

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

Wetland 1

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 3 October 2016.

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Seattle District, Port of Grays Harbor, Bowerman Airfield, NWS-2016-255 .
Name of water being evaluated on this JD form: Wetland 1

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Washington County: Grays Harbor City: Hoquiam
Center coordinates of site (lat/long in degree decimal format): Lat: 46.972998 N, Long: -123.924396 W
Universal Transverse Mercator: _____

Name of nearest waterbody: Chehalis River.

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

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

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form. List other JDs: _____

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

Office (Desk) Determination. Date: _____.

Field Determination. Date(s): 18 July 2016.

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are** "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: Chehalis River provides port facilities for fishing and other commercial vessels using Port of Grays Harbor shipping facilities.

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

Wetlands: 0.02 acres.

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

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

1. TNW

Identify TNW: Chehalis River.

Summarize rationale supporting determination: Perennial waterbody that has historic and existing uses for navigability associated with shipping and commercial and recreational fishery.

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": Wetland 1 is a remnant depression surrounded by material historically dredged from the Chehalis River and located approximately 600 feet north of the OHWM of the river. The bottom elevation of Wetland 1 is approximately the same elevation of the OHWM of the tidally influenced river and appears to be hydrologically influenced by groundwater from the river. Wetland 1 would be connected to the Chehalis River but for the placement of dredged material decades ago to construct the airport. See attached figures.

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:

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:

TNWs: _____ linear feet _____ width (ft), or 0.5 acres.

Wetlands adjacent to TNWs: 0.02 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 – NOT APPLICABLE

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY): Not applicable

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD:

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: 18 July 2016.

Corps navigable waters' study: The waterbody is on the Section 10 Navigable Waterway List for Seattle District. The list is available at www.nws.usace.army.mil click on Regulatory – Regulatory/Permits.

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: <https://www.fws.gov/wetlands/Data/Mapper.htm>.

State/Local wetland inventory map(s): _____

FEMA/FIRM maps: _____.

100-year Floodplain Elevation is: _____ (National Geodetic Vertical Datum of 1929)

Photographs: Aerial (Name & Date): Google Earth (5/5/2013)

or Other (Name & Date): ESA report, January 2016.

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: We did not concur with the consultant's November 18, 2013 determination, although the majority of the review area would meet hydrophytic vegetation and hydric soil criteria, there was sufficient evidence to suggest the redoximporhic features observed are actually a residual component of the material dredged from the river years ago to help construct the airport and that the ponding and near-surface water were a result of heavy rain that occurred within two weeks of and during the consultant's delineation.

The airfield is located, in part, on Moon Island in Grays Harbor, adjacent to the Chehalis River (Figure 1), and situated on compacted sandy loam material dredged from the river compacted to construct the airfield in the 1940s. Water tends to pond on this site during and following storm events because of the compacted nature of the soil. The dredged material from the Chehalis River, used to help develop the airfield, exhibits an abundance of redoximorphic features (mottles) and concretions. These mottles and concretions were found scattered throughout the soil profile and site during our site assessment; however, oxidized root channels surrounding live roots were not observed, suggesting the mottles are relic features of the dredged material. Oxidized root channels were observed where a root grew through a mottle but not above or below the mottle, suggesting the mottle may be an artifact and that a high water table is not present for the required period or depth to meet wetland hydrology criteria. In addition, roots within various test plots were observed to extend ten to twelve inches below the surface, further indicating the water table is not high enough for more than two weeks during the growing season, further supporting the relic mottle conclusion and absence of wetland hydrology determination.

The area was investigated with the knowledge that grass and other herbaceous vegetation would be predominately FAC with some FACW herbaceous species found within constructed stormwater drainage ditches adjacent to the onsite structures. In addition, supplemental precipitation data provided by the consultant showed that over 3.5" of rain fell with the two weeks prior to (over 1" of rain within three days of) the consultant's November 18, 2013 site investigation. In addition, over 1.2" of rain fell during the consultant's November 18, 2013, delineation effort. The precipitation data would account for consultant's observations of ponded water, near-surface saturation, and near-surface water levels on the compacted soils found onsite.

Based on the Corps' assessment, the compacted soil at the airport ponds water during and after storm events, but that water does not remain long enough to provide wetland hydrology exception in a small (~1,000 square feet) depression in the southeast portion of the review area. This conclusion is supported by the relatively deep, 10-12" thick root zone and absence of oxidized live root channels. The small depression, Wetland 1, is a water of the U.S. approximately 1,000 square feet in area and draining during storm events through a grass-lined swale to the Chehalis River (Figure 2). Soils in Wetland 1 were described by the consultant as an histic epipedon and significantly different than the sandy loam soils found throughout the remainder of the site, supporting the conclusion this wetland is hydrologically connected to the river.

Jurisdictional determination:

The Chehalis River is a navigable water of the U.S. used for interstate and foreign commerce and a Traditional Navigable Water (TNW).

Wetland 1 lies in close proximity to the Chehalis River, has a direct hydrological connection, and has a hydrological regime driven by the river. The wetland would be directly connected to the river but for the presence of dredged material placed to construct the airport. This wetland is adjacent (bordering, contiguous, or neighboring) to a TNW and, therefore, a water of the U. S. Other potential wetlands identified by the consultant do not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or Regional Supplements.