



**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): 7/19/2021

ORM Number: NWS-2021-619

Associated JDs: NA

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

Center Coordinates of Review Area: Latitude 48.785964 Longitude -122.514817

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
Site 1 Stream	900	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream conveys ephemeral flow only and does not meet the definition of an (a)(2) water. See Section III.C for additional details.
Wetland A	0.19	acre(s)	(b)(1) Non-adjacent wetland.	Wetland A meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)3) water in a typical year. See Section III.C for additional details
Wetland B	.03	N/A.	(b)(1) Non-adjacent wetland.	Wetland B meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)3) water in a typical year. See Section III.C for additional details
Wetland C	0.03	acre(s)	(b)(1) Non-adjacent wetland.	Wetland C meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)3) water in a typical year. See Section III.C for additional details

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
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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland D	0.12 acre(s)	(b)(1) Non-adjacent wetland.	Wetland D meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)3) water in a typical year. See Section III.C for additional details
Wetland E	0.04 acre(s)	(b)(1) Non-adjacent wetland.	Wetland E meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)3) water in a typical year. See Section III.C for additional details
Wetland F	0.06 acre(s)	(b)(1) Non-adjacent wetland.	Wetland F meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)3) water in a typical year. See Section III.C for additional details
Wetland G	0.24 acre(s)	(b)(1) Non-adjacent wetland.	Wetland G meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)3) water in a typical year. See Section III.C for additional details



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland H	0.07 acre(s)	(b)(1) Non-adjacent wetland.	Wetland H meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)(3) water in a typical year. See Section III.C for additional details
Wetland I	0.03 acre(s)	(b)(1) Non-adjacent wetland.	Wetland I meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)(3) water in a typical year. See Section III.C for additional details
Wetland J	0.13 acre(s)	(b)(1) Non-adjacent wetland.	Wetland J meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)(3) water in a typical year. See Section III.C for additional details
Wetland K	0.01 acre(s)	(b)(1) Non-adjacent wetland.	Wetland K meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)(3) water in a typical year. See Section III.C for additional details



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REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
Wetland L	0.85	acre(s)	(b)(1) Non-adjacent wetland.	Wetland L meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)(3) water in a typical year. See Section III.C for additional details
Wetland AA	0.002	acre(s)	(b)(1) Non-adjacent wetland.	Wetland AA meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)(3) water in a typical year. See Section III.C for additional details
Wetland BB	0.008	acre(s)	(b)(1) Non-adjacent wetland.	Wetland BB meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)(3) water in a typical year. See Section III.C for additional details
Wetland CC	0.07	acre(s)	(b)(1) Non-adjacent wetland.	Wetland CC meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)(3) water in a typical year. See Section III.C for additional details



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REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland DD	0.03 acre(s)	(b)(1) Non-adjacent wetland.	Wetland DD meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)3) water in a typical year. See Section III.C for additional details
Wetland EE	0.004 acre(s)	(b)(1) Non-adjacent wetland.	Wetland EE meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)3) water in a typical year. See Section III.C for additional details
Wetland FF	0.004 acre(s)	(b)(1) Non-adjacent wetland.	Wetland FF meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)3) water in a typical year. See Section III.C for additional details
Wetland GG	0.03 acre(s)	(b)(1) Non-adjacent wetland.	Wetland GG meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)3) water in a typical year. See Section III.C for additional details



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APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland HH	0.22 acre(s)	(b)(1) Non-adjacent wetland.	Wetland HH meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)3) water in a typical year. See Section III.C for additional details
Wetland II	0.10 acre(s)	(b)(1) Non-adjacent wetland.	Wetland II meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)3) water in a typical year. See Section III.C for additional details
Wetland JJ	0.003 acre(s)	(b)(1) Non-adjacent wetland.	Wetland JJ meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)3) water in a typical year. See Section III.C for additional details
Wetland CBM	0.009 acre(s)	(b)(1) Non-adjacent wetland.	Wetland CBM meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)3) water in a typical year. See Section III.C for additional details



