

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): 3/8/19

B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): NWS-2018-1061

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State:Washington County/parish/borough: Clark

Center coordinates of site (lat/long in degree decimal format): Lat. 45.7992, Long. -122.546685.

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: Xattached I in report/map titled

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: 2019.

Field Date(s): 5 November 2018 and 11 January

City: Battle Ground

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: North Battle Ground Subdivision, Critical Areas Assessment and Mitigaiton Plan/29 August 2018.

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: North Battle Ground Subdivision, Critical Areas Assessment and Mitigaiton Plan/29 August 2018.

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 & guad 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: https://gis.clark.wa.gov/mapsonline/?site=Environmental&ext=1.

- **FEMA/FIRM** maps. Citation:
- . or Other. Citation: Photographs: Aerial. Citation:
- 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 Sh	eet" or Export ar	nd Print the Aquation	Resource Screen	from ORM for All
	Waters and Features,	Regardless of J	urisdictional Status	<mark>- Required</mark>	

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

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

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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.

	CLEAN WATER ACT (CWA) SECTION 404 DETERMINATION OF JURISDICTION: "waters of the U.S." within
	A 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
M	(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.
\square	• 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
	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.

 \boxtimes (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.¹
- (b)(4)(iv): Small ornamental waters created in dry land.¹
- (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.¹
(b)(4)(vii): Puddles.¹

(b)(4)(VII): Puddles. (b)(5): Croundwater, including groups

(b)(5): Groundwater, including groundwater drained through subsurface drainage systems.¹

(b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry
land.¹

(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 Visits 9 November 2018 and 11 Janaury 2019

Site Visits: Jim Carsner (Corps); Rebecca Rothwell (Ecology); and Taya MacLean (AKS) conducted a site visit to verify the wetlands (Wetlands A, B, and C) and stream (Water 1 and Water 2) boundaries on 9 November 2018. A second

¹ 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. Page 3 of 7 Version: October 1, 2015

site visit was conducted on 11 January 2019 with Jim Carsner, Taya MacLean and Susan Weiserborn (OTAK) to conduct a jurisdictional determination of the wetlands, streams and the roadside ditch (Ditch 1). A fourth wetland, Wetland D, is located outside the review area near the southwestern property boundary and will not be discussed further. Figures and representative photographs are attached.

Site Description: The approximately 43.2-acre site is bounded on the south by Northwest 25th Street, SR-503 and residential properties on the west, undeveloped forest and shrub land on the north, and residential and agricultural land on the east. There is an abandoned residential structure and several outbuildings on the southwest corner of the property with the remainder being undeveloped forest and grassland. A driveway extends north from Northwest 25th Street and crosses Wetland A and Wetland C to allow access to the residential structure. A culvert under the driveway allows water to flow from Wetland A into Wetland C. The northeast quarter of the property was been logged at some time in the past as evidenced by the remaining stumps. The property slopes generally to the southwest from the north portion of the property and northwest from the south portion of the property, forming a forested swale along the south-central portion of the property that extends from the east property boundary to west property boundary.

An unimproved crossing of a minor tributary is located southeast of the eastern extent of Wetland A. A culvert under this crossing drains Wetland B into Water 2, then Wetland A.

Vegetation across the property is dominated by deciduous trees (big-leaf maple an red alder) with a few coniferous trees (western red cedar and Douglas fir). The shrub and herbaceous understory is dominated by vine maple, beaked hazelnut, blackberry, sword fern, creeping buttercup, reed canary grass, and various other herbs and forbs.

The wetlands are found in a general east-west direction and in a swale on the southern portion of the property (see Sheet 3 of 6). Wetland B, a PFO/SS Category III wetland, is found on the eastern portion of the property and extends offsite. Water from this wetland drains into Wetland A in a well-defined channel, Water 2, that is approximately 1-foot wide. Wetland A, a PFO Category II wetland, drains under the west access road and into Wetland C. Wetland C, a PEM Category III wetland, drains offsite, under SR-503, and into a tributary of the East Fork Lewis River. Another stream, Water 1, is located on the northeastern corner of the property, drains offsite to the northwestand under SR-503, then into a tributary of the East Fork Lewis River.

Delineation: A wetland delineation was conducted by AKS Engineering & Forestry in July 2017 using the 1987 Manual and the 2010 WMVC Supplemental Manual. Three onsite wetlands, Wetlands A – C, and two onsite stream, Stream 1 and 2, and one ditch, Ditch 1, were identified by the consultant.

Delineation: A wetland delineation was conducted by Wetland Resources, Incorporated in November 2017.

