



**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): 7/31/2020
 ORM Number: NWS-2020-00110
 Associated JDs: N/A
 Review Area Location¹: State/Territory: WA City: Bellevue County/Parish/Borough: King
 Center Coordinates of Review Area: Latitude 45.5647013 Longitude -122.1721152

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 B	0.04	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: [Appendix A: JD Figures & Maps dated 21 January 2020](#), [Appendix B: Delineation Report dated 21 January 2020](#), [Appendix C: Original Critical Areas Reports dated 16 February 2018](#), and [Delineation Report Addendum dated 4 June 2020](#)

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: Delineation Report Addendum dated 4 June 2020 \(Site photos\)](#), [Appendix A: JD Figures & Maps dated 21 January 2020 \(Aerials\)](#)
- 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: [Appendix A: JD Figures & Maps, sheet 6 of 10](#)
- USFWS NWI maps: [Appendix A: JD Figures & Maps, sheet 3 of 10](#)
- USGS topographic maps: [Appendix A: JD Figures & Maps, sheet 4 of 10](#)

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 NRCS WETS tables	NRCS WETS Table provided for January 2018 site visit; Sum = 15; wetter than normal.
NOAA Sources	N/A.
USACE 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
Other state/local data (specify) DNR	Forest Practices Application Mapping Tool (FPAMT)
Other information (specify)	King County iMap
FEMA/FIRM maps	FEMA Flood Insurance Rate Map (FIRM)

B. Typical year assessment(s): NRCS WETS Table provided for January 2018 site visit; Sum = 15; wetter than normal.

C. Additional comments to support AJD: Wetland B was initially delineated in December 2017 and its boundary was confirmed in 2018 and 2020. The forested/scrub-shrub sloped wetland unit is located 50 linear feet south of Coal Creek Parkway on the subject parcel and is located in residential/urban area. The wetland receives hydrologic input from upgradient runoff not captured by stormwater conveyance and direct precipitation. No direct surface flow inputs from culverts/pipes were identified upslope of Wetland B and the wetland has no observed outlet. Topographic analysis of the site indicates hydrology flows subsurface to the southwest. Site visits were performed by the Applicant's Agents on December 25, 2017, January 25, 2018, and on May 5, 2020 with a cumulative total of 6 upland data plots paired with 2 Wetland B data plots. Wetland B has no surface water contribution to or reception from an (a)(1)-(a)(3) water. Wetland B is located 150 feet upgradient from Stream A, an intermittent tributary to Coal Creek and type (a)(2) water. Stream A flows northwesterly and connects to Coal Creek approximately 400 feet northwest of the property. Data plots SP3, SP4 and SP5 were taken in the intervening area between Wetland B and Stream A (Wetland Resources 4 June 2020). The intervening upland area between Wetland B and Stream A has a slope of 6.23 percent, slopes to the southwest, and is comprised of primarily upland forest vegetation. Wetland hydrology and hydric soil indicators were not observed in data plots SP3, SP4, and SP5. There are no natural or artificial barriers between the wetland and stream and there is no flow (inundation from flooding) from Stream A to Wetland B. Wetland B is located 620 feet upgradient from Coal Creek, a perennially flowing type (a)(2) water. The intervening terrain is comprised of sloped upland forest and Wetland B is artificially isolated from Coal Creek by 125th Avenue southeast, businesses, and single family residences. There is no flow (inundation from flooding) from Coal Creek to Wetland B.