

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

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 30 May 2017.

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Seattle District, NWS-2016-951, Oakpoint Land Covington, LLC (Lakepoint Urban Village).

Name of water being evaluated on this JD form: Gravel Pit

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Washington County: King City: Covington

Center coordinates of site (lat/long in degree decimal format): Lat: 47.371124 N, Long: -122.085416 W

Universal Transverse Mercator:

Name of nearest waterbody: Jenkins Creek.

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Not Applicable.

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: 25 May 2017.

Field Determination. Date(s): 18 January 2017.

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.

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.

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):¹ NOT APPLICABLE

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: NOT APPLICABLE

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: Set of four (4) project drawings dated 31 August 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.

¹ 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.

- 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): Photos from 18 January 2017 Field Determination.
- 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:

There are no waters of the U.S. in the review area because:

- The review area consists entirely of uplands.
- Additional explanation: _____

Per the preamble of the 1986 Corps implementing regulations for 33CFR328.3, the identified waters in the review area have been determined on a specific case-by-case basis to not be waters of the U.S.:

- A non-tial drainage and irrigation ditch excavated on dryland
- An artificially irrigated area which would revert to upland if the irrigation ceased
- An artificial lake or pond 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
- An artificial reflecting or swimming pool or other small ornamental body of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons
- A waterfilled depression created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the U.S.

Additional explanation: A site inspection was conducted on 18 January 2017 to determine whether or not the wetland characteristics exhibited in the gravel pit were incidental to mining activities within the Approved Jurisdictional Determination (AJD) review area. The AJD review area is outlined in red on the associated drawings dated 31 August 2016, which corresponds to the approximate gravel pit boundary. The gravel pit is approximately 67 acres in size. Gravel has been actively mined and processed within the review area since the mine was first permitted in 1974 by DNR (DNR Reclamation Permit Number 70-011068). When the gravel pit was first mined, a peat deposit was discovered and mined along with the gravel until the peat deposit was depleted. Based on the available information, the peat deposit was likely not associated with a wetland. Thus, the mining activities originated in dry land. The gravel pit is currently going through reclamation and is not considered abandoned. Based on the site inspection, the Corps has determined that the waterfilled depressions within the AJD review area were created in dry land incidental to pits excavated in dry land for the purpose of obtaining gravel and are thus not waters of the U.S.

Note: Northeast of the AJD review area is Jenkins Creek and Wetland A, which are not part of this AJD.

- The water is a waste treatment system designed to meet the requirements of the U.S. (33 CFR 328.3(a)(8))
- Additional explanation: _____