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

Wetland A, B, C, D, E, F, H, I, J, K and N

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 3 June 2015**.**

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: **Seattle District,** Pool Brothers Construction (Seasons Plat), NWS-2015-91 (JD Form 1 of 3).

Name of water being evaluated on this JD form: Wetland A, B, C, D, E, F, H, I, J, K and N

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Washington County: Pierce City: Puyallup (Fredrickson)

Center coordinates of site (lat/long in degree decimal format): Lat: 47.09923 **N**, Long: -122.32813 **W**

Universal Transverse Mercator: .

Name of nearest waterbody: Clover Creek.

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: None.

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: NWS-2015-91 Wetland G (JD form 2 of 3) and NWS-2015-91Wetland L (JD form 3 of 3)

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

☐ Office (Desk) Determination. Date: _____.

☒ Field Determination. Date(s): 25 March 2015.

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):** [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: _____ linear feet _____ width (ft) and/or _____ acres.
      Wetlands: _____ acres.

   c. **Limits (boundaries) of jurisdiction** based on: **Not applicable.** and **Not applicable.**
      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.

The total site is approximately 20 acres and consists of one parcel. The majority of the area (~ 85%) is forested land that has been subject to previous disturbing activities with overgrown dirt roads and garbage piles located throughout the property. The western boundary contains single family structures including a trailer and various outbuildings. An abandoned burnt trailer and shed are located on the interior of the property. The subject property is bounded on the north, east and south by single-family residences and undeveloped land, and on the west by 74th Avenue East and an elementary school.

On the 25 March 2015 site visit the Corps walked completely around all of the wetlands that were located entirely onsite. While not actively raining, conditions were wet as approximately 4 inches of rain fell over the week prior to the site visit. No outlets were observed at Wetland A, B, C, D, E, F, I, J or K. They appeared to be hydrologically isolated. Wetlands N and H extended slightly offsite but we were able to access them. No outlets were observed and they too appeared to be isolated. Therefore, Wetland A, B, C, D, E, F, H, I, J, K and N have been evaluated and do not have a surface or shallow subsurface flow to any other waters.

Wetland hydrology appears to be from seasonally-high groundwater table, surface sheet flow from surrounding upland areas, and precipitation. A number of the wetland boundaries had near vertical banks suggesting the wetlands were constructed. No natural or manmade outlets were observed on site.

The NRCS soil mapping lists identified two soil series on the subject property. Bellingham silty clay loam (4A) is a hydric soil and is described as a poorly drained soil formed in alluvium. Kapowsin gravelly loam (19B) is considered a non-hydric soil and is described as a moderately well-drained soil fromed in glacial till. The upland soils surrounding the isolated wetlands generally meet the description of Kapowsin soils.

On-site wetlands are primarily low quality depressional areas in second growth forest areas which do not provide significant or unique habitat that would attract out-of state travelers or that would support species federally-protected under the Endangered Species Act. The site does not provide fish or shellfish for interstate commerce. The site's small wetlands do not provide a source of water for industrial purposes. Commercial agriculture opportunities are limited by the prevalence of forested areas. The site lacks a connection to interstate or foreign commerce.

The nearest RPW from the site, an unnamed tributary of Clover Creek, is approximately 500 aerial feet northwest of the site. The unnamed tributary winds northwest to Clover Creek which winds west and then northwest until it connects with Chambers Creeks, which flows into Puget Sound, a TNW. None of the wetlands have any evidence of connections to these downstream waters. The intervening land consists of about 60% residential development and 40% forested land. Given the distance and intervening topography, the unnamed tributary of Clover Creek would never overflow into the isolated waters nor would the isolated waters ever overflow into the unnamed tributary of Clover Creek during extreme flood or storm conditions.

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):[4]

- ☐ 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):

[4] **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.***

☐ 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: 1.09 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: Wetland and Fish and Wildlife Assesment Report and Conceptual Mitigation Plan, Pool Brothers Construction-Seasons Plat, prepared by Soundview Consultants, December 2014. Updated site drawing dated 16 April 2015.
☒ 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: _____
☐ 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 Geodectic Vertical Datum of 1929)
☒ Photographs: ☐ Aerial (Name & Date): _____
or ☒ Other (Name & Date): Site photographs from 25 March 2015 field visit.
☐ 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:

Wetland A is a 13,789 square foot palustrine scrub-shrub/emergent seasonally flooded/saturated wetland. It is rated as a Category III wetland and is located on the western portion of the subject property.

