



**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): 6/29/2020  
 ORM Number: NWS-2019-258-WRD  
 Associated JDs: NWS-2019-258-WRD, an approved JD was made on 11 July 2019 under the 2015 Clean Water Rule  
 Review Area Location<sup>1</sup>: State/Territory: WA City: Algona County/Parish/Borough: King  
 Center Coordinates of Review Area: Latitude 47.2886 Longitude -122.260345

**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)<sup>2</sup>**

§ 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): <sup>3</sup>			
(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.

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

<sup>2</sup> 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.

<sup>3</sup> 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland D	0.57	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.

<sup>4</sup> 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.

<sup>5</sup> 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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Ditch 1	850	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Ditch 1 is a stormwater control feature constructed in uplands which conveys water to a piped stormwater system that runs the entire length of the property before discharging into a stormwater detention pond. 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: [NWS-2019-258-258-WRD King County Solid Waste Division South County Recycling and Transfer Station – Wetland Jurisdictional Determination for “Area C” 15 May 2020, South County Recycling and Transfer Station Final Wetland and Stream Delineation Report May 2019, AJD Figures and Photographs April 2019.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [South King County and Transfer Station, June 10 2019](#)

Photographs: [Aerial and Other: Appendix D \(Site photographs\) and Appendix E \(Aerial\) of the Wetland and Stream Delineation Report \(Aerial\), Additional site photographs are shown the AJD Figures and Photographs April 2019](#)

Corps site visit(s) conducted on: [3/21/19 and 6/10/19](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [NWS-2019-258-WRD \(AJD\) under the 2015 Clean Water Rule, 11 July 2019](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\).](#)

USFWS NWI maps: [20200622-NWI\\_topo\\_maps](#)

USGS topographic maps: [20200622-NWI\\_topo\\_maps](#)



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**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.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

**B. Typical year assessment(s):** Typical year assessment is not applicable due to the exclusion criteria of the wetland and ditch.

**C. Additional comments to support AJD:** Wetland D is a recently formed wetland, as a result of both reclamation and the malfunction of the stormwater system onsite. As shown in Appendix E (Aerial Photographs), the site operated as a gravel mine. There is no evidence that the area prior to the gravel mine supported any natural surface water (e.g., wetland, stream, tributary). Appendix D also shows the historical timeline of the construction of Ditch 1 out of uplands (gravel mine). The original landscape was the valley wall of the Green River floodplain. Past gravel mining operation at the site have altered the landscape by lowering the valley wall, thus creating a flatter topography. Wetland D is located at the base of the excavated valley wall (between toe of valley wall and hill side). The wetland receives hydrology from surface water, as a result of both the reclamation of the gravel mining operation and slope stabilization. At the base of the bank, a ditch (Ditch 1) was constructed to drain hillside surface flow (sheet flow) and groundwater runoff. Due to the lack of maintenance of the ditch (vegetation) and outlet elevation (higher), water accumulates in reclaimed area (Wetland D). The original 12-inch pipe installed as part of the gravel mine closure had an invert elevation of 103.42. The tenant who now leases the property, extended the outlet with an 8-inch diameter pipe and attempted to lower the pipe by placing sand bags on top of it. Even with the extra weight, the invert elevation was raised to 104.27. The raised elevation prohibits water drainage through the outlet of the constructed stormwater system. As a result, hydrology backs up and overflows the ditch, inundating the surrounding area. The applicant's consultant performed four site visits over a three month period (January-April), focusing on high precipitation events. During the site visits, there was no observed flow from Wetland D through the constructed stormwater system or any other outlet, that would contribute flow to an (a)(1) -(a)(3). Furthermore, Wetland D has no adjacency to other wetlands, which would have a surface water connection. Wetland D appears to be an isolated water. However, in the event the outlet pipe elevation was lowered or, if water levels could reach the evaluation of the outlet pipe, water would flow through a piped stormwater system (created entirely out of uplands), which discharges to a constructed stormwater detention pond onsite. The detention pond discharges water to a stormwater ditch, which eventually drains to an (a)(4) water (Algona Creek). If a surface water connection were to occur from Wetland D to the detention pond, it would still be an excluded (b)(1) water. Wetlands that are connected to tributaries by a non-jurisdictional features are excluded.

Ditch 1 is a stormwater control feature constructed out of uplands. The ditch was constructed as part of the bank stabilization and reclamation measures after gravel mining operations had stopped at the site. As stated above, Ditch 1 receives hydrology from only groundwater and surface runoff. The ditch is designed to convey from the southern end of the property and flow northward to a detention pond. The open ditch segment (350 feet) is designed to drain northward into a piped stormwater system that runs the entire length of the property before discharging into a stormwater detention pond. However, due to the elevation of the outlet pipe water is unable to flow northward and instead ponds during heavy rain events. Site visits



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performed by the Corps (3/21/19 and 6/10/19) and by the applicant's consultant (January 25, 29, March 16, and April 6, 2020) observed no flow of hydrology from the ditch.