



**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): 10/5/2020

ORM Number: NWS-2020-120

Associated JDs: N/A

Review Area Location¹: State/Territory: Washington City: Kent County/Parish/Borough: King County

Center Coordinates of Review Area: Latitude 47.3598563 Longitude -122.2944522

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	0.037	acre(s)	(b)(1) Non-adjacent wetland.	Wetland B and C do not abut an (a)(1) through (a)(3) water; they are not inundated by flooding from an (a)(1) through (a)(3) water in a typical year; they are not physically separated from an (a)(1) through (a)(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 wetlands and (a)(1) through (a)(3) waters in a typical year. There is no direct surface water connection from Wetland B or Wetland C to an (a)(1) through (a)(3) water. See Section III.C for additional details.
Wetland C	0.016	acre(s)	(b)(1) Non-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: "Delineation Report for Cooper Ridge - Star Lake Crossing" dated January 28, 2020; "Initial Review Comments Memo" dated July 10, 2020.

This information is sufficient for purposes of this AJD.

Rationale: N/A

- Data sheets prepared by the Corps: N/A
- Photographs: Aerial and Other: "Appendix A JD Figures" dated January 28, 2020.
- Corps site visit(s) conducted on: N/A
- Previous Jurisdictional Determinations (AJDs or PJDs): N/A
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: "Figure 6: USDA-NRCS Web Soil Survey" dated January 28, 2020.
- USFWS NWI maps: "Figure 3: National Wetlands Inventory Map" dated December 3, 2019.
- USGS topographic maps: "20200930-USGS Topo-NWS-2020-120" dated September 30, 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.
Other 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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B. Typical year assessment(s): Typical year assessment is not applicable due to the exclusion criteria of the wetlands.

C. Additional comments to support AJD: The subject property consists of two single-family homes, associated infrastructure and undeveloped forested areas. Three depressional wetlands were identified on the property: "Wetland A", "Wetland B", and "Wetland C". Additionally two depressional wetlands were identified off site: "Wetland D" and "Wetland E". The applicant requested an approved jurisdictional determination for Wetland B and Wetland C only.

Wetland B is a 1,622 square foot Category IV Palustrine Forested wetland that is seasonally flooded and/or saturated. Wetland B is a topographic depression with no surface water leaving it. The wetland receives hydrology from precipitation and groundwater.

Wetland C is a 690 square foot Category IV Palustrine Forested wetland that is seasonally flooded. Wetland C is a topographic depression with no surface water leaving it. The wetland receives hydrology from precipitation and groundwater.

Topography of the site is flat with the western portion of the property gradually sloping down to the west. USGS topographic maps show less than a 20 foot elevation change across the 8.95-acre subject property. The nearest relatively permanent waters are intermittently flowing drainage ditches located along Interstate 5, east of the property. In addition, there are intermittently flowing drainage ditches that flow east along the northern and southern edge of the subject property to Military Road South. These ditches drain into the City of Kent stormwater system and do not drain into a water of the U.S. The nearest water of the U.S. is Star Lake located southeast of the property. There is no hydrologic surface connection to Star Lake.

At least 100 linear feet of flat forested uplands separate Wetland B from the drainage ditch along the southern edge of the property. At least 150 linear feet of flat forested uplands separate Wetland C from the drainage ditch along the southern edge of the property. In a typical year, there are no surface water connections identified between Wetland B or Wetland C or to any streams, ditches, or other water bodies.