

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

Wetland A

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** 28 April 2017.

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Seattle District, Chelan County Pulic Works Department (West Cashmere Bridge), NWS-2017-0087.

Name of water being evaluated on this JD form: Wetland A

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

State: Washington County: Chelan City: Cashmere

Center coordinates of site (lat/long in degree decimal format): Lat: 47.52873 N, Long: -120.4898 W

Universal Transverse Mercator: 10.

Name of nearest waterbody: Wenatchee River.

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Columbia River.

Name of watershed or Hydrologic Unit Code (HUC): 170200110707.

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: 8 March 2017.

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 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):<sup>1</sup>**

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters<sup>2</sup> (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):<sup>3</sup>**

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **The subject area is a wetland (Wetland A) established solely due to the presence of excess water from a leaking domestic supply pipe. Wetland A does not have a surface water or shallow subsurface connection or ecological**

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> 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).

<sup>3</sup> Supporting documentation is presented in Section III.F.

**connectivity to other navigable or interstate waters of the U. S. or tributaries of waters of the U. S. The subject wetland is not used by interstate or foreign travelers for recreational purposes, has no habitat or resources of special significance which would attract interstate or foreign travelers, lacks bird and wildlife species of special significance which would attract interstate or foreign travelers, supports no fish or shellfish which could be taken or sold in interstate or foreign commerce, and is not used for industrial, agricultural, or silvicultural activities involving interstate or foreign commerce. See Section B for additional information.**

**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):<sup>4</sup>

- 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: \_\_\_\_\_.
- 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: 0.04 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: Grette Associates (consultant) 14 November 2016.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.

<sup>4</sup> 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.

- 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: 1:24,000 Cashmere, Washington
- USDA Natural Resources Conservation Service Soil Survey. Citation: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx (queried 8 March 2017).
- National wetlands inventory map(s). Cite name: https://www.fws.gov/wetlands/data/Mapper.html (queried 8 March 2017).
- State/Local wetland inventory map(s): \_\_\_\_\_
- FEMA/FIRM maps: \_\_\_\_\_.
- 100-year Floodplain Elevation is: \_\_\_\_\_ (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Google Earth and Grette Associates wetland report dated 14 November 2016  
or  Other (Name & Date): Grette Associates wetland report dated 14 November 2016, site photos dated 17 March 2017.
- Previous determination(s). File no. and date of response letter: \_\_\_\_\_.
- Applicable/supporting case law: \_\_\_\_\_.
- Applicable/supporting scientific literature: \_\_\_\_\_.
- Other information (please specify): Flood Hazard Map queried 8 March 2017  
(https://fortress.wa.gov/ecy/coastalatlantools/map.aspx?ZoomOptions=County|Chelan).

#### **B. ADDITIONAL COMMENTS TO SUPPORT JD:**

Site Description: The subject property is highly disturbed and includes a derelict building, concrete, and compacted gravel driveway areas that surround the small patch of wetland. The source of hydrology to the wetland is a leaking PVC pipe (shown in photos included in the project file) which supplied drinking water to a former house (likely fruit worker housing) on the property which was demolished between 2006 and 2009.

Wetland Delineation: A wetland delineation was conducted by Grette Associates LLC on 28 September 2016 which identified the boundaries of Wetland A. Findings from the delineation are summarized below.

#### Soils:

Soils on the subject property are mapped as Cashmont sandy loam, 3-8% slopes, which are well-drained soils formed from alluvium or glacial deposits. Cashmont sandy loam is not listed as a hydric soil on the Chelan County hydric soils list.

#### Observed soils:

Wetland - 10YR2/2 very dark brown stony sandy loam from 0-14" (no redox features / problematic hydric soil). Soil elicited a positive alpha-alpha dipyrindyl test, indicating reduced iron.

Upland- 10YR3/3 dark brown stony loam with no redox features from 0-8".

#### Hydrology:

Observed hydrology indicators include surface saturation and the presence of reduced iron from the a-a dipyrindyl test described above.

Besides the leaking pipe, no other hydrologic sources or indicators have been observed to the wetland, such as from shallow groundwater or overland flow from stormwater or surface water flooding. The wetland formed by the leaking water is bounded by a local roadway and there is no off-site flow beyond this point.

#### Vegetation:

Wetland A - Typha latifolia (OBL, 50%), Rumex crispus (FAC, 10%), Epilobium ciliatum (FACW, 20%)

Upland - Plantago lanceolata (FAC, 15%), Tragopogon dubuis (UPL, 5%), Lactucna seriola (FACU, 5%), Centaurea diffusa (UPL, 1%)

#### Jurisdictional Determination:

Wetland A does not have a surface water or shallow subsurface connection or ecological connectivity to other navigable or interstate waters of the U. S. or tributaries of waters of the U. S. The subject wetland is not used by interstate or foreign travelers for recreational purposes, have no habitat or resources of special significance which would attract interstate or foreign travelers, lacks bird and wildlife species of special significance which would attract interstate or foreign travelers, supports no fish or shellfish which could be taken or sold in interstate or foreign commerce, and are not used for industrial, agricultural, or silvicultural activities involving interstate or foreign commerce.

Wetland A is isolated and is not a water of the U. S. under Section 404 jurisdiction

JD sent to EPA R10 for 45 day review on 4 May 2017. No responses received.

Version 2-8-08 Isolated & Non-Waters Only

