



**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): 6/16/2021
 ORM Number: NWS-2021-130
 Associated JDs: AJD for NWS-2021-103 dated February 24, 2021
 Review Area Location¹: State/Territory: Washington City: Marysville County/Parish/Borough: Snohomish
 Center Coordinates of Review Area: Latitude 48.143211 Longitude -122.163356

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 F	15.31	acre(s)	(b)(1) Non-adjacent wetland.	The wetland does not abut an (a)(1) through (3) water; is not inundated by flooding from a paragraph (a)(1) through (3) water in a typical year; is not physically separated from a paragraph (a)(1) through (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 the wetland and the paragraph (a)(1) through (3) water in a typical year. See Section III.C for additional details.

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: [Wetland Delineation, Groundwater Monitoring, and Fish and Wildlife Habitat Assessment Report for Williams Investments 51st Avenue Northeast Property dated January 2021; Technical Memorandum dated 27 January 2021.](#)

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 January 2021, February 2021; Historic Aerials provided by NETRonline accessed February 2021.](#)
- Corps site visit(s) conducted on: [9 February 2021](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [NWS-2020-571 dated 30 July 2020](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [NRCS Soil Survey Map dated 25 January 2018](#)
- USFWS NWI maps: [USFWS National Wetland Inventory Map dated 25 January 2018](#)
- USGS topographic maps: [USGS topographic maps dated 1911, 1941, 1943, 1956, and 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.
Other state/local data (specify)	Snohomish County Wetland Inventory Map dated 25 January 2018; Snohomish County Stream Inventory Map dated 25 January 2018

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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Data Source (select)	Name and/or date and other relevant information
Other Sources	EPA WATERS layer accessed via Google Earth, February 2021; WDFW PHS Map dated 25 January 2018; WDFW SalmonScape Map accessed February 2021; DNR Stream Typing Map dated 25 January 2018

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

C. Additional comments to support AJD:

Based on the availability of new information, the Corps' previous AJD, dated 24 February 2021, for Wetland F has been re-evaluated. This AJD for Wetland F supercedes the previous determination issued by this office on February 24, 2021. All other determinations contained in the original AJD remain unchanged.

Wetland F is a 666,928 square foot (sf), Category II wetland located along the northwestern property boundary. The subject wetland extends offsite of the northwest and west. Wetland F receives hydrology from direct precipitation, surface sheet flow, and seasonally high groundwater table.

Hayho Creek flows through Wetland F, and during a typical year, Wetland F contributes intermittent flow to Hayho Creek. The Corps determined that Hayho Creek is an excluded non-water of the U.S. (AJD for NWS-2021-130, dated 24 February 2021). No other potential waters of the U.S. are present in the immediate vicinity which could be hydrologically connected to the subject wetland. The nearest potential water of the U.S. is Edgecomb Creek, located 0.68 mile southeast of the subject wetland. The potential for a direct hydrologic connection between the subject wetland and Edgecomb Creek during a typical year is unlikely given the presence of drainage features and impervious surfaces between the wetland and creek. There are no artificial structures which allow for a direct hydrologic surface connection between the subject wetland and Edgecomb Creek, or between the subject wetland and any other potential (a)(1) through (3) waters.

The subject wetland does not abut a potential (a)(1) through (3) water, is not inundated by flooding from a (a)(1) through (3) water, and is not physically separated from an (a)(1) through (3) water only by a natural berm, bank, dune, or other similar natural feature. Based on the information above, Wetland F is a non-adjacent wetland.