

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

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** 2 March 2016.

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Seattle District, Integrity Land, NWS-2015-00320.  
Name of water being evaluated on this JD form: Wetlands A, B, C and Stream 1

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

State: Washington County: King City: Auburn

Center coordinates of site (lat/long in degree decimal format): Lat: 47.3293 N, Long: -122.16392 W

Universal Transverse Mercator: \_\_\_\_\_

Name of nearest waterbody: Big Soos Creek.

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

Name of watershed or Hydrologic Unit Code (HUC): 171100130302.

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: 28 January 2016.

Field Determination. Date(s): 12 October 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):** <sup>1</sup>

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: \_\_\_\_\_ linear feet \_\_\_\_\_ width (ft) and/or \_\_\_\_\_ acres.

Wetlands: \_\_\_\_\_ acres.

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

Elevation of established OHWM (if known): \_\_\_\_\_

**2. Non-regulated waters/wetlands (check if applicable):**<sup>3</sup>

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: Three wetlands (Wetlands A, B, and C) and one man-altered stream (Stream 1) were reviewed and determined to be non-jurisdictional because they are hydrologically isolated and do not have an interstate commerce connection. The wetlands are either abutting, or adjacent to, Stream 1. Water from Wetlands A, B, and C drains

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

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

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

into Stream 1, which is an intermittent stream. Stream 1 flows northward through a culvert below the intersection of Southeast 304<sup>th</sup> Street and 132<sup>nd</sup> Avenue Southeast. The culvert outlets into a field northeast of Southeast 302<sup>nd</sup> Place, where the water infiltrates into the ground. Thus, the Wetlands A, B, and C, and Stream 1 are hydrologically isolated.

There are no habitats, resources, or wildlife species of interest present within the vicinity to attract interstate or foreign travelers. Aquaculture cannot be conducted because of the terrestrial location. Although the site has been used for agricultural purposes in the past, both commercial agricultural and silvicultural practices for interstate commerce would not be viable onsite because of the small size of the parcel. The site is also proposed for development and is surrounded by new residential developments.

### **SECTION III: CWA ANALYSIS**

- A. TNWs AND WETLANDS ADJACENT TO TNWs: NOT APPLICABLE**
- B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS: NOT APPLICABLE**
- C. SIGNIFICANT NEXUS DETERMINATION: NOT APPLICABLE**

- D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE: NOT APPLICABLE**

- E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>4</sup>**

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: \_\_\_\_\_.
- Other factors. Explain: \_\_\_\_\_.

Identify water body and summarize rationale supporting determination: \_\_\_\_\_

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

- Tributary waters: \_\_\_\_\_ linear feet \_\_\_\_\_ width (ft).
- Other non-wetland waters: \_\_\_\_\_ acres.  
Identify type(s) of waters: \_\_\_\_\_.
- Wetlands: \_\_\_\_\_ acres.

- F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS:**

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.  
 Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction.
- 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): 455 linear feet 4.5 width (ft).
- Lakes/ponds: \_\_\_\_\_ acres.
- Other non-wetland waters: \_\_\_\_\_ acres. List type of aquatic resource: \_\_\_\_\_.
- Wetlands: 0.077 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):**

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<sup>4</sup> Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: \_\_\_\_\_.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: \_\_\_\_\_.
- 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 Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): \_\_\_\_\_  
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): Technical Memorandum, dated 26 January 2016, prepared by Soundview Consultants, LLC.

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** On 12 October 2015, the Corps traveled to Auburn, Washington to verify whether or not the wetlands (Wetlands A, B, C) and man-altered stream (Stream 1) delineated by Soundview Consultants, LLC were Waters of the U.S. The inspection included the following: reviewing data sheets and maps provided by Soundview Consultants, LLC; looking for the three wetland parameters (hydrology, hydric soil, and hydrophytic vegetation); and inspecting the surface water flow of Stream 1. During the site inspection, the Corps discovered a fourth wetland (Wetland D), abutting Stream 1. The Corps followed the surface water flow of Stream 1 to a culvert at the the intersection of Southeast 304<sup>th</sup> Street and 132<sup>nd</sup> Avenue Southeast. The Corps could not find the culvert outlet and were unable to determine whether or not Wetland A, B, and C and Stream 1 were hydrologically isolated. The Corps requested that Soundview Consultants, LLC contact the City of Auburn and provide more information on the culvert outlet.

Soundview Consultants, LLC prepared a Technical Memorandum, dated 26 January 2016, to provide more information on the culvert outlet. The Technical Memorandum summarizes a flourescent dye test, which showed the culvert outletting into a field northeast of Southeast 302<sup>nd</sup> Place, where the water infiltrates into the ground. Thus, the Wetlands A, B, C, and D and Stream 1 are hydrologically isolated.

The JD was coordinated with Corps Headquarters (HQ) and the Environmental Protection Agency (EPA) on 9 February 2016. Twenty-one days were allotted for review and comment. On 17 February 2016, the EPA concurred with our determination. The comment period closed on 1 March 2016. Within the comment period, no comments were received from Corps HQ. Because no objections were received, this JD has been finalized.