



**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): [7/20/2021](#)

ORM Number: [NWS-2017-1077](#)

Associated JDs: [N/A](#)

Review Area Location<sup>1</sup>: State/Territory: [Washington](#) City: [Federal Way](#) County/Parish/Borough: [King](#)

Center Coordinates of Review Area: Latitude [47.296307](#) Longitude [-122.294154](#)

**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
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</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
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</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
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>

<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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**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
Wetland DP	0.007	acre(s)	(b)(1) Non-adjacent wetland.	Wetland DP meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)(3) water in a typical year. See Section III.C for additional details.
Wetland DQ	0.016	acre(s)	(b)(1) Non-adjacent wetland	Same as Wetland DP. See Section III.C for more details.
Wetland DR	0.074	acre(s)	(b)(1) Non-adjacent wetland	Same as Wetland DP. See Section III.C for more details.
Wetland DT	0.056	acre(s)	(b)(1) Non-adjacent wetland	Same as Wetland DP. See Section III.C for more details.
Wetland DU	0.009	acre(s)	(b)(1) Non-adjacent wetland	Same as Wetland DP. See Section III.C for more details.
Wetland DW	0.010	acre(s)	(b)(1) Non-adjacent wetland	Same as Wetland DP. See Section III.C for more details.
Wetland DX	0.009	acre(s)	(b)(1) Non-adjacent wetland	Same as Wetland DP. See Section III.C for more details.
Wetland DZ	0.001	acre(s)	(b)(1) Non-adjacent wetland	Same as Wetland DP. See Section III.C for more details.
Wetland EB	0.037	acre(s)	(b)(1) Non-adjacent wetland	Same as Wetland DP. See Section III.C for more details.
Wetland EC	0.019	acre(s)	(b)(1) Non-adjacent wetland	Same as Wetland DP. See Section III.C for more details.
Wetland ED	0.074	acre(s)	(b)(1) Non-adjacent wetland	Same as Wetland DP. See Section III.C for more details.
Wetland EE	0.043	acre(s)	(b)(1) Non-adjacent wetland	Same as Wetland DP. See Section III.C for more details.
Wetland EF	0.026	acre(s)	(b)(1) Non-adjacent wetland	Same as Wetland DP. See Section III.C for more details.
Ditch EE-DR	600	Linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and	The feature is an excavated channel, constructed through uplands and used to convey water from Wetland EE to Wetland DR. The

<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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			those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	ditch does not meet the conditions of an adjacent wetland and does not satisfy the conditions of an (a)(2) tributary. Those portions of the ditch constructed in wetlands do not satisfy the conditions of (c)(1). See Section III.C for more details.
Ditch DQ	150	Linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The feature is an excavated channel, constructed through uplands and used to convey water from Wetland DQ to a stormwater network. The ditch does not meet the conditions of an adjacent wetland and does not satisfy the conditions of an (a)(2) tributary. Those portions of the ditch constructed in wetlands do not satisfy the conditions of (c)(1). See Section III.C for more details.
Ditch DR-EB	200	Linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The feature is an excavated channel, constructed through uplands and used to convey water from Wetland DR to a culvert at the outlet of Wetland EB. The ditch does not meet the conditions of an adjacent wetland and does not satisfy the conditions of an (a)(2) tributary. Those portions of the ditch constructed in wetlands do not satisfy the conditions of (c)(1). See Section III.C for more details.
Drainage Swale	750	Linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The feature is an excavated channel, constructed through uplands and used to convey water from Wetland DT to Stream EA. The swale does not meet the conditions of an adjacent wetland and does not satisfy the conditions of an (a)(2) tributary. Those portions of the ditch constructed in wetlands do not satisfy the conditions of (c)(1). See Section III.C for more details.
Stream EA	500	Linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the	The feature is an excavated channel, constructed through uplands and used to convey water off-site under Highway 18 into an unnamed tributary to Hylebos Creek and then the Puget Sound. The stream channel does not meet the conditions of an adjacent wetland and does not satisfy the conditions of an (a)(2) tributary. Those portions of the ditch constructed



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conditions of (c)(1). in wetlands do not satisfy the conditions of (c)(1).  
See Section III.C for more 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: "Existing Conditions Report" dated December 1, 2017; "Existing Conditions and Drainage Study Summary" dated February 10, 2020, "Response to Comments, Email dated 3 May 2021" dated May 13, 2021

This information is sufficient for purposes of this AJD.

