



**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): 10/2/2020
 ORM Number: NWS-2019-948
 Associated JDs: NA
 Review Area Location¹: State/Territory: Washington City: Battle Ground County/Parish/Borough: Clark
 Center Coordinates of Review Area: Latitude 45.76251 Longitude -122.54375

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
Wetland D	0.55	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 D Ditch	600	Linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The feature is an excavated, constructed channel used to convey water. The ditch itself does not meet the conditions of an adjacent wetland and does not satisfy the flow conditions of an (a)(2) tributary. Those portions of the ditch constructed in wetlands do not satisfy the conditions of (c)(1). See Section III.C for additional details

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant: [Wetland Delineation Report, Highway 503 Mixed Use Properties, October 2014](#)

This information is and is not sufficient for purposes of this AJD.

Rationale: [It is sufficient to determine the wetland boundary but not sufficient to determine if Wetland D was constructed in uplands or associated with a relocated tributary.](#)

- Data sheets prepared by the Corps: [Routine Data Forms DP-A and DP-B.](#)
- Photographs: [Aerial and Other: Aerials from Google Earth and photographs taken 27 July 2020](#)
- Corps site visit(s) conducted on: [January 29, 2020 and July 27, 2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>
- USFWS NWI maps: <https://www.fws.gov/wetlands/Data/Mapper.html>
- USGS topographic maps: [Title\(s\) and/or date\(s\).](#)

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.



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Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	NRCS Soil Survey of Clark County Washington (McGee, 1972)

B. Typical year assessment(s): Typical year assessment is not applicable due to the exclusion criteria of the wetland.

C. Additional comments to support AJD:

Investigators: Jim Carsner (Corps) Investigators: Jim Carsner (Corps); Rebecca Rothwell and Miranda Adams (WDOE); and Brian Bieger (Consultant, PBS)

Site Visits: 29 January 2020 and 27 July 2020. The site was visited twice to verify the wetland boundary and collect data associated with this Approved Jurisdictional Determination (AJD). The visits were conducted on 29 January 2020 and again on 27 July 2020; the 29 January 2020 site visit included all the above listed personnel. The second site visit included above listed personnel, except for Rebecca Rothwell. The 29 January 2020 site visit was terminated early due to above normal precipitation during the month of January and identification of non-reported wetlands within the property boundary.

Site Description: The property is located within the City of Battle Ground, adjacent to SR-503, at 2709 Southwest 10th Avenue (Figure 1). The property consists of five tax parcels; Clark County Tax Parcels number 194132000, 194046000, and 194147000 with easements across Tax Parcels number 194095000, and 194069000 (Figure 2). The roughly 42-acre site is bounded on the north by agricultural and residential properties, the east by forested land and residential properties, the south by residential properties, and the west by State Route (SR) 503. The property has been in agriculture and used for grazing and haying with the structures having been removed between 2016 and 2018.

In 2014, several wetlands, Wetlands A through D, were delineated on Tax Parcel 19432000. The wetlands were reassessed in 2018 and the property was expanded to include all five tax parcels with one wetland, Wetland E, being delineated on the parcel the southern-most tax parcel. During the 29 January 2020 agency site visit, two additional wetlands were identified on the southern-most parcel, Wetland F and Wetland G. The wetland boundaries were verified during the 27 July 2020 site visit; however, an Approved Jurisdictional Determination was requested for Wetland D only (Figure 2).

The northwestern portion of the property is relatively flat with undulating topography and a general surface drainage to the northwest corner (Figure 2). The northeastern portion of the property has a moderate slope to the northeast. The south portion of the property is relatively flat with undulating topography with a general surface drainage to the southeast corner of the property. There are two topographic breaks, one near the west center of the property that allows water to flow east and west from the break and one running east-



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west, allowing surface water to flow to the southeast (Figure 3).

Wetland D is within a well-defined depression, found near the west center of the property (Photo 1). This wetland connects to an excavated ditch (Wetland D Ditch) that is approximately two feet wide at the bottom of the ditch by four feet deep (Photos 2 and 3). Hydrology for Wetland D is provided by seasonally high groundwater, precipitation, and surface sheet flow. Historical aerial review and assessment of site topography show a general trend of Wetland D to drain to the northwest, through Wetland A and into an SR-503 roadside ditch (Aerials 1 through 4). Based on an interpretation of historical aerials, Wetland D appears to have been part of Wetland A prior to placement of fill for a farm road that parallels the north side of Wetland D and the associated ditch. Two culverts under the farm road allow water to flow from Wetland D into Wetland A (Photo 4). Wetland A is adjacent to and drains into a roadside ditch along SR-503. The ditch was constructed during road widening to convey stormwater runoff and is not a relocated tributary. The SR-503 ditch conveys ephemeral flow only and does not meet the flow regime requirements of an (a)(2) tributary. Therefore Wetland D does not meet the definition of an adjacent wetland and is not jurisdictional under 33 CFR 328.3(a)(4).

Wetland D Ditch extends approximately 600 feet eastward from the wetland and terminates at a culvert upslope from Wetland B. The western 200 feet of Wetland D Ditch slopes generally toward Wetland D while the remainder of the ditch slopes eastward and toward Wetlands B and C (Figure 4 and 5 of 5). Data collected within the Wetland D Ditch slope, below any side cast material, were found to be non-hydric and shows this ditch had been constructed in uplands (Data Forms A and B). Wetland D Ditch was not constructed in wetlands, does not provide either perennial or intermittent flows to an (a)(1) water either directly or through an (a)(2) through (a)(4) water, and therefore does not meet the definition of a 33 CFR 328.3 (a)(2) tributary.