



**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): 6/23/2021

ORM Number: NWS-2021-384

Associated JDs: N/A

Review Area Location¹: State/Territory: Washington City: Enumclaw County/Parish/Borough: King

Center Coordinates of Review Area: Latitude 47.19591 Longitude -121.97761

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	1.04	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: [Critical Area Report dated 1 July 2019; Supplemental hydrology information, submitted by Confluence Environmental Company, dated 26 May 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: Historic Aerial Imagery accessed via NETRonline, June 2021; Google Earth Aerial Imagery accessed June 2021; Google Maps Street View imagery accessed June 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: [Title\(s\) and/or date\(s\)](#).
- USFWS NWI maps: [NWI Map for the subject property accessed May 2021](#)
- USGS topographic maps: [Cedar Lake, WA 1913; Enumclaw, WA 1956, 1997, 2011, 2017, 2020; Wenatchee, WA 1957;](#)

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 May 2021; WDFW Fish Passage map, accessed June 2021; King County iMap accessed May 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
EPA sources (specify)	EPA WATERS layer, accessed via Google Earth June 2021

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

C. Additional comments to support AJD:

Wetland A is a depressional, Category III wetland located in the eastern portion of the subject property. The on-site portion of Wetland A is 45,603 square feet (sf), and the subject wetland extends off-site to the east. The subject wetland receives hydrology from groundwater, direct precipitation, and runoff from adjacent uplands which are developed with apartments and single-family residences.

Wetland A appears to store surface water during periods of heavy precipitation, and slowly drains to an open-channel ditch which extends approximately 100-feet into Wetland A along the eastern boundary of the subject property. According to King County iMap, the open-channel ditch flows through a stormwater detention pond to an unnamed stream 965-feet south of the subject wetland before discharging to Boise Creek. Based on a review of historic topographic maps and aerial imagery, the ditch was not constructed in adjacent wetlands or a tributary, and the ditch did not relocate a tributary. The ditch is not subject to the ebb and flow of the tide, and it is not susceptible to use in interstate or foreign commerce. Therefore, the open-channel ditch does not appear to be an (a)(1) through (3) water.

An unnamed tributary to Boise Creek is located 965-feet south of the subject wetland. The subject wetland is not adjacent to this waterbody, nor is there an artificial structure which provides direct hydrologic connection between the wetland and waterbody. A tributary to Newaukum Creek is located 870-feet east of the subject wetland; however, due to the presence of topographic high points, impervious surfaces, and residential development between the subject wetland and stream, it is unlikely that any surface water connection exists between the subject wetland and water. There is no artificial structure which would provide direct hydrologic connection between the wetland and waterbody. Based on the above information, 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 only a natural feature or artificial feature that would allow for a direct hydrologic surface connection between the wetland and water. Wetland A is a non-adjacent wetland.