

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

SECTION I: BACKGROUND INFORMATION

A. **REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** 8 Nov 2013

B. **DISTRICT OFFICE, FILE NAME, AND NUMBER:** Seattle District, Puget Sound Community College, NWS-2008-467-SO.
Name of water being evaluated on this JD form: Wetlands A, B, C, D, E, F, G, H, I, J, K, L, M, N, and P.

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

State: Washington County: Thurston City: Lacey

Center coordinates of site (lat/long in degree decimal format): Lat: 47-04-38084 N, Long: -122-46-29.37 W

Universal Transverse Mercator:

Name of nearest waterbody: "Wetland Z" - Which is offsite.

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Wetlands A, B, C, D, E, F, G, H, I, J, K, L, M, N, and P do not have surface flow to any other waters.

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

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): 10-2-2008.

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 no~~ "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 waters² (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: _____ linear feet _____ width (ft) and/or _____ acres.

Wetlands: _____ acres.

c. **Limits (boundaries) of jurisdiction based on: Pick List and Pick List**

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: Wetlands A, B, C, D, E, F, G, H, I, J, K, L, M, N, and P are vernal pool type wetlands that appear to be remnants of past forestry practices (skidding and landing sites) compacting the soils and creating shallow aquitards

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.

over the otherwise very well drained gravelly soils. All of the subject wetlands are geographically isolated from each other and from waters of the US. Additionally, if any shallow sub-surface connection between the subject wetlands where present (although field investigations did not reveal any) any water traveling via the hypothetical sub-surface drainage would flow down-slope to a large regional infiltration pit located directly north of the subject property.

SECTION III: GWA ANALYSIS

- A. TNWs AND WETLANDS ADJACENT TO TNWs: NOT APPLICABLE
- B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS: NOT APPLICABLE
- C. SIGNIFICANT NEXUS DETERMINATION: NOT APPLICABLE
- D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE: NOT APPLICABLE
- 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):⁴

- 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:

- 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).
- 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: 2.892 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: _____.
- 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: _____.

⁴ 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.

- 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: _____
- 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: _____.
- Applicable/supporting case law: _____.
- Applicable/supporting scientific literature: _____.
- Other information (please specify): _____.

B. ADDITIONAL COMMENTS TO SUPPORT JD:

Geographic and hydrologic isolation

1. Absence of any surface drainage features between the isolated water and the nearest water of the U.S. *All on-site wetlands are depressional with no surface outlet. No flowing surface water was observed leaving any on-site wetland during the site assessment in late February and early March of 2006. This was after a period of heavy rainfall in February 2006. No signs of flowing water such as scour, sediment deposits, defined channels, or ditches were observed anywhere on-site.*

2. Absence (or presence) of any berms between the isolated water and the nearest water of the U.S. *No berms were observed between or near any on-site wetland and the nearest water of the U.S.*

3. Horizontal and vertical distance to the nearest water of the U.S. *The nearest water of the U.S. is a small tributary of Woodland Creek, located approximately 3,780 feet east of the site. This tributary is approximately 170 feet elevation at its closest extent, 36 feet lower in elevation than Wetland A (the closest wetland to the tributary) which is approximately 206 feet elevation.*

4. Source of hydrology for the isolated water

a. Precipitation, seeps? Overland flow? *Hydrology for the on-site wetlands is provided by seasonally perched / high ground water levels, surface/subsurface stormwater runoff from immediate adjacent buffer areas, and by direct precipitation. Contributing basins for each wetland are small and exist entirely on-site. Only Wetland N receives water from an off-site source. No surface outlets were observed within any of the on-site wetlands. All of the on-site wetlands are Seasonally Flooded / Saturated wetlands, with the exceptions of: Wetlands H and Y which are Seasonally Saturated, and Wetland I, which is Semipermanently to Permanently Flooded. No streams or drainage ditches were observed on-site. Off-site, there is a small man-made excavated ditch which conveys water overflow from off-site Wetland Z along the southern property boundary and the City of Lacey well access road to Wetland N. A road ditch conveys runoff from Marvin Road, north along the western property boundary and disperses into the large off-site stormwater infiltration facility.*

b. Could the nearest water of the U.S. could, during extreme floods, overflow into the isolated water? *No, the nearest water of the U.S. is a small stream (tributary to Woodland Creek) that is substantially lower in elevation than the site.*

5. During extreme storm/flood conditions, could the isolated water “overflow” into the nearest water of the U.S.? *There is no observable physical evidence that on-site wetlands ever “overflow”. Any overflow would flow downhill, north into the large stormwater infiltration pond, north of the site. This facility is designed to infiltrate all collected stormwater back into the ground. This facility has no outlet.*

