



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): 24 September 2020

ORM Number: NWS-2020-00889

Associated JDs: N/A

Review Area Location¹:

State: WA City: Wishram County: Klickitat County

Center Coordinates of Review Area: Latitude 45.665589 Longitude -120.979418

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
- 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 and 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 independent 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.

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
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
NWS-20-889 Ditch 2	340 feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	Ditch 2 is a constructed channel, excavated from uplands, used to convey/store stormwater. The subject conveyance is not subject to tidal ebb and flow. It does not meet the definition of a tributary, was not constructed in a tributary, and does not relocate a tributary. No portions of the subject conveyance was constructed in an adjacent wetland. See Section III.C. for additional discussion.
NWS-20-889 Swale 1	36 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 1 is a channelized feature that flows only in direct response to precipitation. See Section III.C. for additional discussion.

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: *Yakama Nation Housing Authority Wetland and Other Waters Determination Report Wishram, Washington Sections 7 and 8, Township 2 North, Range 15 East, Klickitat County, Washington, dated August 2020, prepared by SWCA Environmental Consultants (Wetland Delineation); Geotechnical Investigation Report, dated 26 August 2020, prepared by Earth Engineers, Inc.*
This information is sufficient for purposes of this AJD.

Rationale: N/A

___ Data sheets prepared by the Corps: N/A

Photographs: *Appendix D, Ground-level Site Photographs*, located in Wetland Delineation referenced above; *Google Earth Pro Aerial Imagery Figure Set*, prepared by the Corps on 17 September 2020.

___ Corps Site visit(s) conducted on: N/A

___ Previous Jurisdictional Determinations (AJDs or PJDs): N/A

___ Antecedent Precipitation Tool: N/A

USDA NRCS Soil Survey: *Figure 7. Soils Map*, located in Wetland Delineation referenced above.

USFWS NWI maps: *Figure 8. National Wetland Inventory Map*, located in Wetland Delineation referenced above.

USGS topographic maps: *USGS Topo Figure Set*, prepared by the Corps on 17 September 2020.

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 independent 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.

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
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

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 NRCS WETS Table	<i>Appendix E, Precipitation Data</i> , located in Wetland Delineation referenced above.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: The 17.97-acre review area is known as Gorge View Country Estates, located near Wishram, Klickitat County, Washington. The site is proposed for development of 52 single-family residential lots. Based on aerial imagery, between August 2005 and July 2006, the site was prepared for development which included two roads (Gorge View Country Drive and Gorge View County Loop), as well as a stormwater conveyance system. The topography of the review area generally slopes to the south, with a 15- to 18-foot tall exposed basalt rock face on the southern end of the review area.

Review of the Natural Resources Conservation Service (NRCS) Klickitat County Soil Survey Map indicates mapped soils within the review area predominantly consist of Walla Walla silt loam, 0% to 5% slopes, and rock outcrop–Haploxerolls complex, 30% to 50% slopes. A small portion of the northwest corner of the review area is mapped as Dallesport very cobbly fine sandy loam, 8% to 15% slopes, and a small portion in the northernmost location of the review area is mapped as Walla Walla silt loam, 5% to 10% slopes. No hydric soils or hydric inclusions are mapped within the review area.

Review of the Geotechnical Report, provided by the applicant, indicates wet sandy silt was identified at a depth of 20.5 feet in the northern portion of the site, and groundwater was not encountered in any other borings. The report indicates groundwater in this area is likely perched just above the bedrock stratum.

Review of the United States Fish and Wildlife Service, National Wetlands Inventory map, indicates one intermittent riverine stream with a seasonally flooded water regime (R4SBC), located in the northwest corner of the review area. Similarly, review of USGS topographic mapping dated 2020, indicates an intermittent/ephemeral stream in the same location.

The AJD requestor's agent (SWCA Environmental Consultants) conducted fieldwork and recorded three data points (SP1, SP2, and SP3) on 3 August 2020, to support the Wetland Delineation document. The NRCS WETS Table provided by the agent for the site visit date, indicates a Sum of 10, within the "Normal" precipitation range. The wetland delineation indicates two features within the

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 independent 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.

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
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

review area; “Swale 1”, located in the northwest corner of the site and “Ditch 2”, located in the southern portion of the site.

Swale 1: The location of Swale 1 correlates with the mapped NWI and USGS topo stream feature within the review area. USGS topographic mapping dated 1957, does not identify any feature in the location of Swale 1. Based on information provided by the agent, Swale 1 is a channelized feature sloping northeast to southwest. It is crossed by a dirt road that runs parallel and immediately north of the review area boundary. Two data points (SP1 and SP2) were taken at Swale 1 by the agent on the 3 August 2020, field investigation. Although hydric soil was present (redox dark surface (F6)) at SP1, no other hydrophytic vegetation or indicators of hydrology were present at either data point. Vegetation recorded at SP 1 and SP2 include; Colombian Brome (FACU), tumble knapweed (not listed), hairy false goldenaster (not listed), seaside barley (FAC), and downy cheat grass (not listed). The agent completed an assessment form for Swale 1, per the *US EPA Streamflow Duration Assessment Method for the Pacific Northwest*, which indicates no presence of aquatic macroinvertebrates, SAV, OLB or FACW plants, and therefore resulted in a finding of “ephemeral”. Based on the information provided by the agent, review of aerial imagery, USGS topographic and NWI maps, the Corps has determined Swale 1 is a channelized feature that flows only in direct response to precipitation and does not meet the definition of an (a)(2) tributary.

Ditch 2: Ditch 2 is located along the southern boundary of the review area. Stormwater is collected in culverts throughout the developed site which is piped into Ditch 2. Based on review of aerial imagery, Ditch 2 was excavated from uplands to convey and hold stormwater. Ditch 2 does not meet the definition of a tributary, was not constructed in a tributary, and does not relocate a tributary. No portion of Ditch 2 was constructed in an adjacent wetland.

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 independent 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.

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.