Wetland B is a 901 square foot palustrine scrub-shrub, seasonally saturated wetland. It a depressional Category IV wetland located on the western portion of the subject property. The delinated boundaries of Wetland B were extended 695 square feet from the December 2014 Wetland Assessment. The revised boundary is reflected in the 16 April 2015 map.

Wetland C is a 21,286 square foot palustrine emergent, seasonally flooded/saturated wetland located on the west-central portion of the subject property. It is a depressional Category III wetland.

Wetland D is a 1,178 square foot palustrine emergent, seasonally saturated wetland located in the center of the subject property. It is a depressional Category III wetland.

Wetland E is a 1,452 square foot palustrine scrub-shrub/emergent, seasonally flooded/saturated wetland located on the north-central portion of the subject property. It is a depressional Category III wetland.

Wetland F is a 2,005 square foot palustrine emergent, seasonally saturated wetland located on the northeastern portion of the subject property. It is a depressional Category III wetland.

Wetland H, comprising an onsite area of 232 square feet, is a palustrine scrub-shrub, seasonally flooded/saturated wetland located along the south property boundary and extends off-site. It is a depressional Category III wetland.
Wetland I is a 360 square foot palustrine scrub-shrub, seasonally flooded/saturated wetland located near the southern boundary and Wetland H. It is a depressional Category III wetland.
Wetland J is a 1,051 square foot palustrine scrub-shrub, seasonally saturated wetland located on the southeast portion of the subject property. It is a depressional Category III wetland.
Wetland K is a 4,551 square foot palustrine emergent, seasonally saturated wetland located on the east-central portion of the subject property. It is a depressional Category III wetland.
Wetland N, comprising an onsite area of 578 square feet, is a palustrine scrub-shrub, seasonally saturated wetland located along the southwestern property boundary and extends offsite. It is a depressional Category III wetland.

Summary of Coordination:

EPA: This JD form, a site drawing dated 16 April 2015, and a relevant reach map were forwarded to EPA on 12 May 2015. Questions regarding the determination were received on 21 May 2015. On 22 May 2015, the Corps clarified that Wetland N is not contiguous or adjacent to a creek and therefore, maintained the determination. Additionally, the Corps clarified that Wetlands C and G are not part of the same wetland given the hydrologic separation observed during the 25 March 2015 site visit. No additional response was received from EPA within the 21 day review period. The review period has ended. Therefore, coordination is complete.

USACE Headquarters: This JD form, a site drawing dated 16 April 2015, and a relevant reach map were forwarded to HQUSACE on 12 May 2015. No response was received from HQUSACE within 21 days. The review period has ended. Therefore, coordination is complete.

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

Wetland G

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 3 June 2015**.**

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: **Seattle District,** Pool Brothers Construction (Seasons Plat), NWS-2015-91 (JD Form 2 of 3).

Name of water being evaluated on this JD form: Wetland G.

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Washington County: Pierce City: Puyallup (Fredrickson)

Center coordinates of site (lat/long in degree decimal format): Lat: 47.09923 **N**, Long: -122.32813 **W**

Universal Transverse Mercator: .

Name of nearest waterbody: Clover Creek.

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

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: NWS-2015-91 Wetland A, B, C, D, E, F, H, I, J, K and N (JD Form 1 of 3); NWS-2015-91 Wetland L (JD Form 3 of 3)

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

☐ Office (Desk) Determination. Date: _____.

☒ Field Determination. Date(s): 25 March 2015.

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: _____ linear feet varies width (ft) and/or _____ acres.

Wetlands: _____ acres.

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

Elevation of established OHWM (if known): N/A.

