



**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): 3/26/2021

ORM Number: NWS-2020-754

Associated JDs: N/A

Review Area Location¹: State/Territory: Washington City: Marysville County/Parish/Borough: Snohomish

Center Coordinates of Review Area: Latitude 48.034847 Longitude -122.134255

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	0.02	acre(s)	(b)(1) Non-adjacent wetland.	The subject wetland does not abut an (a)(1) through (3) water; is not inundated by flooding from an (a)(1) through (3) water in a typical year; is not physically separated from an (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 (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: [Request for Approved Jurisdictional Determination for an Isolated Depressional Wetland at 4315 71st Avenue NE, Marysville, Washington dated 6 August 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial: Historic aerial imagery accessed via Google Earth](#)
- 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: [Web Soil Survey report for the subject property accessed March 2021](#)
- USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)
- USGS topographic maps: [USGS historic topographic maps accessed March 2021: Mount Vernon, WA dated 1911, 1941; Marysville, WA dated 1956, 2011, 2014, 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	WDFW SalmonScape accessed March 2021; City of Marysville Storm Drain System map accessed March 2021

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 Feature Layer accessed March 2021; Google Maps Stream View accessed March 2021

B. Typical year assessment(s): [N/A](#)

C. Additional comments to support AJD:

Wetland B is a 760 square foot (sf) depressional wetland located in the northwest portion of the subject property. The subject wetland receives hydrology from surface sheet flow from adjacent uplands, direct precipitation, and a seasonally high groundwater table. No surface water inlet or outlet was observed during site investigations, and no signs of flowing water such as scour, sediment deposits, defined channels, or ditches were present. In addition, no artificial structures such as pipes, culverts, or catch basins were observed within the immediate vicinity of the subject wetland. A review of the City of Marysville Storm Drain System map confirms that there are no artificial structures that would provide a hydrologic connection between the subject wetland and a potential water of the U.S. Based on the Web Soil Survey for the subject property, soils within Wetland B consist of Tokul gravelly medial loam, a non-hydric soil in which flooding and ponding are not probable.

Based on a review of EPA and WDFW mapping resources, the nearest potential water of the U.S. is an unnamed perennial stream located 0.18 mile north of the subject wetland. The unnamed stream appears to flow to Ebey Slough and outlet to Puget Sound. Wetland B is separated from the unnamed stream by a topographic high point and impervious surfaces including roads, driveways, and residential houses. It is therefore unlikely that any surface water connection exists between the subject wetland and water in a typical year.

The WDFW resource SalmonScape maps an ephemeral or intermittent stream located 0.44 mile southeast of the subject wetland. The stream appears to discharge to King Pond which outlets to Steamboat Slough. Due to the presence of several topographic high points, impervious surfaces, and residential houses between the subject wetland and stream, it is unlikely that any surface water connection exists between the subject wetland and water in a typical year.

Based on the information above, Wetland B is a non-adjacent wetland.