Vegetation:

Wetland A: PFO/EM: dominated by red alder (FAC), Oregon ash (FACW), lamp (soft) rush (FACW), Lady fern (FAC), colonial bent grass (FAC), stickywilly (FACU), largeleaf avens (FAC), and American speedwell (OBL).

Wetland B: PFO: dominated by red alder (FAC), Oregon ash (FACW), youth-on-age (FAC), and lady fern

Wetland C: PEM: dominated by slough sedge (OBL), dense sedge (OBL), colonial bentgrass (FAC), fringed willowherb (FACW), and curly dock (FAC).

Uplands: dominated by red alder, Big-leaf maple (FACU), Douglas fir (FACU), snowberry (FACU), vine maple (FAC), beaked hazelnut (FACU), Saskatoon serviceberry (FACU), sword fern (FACU), velvet grass (FAC), Himalyan blackberry (FAC), stickywilly, oxeye daisy (FACU), colonial bentgrass, youth-on-age, tall fescue (FAC), Canada thistle (FAC), and orchard grass (FACU).

Soils: Mapped soils are:Olequa silt loam, 3-20% slope (non-hydric) and Cove silty clay loam, 0-3% slope (hydric) (see Sheet 2 of 6).

Wetland Soils:

Wetland A: 10YR 3/2 silty clay loam from 0"- 4" with no redox; from 4" – 16" a 10YR 3/2 with 10% 5YR 4/4 prominent redox features, meeting F6 hydric soil criteria.

Wetland B: 10YR 3/2 silt loam from 0" – 3" with not redox; from 3" – 14" a 10YR 3/2 silt loam with 5% 7.5YR 4/6 redox features (prominent), meeting F6 hydric soil criteria.

Wetland C: 10YR 3/2 silt loam from $0^{\circ} - 2^{\circ}$ with no redox; from $2^{\circ} - 14^{\circ}$ a 10YR 3/2 silt loam with 4% 7.5YR 4/4 redox features (distinct), meeting F6 hydric soil criteria.

Upland Soils:

Soils adjacent to the wetland boundaries were found to be a 10YR 3/2 to a 10YR 4/2 from $0^{\circ} - 15^{\circ}$ with no redox features and would not meet hydric soil criteria.

Hydrology: Wetland hydrology is supported by shallow groundwater seepage, surface runoff, and precipitation.

Wetland acreage identified for this determination: 5.71 acres (Wetlands A through C) Wetland acreage to be filled: Wetland A (0.112 acre), Water 2 (0.002 acre).

Observations/Discussion:

During the 9 November 2018 site visit, Corps personnel walked around the onsite wetland boundaries, Wetlands A through C, and followed the onsite flow paths for each Water (stream). The southwestern boundary of Wetland A appeared to be larger than initially delineated, with the boundaries for Wetlands B and C were in well-defined depressions or swales. The onsite portion of Water 1 (northeast corner of the property) was observed to be in a swale that extended for approximately 200 feet onsite. Water 2 was in a defined channel between Wetland B and Wetland A. The offsite wetland (Wetland D) had not been previously reported and is not expected to be impacted by the proposed development. A revised wetland map that accurately depicts the onsite wetland and stream channel boundaries was provided by AKS Engineering & Forestry.

During the 11 January 2019, the site was revisited to investigate the roadside ditch (Ditch 1) and determine the jurisdictional status of the ditch as well as the previously inspected onsite waters. The revised boundary of Wetland A and the remaining flagged wetland and stream boundaries appeared to accurately delineate the wetland edges.

Jurisdictional Determination:

Wetlands A through C are located on the southern portion of the property and Water 1 on the northeast portion of the property have surface connections to offsite tributaries to the East Fork Lewis River. Ditch 1 is a constructed roadside ditch that allows stormwater to flow westward toward SR-503 and infiltrating approximately 100 feet east of the intersection of NE 244th Street and SR-503.

Wetlands A, B, and C are considered bordering or contiguous, per the definition found at 33 CFR 328.3(c)(1), with the three wetlands forming the headwaters of a tributary to the East Fork Lewis River. Water 1 has is in a defined channel with seasonal flow that forms another tributary of the East Fork Lewis River, which becomes an a(1) water used for interstate and foreign commerce. Wetlands A, B, and C are a(6) waters, Ditch 1 is an a(5) water and are jurisdictional waters of the U. S. (see Sheets 4-6).

