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

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 12 February 2008

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Seattle District – Schneider, David, NWS-2008-119-NO

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State:WA County/parish/borough: Skagit City: Alger
Center coordinates of site (lat/long in degree decimal format): Lat. 48° 38' 38.37" **N**, Long. 122° 22' 53.74" **W**.
Universal Transverse Mercator: Zone 10 N E
Name of nearest waterbody: Friday Creek
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Samish Bay
Name of watershed or Hydrologic Unit Code (HUC): Strait of Georgia, 17110002

- ☒ 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.

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

- ☒ Office (Desk) Determination. Date: 12 February 2008
- ☐ Field Determination. Date(s): 1 February 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** "*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: Stream - 3, 450 linear feet: 2 feet wide (avg.) – 0.16 acre
Pond – 0.57 acre
Wetlands: 0.67 acres (Wetlands A-D only).

NOTE: No jurisdictional determination for wetland X – not affected by project and will be protected from future development by conservation easement. Wetland X appears to drain south toward Bear Creek; a separate drainage than that evaluated in this document.

c. Limits (boundaries) of jurisdiction based on: **1987 Delineation Manual**
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

1. TNW

Identify TNW:
Summarize rationale supporting determination:

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional**.** If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation**.** Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 955 **square miles**
Drainage area: 125 **acres**
Average annual rainfall: 35 inches
Average annual snowfall: 16 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

☐ Tributary flows directly into TNW.
☒ Tributary flows through **3** tributaries before entering TNW.

Project waters are **2-5** river miles from TNW.
Project waters are **Pick List** river miles from RPW.
Project waters are **2-5** aerial (straight) miles from TNW.
Project waters are **Pick List** aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW[5]: Waters flow east for 0.65 miles through a manipulated drainage course and road side ditch before converging with Friday Creek, which flows in a southerly direction for 8.67 miles before entering the Samish River, which then flows 9.51 miles before entering Samish Bay.
Tributary stream order, if known: 1st.

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☒ Artificial (man-made). Explain: Ditch along Summerland/Nulle Roads is man made.
☒ Manipulated (man-altered). Explain: Area immediately downstream of the subject wetland has been excavated for use as a stock pond; Natural drainages in the project vicinity, including the outlet to the stock pond, have been partially channelized and directed into the road side ditch which conveys water to Friday Creek.

Tributary properties with respect to top of bank (estimate):
Average width: 5 feet
Average depth: 3 feet

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.
[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Average side slopes: **3:1 .**

Primary tributary substrate composition (check all that apply):

- ☒ Silts
- ☒ Sands
- ☐ Concrete
- ☒ Cobbles
- ☒ Gravel
- ☐ Muck
- ☐ Bedrock
- ☐ Vegetation. Type/% cover:
- ☐ Other. Explain: .

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Stable banks over most of reach.
Presence of run/riffle/pool complexes. Explain: .
Tributary geometry: **Relatively straight**
Tributary gradient (approximate average slope): 3 %

(c) Flow:
Tributary provides for: perennial flow
Estimate average number of flow events in review area/year: continuous
Describe flow regime: **Persistent flow for approximately 5 months out of the year with peak flows from mid-November to mid-March**.
Other information on duration and volume: .

Surface flow is: **Discrete and confined.** Characteristics: .

Subsurface flow: **Unknown**. Explain findings: .
☐ Dye (or other) test performed: .

Tributary has (check all that apply):

- ☒ Bed and banks
- ☒ OHWM[6] (check all indicators that apply):
  - ☒ clear, natural line impressed on the bank
  - ☐ changes in the character of soil
  - ☒ shelving
  - ☒ vegetation matted down, bent, or absent
  - ☐ leaf litter disturbed or washed away
  - ☐ sediment deposition
  - ☐ water staining
  - ☐ other (list):
  - ☐ the presence of litter and debris
  - ☒ destruction of terrestrial vegetation
  - ☐ the presence of wrack line
  - ☒ sediment sorting
  - ☐ scour
  - ☐ multiple observed or predicted flow events
  - ☐ abrupt change in plant community
- ☐ Discontinuous OHWM.[7] Explain: .

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- ☐ High Tide Line indicated by:
  - ☐ oil or scum line along shore objects
  - ☐ fine shell or debris deposits (foreshore)
  - ☐ physical markings/characteristics
  - ☐ tidal gauges
  - ☐ other (list):
- ☐ Mean High Water Mark indicated by:
  - ☐ survey to available datum;
  - ☐ physical markings;
  - ☐ vegetation lines/changes in vegetation types.

