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-2021-364
Associated JDs: N/A
Review Area Location[1]: State/Territory: Washington City: Everett County/Parish/Borough: Snohomish
Center Coordinates of Review Area: Latitude 47.915295 Longitude -122.177145

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.	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.	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.	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.	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.	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.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Wetland A	0.106	acre(s)	(b)(1) Non-adjacent wetland.	Wetland A 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; and 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 the (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: U.S. Golden Eagle Farms Wetland Delineation Report, dated April 2021

This information is sufficient for purposes of this AJD.
Rationale: N/A

☐ Data sheets prepared by the Corps: Title(s) and/or date(s).

☒ Photographs: Aerial and Other: Study Area Photographs, dated November 2020; Google Earth aerial imagery accessed July 2021; Historic Aerial imagery provided by NETRonline, accessed July 2021

☐ 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: NRCS Soil Survey Map accessed July 2021

☒ USFWS NWI maps: USFWS NWI Map accessed July 2021

☒ USGS topographic maps: Snohomish, WA: 1895, 1897; Everett, WA: 1944, 1953, 2011, 2014, 2017, 2020; Seattle, WA: 1958, 1962, 1975, 1992.

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 map, accessed July 2021; Snohomish County Drainage Inventory Map, accessed July 2021
Other Sources	EPA WATERS layer accessed via Google Earth, July 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.

B. Typical year assessment(s): Based on the Antedecent Precipitation Tool, Wetland A is not indundated or flooded by an (a)(1) through (3) water in a typical year.

C. Additional comments to support AJD:

Wetland A is a 4,624 square foot (sf) slope wetland, located east of Lowell-Larimer Road and south of an unpaved agricultural field access road that is supported by an earthen embankment. The subject wetland is vegetated with salmonberry (Rubus spectabilis), bittersweet nightshade (Solanum dulcamara), and American speedwell (Veronica americana). A portion of the subject wetland is within an actively farmed agricultural field. Soils within the subject wetland are generally a silt loam from 1- to 3-inches, loam from 3- to 6-inches, and sandy silt from 6- to 8-inches. The soil has a semi-cemented silt restrictive layer below 8-inches. The U.S. Fish and Wildlife Service National Wetlands Inventory (NWI) map does not depict any wetlands at the subject location. The Web Soil Survey maps the sloped portion of the subject wetland as Alderwood-Everett gravelly sandy loam with 25- to 70-percent slopes. This soil type is non-hydric and is associated with no likelihood of flooding or ponding. The area of the subject wetland located at the toe of the slope and within the agricultural field is mapped as Puget silty clay loam, a hydric soil with rare to no likelihood of flooding or ponding.

A ditch exists upslope from the western extent of the wetland, and enters a culvert under the earthen embankment of the unpaved agricultural field access road. This ditch and others in the project vicinity are part of a contiguous network of agricultural ditches that help maintain regional drainage and consistent hydrology levels for the surrounding agricultural fields. The culvert entrance is potentially crushed and is partially blocked by debris, causing stormwater to back up and infiltrate into the soil. The stormwater emerges as a hillside seep (Wetland A) downslope from the culvert entrance. However, during site investigations, no surface water connection between Wetland A and the stormwater ditch or culvert was observed. These observations, recorded and photographed by Anchor QEA on November 5, 2020, occurred immediately following a rain event during the wet season. Soils in the data plots taken in the area between the stormwater ditch and delineated wetland lacked saturation and a water table within 18 inches of the surface. Additionally, soils in these plots were dark brown to brown silt loam with no redox features within 18 inches of the surface. These data plots were determined to be uplands. Based on photographs taken during the site investigation, there is no evidence of overtopping or flooding that results in a direct surface water connection between the stormwater ditch and subject wetland. Based on the information above, it is very unlikely that a surface water connection exists between the stormwater ditch and subject wetland in a typical year. Furthermore, it is unlikely that Wetland A is inundated or flooded by the stormwater ditch during a typical year.

No surface water outlet was observed in Wetland A 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 which could provide a direct hydrologic connection between Wetland A and a potential water of the U.S.

Based on the information above, Wetland A does not abut a potential (a)(1) through (3) water, is not inundated or flooded by an (a)(1) through (3) water in a typical year, and is not physically separated from a paragraph (a)(1) through (3) water only by a natural berm, bank, dune, or similar feature, or an artificial dike, barrier, or similar artificial structure. Therefore, Wetland A is a non-adjacent wetland.