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
If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

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):

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. 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: _____ **Pick List**
Drainage area: _____ **Pick List**
Average annual rainfall: _____ inches
Average annual snowfall: _____ inches

(ii) Physical Characteristics:
(a) Relationship with TNW:
☐ Tributary flows directly into TNW.
☐ Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.
Project waters are **Pick List** river miles from RPW.
Project waters are **Pick List** 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]: _____.
Tributary stream order, if known: _____.

(b) General Tributary Characteristics (check all that apply):
Tributary is: ☐ Natural
☐ Artificial (man-made). Explain: _____.
☐ Manipulated (man-altered). Explain: _____.

Tributary properties with respect to top of bank (estimate):
Average width: _____ 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 depth: _____ feet
Average side slopes: **Pick List.**

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: _____.
Presence of run/riffle/pool complexes. Explain: _____.
Tributary geometry: **Pick List**
Tributary gradient (approximate average slope): _____ %

(c) Flow:
Tributary provides for: **Pick List**
Estimate average number of flow events in review area/year: **Pick List**
Describe flow regime: _____.
Other information on duration and volume: _____.

Surface flow is: **Pick List.** Characteristics: _____.

Subsurface flow: **Pick List**. 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	☐ the presence of litter and debris
☐ changes in the character of soil	☐ destruction of terrestrial vegetation
☐ shelving	☐ the presence of wrack line
☐ vegetation matted down, bent, or absent	☐ sediment sorting
☐ leaf litter disturbed or washed away	☐ scour
☐ sediment deposition	☐ multiple observed or predicted flow events
☐ water staining	☐ abrupt change in plant community
☐ other (list): _____	

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

(iii) Chemical Characteristics:
Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Explain: _____.
Identify specific pollutants, if known: _____.

(iv) Biological Characteristics. Channel supports (check all that apply):
☐ Riparian corridor. Characteristics (type, average width): _____.
☐ Wetland fringe. Characteristics: _____.
☐ Habitat for:
☐ Federally Listed species. Explain findings: _____.
☐ Fish/spawn areas. Explain findings: _____.
☐ Other environmentally-sensitive species. Explain findings: _____.
☐ Aquatic/wildlife diversity. Explain findings: _____.

[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.

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: 0.043 acres

Wetland type. Explain: Depressional; Palustrine Scrub-Shrub Seasonally Flooded/Saturated.

Wetland quality. Explain: Category III wetland (based on a scale of I to IV, I being the highest functioning). Has a total functional assessment score of 37 with 15 points for habitat functions. Wetland G does not contain any special habitat features.

Project wetlands cross or serve as state boundaries. Explain: N/A.

(b) General Flow Relationship with Non-TNW:

Flow is: **Ephemeral flow**. Explain: Wetland G extends offsite. It flows generally south into the abutting roadside ditch (non-RPW) which is outside of the review area.

Surface flow is**: Overland sheetflow**

Characteristics: _____.

Subsurface flow: **Unknown**. 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 **30 (or more)** river miles from TNW.

Project waters are **15-20** aerial (straight) miles from TNW.

Flow is from: **Wetland to navigable waters.**

Estimate approximate location of wetland as within the **500-year or greater** 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: Wetland G has a low potential to retain sediments and polluants from surface runoff due to its position in the landscape.

Identify specific pollutants, if known: N/A.

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

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

☒ Vegetation type/percent cover. Explain: Dominant vegitation includes hardhack, willow and various herbs and forbs.

☐ Habitat for:

☐ Federally Listed species. Explain findings: _____.

☐ Fish/spawn areas. Explain findings: _____.

☐ Other environmentally-sensitive species. Explain findings: _____.

☒ Aquatic/wildlife diversity. Explain findings: Wildlife habitat functions provided by Wetland G are low due to its size and would be limited to small mammal forage and cover, and small bird forage and nesting. Water within Wetland G appears to be seasonal and therefore would provide limited habitat for aquatic invertebrates, amphibians, wetland associated mammals or birds.

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

All wetland(s) being considered in the cumulative analysis: **2**

Approximately (5+) 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)
Wetland G	Y	0.5		
Offsite Wetlands	N	5+		

Summarize overall biological, chemical and physical functions being performed: See Section C below for summary.

