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

Isolated: Wetlands A, B, C, D, F, G, H, L
SigNex: Wetland I

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 28 August 2014**.**

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: **Seattle District,** Toll WA LP, NWS-2013-1198.
Name of water being evaluated on this JD form: Wetlands A, B, C, D, E, F, G, H, I, J, K, L, Ditch 1, Ditch 2, and Ditch 3

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: Washington County: King City: Duvall
Center coordinates of site (lat/long in degree decimal format): Lat: 47.725851 **N**, Long: -121.975519 **W**
Universal Transverse Mercator: .
Name of nearest waterbody: Weiss Creek.
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Snoqualmie River.
Name of watershed or Hydrologic Unit Code (HUC): 17110010.
☒ 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): 1 May 2014.

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 and are not "*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: Ditch 1, 2, and 3 = 425 linear feet 3 width (ft) and/or 0.03 acres.
Wetlands: Wetlands E, I , J and K = 1.13 acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual and Established by OHWM
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, F, G, H and L were evaluated and determined to be isolated waters. Wetlands that are not

[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.

waters of the U.S. within the Review Area include Wetlands A, B, C, D, F, G, H, and L (0.62 acres total), because these wetlands are not adjacent to other waters (other than waters that are themselves wetlands). (See Section IV.B for site inspection details on these wetlands and their position in the landscape).

Based on a review available information and the Corps' on-site inspection, the Corps has determined these wetlands do not have a surface water connection or flow path to other waters or wetlands. The mapped soil series for the site is Tokul gravelly medial loam, which is a moderately well drained soil on 8 to 15 percent slopes. The site and wetlands are not located in a floodplain. Wetlands A, B, C, F, G, and H are shrub wetlands within a forested area. Wetland D and L are pasture wetlands. The isolated wetlands are small depressional wetlands. While the Corps has identified jurisdictional wetlands on the site, there is no suitable interconnection between these areas and the subject isolated wetlands sufficient to consider them a "complex" for evaluating as a whole. The wetland are located on private property that is pasture/forest and do not provide public recreation, a commodity crop, or other resources that could be used in interstate or foreign commerce.

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: _____.
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):

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: 693 **acres**
Drainage area: 258 **acres**
Average annual rainfall: 40 inches
Average annual snowfall: 20 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 **Pick List** river miles from RPW.
Project waters are **1-2** aerial (straight) miles from TNW.
Project waters are **Pick List** aerial (straight) miles from RPW.

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

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

Identify flow route to TNW[5]: The Review Area has two flow routes to a TNW: (1) Ditch 1, 2, and 3 flow westerly to Weiss Creek which flows to the Snoqualmie River. Wetland E flows offsite north and then westerly to Cloe-Clemons Creek, which flows to the Snoqualmie River, which is a TNW.
Tributary stream order, if known: _____.

(b) General Tributary Characteristics (check all that apply):
Tributary is: ☐ Natural
☒ Artificial (man-made). Explain: The Review Area has three man-made tributaries. Ditch 1 is the roadside ditch along NE Big Rock Road. Ditch 2 and 3 are man-made ditches that continue offsite along 273 rd NE Avenue (private gravel road) and flow directly into Ditch 1.
☐ Manipulated (man-altered). Explain: _____.

Tributary properties with respect to top of bank (estimate):
Average width: 3 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: _____
☐ Other. Explain: Ditch 2 and 3 are ditches with silt bottom. Ditch 1, which receives greater flows and velocity has sand/gravel bottom.

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Ditches are stable, but most likely maintained.
Presence of run/riffle/pool complexes. Explain: _____.
Tributary geometry: **Relativley straight**
Tributary gradient (approximate average slope): 5 %

(c) Flow:
Tributary provides for: **Seasonal Flow**
Estimate average number of flow events in review area/year: **2-5**
Describe flow regime: Ditch 1 is the primary drainage along NE Big Rock Road. Ditch 2 and 3 (which is actually a single ditch labeled as two segments) contributes it's flow to Ditch 1 via the ditches along each side of 273rd Avenue NE (located outside the Review Area). On the day of the site visit, Ditch 1 was flowing rapidly. Ditch 2/3 had only a small amount of flow, but the flow was discernible by ripples on the water surface.
Other information on duration and volume: Based on the size of the ditches, their association with the high water table of adjacent wetlands, the slope and contributing basin of the area, and the climate (precipitation) of western Washington, the ditches are expected to flow at least "seasonally" (e.g., typically 3 months) during the winter-spring.