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REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland DBM	0.014 acre(s)	(b)(1) Non-adjacent wetland.	Wetland DBM meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)3) water in a typical year. See Section III.C for additional details
Wetland EBM	0.08 acre(s)	(b)(1) Non-adjacent wetland.	Wetland EBM meets the definition of a wetland but does not abut an (a)(1) through (a)(3) water; is not inundated by flooding from an (a)(1) through (a)(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 (a)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 Areas Assessment, Hidden Trails LLC W. Maplewood Properties,” dated 11 February 2021; “NWS-2009-141; Jurisdictional Determination, Wetland Rating Update, Hidden Trails LLC,” dated 22 April 2020

This information **is** sufficient for purposes of this AJD.

Rationale: **NA**

- Data sheets prepared by the Corps: **Title(s) and/or date(s).**
- Photographs: **Aerial and Other: Google Earth Aerials**
- Corps site visit(s) conducted on: **Date(s).**
- Previous Jurisdictional Determinations (AJDs or PJDs): **NWS-2009-141; NWS-2002-1332**
- Antecedent Precipitation Tool: **provide detailed discussion in Section III.B.**
- USDA NRCS Soil Survey: **<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>**
- USFWS NWI maps: **<https://www.fws.gov/wetlands/data/mapper.html>**
- USGS topographic maps: **USGS Ferndale 7.5 Quad 1994**

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	National Hydrography Data mapper, accessed 15 July 2021



**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
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	City of Bellingham On-line Map Tool accessed 15 July 2021
Other information (specify)	N/A.

B. Typical year assessment(s): [Typical year assessment is not applicable due to the exclusion criteria of the wetlands and stream.](#)

C. Additional comments to support AJD:

Site 1 – located east of Maplewood Avenue. The 23.6 acre site is bounded by Maplewood Avenue to the southwest, West Bakerview Road to the northwest, Interstate 5 (I-5) to the north and developed properties to the south and east. The site is in the Lower Squalicum Creek watershed but is not in a mapped 100-year floodplain. The surrounding vicinity has been highly developed for residential, transportation, and commercial land uses. The northwest portion of the property was historically developed with single family residences. Disturbance on the southeast side of the drainage is associated with historical timber harvest and activities associated with the development of Interstate 5. The subject property is currently vegetated with second and third growth mixed deciduous forest, areas of blackberry cover and area of ornamental trees and shrubs and grasses in the remnant home-sites. All previous residential buildings have been removed. Some concrete pads or partial driveway are existing, but former homesite are partially revegetating. The property currently contains a graveled road running east-west within the City’s Barnes Road right-of-way.

The site consists of two plateau-like areas bisected by a drainage swale into a higher western and a lower eastern part. The western portion is highly disturbed by historic grading. The elevations range from 186’ in the western portion to 164’ in the eastern portion with swale bottoms ranging from an elevation of 152’ in the northern part to 137’ at the point the stream goes off-site in the southern part. This drainage bisects the property from north to south. The on-site drainage is not mapped on the National Hydrography Dataset or historic topographic maps. The approximately 900 foot long drainage channel is fed on the north side by stormwater discharges from a ditch adjacent to I-5. Water flows south across the property before flowing into the City of Bellingham stormwater system (underground pipes, etc.) adjacent to Maplewood Avenue. The drainage conveys ephemeral flow only in a typical year. Water from W. Bakerview Rd. just off-site is routed into the northwestern portion of the property. That water along with water from the southbound I-5 on-ramp appears to collect as surface water in the northwest corner of the site.

No wetlands were identified on the site by National Wetland Inventory mapping. A wetland delineation conducted during November and December of 2020 identified 23 palustrine wetlands and one stream within the subject property. The wetlands in the western portion of the property have been designated Wetland AA through KK; wetlands in the eastern portion are designated Wetland A through L.