Ditch 1 was constructed in uplands and is not a relocated tributary. Water flow in this ditch is ephemeral, originating from offsite storm ponds, surface runoff, and precipitation. Ditch 1 is a b(3)(i) water and excluded from federal jurisdiction.

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

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

Table 2. (a)(2) Interstate Waters

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

Table 3. (a)(3) Territorial Seas

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

Table 4. (a)(4) Impoundments

(a)(4) Waters Name	Rationale to Support (a)(4) Designation	
N/A	N/A	
N/A	N/A	

Table 5. (a)(5)Tributaries

(a)(5) Waters Name	Flow Regime	(a)(1)-(a)(3) Water Name to which this (a)(5) Tributary Flows	Tributary Breaks	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.
Water 1	Intermittent	East Fork Lewis River	Yes	Water 1 is the upper reach of an unnamed tributary found on the northeast corner of the property. Water flows northwest and offsite, then westerly, under State Route (SR) 503 and continues as an unnamed tributary to the East Fork Lewis River.
Water 2	Intermittent	East Fork Lewis River	Yes	Water 2 is formed from the headwater wetland, Wetland B. Water drains into Wetland A and through a culvert and into Wetland C. Wetland C outlets through a culvert under SR- 501 and drains into an Daybreak Creek, a tributary of the East Fork Lewis River.

Table 6. (a)(6) Adjacent Waters

(a)(6) Waters Name	(a)(1)-(a)(5) Water Name to which this Water is Adjacent	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.	
Wetland B	Water 2	Wetland B is a headwater wetland and borders the outlet to Water 2 that drains into Wetland A. The wetland boundaries were established using the 87 Manual/Regional Supplement.	
Wetland A	Water 2	Wetland A is contiguous with the flow of water from Water 2 and drains through a culvert into Wetland C. The wetland boundaries were established using the 87 Manual/Regional Supplement.	
Wetland C	Water 2	Wetland C is contiguous with Water 2 and drains offsite, through a culvert, and into an unnamed tributary of the East Fork Lewis River. The boundaries of Wetland C were established using the 87 Manual/Regional Supplement.	

Table 7. (a)(7) Waters

SPOE Name	(a)(7) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	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.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Table 8. (a)(8) Waters

SPOE Name	(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	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.
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

SPOE Name	Non-(a)(7)/(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water DOES NOT have a Significant Nexus	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.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

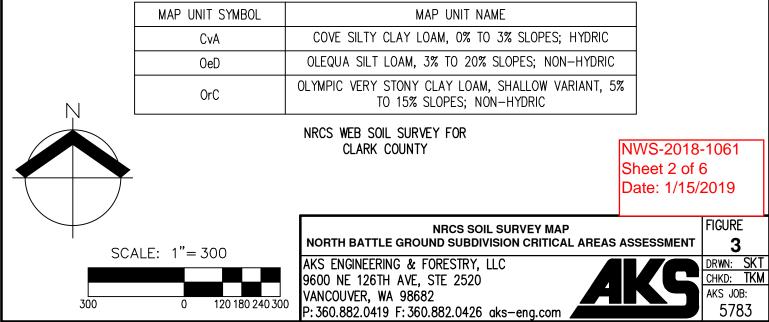
Table 10. Non-Waters/Excluded Waters and Features

