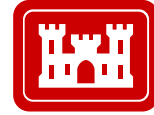




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## Regulatory Program



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### **INTERIM APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in the Interim Approved Jurisdictional Determination Form User Manual.

#### **SECTION I: BACKGROUND INFORMATION**

**A. COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (AJD):** 9/20/19

**B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ):** NWS-2018-304

#### **C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Washington County/parish/borough: Clark City: Camas

Center coordinates of site (lat/long in degree decimal format): Lat. 45.62043, Long. -122.436105.

Map(s)/diagram(s) of review area (including map identifying single point of entry (SPOE) watershed and/or potential jurisdictional areas where applicable) is/are:  attached  in report/map titled Lacamas Shores HOA Meadowlands Park Wetland Delineation & Proposed Vegetation Plan, dated February 2017.

Other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different jurisdictional determination (JD) form. List JD form ID numbers (e.g., HQ-2015-00001-SMJ-1): .

#### **D. REVIEW PERFORMED FOR SITE EVALUATION:**

Office (Desk) Determination Only. Date: .

Office (Desk) and Field Determination. Office/Desk Dates: . Field Date(s): 27 April 2018.

#### **SECTION II: DATA SOURCES**

Check all that were used to aid in the determination and attach data/maps to this AJD form and/or references/citations in the administrative record, as appropriate.

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant. Title/Date: Lacamas Shores HOA Meadowlands Park Wetland Delineation & Proposed Vegetation Plan, dated February 2017.

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Data sheets/delineation report are sufficient for purposes of AJD form. Title/Date: Lacamas Shores HOA Meadowlands Park Wetland Delineation & Proposed Vegetation Plan, dated February 2017.

Data sheets/delineation report are not sufficient for purposes of AJD form. Summarize rationale and include information on revised data sheets/delineation report that this AJD form has relied upon: .

Revised Title/Date: .

Data sheets prepared by the Corps. Title/Date: .

Corps navigable waters study. Title/Date: .

CorpsMap ORM map layers. Title/Date: .

USGS Hydrologic Atlas. Title/Date: .

USGS, NHD, or WBD data/maps. Title/Date: .

USGS 8, 10 and/or 12 digit HUC maps. HUC number: .

USGS maps. Scale & quad name and date: .

USDA NRCS Soil Survey. Citation: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>.

USFWS National Wetlands Inventory maps. Citation: <https://www.fws.gov/wetlands/data/Mapper.html>.

State/Local wetland inventory maps. Citation: .

FEMA/FIRM maps. Citation: .

Photographs:  Aerial. Citation: . or  Other. Citation: USACE, Jim Carsner, 27 April 2018.

LiDAR data/maps. Citation: .

Previous JDs. File no. and date of JD letter: .

Applicable/supporting case law: .

- Applicable/supporting scientific literature:
- Other information (please specify):

**SECTION III: SUMMARY OF FINDINGS**

**Complete ORM “Aquatic Resource Upload Sheet” or Export and Print the Aquatic Resource Screen from ORM for All Waters and Features, Regardless of Jurisdictional Status – Required**

**A. RIVERS AND HARBORS ACT (RHA) SECTION 10 DETERMINATION OF JURISDICTION:**

- “navigable waters of the U.S.” within RHA jurisdiction (as defined by 33 CFR part 329) in the review area.

- **Complete Table 1 - Required**

NOTE: If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Section 10 navigable waters list, DO NOT USE THIS FORM TO MAKE THE DETERMINATION. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Section 10 RHA navigability determination.

**B. CLEAN WATER ACT (CWA) SECTION 404 DETERMINATION OF JURISDICTION:** “waters of the U.S.” within CWA jurisdiction (as defined by 33 CFR part 328.3) in the review area. **Check all that apply.**

- (a)(1): All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (Traditional Navigable Waters (TNWs))

- **Complete Table 1 - Required**

- This AJD includes a case-specific (a)(1) TNW (Section 404 navigable-in-fact) determination on a water that has not previously been designated as such. Documentation required for this case-specific (a)(1) TNW determination is attached.

- (a)(2): All interstate waters, including interstate wetlands.