Rationale: N/A

- Data sheets prepared by the Corps: N/A
- Photographs: Aerial and Other: Historic Aerials and Topographic Maps by NETRonline accessed July 2021; Project drawings, dated March 27, 2017 revised October 02, 2020.
- Corps site visit(s) conducted on: April 5, 2021
- Previous Jurisdictional Determinations (AJDs or PJDs): N/A
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: N/A
- USFWS NWI maps: N/A
- USGS topographic maps: USGS Historic Topographic Map: Poverty Bay, WA, 1949

**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):** N/A

**C. Additional comments to support AJD:** A signed AJD request form was received on February 26, 2021. The Corps project manager (Kristin McDermott) met onsite with an additional Senior Corps project manager, Corps student trainee, and agent (Jennifer Marriott) on April 5, 2021.

Site Description: The site consists of two parcels, totaling 32.31 acres, currently owned by Federal Way Campus, LLC. The approximate address is 336633 Weyerhaeuser Way South, Federal Way, Washington. The site is bound to the north and east by Weyerhaeuser Way South, by Weyerhaeuser Road to the west, and State Route highway 18 to the south. The site is currently undeveloped except for existing service roads, a passive recreational trail system, and a maintained landscape materials yard that has been used for the entire Weyerhaeuser property over the past several decades. The majority of the site is a Douglas fir forest with an understory dominated by salal. The site was developed as residential areas in the 1950's but the area has revegetated naturally and the houses were removed sometime between 1969 and 1980. Thirteen (13) wetlands, one (1) stream and three (3) ditches were identified on site.



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Stream EA: This stream shows poor substrate development and is mostly comprised of leaf litter. The channel is located at the toe of the slope of a utility easement which traverses the study area. Hydrology is supported by precipitation and surface water flows from the surrounding uplands. Stream EA is not subject to tidal ebb and flow and has no potential to be used in interstate or foreign commerce. Some sources report Stream EA is intermittent and others report Stream EA is ephemeral in a typical year. However, we have established that it contributes surface water flow to an unnamed tributary to Hylebos Creek south of Highway 18, an (a)(2) water. For the purposes of this AJD we did not need to confirm the flow regime of Stream EA since the stream does not meet other requirements of a Tributary. Stream EA is an artificial feature (even though named a "stream") constructed sometime between the year 2000 and 2015. Historic topographic maps from 1949 and 1956 indicate a natural tributary located more than 500 feet south of the existing Stream EA, but historic aerials from 1955 and 1969 do not indicate the natural tributary or other water feature extended to Stream EA's location. Based on review of USGS historic topographic maps, NETRonline historic aerials, grading plans for the Weyerhaeuser Campus construction dated 1969 and as-built drawings for the utility corridor construction dated 1999, no natural tributary was present at the current location of or in the vicinity of Stream EA prior to construction of Stream EA. Therefore, Stream EA did not relocate a tributary and was not constructed in a tributary. The as-built drawings for the utility corridor construction dated 1999 indicate two wetlands, "Wetland F" and "Wetland E", were present in the area where the construction of Stream EA occurred. The wetlands, filled as part of the utility corridor construction, were in the vicinity of a culvert directed south under Highway 18 which discharged into an unnamed tributary to Hylebos Creek. However, there is no stream like feature indicated north of the culvert in the as-built drawings, USGS historic topographic and soil survey maps, or historic aerial photographs. Because these wetlands were filled in the past, it is difficult to determine the flow regime but it is likely that the wetlands did not contribute enough flow to create any channel or tributary. Therefore, Wetland F and Wetland E would not have been an adjacent wetland at the time of Stream EA construction. Based on this information, Stream EA is a ditch that did not relocate a tributary, was not constructed in a tributary, and was not constructed in an adjacent wetland.

Wetland DQ, DR, EB, EE: The subject wetlands are Category III palustrine forested or scrub-shrub wetlands ranging from 300 square feet to 3,240 square feet in size. They receive hydrology from direct precipitation, surface sheet flow and/or receive flows from upland excavated ditches. The subject wetlands contribute flow to an (a)(2) water through non-jurisdictional features. Water flows through a series of ditches from Wetland EE to Wetland DR then to the outfall of Wetland EB where water discharges into the Weyerhaeuser Way stormwater drainage network. Wetland DQ directly discharges into the Weyerhaeuser Way stormwater drainage network via Ditch DQ. The ditches which direct the surface waters off-site were not determined to be (a)(2) waters (see Ditch EE-DR, Ditch DR-EB, Ditch DQ). No (a)(1)-(a)(3) waters were identified on-site, therefore, the subject wetlands do not abut, are not physically separated by a natural or artificial feature and are not inundated by flooding from an (a)(1)-(a)(3) water.

