

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

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 7/22/2016.

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Seattle District, Sewall Wetland Consulting, Inc., NWS-2016-220.
Name of water being evaluated on this JD form: Lancaster Pond

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Washington County: King City: Sammamish

Center coordinates of site (lat/long in degree decimal format): Lat: 47.59787 N, Long: -122.04236 W

Universal Transverse Mercator:

Name of nearest waterbody: Unnamed wetland.

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

Name of watershed or Hydrologic Unit Code (HUC): 1711001202.

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: 7/22/2016.

Field Determination. Date(s): _____.

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 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: _____ 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):³

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: Lancaster pond has no surface drainage features at all, there is no evidence of matting, streams, or sorting. There is an approximately 10 foot wide rise in topography between the Lancaster pond and the closest water of the U.S., an unnamed wetland that flows into Ebright creek, which flows into Lake Sammamish a Traditionally Navigable

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.

Water of the U.S. The unnamed wetland is located 30 feet horizontally, and 2 feet vertically from Lancaster pond. The source of the water in the pond is precipitation, and from the property owner's well. During an extreme flooding event, the overflow from the unnamed wetland would not flow into the pond. It is blocked by a rise in topography and the flow would be heading downhill away from the pond towards ebright creek. The pond could not overflow into unnamed wetland, the ponds position in the landscape would not allow for it to collect enough water from overland. The land between the pond and the unnamed wetland consists of a grassy rise in topography which once served as a dirt road for access to the property. There are no large trees or shrubs. It does not offer much habitat diversity, it is in a raised grass area in between a wetland created from disturbance, and an artificial pond. The soils are mapped entirely of Alderwood gravelly sandy loam with slopes between 6-36%. Alderwood soils are moderately well drained soil, and is not considered a wetland or hydric soil. Lancaster Pond is not located within a designated floodplain. Lancaster pond is not used by interstate or foreign travelers for recreational purposes. The pond is too small to offer any type of watercraft recreation and the water is too shallow for swimming. No habitats or resources of special significance exist in the pond and no bird or wildlife species of special significance utilize the pond. There are no fish or shellfish in the pond at all, so there is no possibility of harvesting them for interstate commerce. There is no use of the pond for industrial purposes, agriculture, or silviculture. The preamble of the 1986 U.S. Army Corps of Engineers (Corps) implementing regulation comments that certain waters are generally not considered waters of the U.S. Artificial lakes or ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing are included in the preamble. Lancaster pond meets all the criteria of the preambe waters..

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):

- 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): _____.

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.

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.

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: City of Sammamish Critical Areas Report, Sewall Wetland Consulting, February 2, 2016.
- 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: USGS US Topo 7.5 - minute map for ISSAQUAH, WA, 1:24,000.
- 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): _____.