- **Complete Table 2 - Required**

- (a)(3): The territorial seas.

- **Complete Table 3 - Required**

- (a)(4): All impoundments of waters otherwise identified as waters of the U.S. under 33 CFR part 328.3.

- **Complete Table 4 - Required**

- (a)(5): All tributaries, as defined in 33 CFR part 328.3, of waters identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Table 5 - Required**

- (a)(6): All waters adjacent to a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.

- **Complete Table 6 - Required**

- Bordering/Contiguous.  
Neighboring:

- (c)(2)(i): All waters located within 100 feet of the ordinary high water mark (OHWM) of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3.

- (c)(2)(ii): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 and not more than 1,500 feet of the OHWM of such water.

- (c)(2)(iii): All waters located within 1,500 feet of the high tide line of a water identified in paragraphs (a)(1) or (a)(3) of 33 CFR part 328.3, and all waters within 1,500 feet of the OHWM of the Great Lakes.

- (a)(7): All waters identified in 33 CFR 328.3(a)(7)(i)-(v) where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Table 7 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(7) waters identified in the similarly situated analysis. - Required**

- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

- (a)(8): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3 not covered by (c)(2)(ii) above and all waters located within 4,000 feet of the high tide line or OHWM of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Table 8 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(8) waters identified in the similarly situated analysis. - Required**

Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

#### C. NON-WATERS OF THE U.S. FINDINGS:

##### **Check all that apply.**

- The review area is comprised entirely of dry land.
- Potential-(a)(7) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(7) waters identified in the similarly situated analysis. - Required**
- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.
- Potential-(a)(8) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(8) waters identified in the similarly situated analysis. - Required**
- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.
- Excluded Waters (Non-Waters of U.S.), even where they otherwise meet the terms of paragraphs (a)(4)-(a)(8):
- **Complete Table 10 - Required**
- (b)(1): Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA.
- (b)(2): Prior converted cropland.
- (b)(3)(i): Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.
- (b)(3)(ii): Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.
- (b)(3)(iii): Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1)-(a)(3).
- (b)(4)(i): Artificially irrigated areas that would revert to dry land should application of water to that area cease.
- (b)(4)(ii): Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds.
- (b)(4)(iii): Artificial reflecting pools or swimming pools created in dry land.<sup>1</sup>
- (b)(4)(iv): Small ornamental waters created in dry land.<sup>1</sup>
- (b)(4)(v): Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water.
- (b)(4)(vi): Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways.<sup>1</sup>
- (b)(4)(vii): Puddles.<sup>1</sup>
- (b)(5): Groundwater, including groundwater drained through subsurface drainage systems.<sup>1</sup>
- (b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.<sup>1</sup>
- (b)(7): Wastewater recycling structures created in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.
- Other non-jurisdictional waters/features within review area that do not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
- **Complete Table 11 - Required.**

#### D. ADDITIONAL COMMENTS TO SUPPORT AJD:

Site Visit

27 April 2018

<sup>1</sup> In many cases these excluded features will not be specifically identified on the AJD form, unless specifically requested. Corps Districts may, in case-by-case instances, choose to identify some or all of these features within the review area.

Jim Carsner (Corps), Tom Kelly (Homeowner Board Member), and John McConnaughey, Agent (Environmental Technology Consultants)

**Site Description:** The review area is an approximately 11-acre rectangular site that is bounded on the north and west by residential development, on the east by a narrow strip of forested land and Lacamas Lake, and on the south by undeveloped forested land. The review area comprises two wetlands, Wetland A and Wetland B, and is on a relatively flat forested portion of the property, adjacent to Lacamas Lake. A walking trail abuts the majority of Wetland A boundary. Water was observed flowing into Wetland A near the northwest corner (Photo 1) as well as from several seeps found along the western portion of the trail that discharge through culverts under the trail and into the wetland. In addition, two outlet surface drainages, Tributary A (Photo 2) and Tributary B (no photo available), were observed to have water flowing into the lake from Wetland A. Wetland B is bounded by forested land with no observed inlet or outlet.

