

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 27 October 2021.

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Seattle District, MVLDC, LLC (Inspiration Point PRD), NWS-2021-822.
Name of water being evaluated on this JD form: Wetland A, Wetland B, Off-site Ditch

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Washington County: Snohomish City: Marysville
Center coordinates of site (lat/long in degree decimal format): Lat: 48.045153 N, Long: -122.118027 W

Universal Transverse Mercator:

Name of nearest waterbody: Munson Creek.

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A.

Name of watershed or Hydrologic Unit Code (HUC): Snohomish Watershed - HUC 17110011.

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form. List other JDs: _____

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: 12 October 2021.

Field Determination. Date(s): _____.

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain: _____.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: _____ linear feet _____ width (ft) and/or _____ acres.

Wetlands: _____ acres.

c. Limits (boundaries) of jurisdiction based on: Pick List and Pick List

Elevation of established OHWM (if known): _____.

2. Non-regulated waters/wetlands (check if applicable):³

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **Wetland A, Wetland B, and Offsite Ditch do not have a surface water or shallow subsurface connection or ecological connectivity to other navigable or interstate waters of the U.S. or tributaries of waters of the U.S. These features are not used by interstate or foreign travelers for recreational purposes, have no habitat or resources of**

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

special significance which would attract interstate or foreign travelers, lack bird and wildlife species of special significance which would attract interstate or foreign travelers, support no fish or shellfish which could be taken or sold in interstate or foreign commerce, and are not used for industrial, agricultural, or silvicultural activities involving interstate or foreign commerce. See Section IV.B. for additional information.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: _____.

Summarize rationale supporting determination: _____.

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”: _____.

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both.

If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: _____ **Pick List**

Drainage area: _____ **Pick List**

Average annual rainfall: _____ inches

Average annual snowfall: _____ inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.

Project waters are **Pick List** river miles from RPW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Project waters are **Pick List** aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: _____.

Identify flow route to TNW⁵: _____.

Tributary stream order, if known: _____.

(b) General Tributary Characteristics (check all that apply):

Tributary is: Natural

Artificial (man-made). Explain: _____.

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Manipulated (man-altered). Explain: _____.

Tributary properties with respect to top of bank (estimate):

Average width: _____ feet
Average depth: _____ feet
Average side slopes: **Pick List**.

Primary tributary substrate composition (check all that apply):

Silts Sands Concrete
 Cobbles Gravel Muck
 Bedrock Vegetation. Type/% cover: _____
 Other. Explain: _____.

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: _____.

Presence of run/riffle/pool complexes. Explain: _____.

Tributary geometry: **Pick List**

Tributary gradient (approximate average slope): _____ %

(c) **Flow:**

Tributary provides for: **Pick List**

Estimate average number of flow events in review area/year: **Pick List**

Describe flow regime: _____.

Other information on duration and volume: _____.

Surface flow is: **Pick List**. Characteristics: _____.

Subsurface flow: **Pick List**. Explain findings: _____.

Dye (or other) test performed: _____.

Tributary has (check all that apply):

Bed and banks
 OHWM⁶ (check all indicators that apply):
 clear, natural line impressed on the bank the presence of litter and debris
 changes in the character of soil destruction of terrestrial vegetation
 shelving the presence of wrack line
 vegetation matted down, bent, or absent sediment sorting
 leaf litter disturbed or washed away scour
 sediment deposition multiple observed or predicted flow events
 water staining abrupt change in plant community
 other (list): _____
 Discontinuous OHWM.⁷ Explain: _____.

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by: Mean High Water Mark indicated by:
 oil or scum line along shore objects survey to available datum;
 fine shell or debris deposits (foreshore) physical markings;
 physical markings/characteristics vegetation lines/changes in vegetation types.
 tidal gauges
 other (list):

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: _____.

Identify specific pollutants, if known: _____.

