



**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): 9/21/2020
 ORM Number: NWS-2020-771 (Wetlands B, C, and D)
 Associated JDs: NWS-2020-37 (Wetland A)
 Review Area Location¹: State/Territory: Washington City: Arlington County/Parish/Borough: Snohomish
 Center Coordinates of Review Area: Latitude 48.15352 Longitude -122.1152

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.

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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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland C	0.545	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year.	Wetland C is separated from Armstrong Creek only by a culvert, which allows a direct hydrologic surface connection between the subject wetland and water. Armstrong Creek is a tributary to the Stillaguamish River, which drains to Puget Sound.
Wetland D	0.395	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year.	Wetland D is separated from Armstrong Creek only by a culvert, which allows a direct hydrologic surface connection between the subject wetland and water. Armstrong Creek is a tributary to the Stillaguamish River, which drains to Puget Sound.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland B	0.511	acre(s)	(b)(1) Non-adjacent wetland.	Wetland B has no known surface water outlet and 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

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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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: [Zahradnik Property Wetlands B, C, & D Delineation Report dated 27 July 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: [Other: Site Photos dated 4 March 2020](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [AJD dated 19 May 2020 \(Corps Reference NWS-2020-37\)](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [NRCS Web Soil Survey accessed 3 September 2020](#)
- USFWS NWI maps: [National Wetlands Inventory accessed 3 September 2020](#)
- USGS topographic maps: [Title\(s\) and/or date\(s\).](#)

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	Arlington Stormwater Inventory Map accessed 3 September 2020
Other Sources	EPA WATERS Feature Layer accessed via Google Earth 3 September 2020

B. Typical year assessment(s): Based on the Antecedent Precipitation tool, in a typical year, Wetland B is not inundated or flooded by an (a)(1), (a)(2), or (a)(3) water.

C. Additional comments to support AJD: Wetland B is a 0.511-acre depressional wetland with no known surface outlet. No surface water was observed leaving the onsite wetland during site assessments conducted in March 2020. No piped inlet or outlet was observed, and the City of Arlington Stormwater Infrastructure Map confirms that there are no catch basins of pipes leading towards or away from the subject wetland. No signs of flowing water such as scour, sediment deposits, defined channels, or ditches were observed. The nearest potential water of the U.S. is West Fork Prairie Creek which is over 800 feet from Wetland B. The potential for a subsurface connection between Wetland B and West Fork Prairie Creek is unlikely based on the presence of surficial development structures (road, residential housing) and the slow rate of hydraulic connectivity of the soils between Wetland B and West Fork Prairie Creek, which limits movement of water between the wetland and waterbody. Based on this information, Wetland B is a non-adjacent wetland.

Wetland C is a 0.545-acre depressional wetland which drains east, through a culvert, off-site under State Route 9 right-of-way into Armstrong Creek which flows into the Stillaguamish River then into Puget Sound. Figure 9 of the project drawings, dated 27 July 2020 depict the drainage point mapped by the City of Arlington Stormwater Inventory Map. Presence of a thick layer of dark soils underlain by a depleted matrix, as observed in Wetland C in March 2020, indicates prolonged saturation or inundation. Furthermore,



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several inches of standing water were observed in Wetland C. Based on this information, Wetland C is an adjacent wetland with a direct surface water connection to a navigable water of the United States via an artificial structure (culvert).

Wetland D is a 0.395-acre depressional wetland which drains east, through a culvert, off-site under State Route 9 right-of-way into Armstrong Creek which flows into the Stillaguamish River then into Puget Sound. Figure 9 of the project drawings, dated 27 July 2020 depict the drainage point mapped by the City of Arlington Stormwater Inventory Map. Presence of a thick layer of dark soils underlain by a depleted matrix, as observed in Wetland D in March 2020, indicates prolonged saturation or inundation. Furthermore, several inches of standing water were observed in Wetland D. Based on this information, Wetland D is an adjacent wetland with a direct surface water connection to a navigable water of the United States via an artificial structure (culvert).