



**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): 8/14/2020
 ORM Number: NWS-2018-173
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Washington City: Redmond County/Parish/Borough: King
 Center Coordinates of Review Area: Latitude 47.664247 Longitude -122.132782

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
Ditch JD-1A	965	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The ditch is not an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not meet the (C)(12) definition for a tributary and does not meet the (c)(1) definition for an adjacent wetland. See Section III.C for additional discussion.
Ditch JD-1B	100	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The ditch is not an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not meet the (C)(12) definition for a tributary and does not meet the (c)(1) definition for an adjacent wetland. See Section III.C for additional discussion.
Ditch JD-2	605	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The ditch is not an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not meet the (C)(12) definition for a tributary and does not meet the (c)(1) definition for an adjacent wetland. See Section III.C for additional discussion.
Ditch JD-4	1,945	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The ditch is not an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not meet the (C)(12) definition for a tributary and does not meet the (c)(1) definition for an adjacent wetland. See Section III.C for additional discussion.
Ditch JD-5	605	linear feet	(b)(5) Ditch that is not an (a)(1) or	The ditch is not an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			(a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	does not meet the (C)(12) definition for a tributary and does not meet the (c)(1) definition for an adjacent wetland. See Section III.C for additional discussion.
Ditch JD-6	500	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The ditch is not an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not meet the (C)(12) definition for a tributary and does not meet the (c)(1) definition for an adjacent wetland. See Section III.C for additional discussion.

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: [DRLE: rational for non-jurisdictional determination, date 7/20/2020, DRLE Ditch Graphics with topo, dated 7/20/2020, and Downtown Redmond Link Extension Wetland, Stream, and Jurisdictional Ditch Report, dated June 2018.](#)

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: Google Earth Aerial Imagery, accessed 10 August 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 Soil Map DRLE, dated 8/11/2020](#)
- USFWS NWI maps: [National Wetland Inventory MAP DRLE, date 7/31/2020](#)
- USGS topographic maps: [Historical Topo Seattle, Washington 1897, and Historical Topo Seattle, Washington 1962, dated 7/31/2020](#)

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



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

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

C. Additional comments to support AJD: The subject ditches have been excavated in upland for State Route (SR) 520 as verified based on existing topography, a review of historical aerial photos, and a lack of hydric soils mapped in these locations - areas in which ditches were constructed are mapped as Alderwood Sandy Gravelly Loam (non-hydric with hydric inclusions) with the exception of JD-6 mapped as Kitsap Ailt Loam (non-hydric with hydric inclusions). The ditches are not constructed in historic wetlands nor are they relocated or modified tributaries. The subject ditches are not adjacent to or abutting any wetland or tributary.

Ditch JD-1A was constructed in uplands to convey stormwater runoff from SR 520. Flow in the ditch is intermittent. Water in the ditch intercepts groundwater and responds to impervious surface of SR 5-20 runoff and flows to the Sammamish River (a)(1) water. The ditch does not meet the criteria of a wetland (hydrology, soils, and vegetation). The subject ditch is not subject to tidal ebb and flow and has no potential to be used in interstate or foreign commerce. Based on historical aerial imagery and topographic maps, the subject ditch does not relocate a tributary, is not constructed in a tributary, and is not constructed in an adjacent wetland; thus, the subject ditch does not meet the definition of a tributary. While the ditch meets the flow conditions of an (a)(2) water – it has intermittent surface water flow in a typical year – and does eventually contribute surface water flow to a jurisdictional water in a typical year, it is not a relocated tributary and was not constructed in a tributary or constructed in an adjacent wetland.

Ditch JD-1B was constructed in uplands to convey stormwater runoff from SR 520. Flow in the ditch is intermittent. Water in the ditch intercepts groundwater and responds to impervious surface of SR 5-20 runoff and flows to the Sammamish River (a)(1) water. The ditch does meet the criteria of a wetland (hydrology, soils, and vegetation). The subject ditch is not subject to tidal ebb and flow and has no potential to be used in interstate or foreign commerce. Based on historical aerial imagery and topographic maps, the subject ditch does not relocate a tributary, is not constructed in a tributary, and is not constructed in an adjacent wetland; thus, the subject ditch does not meet the definition of a tributary. While the ditch meets the flow conditions of an (a)(2) water – it has intermittent surface water flow in a typical year – and does eventually contribute surface water flow to a jurisdictional water in a typical year, it is not a relocated tributary and was not constructed in a tributary or constructed in an adjacent wetland.

