

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

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 12/14/2015.

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Seattle District, WGW Development , NWS-2009-1111.
Name of water being evaluated on this JD form: Wetlands A, B, C, D, E, F, G, and Channel A

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Washington County: Pierce City: Unincorporated, near Puyallup

Center coordinates of site (lat/long in degree decimal format): Lat: 47.114203 N, Long: -122.276244 W

Universal Transverse Mercator: _____

Name of nearest waterbody: Wineman Pond.

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: 12/14/2015.

Field Determination. Date(s): 11/23/2009.

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 waters² (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: 1200 linear feet 2 width (ft) and/or _____ acres.

Wetlands: 30.2 acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual, and Established by OHWM.

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: _____

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: Channel A contains indicators of Bed and Bank. Vegetation is absent within the channel and banks. Above the banks there are tree and gramanoid species. Visual observations from the applicant and Corps personnel show that flow is perennial from Wetland H to Wineman Ponds (Wetland E). Describe flow path to a TNW: Channel A is a perennial channel that flows north to Wineman Pond (Wetland E). During several months of the year water from Wineman Pond flows into a culvert under 154th Street East and flows north. The water in the channel flows north into Springfield Potholes (wetlands) before entering a pipe and continuing north to Hemlock Ponds. There are mitigation wetland sites on the south end of Hemlock Ponds that provide filtration for water entering Hemlock Ponds, which also acts as a settling basin for large particulates and sediment, thereby improving downstream water quality. Water from the pond is pumped from the top of the water column for 2 hours a day at a rate of 16 cubic feet per second, everyday between November and February, into a forced main. The force main exits at the spillway to Macmillan Ponds. The water then enters a man-made channel that flows into a small natural channel before discharging into the Puyallup River, approximately 0.2 miles upstream of the confluence of the Puyallup River and the Carbon River. The Puyallup River is navigable in its lower 3 miles.

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

- Tributary waters: 1200 linear feet 2 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 A, B, C, D, H, and F are all part of one interconnected wetland system. Wetland G is connected to Wetlands A, B, C, D, H, AND F through a culvert. Wetlands C, H, F, and E are all directly abutting the RPW (see site map).

Provide acreage estimates for jurisdictional wetlands in the review area: 30.2 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: Wetland delineation reports dated September 9 and September 11, 2009.
- 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: 7.5 minute Frederickson Quadrangle
- USDA Natural Resources Conservation Service Soil Survey. Citation: Web soil survey, accessed 12/11/2015.
- National wetlands inventory map(s). Cite name: accessed 12/11/2015.
- State/Local wetland inventory map(s): _____
- FEMA/FIRM maps: _____.
- 100-year Floodplain Elevation is: _____ (National Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Bing Maps, accessed 12/11/2015

or Other (Name & Date): _____.

- Previous determination(s). File no. and date of response letter: NWS-2009-1111, October 12, 2010.
- Applicable/supporting case law: _____.
- Applicable/supporting scientific literature: _____.
- Other information (please specify): _____.

B. ADDITIONAL COMMENTS TO SUPPORT JD: On 12 October 2010 the Corps completed an approved JD (AJD) for the project area, which included a field inspection on 23 November 2009. The AJD has since expired. The property owner has requested a new AJD and specified that the site conditions have not changed. The Corps looked at google earth aerials and observed that site conditions appear to remain the same. No new development has occurred on or around the project area. Channel A appears to flow within the same footprint as in 2009 and the wetland boundaries visible on the aerials appear to be the same as those verified in the previous AJD. Based on the aerial imagery, it is highly probable that the wetland boundaries have not significantly changed. Thus, the Corps determined that a site investigation was not necessary and that a desk determination was appropriate.