(iv) Biological Characteristics. Channel supports (check all that apply):

Riparian corridor. Characteristics (type, average width): _____.
 Wetland fringe. Characteristics: _____.
 Habitat for:
 Federally Listed species. Explain findings: _____.
 Fish/spawn areas. Explain findings: _____.
 Other environmentally-sensitive species. Explain findings: _____.

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

Aquatic/wildlife diversity. Explain findings: _____.

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: _____ acres

Wetland type. Explain: _____.

Wetland quality. Explain: _____.

Project wetlands cross or serve as state boundaries. Explain: _____.

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: _____.

Surface flow is: **Pick List**

Characteristics: _____.

Subsurface flow: **Pick List**. Explain findings: _____.

Dye (or other) test performed: _____.

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: _____.

Ecological connection. Explain: _____.

Separated by berm/barrier. Explain: _____.

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: _____.

Identify specific pollutants, if known: _____.

(iii) Biological Characteristics. Wetland supports (check all that apply):

Riparian buffer. Characteristics (type, average width): _____.

Vegetation type/percent cover. Explain: _____.

Habitat for:

Federally Listed species. Explain findings: _____.

Fish/spawn areas. Explain findings: _____.

Other environmentally-sensitive species. Explain findings: _____.

Aquatic/wildlife diversity. Explain findings: _____.

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately (_____) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed: _____.

C. SIGNIFICANT NEXUS DETERMINATION

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: _____.
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: _____.
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: _____.

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
 - TNWs: _____ linear feet _____ width (ft), or _____ acres.
 - Wetlands adjacent to TNWs: _____ acres.
2. **RPWs that flow directly or indirectly into TNWs.**
 - Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide rationale indicating that tributary flows perennial: _____.
 - Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: _____.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: _____ linear feet _____ width (ft).
 - Other non-wetland waters: _____ acres.
- Identify type(s) of waters: _____.

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**
 - Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

 - Tributary waters: _____ linear feet _____ width (ft).
 - Other non-wetland waters: _____ acres.

Identify type(s) of waters: _____.
4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**
 - Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 - Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: _____
 - Wetlands directly abutting an RPW where tributaries typically flow “seasonally.” Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: _____

Provide acreage estimates for jurisdictional wetlands in the review area: _____ acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**
 - Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: _____ acres.
6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**
 - Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: _____ acres.

⁸See Footnote # 3.
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7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from “waters of the U.S.,” or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: _____.
- Other factors. Explain: _____.

Identify water body and summarize rationale supporting determination: _____

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: _____ linear feet _____ width (ft).
- Other non-wetland waters: _____ acres.
Identify type(s) of waters: _____.
- Wetlands: _____ acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in “*SWANCC*,” the review area would have been regulated based solely on the “Migratory Bird Rule” (MBR).
- Waters do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction. Explain: _____.
- Other: (explain, if not covered above): _____.

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): _____ linear feet _____ width (ft).
- Lakes/ponds: _____ acres.
- Other non-wetland waters: _____ acres. List type of aquatic resource: _____.
- Wetlands: _____ acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): _____ linear feet _____ width (ft).
- Lakes/ponds: _____ acres.
- Other non-wetland waters: _____ acres. List type of aquatic resource: _____.
- Wetlands: _____ acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Attachment A - Existing Conditions Exhibit, prepared by Soundview Consultants LLC, dated 6 August 2021; Attachment B2/B3 - USGS Topographic Maps, dated 6 August 2021; Attachment B4 - EPA WATERS Map, dated 6 August 2021; Figure 1 - Vicinity Map, prepared by Soundview Consultants LLC, dated 5 August 2021.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.

⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

- Data sheets prepared by the Corps: _____.
- Corps navigable waters' study: The waterbody is on the Section 10 Navigable Waterway List for Seattle District.
- U.S. Geological Survey Hydrologic Atlas: _____.
- USGS NHD data.
- USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Mount Vernon, WA 1911 (HTMC, 1911 ed.), Scale 1:12500; Marysville WA (HTMC 1943 ed.) Scale 1:62500; victoria WA 1957 (HTMC, 1976 ed.), Scale 1:250000; Port Townsend WA 1993 (HTMC, 1993 ed.), Scale 1:100000; Lake Stevens WA 2020 (US Topo) Scale 1:24000
- USDA Natural Resources Conservation Service Soil Survey. Citation: USDA, NRCS Web Soil Survey accessed October 2021.
- National wetlands inventory map(s). Cite name: USFWS NWI accessed October 2021.
- State/Local wetland inventory map(s): City of Marysville Critical Areas Map dated December 2019
- FEMA/FIRM maps: _____.
- 100-year Floodplain Elevation is: _____ (National Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Figure 2 - Aerial Image of the Subject Property, prepared by Soundview Consultants LLC dated 5 August 2021; Attachment B1 - 1952 Historic Aerial Image dated 6 August 2021
or Other (Name & Date): Attachment C - Site Photos dated 6 August 2021.
- Previous determination(s). File no. and date of response letter: _____.
- Applicable/supporting case law: _____.
- Applicable/supporting scientific literature: _____.
- Other information (please specify): WDFW Salmonscape accessed October 2021; WDFW Fish Passage Map accessed October 2021; EPA WATERS layer, accessed via Google Earth, October 2021.

B. ADDITIONAL COMMENTS TO SUPPORT JD:

Existing Site Conditions

The 8.26-acre subject property is located in a residential setting in the City of Marysville. The subject property consists of a single-family residential home, gravel driveway, maintained lawn, and undeveloped forest patches. The subject property abuts a mix of residential developments and forest patches. Topography onsite slopes gently down from east to west, with an approximate 40-foot elevation difference across the site.

NCS Soil Survey identifies two soil series on the property. Up to 96% of the subject property is comprised of Tokul gravelly medial loam, 0 to 8 percent slopes and the remaining 4% is comprised of Tokul gravelly medial loam, 8 to 15 percent slopes. According to the NRCS survey, Tokul gravelly medial loam, 0 to 8 percent slopes is a moderately well drained soil formed in glacial till and volcanic ash. A hard pan is present at a depth of approximately 31 inches, and the depth to water table is 18- to 36-inches. Tokul gravelly medial loam, 0 to 8 percent slopes is listed as a non-hydric soil, but as much as 5 percent of areas mapped as Tokul gravelly medial loam, 0 to 8 percent slopes may contain inclusions of hydric McKenna and Norma soils. The capacity of Tokul gravelly medial loam, 0 to 8 percent slopes to transmit water (Ksat) is very low to moderately low (0.00 to 0.06 inches per hour). Tokul gravelly medial loam, 8 to 15 percent slopes, is a moderately deep, moderately well drained soil formed in glacial till and volcanic ash on till plains. This soil series is mapped in the northwest corner of the subject property, northwest of and upgradient of the delineated wetland boundaries. Tokul gravelly medial loam, 8 to 15 percent slopes is listed as a non-hydric soil (NRCS, N.d.), but as much as 5 percent of areas mapped as Tokul gravelly medial loam, 0 to 8 percent slopes may contain inclusions of hydric Norma and McKenna soils.

Off-Site Ditch and Site Hydrology

During site investigations in December 2020, Soundview consultants LLC surveyed the site for both artificial and natural surface water features within 300 feet of the subject property. One artificial excavated ditch was identified immediately offsite to the west along the roadway. The subject ditch is a shallow, vegetated swale with low volume and infrequent, short duration flow. No depositional features, headcuts, grade controls, leaf litter, debris, or wrack lines were observed. Based on site investigations, the subject ditch does not appear to support baseflow. No defined bed and bank were observed. The subject ditch was constructed to convey stormwater runoff from 83rd Avenue Northeast and surrounding development, and drains only uplands. The subject ditch conveys ephemeral flow resulting from direct precipitation through culverts under neighboring driveways and into catch basins. Downstream, driveways without culverts are present, resulting in the impoundment and infiltration of ephemeral flow within the ditch. Based on a review of aerial imagery, the ditch does not extend to King Creek, located 0.48-mile south of the subject property. There is no evidence to support that the subject ditch conveys flow to a natural waterbody. Historical aerial imagery from 1952 and USGS topographic data from 1911 through present do not depict any natural surface water features in this location, therefore the subject ditch does not appear to have been constructed within or to be relocating a natural surface water feature.