Surface flow is: **Discrete and confined.** Characteristics: _____.

Subsurface flow: **Pick List**. Explain findings: _____.
☐ Dye (or other) test performed: _____.

Tributary has (check all that apply):
☒ Bed and banks
☒ OHWM[6] (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): _____
☐ 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:_____.

[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.
[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.

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 on the day of the site visit was clear..
Identify specific pollutants, if known: _____.

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

☒ Riparian corridor. Characteristics (type, average width): Ditch 2/3 is in a shrub/forested area with a width of approximately 100 feet on each site. Ditch 2 continues off of the Review Area along 273rd Avenue NE through a field and does not have a riparian corridor. Ditch 1 at the Review Area is a road side ditch and does not have a riparian corridor.

☐ Wetland fringe. Characteristics: _____.

☐ Habitat for:
- ☐ Federally Listed species. Explain findings: _____.
- ☐ 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: Wetland I = 0.05. Wetland J/K on-site = 0.25, Wetland J/K off-site = 1.2 (approx.) acres
Wetland type. Explain: emergent and shrub.
Wetland quality. Explain: Category III.
Project wetlands cross or serve as state boundaries. Explain: _____.

(b) General Flow Relationship with Non-TNW:
Flow is: Intermittent flow. Explain: _____.

Surface flow is**: No present**
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: _____.
- ☒ Ecological connection. Explain: Wetland I is neighboring and in close proximity to Ditch 3. Wetland I is at approximately the same elevation as Ditch 3.
- ☒ Separated by berm/barrier. Explain: Wetland I is separated by a road grade to Ditch 3.

(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 water.**
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: _____.
Identify specific pollutants, if known: Agriculture land use – fertilizer, herbicides.

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

☒ Riparian buffer. Characteristics (type, average width): _____.
☒ Vegetation type/percent cover. Explain: emergent/shrub and 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: **2**
Approximately (1.5 acres (includes offsite wetland)) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)
Wetland I (N, adjacent)	0.05		
Wetland J (Y)	0.016		
Wetland K (Y)	0.23		

Summarize overall biological, chemical and physical functions being performed: See Section C.3.

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: 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. In this case the tributary relevant reach is Ditch 2/3, including its continuation outside the Review Area along 273rd Avenue NE) to its confluence with Ditch 1 (273rd Avenue NE is a gravel driveway and has ditches on each side that flow into Ditch 1). All of the wetlands adjacent to this relevant reach are Wetland I, Wetland J/K to include the area of Wetland J/K outside the Review Area boundary.

The wetlands and ditches of this relevant reach flow directly into Ditch 1. The ditches carry a seasonally relatively permanent flow of water to Weiss Creek. Weiss Creek contributes its flow to the Snoqualmie River, which is a TNW. The distance from the relevant reach to Weiss Creek is approximately 0.40 stream miles. The distance from the relevant reach to the Snoqualmie River is approximately 1.6 stream miles. In addition to overland flows from precipitation, the wetlands in the relevant reach support base flows to the downstream tributaries. The wetlands provide floodwater storage/attenuation functions. Wetland J/K is approximately 1.5 acres and the water table would provide base flow support to downstream tributaries. The wetlands and ditches in the relevant reach have the potential to retain sediments and pollutants to improve downstream water quality. The relevant reach provides physical flows to support the flow in Weiss Creek and the TNW.

The wetlands and ditches in the relevant reach provide wildlife habitat and habitat diversity and food web support. Wetland K and the off-site portion of the wetland are farmed; however, Wetland J and Wetland I are shrub wetlands. Wetland J and I provide small mammal forage and cover, and small bird forage and nesting. The wetlands and ditches also have ponded water and may provide habitat for aquatic invertebrate and amphibians.

The waters in the relevant reach (Wetlands I, J, and K and ditches) have more than a speculative or insubstantial effect on the chemical, physical, and/or biological integrity of a TNW; and therefore have a significant nexus to a TNW and are waters of the U.S.

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 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: Based on the size of the ditches, their association with the high water table of adjacent wetlands, the slope and contributing basin of the area, and the climate (precipitation) of western Washington, the ditches are expected to flow at least "seasonally" (e.g., typically 3 months) during the winter-spring.

