



**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): 7/13/2021

ORM Number: NWS-2021-542

Associated JDs: N/A

Review Area Location¹: State/Territory: Washington City: Marysville County/Parish/Borough: Snohomish

Center Coordinates of Review Area: Latitude 48.038954 Longitude -122.112671

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.



**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)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland A	0.02	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; 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.
Wetland B	0.13	acre(s)	(b)(1) Non-adjacent wetland.	Wetland B 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: [Wetland and Fish and Wildlife Habitat Assessment Report - Nordstrom Property dated 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: Historic aerial imagery provided by NETRonline, accessed July 2021; Aerial imagery provided by Google Earth, 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 dated 19 January 2021](#)

USFWS NWI maps: [USFWS NWI Map dated 19 January 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.



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

USGS topographic maps: [Historic topographic maps for Mount Vernon, 1911; Marysville, 1941; Lake Stevens, 1956, 2011, 2014, 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 Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	Snohomish County Stream and Wetland Inventory Map dated 19 January 2021; City of Marysville Critical Areas Inventory dated 19 January 2021; WDFW PHS Map dated 19 January 2021; WDFW SalmonScape map accessed July 2021; Washington State Fish Passage Map accessed July 2021; Marysville Storm Drain System Map dated November 2019
Other Sources	EPA WATERS Map accessed via Google Earth, July 2021

B. Typical year assessment(s): Based on the Antecent Precipitation tool, in a typical year, Wetland A and Wetland B are not inundated or flooded by an (a)(1), (a)(2), or (a)(3) water.

C. Additional comments to support AJD:

Wetland A is a 1,125 square foot (sf), Category IV, Palustrine Emergent, Seasonally Saturated (PEMB) wetland, located in the southern portion of the subject property. The subject wetland receives hydrology from surface sheet flow from adjacent uplands, direct precipitation, and a seasonally high groundwater table. No surface water inlet or outlet was observed during site investigations, and no signs of flowing water such as scour, sediment deposits, defined channels, or ditches were present within the delineated wetland boundaries. Based on field observations, Wetland A does not extend offsite. However, if any portion of the wetland does extend offsite, a review of aerial imagery confirms that there is no potential for an off-site hydrologic connection to a potential water of the U.S. The parcel immediately adjacent to Wetland A is bounded by residential development and impervious surfaces including roadways and driveways which would preclude a hydrologic connection to a potential water of the U.S. The nearest potential water of the U.S. is King Creek, located 0.3 of a mile southwest of Wetland A. King Creek outlets to Ebey Slough which discharges to Possession Sound (Puget Sound). Due to the presence of topographic high points, impervious surfaces, and residential houses between the subject wetland and King Creek, it is unlikely that any surface water connection exists between the subject wetland and water in a typical year. Based on a review of the Washington State Fish Passage Map and the Marysville Storm Drain System Map, there are no on-site or off-site artificial structures that could provide a direct hydrologic connection between Wetland A and King Creek or any other potential water of the U.S. Based on the information above, Wetland A is a non-adjacent wetland.

Wetland B is a 4,722 sf, Category IV, Palustrine Emergent, Temporarily Flooded and Seasonally Saturated (PEMAB) wetland, located in the southwest portion of the subject property. The subject wetland receives hydrology from surface sheet flow from adjacent uplands, direct precipitation, and a seasonally high groundwater table. No surface water inlet or outlet was observed during site investigations, and no signs of flowing water such as scour, sediment deposits, defined channels, or ditches were present within the delineated wetland boundaries. A roadside ditch is present along the western site boundary, outside of the review area. A natural topographic rise is present between Wetland B and the roadside ditch, which



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

prevents a direct surface water connection between the subject wetland and roadside ditch. Based on a review of historic topographic maps, no natural tributaries were present in the project vicinity historically. The earliest available topographic map, dated 1911, confirms that the nearest potential water of the U.S. was historically King Creek, located 0.3 of a mile away. Based on this information, the roadside ditch did not relocate a tributary and was not constructed in a tributary. If historic wetlands had been present at the time of ditch excavation, it is unlikely the wetlands would have met the criteria for adjacent wetlands due to the distance between the site and nearest potential water of the U.S., and the presence of impervious surfaces between the site and nearest potential water of the U.S. since the early 1900s. Although the roadside ditch is not subject to this AJD, it appears that the feature does not meet the definition of a tributary. Based on field observations, Wetland B extends offsite to the west. However, the portion of the wetland that extends offsite has no potential for an off-site direct hydrologic connection to a potential water of the U.S. The off-site portion of Wetland B is bounded by impervious surfaces including roadways and driveways which would preclude a hydrologic connection to a potential water of the U.S. The nearest potential water of the U.S. is King Creek, located 0.3 of a mile southwest of Wetland B. Due to the presence of topographic high points, impervious surfaces, and residential houses between the subject wetland and King Creek, it is unlikely that any surface water connection exists between the subject wetland and water in a typical year. Based on a review of the Washington State Fish Passage Map and the Marysville Storm Drain System Map, there are no on-site or off-site artificial structures that could provide a direct hydrologic connection between Wetland B and King Creek or any other potential water of the U.S. Based on the information above, Wetland B is a non-adjacent wetland.