The subject ditch is located 345-feet west of the westernmost boundary of Wetland B. Upland berms are located downgradient of both Wetland A and Wetland B and prevent discharge of surface water to the subject ditch. Hydrology from Wetland A discharges to the west and infiltrates into the area of upland that separates Wetlands A and B. Hydrology from Wetland B also discharges to the west and infiltrates into the area of upland between Wetland B and the roadside ditch.

No natural surface water features were identified during site investigations. Based on a review of the WDFW Salmonscape Map, WDFW Fish Passage Map, and EPA WATERS layer, accessed via Google Earth, there are no mapped surface water features on or within the immediate vicinity of the subject property. Based on a review of the Marysville Storm Drain System, no artificial storm drain features are present at or adjacent to the subject property. The nearest mapped surface water features are an unnamed -tributary to Lake Stevens, located 0.4-mile to the east, Munson Creek, located 0.4-mile to the west, and King Creek, located 0.48-mile south of the subject property. Impervious surfaces including roads, driveways, single family residences, and commercial infrastructure are present between the subject property and nearest potential waters of the U.S. Based on the presence of well-drained soils at the subject property, distance between the subject wetland and potential waters of the U.S., and presence of impervious surfaces which would limit surface water connection between the subject wetland and potential waters of the U.S., a surface or subsurface hydrologic connection is unlikely.

Onsite Wetlands

Wetland A is a 2,883 square foot (sf) (0.07-acre), Category IV slope wetland, located in the central portion of the subject property, east of Wetland B. Wetland A receives hydrology from runoff from adjacent uplands, direct precipitation, and a seasonally high groundwater table. Vegetation within the subject wetland consists primarily of creeping buttercup (*Ranunculus repens*), Kentucky bluegrass (*Poa pratensis*), colonial bentgrass (*Agrostis capillaris*), and non-native invasive reed canarygrass (*Phalaris arundinacea*). Wetland A is a Palustrine Emergent, Seasonally Saturated (PEMB) wetland.

Wetland B is a 4,885 sf (0.09-acre), Category IV slope wetland, located in the central portion of the subject property, west of Wetland A. Hydrology for Wetland B is provided by runoff from adjacent uplands, direct precipitation, and a seasonally high groundwater table. Vegetation within the wetland consists primarily of soft rush (*Juncus effusus*), creeping buttercup, colonial bentgrass, common ladyfern (*Athyrium cyclosorum*), fringed willowherb (*Epilobium ciliatum*), and non-native invasive reed canarygrass. Wetland B is a PEMB wetland.

Wetlands A and B do not have a surface water or shallow subsurface connection or ecological connectivity to other navigable or interstate waters of the U.S. or tributaries of waters of the U.S. These wetlands are not used by interstate or foreign travelers for recreational purposes, have no habitat or resources of special significance which would attract interstate or foreign travelers, lack bird and wildlife species of special significance which would attract interstate or foreign travelers, support no fish or shellfish which could be taken or sold in interstate or foreign commerce, and are not used for industrial, agricultural, or silvicultural activities involving interstate or foreign commerce.

Emails requesting concurrence were sent to EPA and to Corps HQ on 14 October 2021. On 14 October 2021, Corps HQ completed their review and had no comments. On 26 October 2021, EPA completed their review and provided concurrence. Coordination was complete on 26 October 2021.