C. SIGNIFICANT NEXUS DETERMINATION

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: Wetland G extends offsite to the south and flows directly into the abutting roadside ditch (non-RPW) on 176th Street. Flow continues east on 176th Street to a drainage pipe and then flows under the road to a wetland south of 176th Street. Precise flow path from the wetland south to Muck Creek is undetermined but based on topography of the area flow path is presumed. Muck Creek flows west into Lacamas Creek, the Nisqually River, and then into Puget Sound, a TNW. The relevant reach provides a source of hydrology for the TNW. The wetlands and ditch in the relevant reach create and transfer organic carbon which supports the downstream food web of the TNW. Additionally, the wetlands and ditch in the relevant reach also have the capacity to carry pollutants (herbicides, pesticide or oil from surface run-off) to the TNW. Therefore, Wetland G and the waters in this relevant reach have a biological, chemical and physical significant nexus to Puget Sound (the nearest TNW).

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 rationale indicating that tributary flows 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: _____.

     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: _____.

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: _____

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

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

[8]See Footnote # 3.

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: **0.043** 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.

[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.***

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 and Fish and Wildlife Assessement Report and Conceptual Mitigation Plan, Pool Brothers Construction-Seasons-Plat, prepared by Soundview Consultants, December 2014. Updated site drawing dated 16 April 2015.

☒ 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: The waterbody is on the Section 10 Navigable Waterway List for Seattle District.

☐ 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 Geodectic Vertical Datum of 1929)

☒ Photographs: ☐ Aerial (Name & Date): _____
or ☒ Other (Name & Date): Site photographs from 25 March 2015 field visit.

☐ 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:

Summary of Coordination:

EPA: This JD form, a site drawing dated 16 April 2015, and a relevant reach map were forwarded to EPA on 12 May 2015, and concurrence was received on 21 May 2015.

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

Wetland L

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 3 June 2015.

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: **Seattle District,** Pool Brothers Construction (Seasons Plat), NWS-2015-91 (JD Form 3 of 3).

Name of water being evaluated on this JD form: Wetland L.

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Washington County: Pierce City: Puyallup (Fredrickson)

Center coordinates of site (lat/long in degree decimal format): Lat: 47.09923 **N**, Long: -122.32813 **W**

Universal Transverse Mercator: .

Name of nearest waterbody: Clover Creek.

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

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: NWS-2015-91 Wetland A, B, C, D, E, F, H, I, J, K and N (JD Form 1 of 3); NWS-2015-91 Wetland, G (JD Form 2 of 3)

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

☐ Office (Desk) Determination. Date: _____.

☒ Field Determination. Date(s): 25 March 2015.

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: _____ linear feet varies width (ft) and/or _____ acres.

Wetlands: 0.87 acres.

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

Elevation of established OHWM (if known): N/A.

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
If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

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):

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. 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: _____ **Pick List**
Drainage area: _____ **Pick List**
Average annual rainfall: _____ inches
Average annual snowfall: _____ inches

(ii) Physical Characteristics:
(a) Relationship with TNW:
☐ Tributary flows directly into TNW.
☐ Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.
Project waters are **Pick List** river miles from RPW.
Project waters are **Pick List** 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]: _____.
Tributary stream order, if known: _____.

(b) General Tributary Characteristics (check all that apply):
Tributary is: ☐ Natural
☐ Artificial (man-made). Explain: _____.
☐ Manipulated (man-altered). Explain: _____.

Tributary properties with respect to top of bank (estimate):
Average width: _____ 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 depth: _____ feet
Average side slopes: **Pick List.**

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: _____.
Presence of run/riffle/pool complexes. Explain: _____.
Tributary geometry: **Pick List**
Tributary gradient (approximate average slope): _____ %

(c) Flow:
Tributary provides for: **Pick List**
Estimate average number of flow events in review area/year: **Pick List**
Describe flow regime: _____.
Other information on duration and volume: _____.

Surface flow is: **Pick List.** Characteristics: _____.

Subsurface flow: **Pick List**. 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	☐ the presence of litter and debris
☐ changes in the character of soil	☐ destruction of terrestrial vegetation
☐ shelving	☐ the presence of wrack line
☐ vegetation matted down, bent, or absent	☐ sediment sorting
☐ leaf litter disturbed or washed away	☐ scour
☐ sediment deposition	☐ multiple observed or predicted flow events
☐ water staining	☐ abrupt change in plant community
☐ other (list): _____	

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

(iii) Chemical Characteristics:
Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Explain: _____.
Identify specific pollutants, if known: _____.

