



**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): 1/25/2021

ORM Number: NWS-2020-1003

Associated JDs: N/A

Review Area Location¹: State/Territory: Washington City: Arlington County/Parish/Borough: Snohomish

Center Coordinates of Review Area: Latitude 48.158013 Longitude -122.096727

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 or describe rationale.
- 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	0.065	acre(s)	(b)(1) Non-adjacent wetland.	Wetland A has does not contribute surface water flow to a water of the U.S. Wetland A does not abut a jurisdictional water of the U.S, and is not inundated by flooding from a water of the U.S. in a typical year. Wetland A is not an adjacent wetland. See Section III.C. for additional justification.
Wetland B	0.035	acre(s)	(b)(1) Non-adjacent wetland.	Wetland B does not contribute surface water flow to a water of the U.S. Wetland B does not abut a jurisdictional water of the U.S, and is not inundated by flooding from a water of the U.S. in a typical year. Wetland B is not an adjacent wetland. See Section III.C. for additional justification.

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: [Delineation Report for Snohomish County Fire District #21 – McElroy Road dated 16 October 2020](#).
This information is sufficient for purposes of this AJD.
Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\)](#).
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Other: Figures 9 through 13 of the Project Drawings, dated 20 January 2021; Aerial: Google Earth Aerial Imagery accessed 11 December 2020](#)
- Corps site visit(s) conducted on: [Date\(s\)](#).
- Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\)](#).
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [USDA-NRCS Web Soil Survey for subject property accessed 11 December 2020](#)
- USFWS NWI maps: [NWI Map for subject property accessed 11 December 2020](#)
- USGS topographic maps: [USGS The National Map \(TNM\) for subject property accessed 11 December 2020](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.

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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Data Source (select)	Name and/or date and other relevant information
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	EPA WATERS Feature Layer accessed via Google Earth 11 December 2020

- B. Typical year assessment(s):** Based on the Antecedent Precipitation tool, in a typical year, Wetlands A and B are not inundated or flooded by an (a)(1), (a)(2), or (a)(3) water.
- C. Additional comments to support AJD:** Wetland A is a 2,831 square foot (sf) Category III depressional wetland located along the western property boundary, north of Wetland B. The subject wetland receives hydrology from a shallow ground water table and seasonal high runoff from a roadside ditch located along the western property boundary. The roadside ditch, which is not located within the review area of this jurisdictional determination, is separated from Wetland A by a topographic high point. The ditch extends north to a driveway located adjacent to the northwest corner of Wetland A. Based on field investigations conducted by Wetland Resources, Inc. on 9 August 2019 and 29 May 2020, water is impounded by this driveway and no culvert exists to transport water to the north. The roadside ditch does not extend south of Wetland A due to a topographic rise in grade. Wetland A does not appear to have a surface water connection to Wetland B or any potential waters of the U.S. The nearest potential water of the U.S. is an unnamed tributary to the South Fork Stillaguamish River, located 0.1 mile east of the subject wetland. The tributary, which is located within a topographic depression, is separated by the subject wetland by a topographic rise in grade therefore, it is unlikely that a surface water connection exists between the tributary and wetland during periods of flooding. Based on this information, Wetland A is a non-adjacent wetland.

Wetland B is a 1,503 sf depressional wetland located along the western property boundary, south of Wetland A. The subject wetland receives hydrology from a shallow ground water table and seasonal high runoff from the above-mentioned roadside ditch located along the western property boundary. Wetland B is separated from the roadside ditch by a topographic high point. Hydrology within the portion of the roadside ditch located adjacent to Wetland B does not appear to extend north or south due to a topographic rise in grade. Wetland B does not appear to have a surface water connection to Wetland A or any potential waters of the U.S. The nearest potential water of the U.S. is an unnamed tributary to the South Fork Stillaguamish River, located 0.1 mile east of the subject wetland. The tributary, which is located within a topographic depression, is separated by the subject wetland by a topographic rise in grade therefore, it is unlikely that a surface water connection exists between the tributary and wetland during periods of flooding. Based on this information, Wetland B is a non-adjacent wetland.