

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

Form 2 of 2 - Wetland F

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** 23 May 2018 ::

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Seattle District, Singh, Joe, NWS-2017-716.

Name of water being evaluated on this JD form: Wetlands A, B, C, D, E, and F

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

State: Washington County: King City: Des Moines

Center coordinates of site (lat/long in degree decimal format): Lat: 47.356710 N, Long: -122.315452 W

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

Name of nearest waterbody: Puget Sound.

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: \_\_\_\_\_

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

Office (Desk) Determination. Date: 11 April 2018.

Field Determination. Date(s): 15 March 2018.

**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):<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: 0.15 miles \_\_\_\_\_ width (ft) and/or \_\_\_\_\_ acres.

Wetlands: 3.02 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):<sup>3</sup>**

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain: \_\_\_\_\_

<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.

**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<sup>4</sup> 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: HUC 12110019 (Puget Sound Watershed) 2550 square miles

Drainage area: 54 acres

Average annual rainfall: 52.6 inches

Average annual snowfall: 1.70 inches

**(ii) Physical Characteristics:**

**(a) Relationship with TNW:**

Tributary flows directly into TNW.

Tributary flows through 2 tributaries before entering TNW.

Project waters are 1 (or less) river miles from TNW.

Project waters are 1 (or less) river miles from RPW.

Project waters are 1 (or less) aerial (straight) miles from TNW.

Project waters are 1 (or less) aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: \_\_\_\_\_.

Identify flow route to TNW<sup>5</sup>: Wetland F, located on the north portion of the property, drains into an offsite storm pond that is adjacent to the south side of South 272<sup>nd</sup> Street. Water from the storm pond flows north, under South 272<sup>nd</sup> Street, and into a road side ditch (tributary) that conveys seasonal surface water north, approximately 0.15 mile, where it outlets into Woodmont Creek, a RPW, then drains southwesterly for approximately 0.45 mile and outlets into Puget Sound, a TNW (see Sheets 2-4 of 10).

Tributary stream order, if known: \_\_\_\_\_.

**(b) General Tributary Characteristics (check all that apply):**

Tributary is:  Natural

Artificial (man-made). Explain: \_\_\_\_\_.

<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

<sup>5</sup> 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.

Manipulated (man-altered). Explain: The tributary appeared to be a natural drainage that was re-routed into a man-made ditch during construction of South 272<sup>nd</sup> Street and the developments north of South 268<sup>th</sup> Street (see Sheets 2 - 4 of 10; Photos 8-13).

**Tributary properties with respect to top of bank (estimate):**

Average width: 4 feet  
Average depth: 0.5 feet  
Average side slopes: **2:1**.

Primary tributary substrate composition (check all that apply):

- |  |   |                                   |
|--|---|-----------------------------------|
| <input checked="" type="checkbox"/> Silts            | <input checked="" type="checkbox"/> Sands                               | <input type="checkbox"/> Concrete |
| <input type="checkbox"/> Cobbles                     | <input type="checkbox"/> Gravel   | <input type="checkbox"/> Muck     |
| <input type="checkbox"/> Bedrock                     | <input checked="" type="checkbox"/> Vegetation. Type/% cover: <u>90</u> |                                   |
| <input checked="" type="checkbox"/> Other. Explain:. |   |                                   |

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: stable banks along relative flat topography adjacent to 14<sup>th</sup> Avenue South for approximately 0.15 mile, due to compaction during residential development and construction of the roadway. The tributary then flows into a natural channel and meanders in a north, then southwesterly direction and into Woodmont Creek before flowing into Puget Sound.

Presence of run/riffle/pool complexes. Explain: No riffle/pool complex was observed within the tributary adjacent to Wetland F and adjacent to the 14<sup>th</sup> due to relatively flat topography.

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): <1% for approximately 0.15 mile along 14<sup>th</sup> Avenue South to Woodmont Creek then >30% for 0.9 mile to Puget Sound. %

(c) **Flow:**

Tributary provides for: **Seasonal flow**

Estimate average number of flow events in review area/year: **2-5**

Describe flow regime: Flow in the tributary occurs primarily between November and May with flow rates depending on precipitation levels and frequency of storms.

Other information on duration and volume:.

Surface flow is: **Confined**. Characteristics: Water flows through a culvert, under South 272<sup>nd</sup> Street and into the tributary. The tributary is in a well-defined, constructed channel adjacent to 14<sup>th</sup> Avenue South, then into the natural drainage of Woodmont Creek.

Subsurface flow: **Unknown**. Explain findings:.