Wetland DT: The subject wetland is a 2,430 square foot Category III palustrine scrub-shrub wetland. Wetland DT receives hydrology from direct precipitation and surface sheet flow. The subject wetland contributes flow to an (a)(2) water through a non-jurisdictional feature. In direct response to precipitation water flows south of the subject wetland through a constructed drainage swale along Weyerhaeuser Way South. The drainage swale converges with Stream EA prior to the culvert under Highway 18 (see Drainage Swale). No (a)(1)-(a)(3) waters were identified on-site; therefore, the subject wetland does not abut, is not



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physically separated by a natural or artificial feature and is not inundated by flooding from an (a)(1)-(a)(3) water.

Wetland ED, EF, EC: The subject wetlands are Category III palustrine forested or scrub-shrub wetlands ranging from 821 square feet to 3,234 square feet in size. They receive hydrology from direct precipitation, surface sheet flow and/or receive flows from an underground french drain system. The subject wetlands contribute flow to an (a)(2) water through non-jurisdictional features. Water flows through a french drain from Wetland ED and Wetland EF to Wetland EC where water discharges into Stream EA via a french drain, a (b)(2) excluded water. No (a)(1)-(a)(3) waters were identified on-site; therefore, the subject wetlands do not abut, are not physically separated by a natural or artificial feature, and are not inundated by flooding from an (a)(1)-(a)(3) water.

Wetland DP: The subject wetland is a 300 square foot Category III palustrine forested wetland. Wetland DP receives hydrology from direct precipitation, surface sheet flow and high flows from the Drainage Swale. Wetland DP is an isolated depression that does not contribute flow to an (a)(2). A natural berm separates Wetland DP from the drainage swale; however, during high flows the drainage swale will flood into Wetland DP. The drainage swale converges with Stream EA prior to the culvert under Highway 18 (see Drainage Swale). A gravel pedestrian path separates Wetland DP from Stream EA. No (a)(1)-(a)(3) waters were identified on-site; therefore the subject wetland does not abut, is not physically separated by a natural or artificial feature and is not inundated by flooding from an (a)(1)-(a)(3) water.

Wetland DU, DW, DX, DZ: The subject wetlands are Category III palustrine forested or scrub-shrub wetlands ranging from 59 square feet to 446 square feet in size. They receive hydrology from direct precipitation and surface sheet flow. The subject wetlands are isolated depressions that do not contribute flow in a typical year to an (a)(2) water. Topography gradually slopes from Wetland DU towards the southwest towards Wetland DW, Wetland DX, and Wetland DZ. No (a)(1)-(a)(3) waters were identified on-site; therefore, the subject wetlands do not abut, are not physically separated by a natural or artificial feature and are not inundated by flooding from an (a)(1)-(a)(3) water.

Ditch EE-DR and Ditch DR-EB: The subject ditches are typically dry through the summer and fall but convey surface water flow during heavy rain events in the winter. Hydrology is supported by precipitation and surface water flows from the surrounding uplands and abutting wetlands. The subject ditches are not subject to tidal ebb and flow and have no potential to be used in interstate or foreign commerce. The subject ditches are ephemeral in a typical year and likely contribute surface water flow through non-jurisdictional features to an (a)(2) water, Mill Creek. Water outfalls from Wetland EE through a culvert into Ditch EE-DR and discharges into Wetland DR. Ditch DR-EB begins at the outlet of Wetland DR and discharges flow into a culvert at the outfall of Wetland EB. The culvert is directed east under Weyerhaeuser Way South and discharges into a stormwater pond. The stormwater pond releases water into a stream that flows east on the northside of Highway 18 and likely discharges into Mill Creek. The ditches are artificial features constructed in uplands as a result of development. Historic topographic maps from 1949 and 1956 indicate a natural tributary located at least 0.35 of a mile south of the existing subject ditches, but historic aerials from 1955 and 1969 do not indicate the natural tributary or other water feature extended to or was in the vicinity of the subject ditches locations. Based on review of USGS historic topographic maps, NETRonline historic aerials and grading plans for the Weyerhaeuser Campus construction dated 1969, no natural tributary was present prior to or was in the vicinity of the constructed subject ditches. Therefore, Ditch EE-DR and Ditch DR-EB did not relocate a tributary and were not



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constructed in a tributary. Additionally, review of the above mentioned resources did not indicate wetlands or (a)(1)-(a)(3) waters were present prior to construction of the subject ditches. Based on this information, Ditch EE-DR and Ditch DR-EB are ditches that did not relocate a tributary, were not constructed in a tributary, and were not constructed in adjacent wetlands.

