

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 25 May 2017

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CENWS-ODR, Hanson Building and Development Inc. (Chestnut Montessori School)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Washington County/parish/borough: King County City: Kirkland

Center coordinates of site: Lat. 47.692337°, Long. -122.180033°

Township: S: 33 | T: 26N | R: 5E

Name of nearest waterbody: Forbes Creek

Name of watershed or Hydrologic Unit Code (HUC): Cedar River – Lake Washington Watershed

- Check if map/diagram of review area is 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.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date: 23 May 2017
 Field Determination. Date(s): 16 May 2017

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.

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.

SECTION III: 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: Wetland delineation prepared by The Watershed Company, dated 17 October 2016; Two site maps dated 22 August 2016, and 30 August 2016.
 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:
 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): “NWS-2017-236 Aerial - April 2015.pdf”, “NWS-2017-236 Aerial - January 2017.pdf”, “NWS-2017-236 Aerial - July 2014.pdf”
 or Other (Name & Date): “Lot K and Lot 10 property pictures 009.jpg”, “Surface Profile.JPG”, “Surface water ponding.JPG”, “Surface vegetation.JPG”, “Soil Profile within delineated wetland B.JPG”, “Soil Profile outside of delineated wetland B.JPG”
 Previous determination(s). File no. and date of response letter:
 Applicable/supporting case law:
 Applicable/supporting scientific literature:
 Other information (please specify): Email from Paul Anderson of the Washington State Department of Ecology, dated 11 January 2017: “Wetlands B and E not regulated as waters of the state.”

¹ This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:

On 13 March 2017, the Seattle District received a request for an approved jurisdictional determination (JD) at 10239 Slater Avenue Northeast, Kirkland, Washington 98033 from Mr. Paul Hanson. A site visit was conducted to determine whether or not wetlands are present within the project site, and if wetlands do exist, if they are waters of the U.S. regulated under Section 404 of the clean water act.

A wetland delineation report was prepared by The Watershed Company, dated 17 October 2016. The report identified two areas as potential wetlands, but not likely waters of the U.S. due to lack of outlet or other surface water connection to other waters of the U.S. Those two delineated areas, identified as Wetland B and Wetland E, were the site of horse barns until early 2016. Soil beneath the barns was subjected to decades of compaction from horses and equipment use, and have been daylighted for less than two years.

The areas identified as Wetland B and Wetland E were assessed during a field investigation on 16 May 2017. Weather was sunny with a temperature around 65 degrees Fahrenheit. Attendees were: Brandon Clinton, Andrew Shuckhart, Kaitlyn White (Corps); Scott Brainard (Wetland Resources, Inc.); Paul Hanson (applicant); Kim Lohnes (property owner).

The site visit was conducted in a wetter than normal season with record rainfall. The entire site had 1 to 2 inches of standing surface water, however test pits dug within the delineated areas were all dry past a depth of 8 inches. Standing water appeared to have resulted from compaction of the surface; no saturation was observed. An 18-inch test pit in Wetland B did show redoximorphic soil features at a depth of 14 inches, however the profile was dry past the first 6 inches and there was no visible water table.

Vegetation present at the time of the field investigation was mostly consistent with the facultative species listed in the wetland delineation report. *Ranunculus repens* (FAC) was dominant over the delineated areas, and most of the site was covered with field grasses including small patches of *Phalaris arundinacea* (FACW). *Persicaria maculosa* (FACW), *Trifolium repens* (FAC), and *Plantago major* were also represented in similar proportions to the delineation. No occurrence of *Scirpus microcarpus* (OBL) was observed in the delineated areas during the time of the site visit.

Additionally, Wetland B and Wetland E do not have surface water connections, shallow subsurface water connections, or ecological connectivity to navigable or interstate waters of the U.S. Hydrological input to the areas derives from precipitation.

The areas identified as Wetland B and Wetland E are not jurisdictional waters of the U.S. because they do not meet the Corps' criteria to be considered wetlands. These areas are uplands and not regulated under Section 404 of the Clean Water Act.