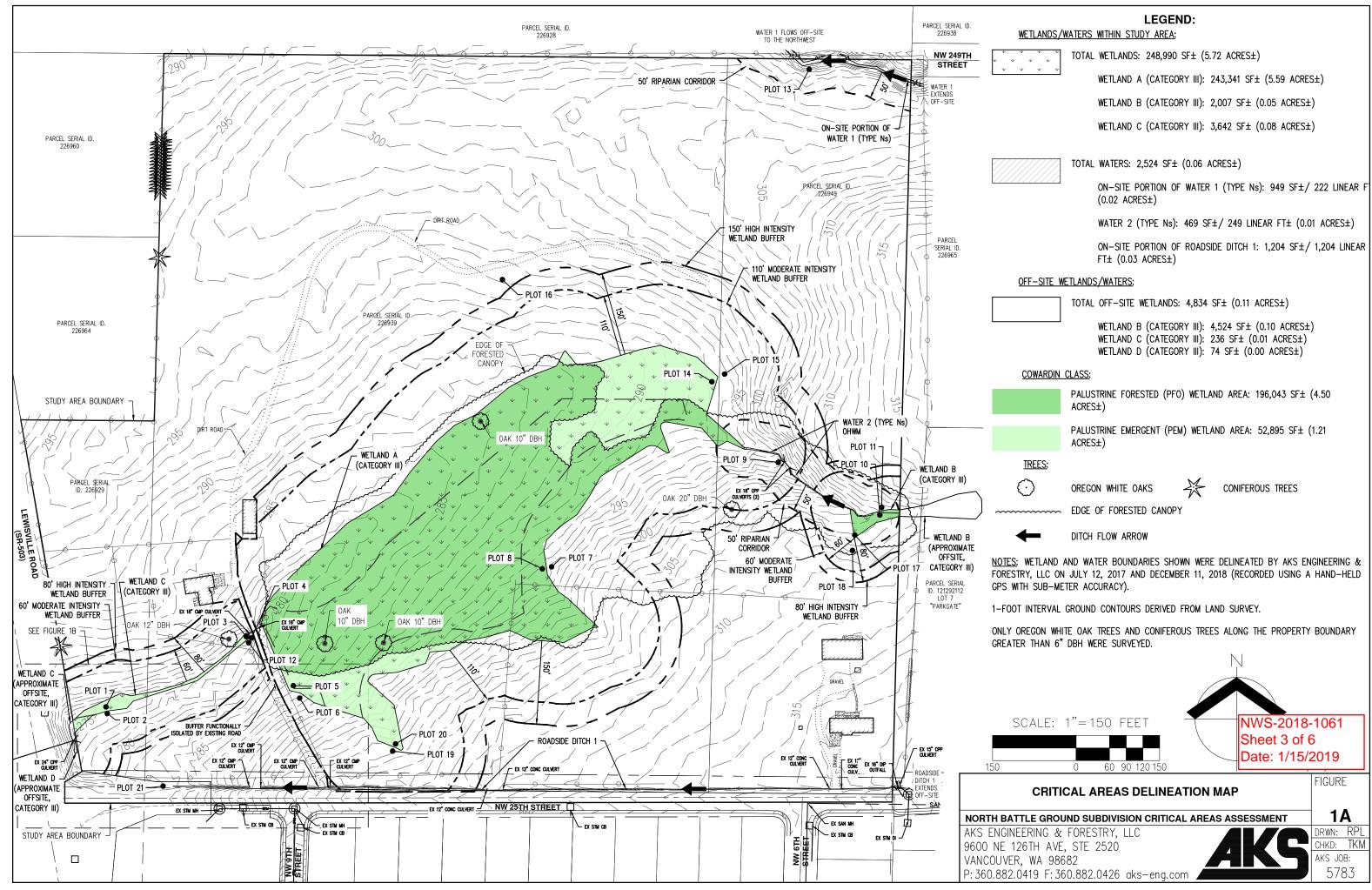
Paragraph (b) Excluded Feature/Water Name	Rationale for Paragraph (b) Excluded Feature/Water and Additional Discussion.	
Roadside Ditch 1	The ditch is a a linear feature, constructed in uplands and adjacent to an existing arterial that receives storm water from adjacent stormwater ponds, surface runoff from adjacent roads and abutting properties, and precipitation. Water flows within the grass-lined ditch are ephemeral and the ditch does not exhibit a defined bed and bank and is not a relocated tributary.	
N/A	N/A	