Dye (or other) test performed: \_\_\_\_\_.

Tributary has (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Bed and banks   |   |
| <input checked="" type="checkbox"/> OHWM <sup>6</sup> (check all indicators that apply): |   |
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank            | <input checked="" type="checkbox"/> the presence of litter and debris |
| <input type="checkbox"/> changes in the character of soil                                | <input type="checkbox"/> destruction of terrestrial vegetation        |
| <input type="checkbox"/> shelving  | <input type="checkbox"/> the presence of wrack line                   |
| <input checked="" type="checkbox"/> vegetation matted down, bent, or absent              | <input type="checkbox"/> sediment sorting                             |
| <input checked="" type="checkbox"/> leaf litter disturbed or washed away                 | <input type="checkbox"/> scour  |
| <input type="checkbox"/> sediment deposition   | <input type="checkbox"/> multiple observed or predicted flow events   |
| <input type="checkbox"/> water staining  | <input type="checkbox"/> abrupt change in plant community             |
| <input type="checkbox"/> other (list): _____   |   |
| <input type="checkbox"/> Discontinuous OHWM. <sup>7</sup> Explain: _____.                |   |

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> High Tide Line indicated by:              | <input type="checkbox"/> Mean High Water Mark indicated by:            |
| <input type="checkbox"/> oil or scum line along shore objects      | <input type="checkbox"/> survey to available datum;                    |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings;                            |
| <input type="checkbox"/> physical markings/characteristics         | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges                              |  |
| <input type="checkbox"/> other (list): _____                       |  |

**(iii) Chemical Characteristics:**

<sup>6</sup>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.

<sup>7</sup>Ibid.

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: water color is clear with moderate organic debris; general water quality is fair; approximately 60 percent of the watershed has been developed as commercial and residential properties; downstream waters of Woodmont Creek are not on the WA State 303(d) list for TMDLs.

Identify specific pollutants, if known: pollutants from road runoff, pesticides and fertilizers from adjacent land use.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

Riparian corridor. Characteristics (type, average width): The tributary is narrow, approximately 10 feet wide and dominated by grass species along 14<sup>th</sup> Avenue South then, the riparian corridor widens to approximately 200+ feet and becomes dominated by tree and dense shrub species to Puget Sound.

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: \_\_\_\_\_.

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: 3.02 acres. 2.02 acres onsite; 1.0 acres offsite

Wetland type. Explain: Wetland F is a palustrine forested/scrub-shrub seasonally flooded/saturated depressional wetland.

Wetland quality. Explain: Wetland F is moderate quality (Category III) based on WDOE Wetland Rating System using a scale of wetland categories of I to IV with Category I being the highest function.

Project wetlands cross or serve as state boundaries. Explain: \_\_\_\_\_.

(b) General Flow Relationship with Non-TNW:

Flow is: **Intermittent flow**. Explain: Wetland F outflows into non-RPW tributary during the wet season (November through April), then into Woodmont Creek, a RPW (see Sheets 8 of 10; Photos 8-13).

Surface flow is: **Discrete and confined**

Characteristics: Water flows north within a confined channel from Wetland F into a constructed storm pond then through a culvert and into the tributary adjacent to 14<sup>th</sup> Avenue South, then into the Woodmont Creek, a RPW. Water from Woodmont Creek flows directly into Puget Sound, a TNW (see Photos 8-13).

Subsurface flow: **Yes**. Explain findings: presumed based on the relative flat topography on the north portion of the property, intervening soils, and the elevation of Wetland F in relation to the adjacent storm pond.

Dye (or other) test performed: \_\_\_\_\_.

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: Surface water from Wetland F has seasonal flow that is confined within a narrow channel that drains into the storm pond then through a culvert and into the tributary.

Ecological connection. Explain: \_\_\_\_\_.

Separated by berm/barrier. Explain: \_\_\_\_\_.

(d) Proximity (Relationship) to TNW

Project wetlands are **1 (or less)** river miles from TNW.

Project waters are **1 (or less)** 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: Water flowing from wetlands is clear, general water quality is good, watershed has been mostly developed for residential uses with remaining areas in undeveloped forested areas. Woodmont Creek is not on WDOEs 303(d) list for TMDLs.

Identify specific pollutants, if known: road runoff, pesticides, fertilizers, livestock contamination.

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

Riparian buffer. Characteristics (type, average width): \_\_\_\_\_.