6. Description of the intervening land between the isolated water and the nearest water of the U.S. (potential for shallow subsurface connection)

a. Is it all forested? Is it 50% forested and 50% residential? *Intervening land between the on-site wetlands and the small tributary to Woodland Creek consists of several land uses. On-site upland areas consist of a young forested plant community. The topography of the site is hummocky, but generally, gently slopes down to the north. Many wetlands on-site appear to have been formed in small depressions that were created by past logging practices such as skid roads. Marvin Road, a major paved two lane arterial road is adjacent to the western portion of the site. West, beyond Marvin Road are several properties that are undeveloped upland forest similar to that found on-site. Beyond the forested properties are high density residential developments, residential roads, and a trailer park.*

b. If vegetated, with what species? *On-site upland vegetation is dominated by second growth Douglas fir over an understory of salal and sword fern. Off-site forested properties are dominated by the same plant community. c. If the land provides habitat, describe type and quality. The on-site second growth forest provides some forest habitat. This habitat can be described as moderate to low quality, as the forest is a monoculture of even aged Douglas fir trees approximately 30 years old. The understory varies between bare duff (fir needles) and thickets of salal. The site is in an urban commercial area and connectivity to other habitats is generally interrupted by development and roads.*

7. Mapped or actual soil types on- and off-site (potential for shallow subsurface connection) *There are two soil types mapped on-site. The soil series identified in the northeastern portion of the property is Everett Very Gravelly Sandy Loam, 3 to 15 percent slopes. The soil series identified in the south and western portion of the property is Alderwood Gravelly Sandy Loam 3 to 15 percent slopes. Alderwood soils are mapped off-site west of the property between the site and the tributary of Woodland Creek.*

a. Permeability :

Everett Very Gravelly Sandy Loam, 3 to 15 percent slopes is somewhat excessively drained soil. Alderwood Gravelly Sandy Loam 3 to 15 percent slopes is moderately well drained.

b. Impermeable layer – e.g., hard pan at 3 feet

Alderwood gravelly sandy loam, 3 to 15 percent slopes: Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.06 in/hr) Everett very gravelly sandy loam, 3 to 15 percent slopes: Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)

8. Floodplain designation, if any, of the area where the isolated water is located in relation to the nearest water of the U.S. *The site is not located in a floodplain. There is no floodplain designation.*

9. Proof of absence of shallow subsurface connection (e.g., waterwells, geologic analysis, dye test, etc) *It is highly unlikely that the small on-site wetlands have any subsurface connection to the small tributary of Woodland Creek. The tributary is a considerable distance (3,780 feet) from the site. In addition, a major road (Marvin Way) and several residential developments currently exist between the*

site and the tributary. These roads and developments have compacted surface soils, preventing any lateral subsurface flow. In addition, these developments have substantially altered natural drainage flow patterns.

Lack of interstate commerce connection:

1. Lack of interstate use by interstate or foreign travelers for recreational purposes

a. Lack of habitat or resources of special significance which would attract interstate or foreign travelers. *On-site wetlands are predominantly very small shrub-scrub wetlands dominated by *Spiraea douglasii*. One wetland (Wetland I) is forested and dominated by *Populus tremuloides*. Neither of these provides significant habitats or are special resources that would attract interstate or foreign travelers.*

b. Lack of bird and wildlife species of special significance which would attract interstate or foreign travelers *No bird or wildlife species of special significance were observed or known to occur in any on-site wetland that would attract interstate or foreign travelers.*

2. Lack of fish or shellfish which could be taken or sold in interstate or foreign commerce. *None of the on-site wetlands contain habitat that can support fish or shellfish species.*

3. Lack of industrial purposes (e.g., water withdrawal for industrial use) *The on-site wetlands lack any industrial use. On-site wetlands are small and seasonally flooded and therefore are not a significant water source for industrial use. In addition, the City of Lacey provides water to adjacent industrial/commercial properties.*

4. Lack of agriculture which is sold interstate/foreign *No past, present, or future agricultural practices have or will take place within the on-site wetlands.*

5. Lack of silviculture which is sold interstate/foreign *Past silviculture practices (roads and skid roads) likely created many of the on-site wetlands from upland areas. There are no species of tree used for silviculture practices in any on-site wetland. Currently, only one on-site wetland (Wetland I) is forested. This wetland contains a young stand of *Populus tremuloides*, a non-commercial tree species that is not sold in interstate or foreign commerce.*

COORDINATION SUMMARY: On 10 October 2008, the Corps sent the AJD to the EPA and NWD for their review and concurrence. On 9 December 2008, EPA concurred with the AJD.

TIME EXTENSION: On 24 October 2013, the agent for the applicant requested a 5 year extension of the approved jurisdictional determination (AJD) issued on December 17, 2008. Per the agent, due to the economic collapse of 2008-09, funds were not available to develop the campus thus resulting in the delay for the development of a proposal for the site. The site was inspected by the agent (wetland consultant) on 21 October 2013. The site assessment determined that site conditions have remained unchanged from the original AJD. Because site conditions have not changed and Corps guidance and policies have not changed regarding isolated wetlands, this AJD is approved for a period of 5 more years.

Site Topography