(iii) Chemical Characteristics:
Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Explain: Water is clear and water quality is good. Tributary conveys water from natural sources and runoff from agricultural/residential lands and roads.
Identify specific pollutants, if known: petrochemicals and fecal choliform.

(iv) Biological Characteristics. Channel supports (check all that apply):
☒ Riparian corridor. Characteristics (type, average width): Corridor from wetland to pond is dominated by field grasses; Corridor from pond to road side ditch is primarily tree and shrub cover; corridor along road is grasses along road shoulder and mixed grasses/shrubs along opposite bank.
☐ Wetland fringe. Characteristics: .
☒ Habitat for:
☒ Federally Listed species. Explain findings: Puget Sound steelhead and Chinook identified as using Friday Creek for spawning and rearing.
☐ Fish/spawn areas. Explain findings: Subject reach and downstream areas have riffle/pool complexes used by

[6] A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
[7] Ibid.

spawning salmonids. Friday Creek contains Essential Fisheries Habitat (Magnuson-Stevens Fishery Conservation and Management Act designation) for coho salmon

☐ Other environmentally-sensitive species. Explain findings: .

☐ Aquatic/wildlife diversity. Explain findings: Diversity of aquatic species in Tributary rated moderate to high by WA Department of Fish & Wildlife.

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: .

Surface flow is**: Pick List**

Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

☐ Directly abutting

☐ Not directly abutting

☐ Discrete wetland hydrologic connection. Explain: .

☐ Ecological connection. Explain: .

☐ Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List.**

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .

Identify specific pollutants, if known: .

(iii) Biological Characteristics. Wetland supports (check all that apply):

☐ Riparian buffer. Characteristics (type, average width): .

☐ Vegetation type/percent cover. Explain: .

☐ Habitat for:

☐ Federally Listed species. Explain findings: .

☐ Fish/spawn areas. Explain findings: .

☐ Other environmentally-sensitive species. Explain findings: .

☐ Aquatic/wildlife diversity. Explain findings: .

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately ( ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)

Summarize overall biological, chemical and physical functions being performed: .

C. SIGNIFICANT NEXUS DETERMINATION

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   ☐ TNWs: linear feet width (ft), Or, acres.
   ☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**
   ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
   ☒ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: **Per information provided by consultant and local property owners, drainage channel across subject property and road side ditch to Friday Creek has persistent flow for 5 months out of the year with peak flows from mid-November to mid-March.**

   Provide estimates for jurisdictional waters in the review area (check all that apply):
   ☒ Tributary waters: **3, 450 linear feet: 2 feet wide (avg.) – 0.16 acre**
   ☒ Other non-wetland waters: **0.57** acres.
   Identify type(s) of waters: **Pond**.

3. **Non-RPWs[8] that flow directly or indirectly into TNWs.**
   ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

   Provide estimates for jurisdictional waters within the review area (check all that apply):
   ☐ Tributary waters: linear feet 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:
   ☒ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: **The document titled "*Wetland Delineation for 118 Bear Creek Lane,*" revision dated January 30, 2008 identifies the boundary of onsite wetlands as extending to the edge of the OHW of the unnamed tributary (drainage channel) of Friday Creek with no intervening uplands, berms, etc..**

   Provide acreage estimates for jurisdictional wetlands in the review area: **0.67 acre.**

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

[8]See Footnote # 3.

☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

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

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

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

7. Impoundments of jurisdictional waters.[9]

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

☐ Demonstrate that impoundment was created from "waters of the U.S.," or
☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

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):[10]

☐ 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 (CHECK ALL THAT APPLY):

☐ 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: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (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: 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):

[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

[10] **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.***

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: project drawings, wetland delineation, and mitigation plan.
☒ 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: 7.5min, Bellingham South Quad.
☐ USDA Natural Resources Conservation Service Soil Survey. Citation: .
☐ National wetlands inventory map(s). Cite name: .
☒ State/Local wetland inventory map(s):WA Dept. of Ecology, 2001.
☐ FEMA/FIRM maps: .
☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date):WA Dept of Ecology, 2005.
  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:

Site visit date: 1 February 2008
13:30 – 14:30
Weather – Clear, sunny, very cold – ground and standing water partially frozen
Randel Perry (Corps)