Table 11. Non-Waters/Other

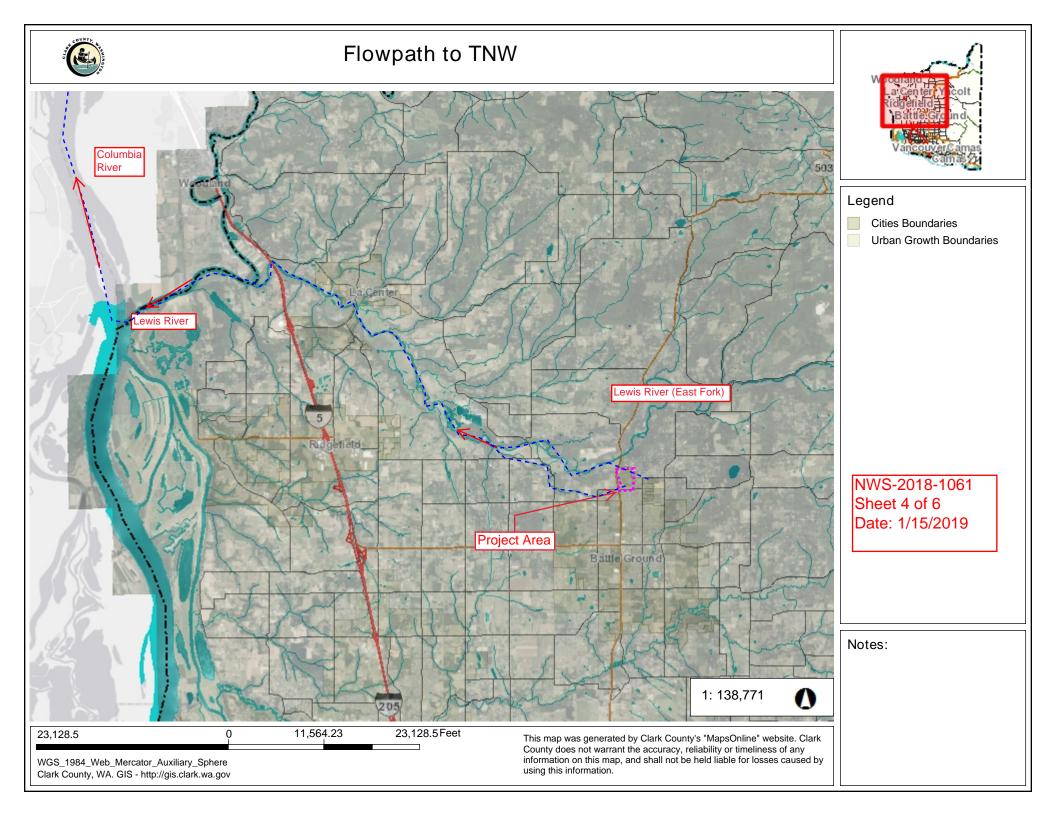
Other Non-Waters of U.S. Feature/Water Name	Rationale for Non-Waters of U.S. Feature/Water and Additional Discussion.
N/A	N/A

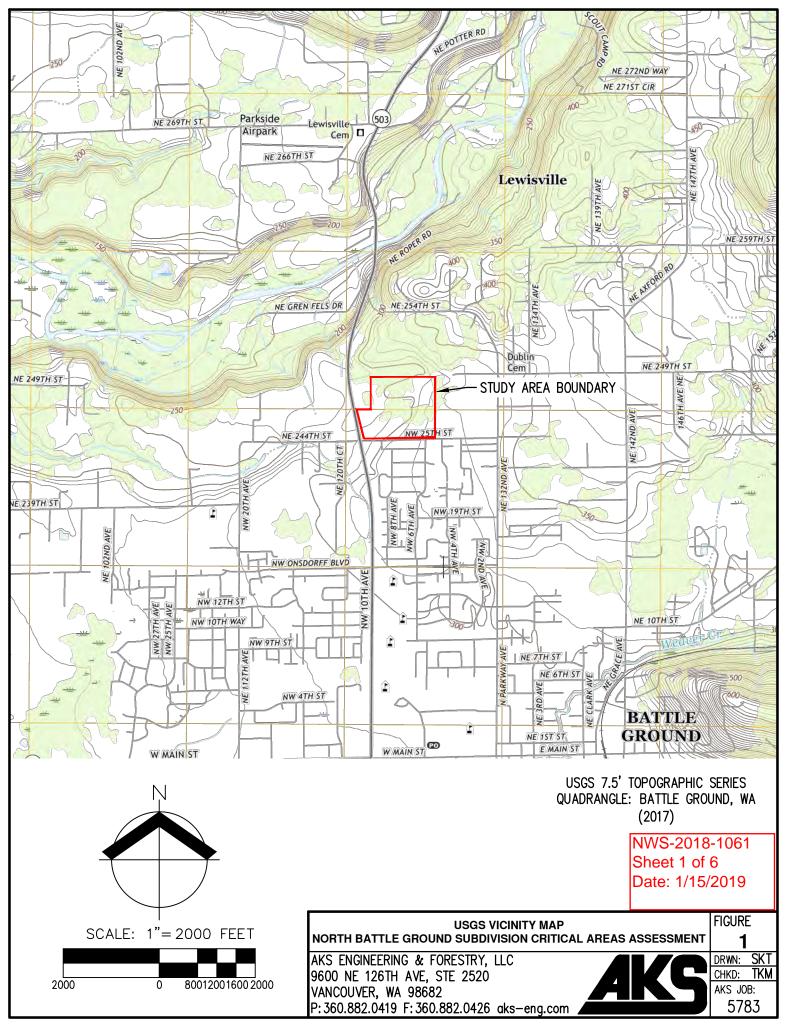






DWG: 5783 CRIT AREAS DELINEATION | FIG 1A





DWG: 5783 BACKGROUND FIGS | FIGURE 1

