



**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): 12/16/2020

ORM Number: NWS-2020-1022

Associated JDs: NA

Review Area Location<sup>1</sup>: State/Territory: Washington City: Vancouver County/Parish/Borough: Clark

Center Coordinates of Review Area: Latitude 45.587885 Longitude -122.479143

**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)<sup>2</sup>**

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.	N/A.

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>				
(a)(1) Name	(a)(1) Size		(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	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.	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.	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.	N/A.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
NWS-2020-1022 Wetland A	0.03	acre(s)	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel.	Wetland A is a shallow depression on a graded equipment storage area. Wetland A 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.
NWS-2020-1022 Wetland B	1.07	acre(s)	(b)(1) Non-adjacent wetland.	Wetland B 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.
NWS-2020-1022 Wetland C	0.31	acre(s)	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional	Wetland C is an excavated depression within a quarry and is in use as a storm water retention pond. Wetland C 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.

<sup>4</sup> 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.

<sup>5</sup> 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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
NWS-2020-1022 Wetland D	0.02 acre(s)	water to obtain fill/sand/gravel.  (b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel.	Wetland D is an excavated depression within an existing quarry and used to retain wash water from truck cleaning. The wetland 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. 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: [Technical Memorandum: “Critical Areas Assessment, Fisher Quarry, City of Vancouver,” dated 13 November 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

Photographs: [Aerial and Other: Aerial photographs from Digital Globe and Google Earth and Photographs by Jim Carsner, Corps Project Manager taken 18 November 2020.](#)

Corps site visit(s) conducted on: [18 November 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\(s\)](#).

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">Digital Globe Google Earth</a>



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**B. Typical year assessment(s):** NA

**C. Additional comments to support AJD:** On 11 November 2020, Corps staff (Jim Carsner, Project Manager) met with Miranda Adams (WA Department of Ecology), Ariel Whitacre (Clark County Biologist), Jeff Gray, agent (Otak), and Chad Stewart (Applicant) on site to assess the jurisdictional status of the four delineated wetlands within the review area. No other wetlands were observed within the review area.

Site Description: The subject property (property) is located west of Southeast 192nd Avenue and north of Lewis and Clark Highway (S.R. 14) in Vancouver, Clark County, Washington (Exhibit 1 of 3). The roughly 108-acre property is an existing rock quarry that has been active since the early-1800s and extensively disturbed due to the historic mining operations. The review area was limited to the western approximately 32 acres (Exhibit 1 of 3), north of SR-14. Four wetlands (Wetlands A, B, C, and D) were delineated within the review area. Fisher Creek extends onto the eastern portion of the property but was excluded from the AJD review area. All wetlands assessed are within areas of the historic mining operations (Exhibit 1 of 3). A reclamation plan is being implemented on the eastern portion of the 108-acre property with stormwater being pumped from the reclamation ponds into Wetland C. Residential developments about the property to the north, Southeast 192nd Avenue on the east, State Route (SR)-14 on the south, and Fisher Creek on the west.

Topographic information provided in the document titled, "Critical Areas Assessment, Fisher Quarry, City of Vancouver," dated 13 November 2020, indicates the current landform to slope generally to the southwest (Exhibit 2 of 3). The historic topography is unknown but can be generalized from adjacent topography. It appears that as much as 100 vertical feet of rock has been removed from the property with wetlands having formed in depressions created from mining activities (Exhibit 3 of 3).

#### WETLANDS

**Wetland A:** Wetland A is a shallow depression located in a graded equipment storage area on the westernmost portion of the quarry (Aerial 1 and 1a and Photo 1). Hydrology for Wetland A is provided by direct precipitation and surface sheet flow from adjacent uplands. The wetland is a shallow water-filled depression that is incidental to mining operations and meets (b)(12) exclusion criteria. Wetland A does not contribute to or receive surface water from an (a)(1) to (a)(3) water and is not jurisdictional under 33 CFR 328.3(a)(2).

**Wetland B:** Wetland B is a depressional wetland located on the north edge of the western portion of the quarry, extending north and off-site (Aerial 2 and 2a and Photo 2). Hydrology for Wetland B is provided by direct precipitation and surface sheet flow from adjacent uplands, including water from upslope stormwater facilities. Wetland B is in a deep depression with no observed hydrologic inlet or outlet, including any conveyance (ditch, etc.) to Fisher Creek. Wetland B does not contribute to or receive surface water from an (a)(1) to (a)(3) water and is not jurisdictional under 33 CFR 328.3(a)(2) and meets (b)(1) exclusion criteria.



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Wetland C: Wetland C is a depressional wetland located on the northwestern portion of the quarry, (Aerial 3 and Photo 3). The wetland is a remnant of mining activities and used as a storm pond. Hydrology for Wetland C is provided by direct precipitation, surface sheet flow from adjacent uplands, and pumped water from ponds within the reclamation area. The wetland is a shallow water-filled depression that is incidental to mining operations and meets (b)(12) exclusion criteria. Wetland C does not contribute to or receive surface water from an (a)(1) to (a)(3) water and is not jurisdictional under 33 CFR 328.3(a)(2).

Wetland D: Wetland D is a depressional wetland located on the south central portion of the quarry near a previous vehicle wash out and water tank area, (Photo 3). The wetland is a remnant of mining activities and was previously used as a stormwater receiving area. Hydrology for Wetland D is provided by direct precipitation and surface sheet flow from adjacent upland. The wetland is a shallow water-filled depression that is incidental to mining operations and meets (b)(12) exclusion criteria. Wetland D does not contribute to or receive surface water from an (a)(1) to (a)(3) water and is not jurisdictional under 33 CFR 328.3(a)(2).