- Vegetation type/percent cover. Explain: Deciduous trees cover approximately 80% of the wetland with an approximately 70% scrub-shrub and 30% emergent understory.
- Habitat for:
  - Federally Listed species. Explain findings: \_\_\_\_\_.
  - Fish/spawn areas. Explain findings: \_\_\_\_\_.
  - Other environmentally-sensitive species. Explain findings: \_\_\_\_\_.
  - Aquatic/wildlife diversity. Explain findings: \_\_\_\_\_.

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

All wetland(s) being considered in the cumulative analysis: **1**

Approximately ( 3.02 ) acres in total are being considered in the cumulative analysis. Includes estimate of offsite area of Wetland F

Wetlands subject to this determination: Includes estimate of offsite area of Wetland F (2.02 acres onsite – 1.0 acre offsite)

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
Wetland F (Y)	3.02		

Wetlands subject *not* to this determination but adjacent and/or abutting the unnamed tributary

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>

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:

Subject reach includes Wetland F and the off-site conveyance to Puget Sound. Water in Wetland F flows north and into an offsite storm pond adjacent to the south side of South 272<sup>nd</sup> Street that outlets to the north, through a culvert and into the tributary adjacent to the west side of 14<sup>th</sup> Avenue South. Water in the tributary drains north and into Woodmont Creek, a RPW, then into Puget Sound, a traditional navigable water. Essential Fish Habitat for Pacific Salmon, groundfish, and coastal pelagic species (designated under the Magnuson-Stevens Fishery Conservation and Management Act) occurs in the TNW (Puget Sound). Fish species listed under the Endangered Species Act utilize the waters of the Puget Sound; designated critical habitat for chinook salmon and bull trout exists in the Puget Sound. Wetland F, the unnamed tributary, and Woodmont Creek do not contain EFH or ESA species and critical habitat.

Because of the relatively moderate size of Wetland F, approximately 2.02 acres onsite, and vegetative diversity (PFO) with a scrub-shrub and emergent understory, the associated wetland functions are moderate for improving water quality, moderate for floodwater storage/attenuation, moderate sediment input reduction and toxin removal, and moderate for wildlife habitat and habitat diversity, minimal enhanced food web support. An additional 1.0 acre extends offsite to the west and is adjacent and drains into the north storm pond that abuts South 272<sup>nd</sup> Street.

Wetland F creates and transfers organic carbon through the tributary system which supports the downstream food web of the TNW. The wetlands improve downstream water quality in the TNW through sediment and toxin interception. The adjacent slope storm pond and vegetated unnamed tributary and have the capacity to capture pollutants (road runoff petrochemicals, herbicides, pesticides and sediments) to reduce the amount of pollutants and sediments from reaching the TNW. Because of the moderate size and location within the watershed, Wetland F has a moderate ability to attenuate downstream flooding by reducing peak flow in the watershed during major storm events and attenuates erosion by detaining high flows during storms and reduce the duration of erosive flows, thus decreasing downstream erosion in streams.

- 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 seasonally:
- 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: Tributaries identified as having continuous flow for 3-6 months. See additional information for details.

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<sup>8</sup> 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:
- Other non-wetland waters: 0.15 linear miles.

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.
  - 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: \_\_\_\_\_.

**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 jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: \_\_\_\_\_.

**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: 3.02 acres. **Wetland F (2.02 acres onsite and 1.0 acre offsite).**

**7. Impoundments of jurisdictional waters.<sup>9</sup> 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>10</sup> NOT APPLICABLE**

**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): \_\_\_\_\_.

<sup>8</sup>See Footnote # 3.

<sup>9</sup>To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>10</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.

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: Wetland Delineation Report for Crestwood Park – 272 Street (Wetland Resources, Incorporated, dated 10 January 2018).
- 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: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>.
- National wetlands inventory map(s). Cite name: <https://www.fws.gov/wetlands/data/Mapper.html>.
- State/Local wetland inventory map(s): <https://gismaps.kingcounty.gov/iMap/>
- FEMA/FIRM maps: \_\_\_\_\_.
- 100-year Floodplain Elevation is: \_\_\_\_\_ (National Geodectic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): \_\_\_\_\_  
or  Other (Name & Date): Photographs by Jim Carsner (Corps), taken 13 March 2018.
- 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:**

##### Site Visits

13 February 2018 and 13 March 2018

Jim Carsner (Corps); Doug Gresham (WDOE); Joe Singh (Applicant); Jeff Mallahan (Consultant), and Brenda Fodge (Polygon)

**Site Visits:** The site was visited twice; the 13 February 2018 site visit included the Corps, applicant, and consultant. A second site visit was conducted on 23 March 2018 site visit and included all above listed personnel.