During the 27 April 2018 site visit, water was observed flowing into the northwest corner of the Wetland A within a well-defined channel (Tributary A) then meandering through a forested wetland and into Lacamas Lake. A second channel (Tributary B), associated with drainage is located near the east central extent of Wetland A. Both drainages from Wetland A flow into Lacamas Lake with the wetland boundary being approximately 85 feet from the OHWM of the lake. Wetland B is found approximately 500 feet southeast from the southern extent of Wetland A and within approximately 40 feet of the OHWM of the lake.

**Vegetation:** Both wetlands are forested and dominated by red alder (FAC), willow (FAC-FACW) with an understory of salmonberry (FAC), skunk cabbage (OBL), and slough sedge (OBL) with less dominant herbs and forbs.

**Topography and NWI:** A topographic map of the site and surrounding areas with an overlay of NWI mapped wetlands was obtained from the Clark County website (<https://gis.clark.wa.gov/maponline/index.cfm?>). The map shows the review area to have an approximately 5% slope toward the lake. No wetlands are identified on the NWI or local wetland inventory maps.

**Soils:** NRCS identified the onsite soils as Hesson clay loam (HcB, HcD, and HcF), a non-hydric, deep, well-drained soil on 0 to 55 percent slopes; Olequa silty clay loam (OhD), heavy variant, a hydric, deep, poorly-drained soils on 3 to 20 percent slopes; and Cove silty clay loam (CvA), a hydric, very poorly drained soil on 0-3 percent slopes. Soil data collected within the review area and presented in the "Lacamas Shores HOA Meadowlands Park Wetland Delineation & Proposed Vegetation Plan" met hydric soil criteria.

**Hydrology:** Surface hydrology was present during the 27 April 2018 site visit. Hydrology for both wetlands is primarily from groundwater and surface runoff from site development, as well as precipitation.

**Conclusion:**

Corps personnel agreed with the wetland boundaries described in the "Lacamas Shores HOA Meadowlands Park Wetland Delineation & Proposed Vegetation Plan" dated February 2017. The 27 April 2018 site visit confirmed waters from Wetland A drain into Lacamas Lake through well-defined channels and no visible outlet to the lake was observed from Wetland B. Lacamas Lake is controlled by a dam that is, located at the southeastern extent of the lake, meeting the criteria of an (a)(4) water and that Wetlands A and B were within 100 feet of the OHWM of the lake. Based on the documents provided by the the agent and observations during the site visit, I have concluded that Wetland A and Wetland B are neighboring wetlands associated with Lacamas Lake and meet the neighboring criteria of an (a)(6)(i) water and therefore are waters of the U.S. and jurisdictional under the Clean Water Act.

**Jurisdictional Waters of the U.S.**

Default field entry is "N/A". Delete "N/A" and fill out all fields in the table where applicable for waters/features present in the review area.

**Table 1. (a)(1) Traditional Navigable Waters**

<b>(a)(1) Waters Name</b>	<b>(a)(1) Criteria</b>	<b>Rationale to Support (a)(1) Designation Include High Tide Line or Ordinary High Water Mark indicators, when applicable.</b>
N/A	Choose an item.	N/A

**Table 2. (a)(2) Interstate Waters**

<b>(a)(2) Waters Name</b>	<b>Rationale to Support (a)(2) Designation</b>
N/A	N/A

**Table 3. (a)(3) Territorial Seas**

<b>(a)(3) Waters Name</b>	<b>Rationale to Support (a)(3) Designation</b>
N/A	N/A

**Table 4. (a)(4) Impoundments**

<b>(a)(4) Waters Name</b>	<b>Rationale to Support (a)(4) Designation</b>
Lacamas Lake	Lacamas Lake is controlled by a dam, located at the southeastern extent of the lake. Water flows from Lacamas Lake and into another impounded feature, Round Lake, then into the Washougal River, a tributary of the Columbia River, an (a)(1) water. Lacamas Lake meets the criteria for an (a)(4) water.
N/A	N/A

