

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

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** June 4, 2008

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Seattle District, Bethel School District, NWS-2007-2067-SO.  
Name of water being evaluated on this JD form: Wetland

A

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

State: Washington County: Pierce City: Graham

Center coordinates of site (lat/long in degree decimal format): Lat: 47.054664 **N**, Long: -122.285407 **W**

Universal Transverse Mercator:

Name of nearest waterbody: Clover Creek.

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

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: \_\_\_\_\_.

Field Determination. Date(s): 1/4/2008 & 5/14/2008.

**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): \_\_\_\_\_.

<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).

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: As described in two attached technical memorandums, prepared by Sitts & Hill Engineers and E3RA Geologists, water from wetland A flows via a ditch and culvert system to a regional infiltration area.

Wetland A Only Discharges to the Ditch/Culvert System

The western portion of wetland A lies on the Bethel School District Site. The wetland extends offsite to the east on to a farm.

Wetland A is directly abutting the ditch at the Bethel School Site. The U.S. Army Corps of Engineers performed a field inspection of Wetland A in January 2008. The Corps created a wetland boundary map (exhibit 5), delineating the on-site extent of wetland A. Wetland a continues off-site to the east on to a farm. A review of the LIDAR map of the subject wetland (exhibit 9) shows that while the wetland A does continue off-site to the east, the terrain to the east rises sharply at the eastern edge of the farm property, approximately 10 feet. The lowest point of wetland A lies on the Bethel School site, and water from wetland A discharges into the ditch and continues via the culvert system to the infiltration area. There is no indication of any discrete surface water connection or sheet flow to the ditch system associated with 224th Street.

Culvert System Flow

The ditch flows under 108th Street in a culvert, which discharges to in another culvert that traverses a vacant lot. This culvert ends at 106th Street, which it discharges into a ditch, which in turn flows under 106th Street and a church property. This culvert empties into a stormwater system vault near 224th Street. Pierce County engineers have determined that water entering the stormwater vault at 224th Street flows to the infiltration site (see exhibit 2).

Infiltration Area

Water discharges from the culvert system into a ditch that descends into the infiltration area, see exhibit 13.

Most of the soils in the infiltration area are Everett gravelly sandy loam (exhibit 3), a continental glacial drift soil deposition (exhibit 7) noted as having a high permeability (Graham Ground Water Study). The southeastern boundary of the infiltration area is a 14 foot high linear hill, while the other two sides of the infiltration area are abutting a trailer part to the west and subdivision to the north. A berm, approximated two feet high, separates the infiltration area from both the trailer park and subdivision. The only outlet that the Corps was able to find during a field review of the infiltration area in May 2008 site visit was an 24 inch culvert that passed from the infiltration area through the berm directly on to the road prism of 222nd Street East (see attached photograph). There was no evidence that water had been recently discharged recently, and there were no ditches along 222nd Street that could convey water to another location. The Graham Ground Water Study notes that at times when the infiltration area had ponded water, the surrounding residential areas did not experience any flooding, confirming that there are no discrete surface water outlets or overland sheetflow outlets. The lowest portion of the infiltration area lies in the northwest corner, (see LIDAR of infiltration area, exhibit 8). The infiltration area lies in an area identified in a 1997 USGS report, attached, as never having developed and surface water streams. The closest RPW in the hydrologic basin (see exhibit 12) is Clover Creek, which is approximately 4 miles to the northwest. The land in-between the infiltration area and Clover Creek is contains the Kirby Channel, a glacial outwash channel that has never developed any streams (USGS 1997).

While the infiltration area discharges into the shallow ground water table in the area (Pierce County Ground Water Study), this ground water only connects to other geographically isolated waters in extreme ground water flood events. Extensive groundwater studies have been undertaken in the area that have shown that groundwater in the area flows northwest to the Kirby Channel Basin (see exhibit 14). This area of the Kirby Channel is noted to be dotted with numerous lakes and ponds, all of which are groundwater fed, and have no outlet (USGS 1997). If any of these groundwater fed lakes or ponds had a discrete surface water connection to a water of the U.S., or even an overland sheetflow connection outside of the Kirby Channel Basin, then the area would not experience the transient ground-water flooding described in the USGS report (where groundwater flooding moves progressively further down the outwash channel with no surface flow between the low spots where the groundwater surfaces).

There are no known connections of Wetland A to interstate of foreign commerce. There are no trees in the wetland that are commercially logged. There is not a fish population within the wetland or culvert system. While farming is conducted in the off-site portion of wetland A, farming is not a water dependent activity.

SECTION III: CWA ANALYSIS

<sup>3</sup> Supporting documentation is presented in Section III.F.  
Version 2-8-08 Isolated & Non-Waters Only

- 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).
- 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: ~4.5 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: \_\_\_\_\_.
- 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: Prepared by Casey Ehorn CENWS-OD-RG Dated 6-4-2008.
- 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: Google Earth Mapping.
- State/Local wetland inventory map(s): \_\_\_\_\_
- FEMA/FIRM maps: \_\_\_\_\_.

<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.

- 100-year Floodplain Elevation is: \_\_\_\_\_ (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Google Earth  
or  Other (Name & Date): \_\_\_\_\_.
- Previous determination(s). File no. and date of response letter: \_\_\_\_\_.
- Applicable/supporting case law: \_\_\_\_\_.
- Applicable/supporting scientific literature: USGS "Ground-Water Flooding in Glacial Terrain of Southern Puget Sound, Washington" - Attached.
- Other information (please specify): \_\_\_\_\_.

**B. ADDITIONAL COMMENTS TO SUPPORT JD: \_\_\_\_\_.**