Site Description: There are two sites associated with the proposed work – The project site where a single family residence is proposed on uplands and an easement site where wetland disturbance is proposed to install a water line to the applicant's property. The project site is a rectangular 10 acre parcel trending north-south and the easement site is an adjacent 80-foot wide corridor that extends across the adjoining property to the east. The subject sites are located in the south Lake Samish area in Skagit County, immediately south of the Whatcom County line. Topography in general slopes from west-southwest to east-northeast. The site is bounded by undeveloped properties to the north, south, and west and by a residential property to the east. The immediate vicinity around the site is moderately developed for residential and agricultural uses. The easement site is comprised primarily of open grassy field with a scrub/shrub community adjacent to a drainage feature along the western boundary. Property is currently maintained for forage and is regularly mowed.

There are two drainage features associated with the project; a drainage channel running from the wetlands on the easement property that conveys water to a constructed stock pond, and then north to a ditch along Summerland and Nulle Roads. The road side ditch conveys water easterly and flows into Friday Creek, the outlet channel for Lake Samish. Discussions with a local resident and staff at the PUD office on Nulle Road indicates that the drainage channel and road side ditch have continuous flow for around 5 months of the year.

Delineation: A wetland delineation was conducted by Northwest consulting LLC in November of 2007. Four wetlands (A, B, C, and D) were identified on the easement property. The northern boundary of another wetland (labeled "X") was identified on the southern half of the applicant's property.

Soils: Mapped soils are – Van Zandt very gravelly loam, 0% - 15% slopes (non-hydric)

Observed soil colors are:

Wetlands –10YR 3/1 silt loam overlying 10YR 3/2 silt loam with mottles.
Uplands – 10YR 4/6 silt loam (no mottles).

Vegetation:
Easement
Wetlands - Salmonberry (*Rubus spectabilis*), FAC
Creeping buttercup (*Ranunculus repens*), FACW
Soft rush (*Juncus effuses*),FACW
Skunk cabbage (*Lysitchiton americanus*), OBL
Reed canary grass (*Phalaris arundinaceae*) , FACW

Upland - Red alder (*Alnus rubra*), FAC
Salmonberry (*Rubus spectabilis*), FAC+
Vine maple (*Acer circinatum*), FACU-
Himalayan blackberry (*Rubus discolor*), FACU
Sword fern (*Polystichum munitum*), FACU
Western red cedar (*Thuja plicata*), FAC
Trailing blackberry (*Rubus ursinus*), FACU
Perennial ryegrass (*Lolium perenne*), FACU

Wetland acreage identified: 0.67 acres on easement property
Wetland acreage to be filled: 0.06 acre will be temporarily disturbed through excavation/sidecast actions. Trenchline will be restored.

Observations/Discussion: A site visit was conducted by Corps staff (R. Perry) on 1 February 2008. The drainage channel along the northern boundary of the easement property exhibits a clearly defined OHW (average width of 2 feet), bed, and bank. The road side ditch system that flows along Summerland-Nulle Roads is a wide, deep, routinely excavated feature that conveys water downslope to Friday Creek. Although flagging had been removed by mowing activities, Corps personnel walked around the perimeter of all wetlands as identified by the consultants at the time of the visit. Wetlands A, B, and C have developed in depressional features on the landscape. Wetland D has developed in low areas adjacent to the northern ditch. Observed wetland boundaries are defined by topography (depressions) and upland soils. The boundaries for wetlands A, B, C, and D as depicted on the drawings found in the report dated 5 June 2007 appear to be accurate. Wetlands A, C, and D exist in and adjacent to the easement line which also contains historic fill placed for an access road. These wetlands appear to be originally part of wetland B before alteration of the property. Wetland B abuts a drainage channel that flows north, through a culvert, and into a stock pond. Water from the stock pond flows through a continuation of the drainage channel northward and into the road side ditch that flows east into Friday Creek, which flows south into the Samish River, a tributary of Samish Bay.

In considering development of the site, the Corps recommended avoidance of the wetland area on the southern half. The consultant has stated that the applicant will be placing the area into a conservation easement to preclude future disturbance of the wetland and surrounding buffer.

Jurisdictional determination: Wetlands labeled A, B, C and D are abutting an unnamed RPW that flows into Friday Creek, a tributary of the Samish River, which flows into Samish Bay, a tidal waterbody used for interstate and foreign commerce. The easement site drainage channel, the road side ditch, and Wetlands A, B, C, and D are jurisdictional.
.