



**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): [7/24/2020](#)
 ORM Number: [NWS-2020-388 Sunnyside Village Cohousing](#)
 Associated JDs: [N/A](#)
 Review Area Location¹: State/Territory: [Washington](#) City: [Marysville](#) County/Parish/Borough: [Snohomish](#)
 Center Coordinates of Review Area: Latitude [48.025001](#) Longitude [-122.14184](#)

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	0.02 acre(s)	(b)(1) Non-adjacent wetland.	Wetland A has no known surface water outlet and 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	0.30 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.
Wetland D	0.02 acre(s)	(b)(1) Non-adjacent wetland.	Wetland C has no known surface water outlet and does not contribute surface water flow to a water of the U.S. Wetland C 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 C is not an adjacent wetland.

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: [Critical Areas Assessment Report, prepared by GeoEngineers, dated 16 March 2020 including the following Appendices: Site Photographs, Background Maps, Wetland Datasheets, and Wetland Rating Forms](#)

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: [Select. Title\(s\) and/or date\(s\)](#).
- 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: [Soil Data Explorer accessed 2 June 2020](#)
- USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).
- USGS topographic maps: [USGS U.S. Topo 7.5-minute map for Marysville, WA 2014](#)

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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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): Based on the Antecedant Precipitation Tool, in a typical year, the site is not inundated or flooded by an (a)(1), (a)(2), or (a)(3) water.

C. Additional comments to support AJD: Wetland A, B, and D are depressional wetlands with no known surface outlet. No flowing surface water was observed connecting or leaving the on-site wetlands during site assessments conducted by GeoEngineers on 23 January 2020. Using the Antecedant Precipitation Tool, it was determined that conditions in the three months prior to site assessments were normal, suggesting that no surface water connection exists between the wetlands and waters of the U.S. during a typical year. In addition, no indicators of flowing water such as scour, sediment deposits, channels, or ditches were observed on-site. The nearest water of the U.S. is Ebey Slough, which is 0.22 miles from wetland A; 0.19 miles from wetland B; and 0.24 miles from wetland D. Soils on-site and between the on-site wetlands and Ebey Slough consist primarily of Tokul gravelly median loam, an upland soil that is well drained. The potential for a subsurface connection between the on-site wetlands and Ebey Slough is unlikely based on the presence of surficial development structures (i.e. roads, driveways, and residential houses) and a slow rate of hydraulic connectivity of the soils between the on-site wetlands and Ebey Slough, which limits movement of water between the wetlands and waterbody. Based on this information, the Corps has concluded that the subject wetlands do not contribute surface water flow directly or indirectly to a water of the U.S. and are not inundated by flooding from a water of the U.S. in a typical year.

Wetland A is a 0.02 acre, Category IV emergent wetland dominated by creeping buttercup (*Ranunculus repens*), meadow foxtail (*Alopecurus pratensis*), and velvet grass (*Holcus lanatus*). Wetland B is a 0.3 acre, Category IV emergent wetland dominated by creeping buttercup (*Ranunculus repens*), meadow foxtail (*Alopecurus pratensis*), velvet grass (*Holcus lanatus*), Baltic rush (*Juncus balticus*), and curly dock (*Rumex crispus*). Wetland D is a 0.02 acre, Category IV emergent wetland dominated by by creeping buttercup (*Ranunculus repens*), meadow foxtail (*Alopecurus pratensis*), velvet grass (*Holcus lanatus*), and reed canary grass (*Phalaris arundinacea*). Neither wetland A, B, nor D provide significant habitat or special resources that would attract interstate or foreign travelers. No bird or wildlife species of special significant were observed or known to occur within the on-site wetlands that would attract interstate or foreign travelers. The on-site wetlands do not contain habitat that can support fish or shellfish species. They do not provide industrial use, as they are small and seasonal flooding does not provide a significant water source for industrial use. Based on historic aerial photographs, no past or present agricultural practices have taken place within the on-site wetlands. There are no species of tree used for siculture practices within the wetlands. Based on this information, no interstate commerce connection exists for Wetlands A, B, and D. The Corps has concluded that the subject wetlands' on-going use (or potential use), degradation, or destruction would not affect interstate or foreign commerce including recreation, fish harvest, or industrial activities.