**Table 5. (a)(5)Tributaries**

<b>(a)(5) Waters Name</b>	<b>Flow Regime</b>	<b>(a)(1)-(a)(3) Water Name to which this (a)(5) Tributary Flows</b>	<b>Tributary Breaks</b>	<b>Rationale for (a)(5) Designation and Additional Discussion. Identify flowpath to (a)(1)-(a)(3) water or attach map identifying the flowpath; explain any breaks or flow through excluded/non-jurisdictional features, etc.</b>
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A

**Table 6. (a)(6) Adjacent Waters**

<b>(a)(6) Waters Name</b>	<b>(a)(1)-(a)(5) Water Name to which this Water is Adjacent</b>	<b>Rationale for (a)(6) Designation and Additional Discussion. Identify the type of water and how the limits of jurisdiction were established (e.g., wetland, 87 Manual/Regional Supplement); explain how the 100-year floodplain and/or the distance threshold was determined; whether this water extends beyond a threshold; explain if the water is part of a mosaic, etc.</b>
Wetland A	Lacamas Lake	Wetland A is palustrine forested, seasonally flooded/saturated wetland that abuts two tributaries (Tributary A and Tributary B) that flow into Lacamas Lake. The wetland boundary was determined using the 1987 Corps of Engineers Wetlands Delineation Manual and the 2010 WMVC supplemental manual. Tributary A originates near the northwest corner of the wetland and Tributary B originates within the south portion of the wetland. The wetland is not located within a 100-year floodplain but is within 85 feet of the OHWM of Lacamas Lake, an (a)(4) water. The distance from the wetland boundary to the OHWM was determined using a 2016 infrared aerial imagery obtained from the Clark County Mapsonline website and the attached wetland delineation figure. This wetland meets the criteria for an (a)(6)(i) water.

Wetland B	Lacamas Lake	The Wetland B is a palustrine forested, seasonally flooded/saturated wetland. The wetland boundary was determined using the 1987 Corps of Engineers Wetlands Delineation Manual and the 2010 WMVC supplemental manual. The wetland is not located within a 100-year floodplain but is within 40 feet of the OHWM of Lacamas Lake, an (a)(4) water. The distance from the wetland boundary to the OHWM was determined using a 2016 infrared aerial imagery obtained from the Clark County Mapsonline website and the attached wetland delineation figure. This wetland meets the criteria for an (a)(6)(i) water.
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**Table 7. (a)(7) Waters**

<b>SPOE Name</b>	<b>(a)(7) Waters Name</b>	<b>(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus</b>	<b>Significant Nexus Determination Identify SPOE watershed; discuss whether any similarly situated waters were present and aggregated for SND; discuss data, provide analysis, and summarize how the waters have more than speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.</b>
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

**Table 8. (a)(8) Waters**

<b>SPOE Name</b>	<b>(a)(8) Waters Name</b>	<b>(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus</b>	<b>Significant Nexus Determination Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to subject water and aggregated for SND; discuss data, provide analysis, and then summarize how the waters have more than speculative or insubstantial effect the on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.</b>
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

**Non-Jurisdictional Waters**

Default field entry is "N/A". Delete "N/A" and fill out all fields in the table where applicable for waters/features present in the review area.

**Table 9. Non-Waters/No Significant Nexus**

<b>SPOE Name</b>	<b>Non-(a)(7)/(a)(8) Waters Name</b>	<b>(a)(1)-(a)(3) Water Name to which this Water DOES NOT have a Significant Nexus</b>	<b>Basis for Determination that the Functions DO NOT Contribute Significantly to the Chemical, Physical, or Biological Integrity of the (a)(1)-(a)(3) Water. Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to the subject water; discuss data, provide analysis, and summarize how the waters did not have more than a speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water.</b>
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

**Table 10. Non-Waters/Excluded Waters and Features**

<b>Paragraph (b) Excluded Feature/Water Name</b>	<b>Rationale for Paragraph (b) Excluded Feature/Water and Additional Discussion.</b>
N/A	N/A
N/A	N/A

**Table 11. Non-Waters/Other**

<b>Other Non-Waters of U.S. Feature/Water Name</b>	<b>Rationale for Non-Waters of U.S. Feature/Water and Additional Discussion.</b>
N/A	N/A