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

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): January 7, 2014**.**

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: **Seattle District,** Wig PropertiesLLC, NWS-2013-146.
Name of water being evaluated on this JD form: _____

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: Washington County: Thurston City: Lacey
Center coordinates of site (lat/long in degree decimal format): Lat: 47.064183 **N**, Long: -122.785076 **W**
Universal Transverse Mercator: .
Name of nearest waterbody: Woodland Creek.
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Puget Sound.
Name of watershed or Hydrologic Unit Code (HUC): 17110015.
☒ 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 September 2013 and 4 February 2013.

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 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: _____ 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: **The review area is located in between the Nisqually River valley, 2.75 miles to the east, and the Woodland Creek drainage area, 1.25 miles to the west. The center of the review area is at an approximate elevation of 230-feet above sea-level in comparison to the 80-feet above sea-level elevation of Woodland Creek (WC), the closest Water of**

[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.

the U.S. Britton Parkway borders the area to the north, I-5 borders the south, Marvin Road on the east and a gravel mine operation to the west. The Cabellas retail store and access road is located in the center of the review area. The review area consists of hummocks and the wetlands delineated were depressional wetlands at the northeast (NE) corner, indentified as wetlands A, C, D, E,I, J, K, and L, and the northwest (NW) corner of the property indentified as wetlands B, F, G, and H. The NE corner of the review is primarily uplands dominated by Douglas fir with lesser amounts of Oregon white oak and big-leaf maple. The understory vegetation is dense, with salal, hazelnut, Oregon grape and ocean spray. The NW corner area is dominated by trailing blackberry, Scot's broom, Himalayan blackberry, and bentgrass. The NW corner area appears to be reminants of a gravel mining operationwith random hills of gravel covered with vegetation. There are five soil mapping units on the site; Alderwood gravelly sandy loam, Everett very gravelly sandy loam, Indianola loamy sand, Indianola loamy sand, and Spanaway gravelly sandy loam. All five soil mapping units are moderately to excessively drained soils. None are listed as hydric. The source of the wetland hydrology comes from precipitation.

The NE and NW wetlands are closed depressional wetlands that have no visible inlet or outlet that would allow for surface flow between wetlands even during high precipitation events. Wetland L is located north across Britton Parkway from the other wetlands and also has no visable inlet or outlet for surface flow. There were no observed indicators of any shallow sub-surface hydrologic connection between the wetlands with WC. Given the disturbed nature of any of these wetlands and the lack of surface or shallow subsurface flow of water to waters of the U.S., the wetlands do not contribute to the chemical, biological, or physical integrity of WC.

None of the wetlands A-L have any current or potential use for interstate or foreign commerce associated with recreation, fish, and shellfish harvest, industrial, agricultural, or silvicultural uses.

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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: 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).
☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: _____.

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[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.*

☐ 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: 12 wetlands totaling 0.5 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: 1/23/2013.
☒ 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: _____
☐ 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 Geodectic 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): Salmonscape and Google Earth accessed 24 October 2012.

B. ADDITIONAL COMMENTS TO SUPPORT JD: Corps Office of Council and EPA concured with our determination that the wetlands are isolted. No response was received from HQ. .