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

☒ Tributary waters: **425** linear feet **3** 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: _____ 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: _____

☒ 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: Two wetlands directly abut an RPW: (1) Wetland E continues off-site and the area off-site and its connections could not be verified. Based on the available information it appears Wetland E abuts ditches and/or streams that flow to the Snoqualmie River. (2) Wetland J and K are actually a single wetland where the majority of the wetland is located off-site and outside the Review Area. The two lobes of the wetland that occur inside the Review Area are labeled Wetland J and Wetland K. As a single contiguous wetland, Wetland J/K abuts Ditch 3 through a culvert and abuts the offsite ditch along the west side of 273rd Avenue NE.

Provide acreage estimates for jurisdictional wetlands in the review area: **Abutting: Wetland E=0.83, Wetland J/K=0.23** 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: **Adjacent: Wetland I=0.05** acres.

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: _____ 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).

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[8] See Footnote # 3.

[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

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: 0.001 acres. List type of aquatic resource: Water feature not identified on drawings located between Wetland D and Wetland A where a plastic pipe discharges water to the soil surface. The water has surface flow for a short distance and then infiltrates into the soil.
☒ Wetlands: Wetland A, B, C, D, F, G, H and L: total 0.62 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: _____.
☒ 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 Snoqualmie 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: _____.
☐ National wetlands inventory map(s). Cite name: _____.

[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.***

☐ State/Local wetland inventory map(s): _____
☐ FEMA/FIRM maps: _____.
☐ 100-year Floodplain Elevation is: _____ (National Geodectic Vertical Datum of 1929)
☒ Photographs: ☐ Aerial (Name & Date): _____
or ☒ Other (Name & Date): Site visit photos dated 1 May 2014.
☐ Previous determination(s). File no. and date of response letter: _____.
☐ Applicable/supporting case law: _____.
☐ Applicable/supporting scientific literature: _____.
☒ Other information (please specify): Corps site visit inspection memorandum (see Section IV. B.).

B. ADDITIONAL COMMENTS TO SUPPORT JD:

Jurisdictional Determination Site Visit

Site Visit Date: 1 May 2014

Inspectors: Joe Brock, Corps, Senior Scientist and report author
Suzanne Anderson, Corps, Project Manager
Stephanie White (former Corps Project Manager)

Others present: Jim Carsner, Soundview Consultants, consultant for applicant

1. The Corps provided an Approved Jurisdictional Determination (AJD) for this site on 13 March 2009 (NWS-2008-1029). That AJD determined that two wetlands were not waters of the U.S. and that all other wetlands and ditches were waters of the U.S. The previous AJD expired on 13 March 2014. The Review Area for the pending AJD does not include the southwest portion of the site, which was included in the previous AJD. In addition, Soundview Consultants prepared a new wetland delineation for this site as described in the report *Wetland Assessment And Draft Mitigation Plan Jones Wald Property – Toll WA LP* dated November 2013. The wetland boundaries of the new delineation are a narrower construct than the previous delineation; however, based on my review and site inspection the wetland boundaries are reasonable for those wetlands determined to be waters of the U.S.

2. The project site and JD Review Area consist of seven tax parcels in the City of Duvall. The site is located off of NE Big Rock Road, which at this location is the southern city limit of Duvall. The two tax parcels that abut NE Big Rock Road have structures (houses and outbuildings), but the rest of the site is undeveloped pasture and forest land. Most of the western portion of Duvall is developed with single-family residential housing lots. The proposed project is to continue this trend and develop the site with residential lots. The site slopes to the west towards the Snoqualmie Valley, but the site itself is on a topographic bench and has areas that are flat and areas that are gently sloping. The site on this bench is identified in the Soundview Consultants Technical Memorandum dated 19 August 2013 as being located in three separate sub-basins. In the memo these were labeled Basin A, B and C. Basin A in the northwestern portion of the site (Wetland E and D vicinity) flows indirectly to Coe-Clemons Creek. Basin B in the western portion of the site (Wetland A, B, and C vicinity) flows indirectly to Thayer Creek. Basin C in the southern portion of the site (Wetland F-L vicinity) flows to Weiss Creek. All three basins eventually drain to the Snoqualmie River.