**Site Description:** The roughly 12.5-acre site is bounded on the north by South 272<sup>nd</sup> Street, on the east by commercial and residential property and 16<sup>th</sup> Avenue South, on the south by residential property, and the west by residential and public development. The property is mostly undeveloped forested land with undulating topography. The property is roughly rectangular in shape with general slopes to the northwest and northeast. An east-west access/maintenance road extends west from 16<sup>th</sup> Avenue South, near the mid-point of the property, to allow access to the City water system that is located approximately 650 feet west and upslope of the western property boundary. A driveway is found near the southeast corner of the property, providing access to a single-family residence that has been demolished. A north-south access/maintenance road is found near the west property boundary, providing access to an offsite storm pond near 16<sup>th</sup> Place South.

Vegetation is dominated by deciduous trees (big-leaf maple, red alder, and black cottonwood) with a few coniferous trees (western red cedar and Douglas fir). The shrub and herbaceous understory is dominated by salmonberry, oso-berry, beaked hazelnut, blackberry, sword fern, creeping buttercup, reed canary grass, and various other herbs and forbs.

The wetlands are found in two distinct areas of the property that are separated by an east-west access/maintenance road that bisects the property with Wetland F is found north of the east-west access/maintenance road and in a shallow depression that extends offsite to the west. Water from the offsite portion of Wetland F drains north, into a storm pond abutting the south side of South 272<sup>nd</sup> Street, then continues north under South 272<sup>nd</sup> Street and into a constructed ditch/tributary that drains to Woodmont Creek, a RPW, then into Puget Sound, a TNW.

Delineation: A wetland delineation was conducted by Wetland Resources, Incorporated in November 2017. Six separate wetlands were identified by the consultant – Wetlands A – F. This review, Form 2 of 2, covers Wetland F only.

**Delineation:** A wetland delineation was conducted by Wetland Resources, Incorporated in November 2017.

**Soils:** Mapped soils are:  
Alderwood gravelly sandy loam, 0-8% slope (non-hydric)

Observed soil colors are:  
Wetlands:

Wetland F; 10YR 3/2 silt loam from 0”- 6” ; 10YR 3/2 silty clay loam from 6” – 16” with 10% 7.5YR 4/4 and 5% 2.5Y 4/3 redox features (prominent), meeting F3 hydric soil criteria.

Uplands:  
Soils adjacent to the wetland boundaries were found to be a 10 YR 3/2 within the upper 3 to 8 inches and 10YR 3/3 below the upper layer with no redox features.

**Hydrology:** Wetland is supported by shallow groundwater seepage and precipitation.

**Vegetation:**

Wetland F	Red alder, FAC; Western red cedar, FAC; Black cottonwood, FAC
PFO	Salmonberry, FAC; Red-twig dogwood, FACW, Twinberry honeysuckle, FAC; Himalayan blackberry, FAC Skunk cabbage, FACW; Creeping buttercup, FAC
Uplands	Red alder, FAC; Big-leaf maple, FACU; Douglas fir, FACU; Western red cedar, FAC; Black cottonwood, FAC Salmonberry, FAC; Oso-berry, FACU, FACW, Beaked hazelnut, FACU; Salal, FACU; Himalayan blackberry, FAC Red fescue, FAC; Creeping buttercup, FAC; English ivy, FACU; English plantain, FACU

Wetland acreage identified for this determination: 2.51 acres (Wetlands A through F)  
Wetland acreage to be filled: 0.49 (Wetlands A through E)

**Observations/Discussion:**

Corps personnel walked around the Wetland F, and followed the apparent flow paths offsite. The area around Wetland F and throughout the review area has been disturbed through adjacent road construction, onsite development and land use. The flagged wetland boundaries appeared to accurately delineate the wetland edges.

Wetland F is located north of the east-west access/maintenance road and contiguous with an offsite storm pond with surface and sub-surface (presumed) water flows onto the storm pond, then northward and into an unnamed seasonal tributary, a non-RPW, to Woodmont Creek, a RPW, then to Puget Sound, a designated Section 10 navigable waterway.

**Jurisdictional Determination:**

Wetland F is considered adjacent, per the definition found at 33 CFR 328.3(c)(1), to non-relatively permanent waters that flow into Woodmont Creek, a RPW, then into Puget Sound, a Section 10 navigable waterbody used for interstate and foreign commerce. Wetland F has a significant nexus to downstream traditional navigable waters and is a jurisdictional water of the U. S.

Heather Dean of the EPA concurred with the Corps findings via phone call on 18 May 2018 at approximately 12:30 pm.