Ditch DQ: The subject ditch is typically dry through the summer and fall but will convey surface water flow during heavy rain events in the winter. Hydrology is supported by precipitation and surface water flows from the surrounding uplands. The subject ditch is not subject to tidal ebb and flow and has no potential to be used in interstate or foreign commerce. The subject ditch is ephemeral in a typical year and likely contributes surface water flow through non-jurisdictional features to an (a)(2) water, Mill Creek. Water outfalls from Wetland DQ into Ditch DQ that flows into a culvert directed east under Weyerhaeuser Way South and discharges into a stormwater pond. The stormwater pond releases water into a stream that flows east on the northside of Highway 18 and likely discharges into Mill Creek. The ditch is an artificial feature constructed from uplands as a result of development. Historic topographic maps from 1949 and 1956 indicate a natural tributary located at least 0.35 of a mile south of the existing subject ditch, but historic aerials from 1955 and 1969 do not indicate the natural tributary or other water feature extended to or was in the vicinity of the subject ditch location. Based on review of USGS historic topographic maps, NETRonline historic aerials and grading plans for the Weyerhaeuser Campus construction dated 1969, no tributary was present prior to or was in the vicinity of the constructed subject ditches. Therefore, Ditch DQ did not relocate a tributary and was not constructed in a tributary. Additionally, review of the above mentioned resources did not indicate wetlands or (a)(1)-(a)(3) waters were present prior to construction of the subject ditch. Based on this information, Ditch DQ is a ditch that did not relocate a tributary, was not constructed in a tributary, and was not constructed in adjacent wetlands.

Drainage Swale: The subject swale is typically dry through the summer and fall but will convey surface water flow during heavy rain events in the winter. Hydrology is supported by precipitation and surface water flows from the surrounding uplands and Wetland DT. The subject swale is not subject to tidal ebb and flow and has no potential to be used in interstate or foreign commerce. The subject swale is ephemeral in a typical year and likely contributes surface water flow through non-jurisdictional features to an unnamed tributary to Hylebos Creek, an (a)(2) water. Water outfalls from Wetland DT into the Drainage Swale and converges with Stream EA prior to entering a culvert directed south under Highway 18. The culvert outlets into an unnamed tributary that discharges into Hylebos Creek. The swale is an artificial feature constructed from uplands as a result of development. Historic topographic maps from 1949 and 1956 indicate a natural tributary located at least 500 feet south of the existing subject swale, but historic aerials from 1955 and 1969 do not indicate the natural tributary or other water feature extended to or was in the vicinity of the subject ditch location. Based on review of USGS historic topographic maps, NETRonline historic aerials, grading plans for the Weyerhaeuser Campus construction dated 1969 and as-built drawings for the utility corridor construction dated 1999, no natural tributary was present in the location of or in the vicinity of the constructed Drainage Swale. Therefore, the Drainage Swale did not relocate a tributary and was not constructed in a tributary. However, the as-built drawings for the utility corridor construction dated 1999 indicate two wetlands, "Wetland F" and "Wetland E", were present in the area where the construction of Stream EA occurred. The wetlands, filled as part of the utility corridor construction, were in the vicinity of a culvert directed south under Highway 18 which discharged into an unnamed tributary to Hylebos Creek. However, there is no stream like feature indicated north of the culvert in the as-built drawings, USGS historic topographic and soil survey maps, or historic aerial photographs. Because these wetlands were filled in the past, it is difficult to determine the flow regime but it is likely that the wetlands did not contribute



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enough flow to create any channel or tributary. Therefore, Wetland F and Wetland E would not have been an adjacent wetland at the time of the Drainage Swale construction. Based on this information, the Drainage Swale is a ditch that did not relocate a tributary, were not constructed in a tributary, and were not constructed in an adjacent wetlands.