Ditch JD-2 was constructed in uplands to convey stormwater runoff from SR 520. Flow in the ditch is intermittent. Water in the ditch intercepts groundwater and responds to impervious surface of SR 5-20 runoff and flows to the Sammamish River (a)(1) water. The ditch does not meet the criteria of a wetland (hydrology, soils, and vegetation). The subject ditch is not subject to tidal ebb and flow and has no potential to be used in interstate or foreign commerce. Based on historical aerial imagery and topographic maps, the subject ditch does not relocate a tributary, is not constructed in a tributary, and is not constructed in an adjacent wetland; thus, the subject ditch does not meet the definition of a tributary. While the ditch meets the flow conditions of an (a)(2) water – it has intermittent surface water flow in a typical year – and does eventually contribute surface water flow to a jurisdictional water in a typical year, it is not a relocated tributary and was not constructed in a tributary or constructed in an adjacent wetland.



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Ditch JD-4 was constructed in uplands to convey stormwater runoff from SR 520. Flow in the ditch is intermittent. Water in the ditch intercepts groundwater and responds to impervious surface of SR 5-20 runoff and flows to the Sammamish River (a)(1) water. The ditch does not meet the criteria of a wetland (hydrology, soils, and vegetation). The subject ditch is not subject to tidal ebb and flow and has no potential to be used in interstate or foreign commerce. Based on historical aerial imagery and topographic maps, the subject ditch does not relocate a tributary, is not constructed in a tributary, and is not constructed in an adjacent wetland; thus, the subject ditch does not meet the definition of a tributary. While the ditch meets the flow conditions of an (a)(2) water – it has intermittent surface water flow in a typical year – and does eventually contribute surface water flow to a jurisdictional water in a typical year, it is not a relocated tributary and was not constructed in a tributary or constructed in an adjacent wetland.

Ditch JD-5 was constructed in uplands to convey stormwater runoff from SR 520. Flow in the ditch is intermittent. Water in the ditch intercepts groundwater and responds to impervious surface of SR 5-20 runoff and flows to the Sammamish River (a)(1) water. The ditch does not meet the criteria of a wetland (hydrology, soils, and vegetation). The subject ditch is not subject to tidal ebb and flow and has no potential to be used in interstate or foreign commerce. Based on historical aerial imagery and topographic maps, the subject ditch does not relocate a tributary, is not constructed in a tributary, and is not constructed in an adjacent wetland; thus, the subject ditch does not meet the definition of a tributary. While the ditch meets the flow conditions of an (a)(2) water – it has intermittent surface water flow in a typical year – and does eventually contribute surface water flow to a jurisdictional water in a typical year, it is not a relocated tributary and was not constructed in a tributary or constructed in an adjacent wetland.

Ditch JD-6 was constructed in uplands to convey stormwater runoff from SR 520. Flow in the ditch is intermittent. Water in the ditch intercepts groundwater and responds to impervious surface of SR 5-20 runoff and flows to the Sammamish River (a)(1) water. The ditch does not meet the criteria of a wetland (hydrology, soils, and vegetation). The subject ditch is not subject to tidal ebb and flow and has no potential to be used in interstate or foreign commerce. Based on historical aerial imagery and topographic maps, the subject ditch does not relocate a tributary, is not constructed in a tributary, and is not constructed in an adjacent wetland; thus, the subject ditch does not meet the definition of a tributary. While the ditch meets the flow conditions of an (a)(2) water – it has intermittent surface water flow in a typical year – and does eventually contribute surface water flow to a jurisdictional water in a typical year, it is not a relocated tributary and was not constructed in a tributary or constructed in an adjacent wetland.

Ditch JD-3 and JD-7 included in the original request for an approved jurisdictional determination; the ditches are located outside the project area and was requested to be removed from the jurisdictional review.

Other waters and wetlands that may occur on this property the review area are not the subject of this determination.