1.8 miles downstream of the outlet of Lacamas Lake. The Washougal River is a Section 10 Navigable Water from its confluence with the Columbia River, upstream to River Mile 0.5.  
Tributary stream order, if known: Second.

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

- Tributary is:**  Natural  
 Artificial (man-made). Explain: The tributaries are ditches that were constructed adjacent to NW Friberg Street in the 1930's and 1940's. The ditches along the southern two-thirds of NW Friberg Street were constructed in non-hydric soils, and the ditches along the northern third of Friberg Street were constructed in a mix of hydric and non-hydric soils. All ditches now convey discharge from abutting wetlands into downstream RPWs. The ditches have been periodically dredged by Clark County and the City of Camas to maintain drainage.
- Manipulated (man-altered). Explain: \_\_\_\_\_.

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

Average width: 6 feet  
Average depth: 3 feet  
Average side slopes: **2:1.**

**Primary tributary substrate composition (check all that apply):**

- Silts
- Sands
- Concrete
- Cobbles
- Gravel
- Muck
- Bedrock
- Vegetation. Type/% cover: Pockets of Phalaris arundinaneae (80% cover)
- Other. Explain: \_\_\_\_\_.

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: The ditches are stable, but are periodically dredged.

Presence of run/riffle/pool complexes. Explain: None.

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): 1 %

**(c) Flow:**

Tributary provides for: **Seasonal flow**  
Estimate average number of flow events in review area/year: **20 (or greater)**

<sup>4</sup> 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.  
Version 2-8-08 Seasonal RPW and Abutting Only 2 of 5

Describe flow regime: The ditches are seasonally flooded, and receive water from abutting wetlands, uplands, and adjacent road surfaces.

Other information on duration and volume: \_\_\_\_\_.

Surface flow is: **Discrete and confined**. Characteristics: Surface flow is up to 2 feet deep during periods of heavy rainfall and runoff. The flow path is generally from west to east. The ditches intercept flow from abutting wetlands, uplands and road surfaces, and convey it both north and south to a ditch that flows east from NW Friberg Road and to Dwyer Creek.

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

Dye (or other) test performed: \_\_\_\_\_.

Tributary has (check all that apply):

- Bed and banks
- OHWM<sup>5</sup> (check all indicators that apply):
  - 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): \_\_\_\_\_
- Discontinuous OHWM.<sup>6</sup> Explain: \_\_\_\_\_.

- 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

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 is generally clear. Some oily film deposits are present during low- or no-flow conditions.

Identify specific pollutants, if known: The ditches receive untreated runoff from the adjacent roadway and residential properties.

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

- Riparian corridor. Characteristics (type, average width): \_\_\_\_\_.
- Wetland fringe. Characteristics: Emergent, scrub shrub and forested wetlands abut the ditches on both sides on Friberg Street.
- Habitat for:
  - Federally Listed species. Explain findings: \_\_\_\_\_.
  - Fish/spawn areas. Explain findings: \_\_\_\_\_.
  - Other environmentally-sensitive species. Explain findings: \_\_\_\_\_.
  - Aquatic/wildlife diversity. Explain findings: Limited invertebrate utilization was observed.

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW – NOT APPLICABLE

3. Characteristics of all wetlands adjacent to the tributary (if any) – NOT APPLICABLE

**C. SIGNIFICANT NEXUS DETERMINATION – NOT APPLICABLE**

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

**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: \_\_\_\_\_.

<sup>5</sup>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.

<sup>6</sup>Ibid.

- 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: Observations by Corps staff indicate that the ditches flow continuously during the winter and early spring.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: 1,990 linear feet 6 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: \_\_\_\_\_
  - 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: Wetlands are contiguous with and drain into the jurisdictional ditches. Direct surface discharge was observed during site inspections.

Provide acreage estimates for jurisdictional wetlands in the review area: 1.37 (See below table) acres.

Site number	Latitude	Longitude	Cowardin Class	Estimated amount of aquatic resource in review area	Class of aquatic resource
V	45.62750	-122.46534	PEMC	11,230 square feet	Depressional
K1	45.62898	-122.46540	PFOC	20,227	Depressional
K26	45.63049	-122.46530	PFOC	617	Depressional
KD	45.62839	-122.46574	PFOA	958	Depressional
Z	45.62895	-122.46584	PEME	3,174	Depressional
W	45.63138	-122.46581	PEMB	23,337	Depressional

**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 - NOT APPLICABLE**

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS - NOT APPLICABLE**

**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: Maps contained within wetland delineation reports entitled: “Wetland Report, NW Friberg Street and Goodwin Road Street Improvements Project, City of Camas Project S-566”, prepared by Normandeau Associates, Inc., and dated November 12, 2012; and, “Wetland Delineation, Lake Road Property, Parcel 197654-000, Camas, WA”, prepared by The Resource Company, Inc., and dated April 15, 2008.
- 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 waterbody 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: \_\_\_\_\_.
- National wetlands inventory map(s). Cite name: \_\_\_\_\_.
- State/Local wetland inventory map(s): \_\_\_\_\_
- FEMA/FIRM maps: \_\_\_\_\_.
- 100-year Floodplain Elevation is: \_\_\_\_\_ (National Geodetic Vertical Datum of 1929)

Photographs:  Aerial (Name & Date): \_\_\_\_\_  
or  Other (Name & Date): \_\_\_\_\_.

Previous determination(s). File no. and date of response letter: File no. NWS-2007-547-CRS, September 26, 2010, approved jurisdictional determination; File no. NWS-2006-00975, January 26, 2007, approved jurisdictional determination.

Applicable/supporting case law: \_\_\_\_\_.

Applicable/supporting scientific literature: \_\_\_\_\_.

Other information (please specify): \_\_\_\_\_.

**B. ADDITIONAL COMMENTS TO SUPPORT JD: \_\_\_\_\_.**