B. ADDITIONAL COMMENTS TO SUPPORT JD: _____.

Lancaster Pond
NWS - 2016 - 220
March 2, 2016

SE 8th St

Lancaster Way SE
221st Ave SE

227th Ln SE

SE 12th Pl

Lancaster Pond  Unnamed Wetland

3N



1000 ft

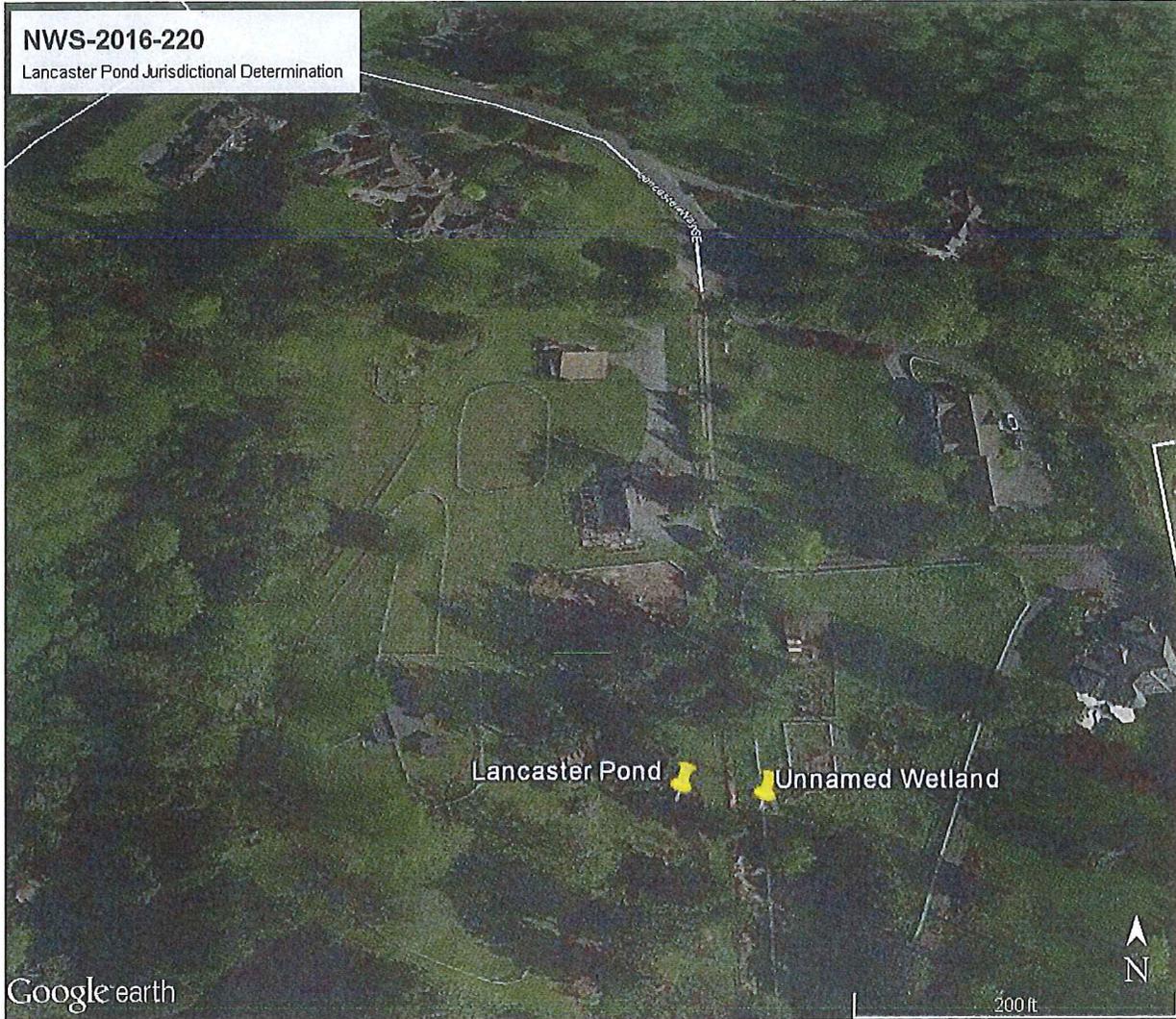
Google earth

Legend

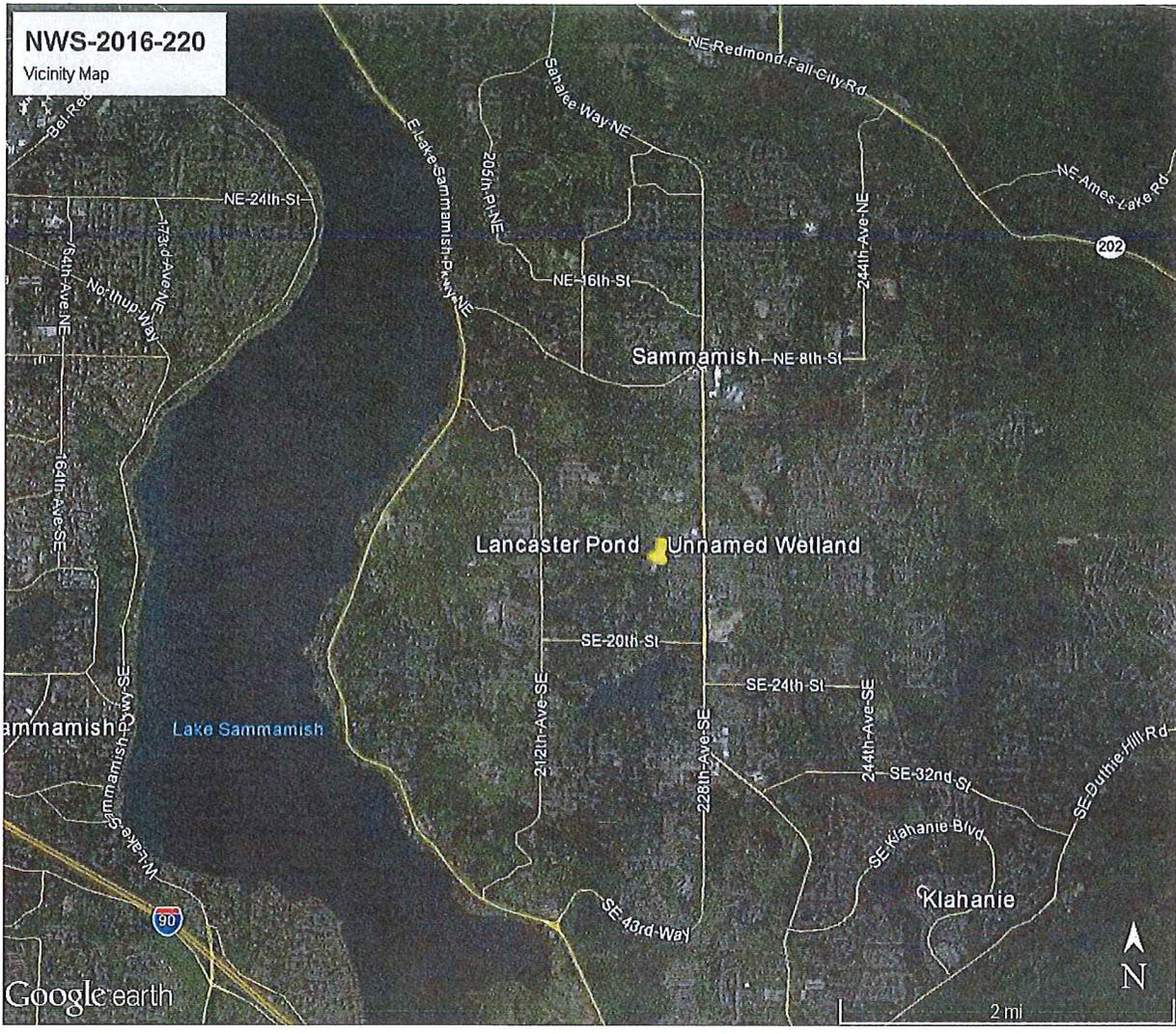


NWS-2016-220

Lancaster Pond Jurisdictional Determination



March 2, 2016



March 2, 2016