



**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): 1/19/2021

ORM Number: NWS-2020-1026-WRD

Associated JDs: NA

Review Area Location<sup>1</sup>: State/Territory: WA City: NA County/Parish/Borough: King County (Preston)

Center Coordinates of Review Area: Latitude 47.529722 Longitude -121.953249

**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)<sup>2</sup>**

§ 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): <sup>3</sup>			
(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
Unnamed Tributary	370 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The tributary is a naturally occurring surface water channel that contributes surface water flow to a paragraph (a)(1) water in a typical year through one or more paragraph (a)(2)-(4) waters. The tributary is intermittent in a typical year. See Section III.C for additional details.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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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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.	

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
N/A.	N/A.	N/A.	N/A.	

**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: [Site Plan Drawings - March 25, 2020](#); [Wetland Delineation Drawings - April 13, 2017](#)

This information is **not** sufficient for purposes of this AJD.

Rationale: [The information provided lacked the origin and frequency of the hydrology associated with the unnamed stream.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Site Photographs-Attachment A, December 15, 2020](#)
- Corps site visit(s) conducted on: [December 15, 2020](#)
- 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: [Title\(s\) and/or date\(s\).](#)
- USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)
- 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
<a href="#">USGS Sources</a>	<a href="#">USGS StreamStats January 15, 2021</a>
<a href="#">USDA Sources</a>	N/A.
<a href="#">NOAA Sources</a>	N/A.
<a href="#">USACE Sources</a>	N/A.
<a href="#">State/Local/Tribal Sources</a>	N/A.
<a href="#">Other Sources</a>	N/A.

**B. Typical year assessment(s):** [The Antecedent Precipitation Tool \(APT\) was used to assess the typical year percipatation. The drought index for the area indicated that the area was in an incipient](#)

<sup>4</sup> 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.

<sup>5</sup> 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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drought during the wet season (as identified by WebWIMP). The three months leading up to the field visit indicated the precipitation was normal. The 30-day rolling total was below the 30-year normal range for the area. The APT indicated below average (<30th percentile of 30 year average) rainfall for the date of the site visit. The 30-day wetness period indicated dry to normal conditions. Rainfall normality was also determined using WETS data and referenced in the Site Visit MFR dated 15 December 2020. Rainfall leading up to the site visit was normal for that time of year.

**C. Additional comments to support AJD:** The unnamed tributary originates from a ground water and surface runoff at the north face of Tiger Mountain State Forest. As shown in Attachment A (Site Photographs), two separate drainages offsite converge into one stream at the southeast corner of the property. The tributary is then routed into a 4-foot diameter concrete vault, flowing north, conveyed via a buried pipe for the entire length of the property, before going under Southeast Preston Way and daylighting into a straightened channel in an agricultural field (private property). Based on topography, flow patterns of nearby streams and aerial imagery, the unnamed tributary continues to flow north and discharges into East Fork Issaquah Creek. The East Fork of Issaquah Creek flows along the Interstate 90 corridor and then into the City of Issaquah, where it joins the mainstem of Issaquah Creek in the City of Issaquah about 400 feet west of Rainier Boulevard N and First Avenue NW. Issaquah Creek empties into the south end of Lake Sammamish, which is an (a)(1) traditional navigable water.

Despite APT calculated dryer than normal long-term conditions, flow was observed in the stream channel during the time of the site visit. Flows are derived from groundwater at the source and recent precipitation indicating intermittent flow.

A tributary does not lose its jurisdictional status if it contributes surface water flow to a downstream TNW or territorial sea in a typical year through a channelized non-jurisdictional surface water feature, through a subterranean river, through a culvert, dam, tunnel, or similar artificial feature, or through a debris pile, boulder field, or similar natural feature