



**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): 2/11/2021

ORM Number: NWS-2020-768

Associated JDs: N/A

Review Area Location¹: State/Territory: WA City: N/A County/Parish/Borough: Snohomish County

Center Coordinates of Review Area: Latitude 47.791707 Longitude -122.261855

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 A	.06 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: [Wetland Delineation Report dated 23 July 2020, JD figures dated 23 July 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

- Data sheets prepared by the Corps: [N/A \(Corps data sheets provided in delineation report\)](#)
- Photographs: [Select. Title\(s\) and/or date\(s\).](#)
- Corps site visit(s) conducted on: [N/A](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [USDA-NRCS Web Soil Survey dated 23 July 2020](#)
- USFWS NWI maps: [NWI Map Pacific Ridge – Echo Park dated 23 July 2020](#)
- USGS topographic maps: [USGS Topo Map dated 28 October 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 NRCS WETS tables	Wetland Delineation Report dated 23 July 2020
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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):** WETS Table Precipitation Analysis (adapted from NRCS Engineering Field Handbook, Chapter 19, Hydrology Tools for Wetland Determination) for periods preceding the August 2019, April 2020, and July 2020 site visits indicate prior periods ahead of sampling dates were “normal.”
- C. Additional comments to support AJD:** Wetland A was delineated in August 2019, and April and July 2020 by Wetland Resources Inc. Wetland A is a 2,564 square foot category III closed depressional emergent wetland located in the center of the subject property. The site is currently used as a llama pasture and is bounded by Barker Road to the east, high density residential development to the north, Atlas Road to the west, and low density residential development to the south. Wetland A receives hydrologic input from upgradient runoff not captured by stormwater conveyance and direct precipitation. Topographic analysis of the site indicates a gentle slope to the east. Wetland A has no observed outlet and no surface water contribution to or reception from and (a)(1)-(a)(3) water. Corps data forms were provided within the 23 July 2020 delineation report indicating 1 wetland data plot paired with 6 upland data plots.

Wetland A is located 475 feet from an offsite groundwater pipe outlet/drainage ditch located near the northeast corner of the subject site. The underground pipe releases flow into a ditch on the adjacent property to the north. The ditch flows to the north 150 ft., then to the northeast where it flows down a steep slope. The flow disperses at the toe of said slope over a benched terrace migrating east toward a large wetland associated with Swamp and Locust Creeks. Data Plots SP5, SP6, and SP7 were taken in the intervening area, labeled “dry ravine” in the report, between Wetland A and the groundwater pipe outlet/drainage ditch. All three of the data plots satisfied the wetland indicators for hydrophytic vegetation with the dominant species being Western Hemlock, but did not satisfy wetland indicators of hydrology or hydric soils. There is no discernable flow channel in the dry ravine area. Therefore, the area between Wetland A and the groundwater pipe outlet/drainage ditch is comprised of uplands and do not contribute surface water to or receive surface water from Wetland A.

Wetland A is located 270 feet from the nearest stream described in the delineation report as Stream A. Stream A is a tributary to Trickle Creek and is located upslope of Wetland A, south and offsite of the subject property. Stream A is identified in a separate drainage basin to Wetland A. Data plots SP3, SP4, and SP 8 were taken in the intervening area between Wetland A and offsite Stream A. SP3 and SP4 satisfied wetland indicators for hydrophytic vegetation with the dominant species being Red Alder and Agrostis grasses, but did not satisfy wetland indicators of hydrology and or hydric soils. SP8 did not meet the wetland indicators for vegetation, soils, or hydrology. There is no discernable flow channel through the uplands between Wetland A and Stream A. Therefore, the area between Wetland A and Stream A is comprised of uplands and do not contribute surface water to or receive surface water from Wetland A.