3. On 1 May 2014 we conducted a site visit to review the wetland boundaries and to evaluate whether the wetlands/ditches are waters of the U.S. The tax parcel which currently has a residence is at 27116 NE Big Rock Road; however, we accessed the site from the adjacent parcel to the east at 14104 – 273rd Avenue NE (private gravel drive) and parked in the vicinity of Wetland J. The following is a description of the site visit and observations in the general order of how we inspected the site:

Ditches: Three ditches are labeled on the drawings and in the November 2013 report prepared for this site. Ditch #1 is located on the north side of NE Big Rock Road and appears to actually be off-site in the road right away. This ditch is described as receiving stormwater. Ditch #1 was flowing on the date of the site visit and the bottom of the ditch was scoured with sorted gravel. Based on my observations, Ditch #1 is an RPW and contributes its flow to Weiss Creek and eventually to the Snoqualmie River.

Ditch #2 and Ditch #3 are labeled as two separate ditch segments, but based on the site visit this is a single ditch. Ditch #3 flows southerly along the east side of an old road grade. Ditch #3 had a small amount of flowing water on the day of the site visit discernible by ripples of flow on the water surface. The drawings provided identify a 12-inch culvert between Ditch #3 and Wetland J. Ditch #3 continues south and is re-labeled as Ditch #2. Ditch #2 flows into a 12-inch culvert that continues off-site to the south and under 273rd Avenue NE. The Ditch #2 culvert outlets into a ditch along the east side of 273rd Avenue NE (see Photo 3). Drainage ditches are located on both sides of 273rd Avenue NE and convey their flow south to Ditch #1.

Wetland J and K: Wetland J/K are a single wetland where the majority of the wetland is located off-site outside the Review Area. The areas labeled Wetland J and Wetland K are those lobes of the wetland that occur within the Review Area. Wetland J/K is a slope emergent wetland that abuts the ditch along the west side of 273rd Avenue NE. Wetland J is also connected to Ditch #2 via a culvert. Wetland K was not flagged on the day of the site visit. It is located in the southeastern part of the Review Area which is demarcated by a fence at this loctation.

At the base of the fence line is a small furrow/ditch (not on the maps) that conveys water to the south to Ditch #1. This furrow had algal mats that indicate it holds and conveys water. The area south of Wetland K and L is downslope. We opened two soil pits in this area, but the inspection did not indicate wetland characteristics south of these two wetlands.

Wetland L: From Wetland K we walked to Wetland L. Wetland L is a depressional wetland. The wetland boundaries were not flagged on the day of the site visit. Wetland L is located east of the driveway access to 27116 NE Big Rock Road. A culvert is located under the driveway to convey water from Wetland K to the west. We reviewed the area to the west of the driveway. The culvert outlet does not have any channel or indications of flow. The area to the west of the driveway has old farming out buildings and the area down slope is dominated with blackberry. Wetland L is upslope of Ditch #1. Wetland L is not connected or adjacent to Ditch #1 or other waterbodies.
Wetland I: From Wetland L we walked back to our starting point at Wetland J and then proceeded north up an old road grade and also inspected Ditch #3. From here we proceeded west to Wetland I. Wetland I is as a depressional shrub wetland. Wetland I does not have a surface connection to Ditch #3. The topography between Wetland I and Ditch #3 is generally flat. Wetland I is adjacent to Ditch #3.

Wetland H: Wetland H is identified as a shrub depressional wetland. Wetland H does not have a surface connection to Wetland I or to Ditch #3. Wetland H is adjacent to another wetland (Wetland I), but is upslope and is not adjacent to Ditch #3.

Wetland F: Wetland F is identified as a shrub depressional wetland. Wetland F does not have a surface connection to Wetland H or to Ditch #3. Wetland F is adjacent to another wetland (Wetland H), but is upslope and is not adjacent to Ditch #3. During the inspection we examined a soil pit between the boundary of Wetland H and F. The inspection confirmed an upland break between the two wetlands.

Wetland G: Wetland G is identified as a shrub depressional wetland. Wetland G does not have a surface connection to Wetland F or to Ditch #3. Wetland G is adjacent to another wetland (Wetland F), but is upslope and is not adjacent to Ditch #3.

Due to the thick vegetation we did not inspect all of the wetland boundaries for Wetlands F, G, H, and I. We generally looked at the eastern portion of the wetlands or crossed through the middle of the wetlands. Based on the vegetation between the wetlands and our sample to inspect the soils and the presence of hydrology, delineating these areas into separate wetlands is reasonable. These wetlands are in a forested area, but were identified as shrub wetland.

