



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 11/3/2020
 ORM Number: NWS-2019-929 (NORDCO)
 Associated JDs: N/A
 Review Area Location¹: State/Territory: WA City: Mt. Vernon County/Parish/Borough: Skagit
 Center Coordinates of Review Area: Latitude 48.407992 Longitude -122.305238

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):			
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland A	0.71	acre(s)	(b)(1) Non-adjacent wetland.	The wetland does not abut an (a)(1) through (3) water; is not inundated by flooding from a paragraph (a)(1) through (3) water in a typical year; is not physically separated from a paragraph (a)(1) through (3) water by a natural berm, bank, dune, or similar natural feature or by an artificial dike, barrier, or similar artificial structure that allows for a direct hydrologic surface connection between the wetlands and the paragraph (a)(1) through (3) water in a typical year. See Section III.C for additional details.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant: [Wetland Delineation Review and Update dated 30 August 2019, Conceptual Site Plan dated 6 February 2020, Bank Use Plan dated October 2019, City of Mt. Vernon Stormwater System Map dated 18 January 2011](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial and Other: Rating figures, 4 Sept 2020 site visit](#)
- Corps site visit(s) conducted on: [4-September-2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [19-October-2020](#)
- USFWS NWI maps: [19-October-2020](#)
- USGS topographic maps: [mytopo.com pdf - no date](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
Other USDA data (specify)	NRCS Web soil survey
NOAA Sources	N/A.
Other USACE data (specify)	N/A.
State/Local wetland inventory maps	Ecology Water Quality Atlas (Accessed 19 October 2020)
Other information (specify)	WDFW Salmonscape (Accessed 19 October 2020)

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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B. Typical year assessment(s): N/A

C. Additional comments to support AJD: The wetland was delineated in 2006 by Wetland Technology and the Jay Group and reviewed for accuracy in 2019 by Skagit Wetland & Critical Area, LLC. Wetland A is a category IV sloped-depressional emergent wetland. The 13-acre site was historically used as a pasture for livestock grazing and is bounded by Blackburn road to the south and residential or undeveloped lands to the east, west, and south. The property slopes to the northwest into the corner of the property where Wetland A is located. The wetland receives hydrologic input from upgradient runoff not captured by stormwater conveyance and direct precipitation. Two ditches were noted abutting the wetland - one along the western property boundary (flowing north) and one along the northern property boundary (flowing west). The ditch along the northern property boundary is mapped by WDFW Salmonscape and Ecology's Water Quality Atlas as an a(2) tributary to Maddox Creek, however, reconnaissance photos provided by the agent on 30 October 2020 indicates no discernable bed, bank, or surface water connections to Maddox Creek. Wetland A and both ditches drain into the City of Mount Vernon stormwater catch basin at the edge of 3000 Withers Place. The wetland consultant on site during the 4 September 2020 site visit with the Corps noted that overflow during rainy season travels from the wetland across an adjacent property to the west and onto 30th street before flowing into the stormwater system. The stormwater conveyance traverses intervening uplands between Wetland A and Maddox creek. Said uplands are developed with high density residential housing and associated stormwater facilities. Stormwater flows via a culvert across Maddox Creek and into a stormwater detention pond mapped by the City of Mount Vernon. The stormwater detention pond has one culverted outlet in the southwest corner that leads to an additional stormwater retention swale before it outlets into Maddox creek via culvert, 1,000 feet in distance from the northwest corner of Wetland A and both ditches. Therefore, Wetland A has no surface water contribution to or reception from a paragraph (a)(1) - (a)(3) water and is an excluded (b)(1) non-adjacent wetland.