



**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): 8/3/2021  
 ORM Number: NWS-2021-308  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: WA City: Edgewood County/Parish/Borough: Pierce  
 Center Coordinates of Review Area: Latitude 47.225200 Longitude -122.287300

**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
N/A.	N/A.	N/A.	N/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
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.

<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.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**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 A	1.63 acre(s)	(b)(1) Non-adjacent wetland.	Wetland A has no known surface water outlet and does not contribute surface water flow to a water of the U.S., does not abut a jurisdictional water of the U.S., and is not inundated by flooding from a water of the U.S. in a typical year. See Section III.C. for additional information.
Open Water Ditch	N/A.	(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 Open Water Ditch was constructed through upland, does not relocate a paragraph a(1)-a(3) water, and was not constructed in an adjacent wetland. See Section III.C. for additional information.

**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, Surface Water Drainages, and Critical Habitats Report dated December 12, 2018 \(Revised November 25, 2019\)](#).

This information **Select.** 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: [Select. Title\(s\) and/or date\(s\)](#).
- 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: [Soil Map – Pierce County Area, 19 July 2021](#)
- USFWS NWI maps: [NWS-2021-308 dated 23 July 2021](#)
- USGS topographic maps: [TopoView Web Map](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">USGS TopoView Web Map; 1897 ed.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>

<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.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

Data Source (select)	Name and/or date and other relevant information
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

**B. Typical year assessment(s):** N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.

**C. Additional comments to support AJD:** The review area for this jurisdictional determination applies to the specific property and on-site wetland, Wetland A. All other potentially jurisdictional aquatic resources are not included in this assessment. The property is 0.78 acres in size and rectangular in shape. The property has been historically managed to include forest harvest, site clearing and grading, ditching, fencing, access road development, and the development of adjacent properties, roadways, and other residential infrastructure. The topography of the property slopes to the southeast with a shallow depressional area noted in the southern portion of the site.

Wetland A extends off-site to the east and west of the property and was classified as a 71,191 square-foot (sq. ft.) Closed Depressional Category II Palustrine Forested, Seasonally Flooded/Saturated and Palustrine Scrub-Shrub, Seasonally Flooded (PFOC/PSSC) wetland. The wetland unit is connected across 107th Avenue Court east via Pierce County Stormwater culvert. Stormwater conveyance west of 107th Avenue Court east drains easterly into an open water ditch along 36th Street east adjacent to the wetland unit. Stormwater conveyance to the west of 108th Avenue east drains westerly into the same open water ditch along 36th street east adjacent to the wetland unit. The open water ditch is located in a topographic depression with no mapped or observed connections to a paragraph a(1)-a(3) water. USGS TopoView aerials dating to 1897 indicate the open water ditch was constructed through uplands and does not relocate a paragraph a(1)-(3) water. The next nearest potentially jurisdictional feature is Wapato Creek, located 0.25 miles west of Wetland A. Landscape topography, directional flow, and impervious surfaces in the intervening area including roads, driveways, and residential developments are present between the subject wetlands and Wapato Creek prevent a hydrologic connection between the wetlands and potentially jurisdictional water. Wetland A does not contribute to or receive surface water from an a(1)-a(3) water and is not jurisdictional under 33 CFR 328.3(b)(1).