



**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): 4/1/2021

ORM Number: NWS-2021-300

Associated JDs: N/A

Review Area Location¹: State/Territory: WA City: Bellingham County/Parish/Borough: Whatcom County

Center Coordinates of Review Area: Latitude 48.713957 Longitude -122.457539

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	0.01	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 7 March 2021](#)

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 accessed 1 April 2021](#)
- USFWS NWI maps: [NWI Online Map accessed 1 April 2021](#)
- 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	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): [Not required](#)

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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C. Additional comments to support AJD: The subject parcel is situated in the Padden Creek watershed and is comprised of a 0.73 acre residential lot on the south side of Samish Crest Drive. The property is situated in a residential neighborhood bordered by Samish Crest Drive to the north, partially cleared vacant lots to the west and east and by residential lots to the south. The surrounding vicinity to the south and west has been moderately developed for residential land use. Areas to the north and east are undeveloped and forested. Topography of the site is sloped to the south and southwest. Vegetation consists of open low growing cover with scattered trees. Open areas are vegetated mostly with Eurasian grass species and native herbaceous plants with some Himalayan and trailing blackberry. Soils at the site are mapped as Nati Loam, 15-30% slopes (non-hydric). There are no NWI mapped wetlands on the site and no NHD mapped streams.

Wetland A – The delineation report submitted with the request identifies one 530 square feet, PEM Cat IV wetland situated on the northern portion of the parcel on sloped terrain at the toe of the steeper road base slope of Samish Crest Drive. There is a rock lined drainage ditch along southern edge. Hydrology to the wetland is runoff from areas to the north. Flow into the wetland originates from a cut in the road bank of Samish Crest Drive. Water from the wetland flows downslope to the south-southeast and infiltrates into adjacent upland soils before being intercepted by the stormwater ditch near the southern edge of the property. Any groundwater or stormwater that is intercepted by the ditch is routed into the stormwater detention pond west of 40th Street, 0.30 of a mile to the west. Overflow from the stormwater pond discharges into Parkhurst Creek, which flows into Lake Padden. The wetland does not abut an (a)(1) through (3) water; does not receive water from, or discharge to an (a)(1) through (3) water; and is not separated from an (a)(1) through (3) water by any natural or man-made berms, etc..