(iv) Biological Characteristics. Channel supports (check all that apply):
☐ Riparian corridor. Characteristics (type, average width): _____.
☐ Wetland fringe. Characteristics: _____.
☐ Habitat for:
☐ Federally Listed species. Explain findings: _____.
☐ Fish/spawn areas. Explain findings: _____.
☐ Other environmentally-sensitive species. Explain findings: _____.
☐ Aquatic/wildlife diversity. Explain findings: _____.

[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.

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: 0.87 acres

Wetland type. Explain: Depressional; Palustrine Scrub-Shrub Seasonally Flooded/Saturated.

Wetland quality. Explain: Category III (based on a scale of I to IV, I being the highest functioning). Has a total functional assessment score of 43 with 17 points for habitat functions. Wetland L does not contain any special habitat features.

Project wetlands cross or serve as state boundaries. Explain: N/A.

(b) General Flow Relationship with Non-TNW:

Flow is: **Intermittent flow**. Explain: The wetlands extend offsite. The abutting tributary is located off-site outside of the review area. Based on visual observation it is expected that the unnamed tributary flows continuosly at least seasonally.

Surface flow is**: Discrete**

Characteristics: Surface water flows from Wetland L to the abutting unnamed tributary. The tributary flows north into Clover Creek which flows west into Chambers Creek, which then flows west into Puget Sound, a TNW.

Subsurface flow: **Unknown**. 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 **15-20** river miles from TNW.

Project waters are **10-15** aerial (straight) miles from TNW.

Flow is from: **Wetland to navigable waters.**

Estimate approximate location of wetland as within the **500-year or greater** 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: Wetland L has moderate potential to retain sediments and pollutants from surface runoff due to its size and position in the landscape.

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: Vegetation includes hardhack, black twinberry, tall mannagrass, and creeping buttercup..

☒ Habitat for:

☐ Federally Listed species. Explain findings: _____.

☐ Fish/spawn areas. Explain findings: _____.

☐ Other environmentally-sensitive species. Explain findings: _____.

☒ Aquatic/wildlife diversity. Explain findings: Wildlife habitat functions provided by the wetland is moderate due to its size and would be limited to small mammal forage and cover, and small bird forage and nesting. Water within the wetland appears to be seasonal and therefore would provide limited habitat for aquatic invertebrates, amphibians, wetland associated mammals or birds.

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

All wetland(s) being considered in the cumulative analysis: **2**

Approximately (2) 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)
Wetland L	Y	0.87		
Off-site wetlands	Y	5+		

Summarize overall biological, chemical and physical functions being performed: The tributary in combination with the abutting wetlands create and transfer organic carbon which supports the downstream food web of the TNW. The tributary has the capacity to carry pollutants (herbicides, pesticides or oil from surface runoff) to a TNW.

C. SIGNIFICANT NEXUS DETERMINATION

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 rationale indicating that tributary flows 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: _____.

   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: _____.

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 tributary is considered seasonal because there were few in-channel structures, no depositional features, and substantial leaf litter observed.

   Provide acreage estimates for jurisdictional wetlands in the review area: **0.87** acres.

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

[8]See Footnote # 3.

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: Wetland and Fish and Wildlife Assessement Report and Conceptual Mitigation Plan, Pool Brothers Construction-Seasons-Plat, prepared by Soundview Consultants, December 2014. Updated site drawing dated 16 April 2015.

☒ 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: The waterbody is on the Section 10 Navigable Waterway List for Seattle District.

☐ 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 Geodectic Vertical Datum of 1929)

☒ Photographs: ☐ Aerial (Name & Date): _____
or ☒ Other (Name & Date): Site photographs from 25 March 2015 field visit.

☐ 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:

Summary of Coordination:

EPA: This JD form, a site drawing dated 16 April 2015, and a relevant reach map were forwarded to EPA on 12 May 2015, and concurrence was received on 21 May 2015.