Wetland L abuts the onsite drainage feature. Wetland B appears to be contiguous with Wetland L. Wetlands A, C, D, E, F, G, H, I, J, K, AA, BB, CC, DD, EE, FF, GG, HH, II, and JJ are not adjacent to any stream or other drainage feature (ditch, etc.). Outflow from these wetlands consists of downslope sheet flow during winter rainy periods. Water from wetlands immediately east of the drainage feature may flow into the drainage, but this would involve overland sheetflow only. Water from wetlands along the northwestern edge sheetflows across upland areas to drainage ditches along I-5 and W. Bakerview Road.



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NAVIGABLE WATERS PROTECTION RULE**

NOTE: The site was the subject of a previous Corps permit. A culverted crossing of the on-site drainage was authorized under NWP 14 (Corps reference NWS-2002-1332, Garrett, Paul). The authorized work involved installation of an 80-foot long by 36-inch wide pipe culvert and associated roadway fill in the unnamed drainage feature (ephemeral, type-4 stream) and associated wetlands for extension of Barnes Street onto the subject property. Impacts were 0.13 of an acre of wetlands/stream channel. By special condition, the applicant was required to implement a mitigation plan to create 0.53 of an acre of PFO/PSS wetlands in the drainage channel adjacent to the roads crossing and enhance 1.14 of an acre of buffers and wetlands. All mitigation areas will be placed into a conservation easement. The agent reported that the mitigation plan was fully implemented, and a conservation easement was added to the appropriate titles. The mitigation site includes Wetland L/B and a portion of Wetland E.

Site 2 is located west of Maplewood Avenue. The 10.3 acre site is bounded by Bennett Drive to the west, Airport Drive to the northwest, West Maplewood Avenue and residential lots to the northeast, and undeveloped property to the south. The site is in the Lower Squalicum Creek watershed but is not in a mapped 100-year floodplain. The surrounding vicinity has been highly developed for residential, transportation, and commercial land uses. Historically the site featured an outdoor movie theatre that was constructed in 1948. All drive-in infrastructure has been removed with the exception of remnant access roads. The topography of the site was modified with rows of parking berms constructed to allow vehicles to face the screen. These features are still present along with some remnant asphalt in the southwest portion of the site. Note: 0.99 acres of wetlands were previously filled on the northern half of the site under a 1997 Corps authorization (reference number NWS-1996-2352).

A wetland delineation conducted in April of 2007 and verified by sampling conducted in April of 2020. Three wetlands were identified, designated as CBM, DBM, and EBM. A Corps jurisdictional determination was made for these wetlands in June of 2009 (reference number nWS-2009-141).

Topography of the site generally slopes from north to south. The northern 1/3 of the site is a mix of open areas and patches of woods; the southern 2/3's of the parcel is forested. On-site wetlands are found on the southeastern quarter of the property. These wetlands appear to have formed in depressions caused by past land use; the defined wetlands contain small areas of upland hummocks. A seasonal drainage has established in the path of a remnant road and drains water from the site wetlands and uplands along the eastern side of the site. Water from wetland CBM flows into wetland DBM through a discreet ephemeral surface water connection (swale like topography). Wetlands EBM and DBM are connected to a larger wetland system that extends off-site to the south. Water from these wetlands flows southeast across adjacent properties via swale-like features and then into a culvert between 3110 and 3114 McLeod Road. The culvert conveys water to Pott's Creek, an intermittent tributary which runs in an open channel through a portion of the City Park located at the corner of McLeod and W. Maplewood. Flow is then piped subsurface into the city stormwater system along the east side of West Maplewood Avenue which conveys water for about 0.91 miles before flowing into Squalicum Creek.

The site 1 stream and conveyance features on Site 2 (swales, etc.) convey ephemeral flow only and do not meet the definition of a tributary per 33 CFR 328.3(a)(2). None of the subject wetlands meet the definition of an adjacent wetlands per 33 CFR 328.3(a)(4).