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

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 13 July 2012**.**

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: **Seattle District,** Everett, City of, NWS-2012-668..
Name of water being evaluated on this JD form: Unnamed tributary to Powder Mill Creek

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: Washington County: SnohomishCity: Everett
Center coordinates of site (lat/long in degree decimal format): Lat: 47.56.49 **N**, Long: -122.16 **W**
Universal Transverse Mercator: .
Name of nearest waterbody: Powder Mill Creek.
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Puget Sound.
Name of watershed or Hydrologic Unit Code (HUC): 17110019.
☒ 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: 13 July 2012.
☐ Field Determination. Date(s): _____.

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: 800 linear feet 8-12 width (ft) and/or _____ acres.
   Wetlands: _____ acres.

   c. **Limits (boundaries) of jurisdiction** based on: **Established by OHWM.** 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: _____.

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[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 – 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:

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: _____. Describe flow path to a TNW: From the project area, the unnamed stream flows west for about 1,000 feet until it reaches Powder Mill Creek in Powder Mill Gulch where it runs north for 3,000 feet until emptying into the Puget Sound.

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

☒ Tributary waters: **500** linear feet **8-12** 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: _____

Provide acreage estimates for jurisdictional wetlands in the review area: _____ acres.

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): 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):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: City of Everett/Amec.

☐ 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): Amec (June 2012)

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: _____.