



**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): 3/16/2021
 ORM Number: NWS-2020-495
 Associated JDs: N/A
 Review Area Location¹: State/Territory: WA City: Vashon County/Parish/Borough: King
 Center Coordinates of Review Area: Latitude 47.385 Longitude -122.490

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	0.054	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 wetlands 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: [King County Critical Area Study letter and report dated May 5, 2016](#);

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

Rationale: [The information submitted on behalf of the applicant, in addition to discussions with the consultant and use of other data sources identified below, was sufficient for the purposes of this AJD.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial and Other: 29 October 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: [NRCS Soil Survey dated 5 May 2016](#)
- USFWS NWI maps: [NWI Maps accessed 12 March 2021](#)
- USGS topographic maps: [USGS Topographic Maps accessed 12 March 2021](#)

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	King County iMap Critical Area Inventory
Other Sources	Google Earth Aerial Imagery; EPA WATERS Map accessed via Google Earth; WDFW SalmonScope; WDFW Washington State Fish Passage Map

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

C. Additional comments to support AJD:

Wetland B is a 2,362 square foot (sf), Category III depressional, sloped wetland located within in an access easement to the subject property. The subject wetland is bisected by an existing gravel driveway, under which a culvert provides hydrologic connection between the northern and southern portion of the wetland. The subject wetland extends off-site to the north into a forested area. The subject wetland is bounded by Old Mill Road Southwest to the west and a residential property consisting of a driveway and single family dwelling to the northeast. There is no evidence that the Wetland B abuts a potential water of the U.S. in the northern, off-site portion of the wetland. Mapping databased provided by the EPA and WDFW do not depict any potential waters of the U.S. to the north of Wetland B. In addition, historic topographic maps and aerial images do not depict any historic aquatic resources in this vicinity. The WDFW Washington State Fish Passage Map does not show any culverts or bridges conveying surface water under Old Mill Road Southwest towards the subject property. No evidence of a surface water inlet or outlet was observed within the subject wetland during field investigations. In addition, no evidence of ponding of surface water was observed during field investigations, even after heavy precipitation events.

Based on a review of site topography, ephemeral sheet flow from the subject wetland would likely drain towards an on-site excavated pond, located southeast of the subject wetland. The excavated pond appears to have been constructed concurrent with the development of the property in 1999, based on Google Earth imagery. During field investigations, the excavated pond was dry or saturated without surface water. The primary hydrology source for the excavated pond appears to be high groundwater during the winter and early part of the growing season. Based on a review of historic topographic maps and aerial imagery, there is no evidence that the excavated pond is an impoundment of jurisdictional waters. In addition, there is no evidence that the excavated pond was constructed in an adjacent wetland. The excavated pond is not subject to review under this approved jurisdictional determination.

The nearest potential waters of the U.S. are Shawnee Creek, located 0.2 mile south of the subject wetland, and Fisher Creek, located 0.38 mile east of the subject wetland. There is no artificial structure that would allow for a hydrologic connection between the subject wetland and either of these creeks. Based on a review of the NWI soil report for the subject property, all soil types present between the subject wetland and potential waters of the U.S. are moderately well drained. The NWI soil report indicates that flooding and ponding within this area is not probable in any year. In addition, both potential waters of the U.S. are in topographic low points relative to the subject wetland, and a topographic high p point exists between the subject wetland and waters. Based on this information, it is unlikely that the subject wetland is inundated by an (a)(1) through (3) water in a typical year. The subject wetland does not abut an (a)(1) through (3) water, nor is it separated from an (a)(1) through (3) water only by a natural feature. Based on this information, the subject wetland is not an adjacent wetland.