From the Wetland F-G-H-I area we proceeded northwest to the southwest edge of Wetland E.

Wetland E: Wetland E is identified as a forested depressional wetland and it continues off-site to the north. Much of the upland buffer around Wetland E is also forested. We followed the southern boundary of Wetland E to the east. This portion of the wetland boundary is relatively distinct based on a change in topography. Due to the thick vegetation we did not inspect the wetland boundary line of the eastern part of Wetland E. From Wetland E we walked to and inspected Wetland D and continued north to the boundary of the Review Area and then east along the property line to the edge of Wetland E. We did not walk the western boundary line of Wetland E, due to thick vegetation.

Wetland D: Wetland D is identified as a shrub, depressional wetland. Wetland Wetland D does not have a surface connection to Wetland E. Wetland D is adjacent to another wetland (Wetland G), but is not adjacent to any other waters.

From Wetland G we continuedwesterly towards Wetland A. Located east of Wetland A is a water feature not identified on the delineation map. A black plastic pipe protrudes from the ground and discharges flowing water. The consultant did not know the origin of the pipe. Water from the pipe flows across the ground in a distinct channel for about 20-25 and ends in a small pool. Water at the pool apparently infiltrates into the ground, because there were no further surface flows or channels leading out of the pool (Photos 5 and 6).

Wetland A-B-C: Wetland A-B-C is identified as a shrub slope wetland. On the day of the site visit, water was flowing down the wetland swale from east to west. Portions of the wetland appear to be an old ditch line. We traversed all of Wetland A-B-C from east to west. Due to the limited time on site, we did not inspect samples to verify the boundaries of Wetland A-B-C. At the western end of this wetland swale the topography steepens. The western end of this wetland swale was delineated into three separate wetlands connected by a flowing channel (Photo #8); however, based on observations this wetland swale is most like a single wetland.

Water surface flow in Wetland A-B-C ends at the western end of the swale. I specifically inspected the area immediately west and down slope of Wetland C. This area is also swale-shaped, but it is not a wetland and did not show any signs of water flow (i.e., lacked pushed over vegetation, lacked a scour channel.) Wetland C does not have a surface water outlet.

From Wetland C we continued down slope to the west on an old road grade. The road grade is bordered by a shallow ditch to the south. In the vicinity of a pump house on the boundary of the Review Area the ditch begins to exhibit erosion features approximately six inches wide from surface flow; however, there was no surface flow on the day of the site visit. We did not measure the distance from Wetland C to where this road grade ditch begins to exhibit erosion/flow characters, but based on the site maps it is about 150 feet west and down slope of Wetland C. We continued down the road grade and off the site to where it meets a north-south road grade that extends from 268th Avenue NE. This road bisects the slope of the topography and had ditches on each side. This area is at the bottom of the slope and the ditches had flowing water on the day of the site visit.

Wetland A-B-C is located upslope of these road side ditches and is not adjacent to these ditches or another water of the U.S.

The Technical Memorandum dated 19 August 2014 prepared by Soundview Consultants comments about the application of dye to Wetland A-B-C and that the dye was not observed in the ditches located down slope. However, the 19 August 2014 memo did not include any materials or methods discussion describing a dye test. As a result, the comment regarding the application of dye to this wetland is not a factor in this jurisdictional determination.

4. Summary: The wetlands and waters in the Review Area will be documented on an Approved Jurisdictional Determination form for the following categories based on the on-site inspection conducted on 1 May 2014:

Relatively Permanent Waters (RPW): Ditch #1, #2 and #3
Wetlands abutting an RPW: Wetland J/K and Wetland E
Wetlands adjacent to, but not abutting an RPW: Wetland I
"Isolated" wetlands: Wetlands A, B, C, D, F, G, H, and L

JURISDICTIONAL DETERMINATION COORDINATION:

On 7 August 2014 the draft approved JD and supporting information was emailed to EPA Region 10 and Corps Regulatory HQ. In accordance with our current coordination procedures for significant nexus determinations, if EPA does not respond in 15 days we can proceed to finalizing the JD. The 15-day time period ended on 21 August 2014 and EPA did not respond. However, this JD also includes isolated waters coordination, which has a 21-day time period for EPA and/or HQ to respond and the time period ended on 27 August 2014. On 27 August 2014 EPA responded and concurred with the draft JD. HQ did not respond and the time period expired.