



**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): 1/19/2021

ORM Number: NWS-2020-364

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 46.141601 Longitude -122.978034

**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
Ditch 11	1,790	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Ditch 11 has perennial flow to Ditch 5, also perennial, and via pump station flows through a buried siphon directly into the Columbia River, an (a)(1) water.

<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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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
Wetland K	0.18	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year.	Wetland K has direct hydrologic connection to Ditch 11, an (a)(2) water, through a culvert in an artificial berm.

**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
Wetland A	0.72	acre(s)	(b)(1) Non-adjacent wetland.	The subject wetland does not abut a paragraph (a)(1) through (3) water; is not inundated by flooding from a paragraph (a)(1) through (3) water in a typical year; is not physically separated from a paragraph (a)(1) through (3) water only by a natural berm, bank, dune, or similar natural feature; and is not physically separated from a paragraph (a)(1) through (3) water only by an artificial dike, barrier, or similar artificial structure so long as that structure allows for a direct hydrologic surface connection between the wetlands and the paragraph (a)(1) through (3) water in a typical year.
Wetland B	5.82	acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland A - see rationale for exclusion determination above.
Wetland E	1.90	acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland A - see rationale for exclusion determination above.
Wetland F	.576	acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland A - see rationale for exclusion determination above.

<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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Wetland G	0.032	acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland A - see rationale for exclusion determination above.
Wetland H	4.328	acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland A - see rationale for exclusion determination above.
Wetland I	1.052	acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland A - see rationale for exclusion determination above.
Wetland J	0.32	acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland A - see rationale for exclusion determination above.
Ditch 1	1,610	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The subject ditch does not contribute perennial or intermittent surface water flow to a paragraph (a)(1) water in a typical year either directly or through one or more paragraph (a)(2) through (4) waters.
Ditch 2	1,637	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same as Ditch 1 - see rationale for exclusion determination above.
Ditch 3	222	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same as Ditch 1 - see rationale for exclusion determination above.
Ditch 4	276	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same as Ditch 1 - see rationale for exclusion determination above.
Ditch 5	1,260	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same as Ditch 1 - see rationale for exclusion determination above.
Ditch 6	799	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same as Ditch 1 - see rationale for exclusion determination above.
Ditch 7	118	linear feet	(b)(3) Ephemeral feature, including	Same as Ditch 1 - see rationale for exclusion determination above.



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			an ephemeral stream, swale, gully, rill, or pool.	
Ditch 8	122	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same as Ditch 1 - see rationale for exclusion determination above.
Ditch 9	71	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same as Ditch 1 - see rationale for exclusion determination above.
Ditch -10	66	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same as Ditch 1 - see rationale for exclusion determination above.

**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 and Fish and Wildlife Habitat Assessment Report, Mint Farm Industrial Park Phase II, dated September 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Title\(s\) and/or date\(s\).](#)
- Corps site visit(s) conducted on: [01 September 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>



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Data Source (select)	Name and/or date and other relevant information
State/Local/Tribal Sources	Cowlitz County Consolidated Diking District No. 1 <a href="http://www.cdid1.comcastbiz.net/facilities/default.html">http://www.cdid1.comcastbiz.net/facilities/default.html</a>
Other Sources	Historical Aerial Analysis

**B. Typical year assessment(s):** A typical year determination was made using the APT. The report was generated for the date of the site visit, 01 September 2020, and indicated that the site visit was performed during the normal annual dry season and precipitation levels were below normal. The drought index indicated a mild drought, but the result indicated normal conditions.

**C. Additional comments to support AJD:**

On 01 September 2020, Corps staff (Jim Carsner, Project Manager) met onsite with Matt DeCaro of Soundview Consultants LLC on behalf of the Applicant.

Site Description: The review area (property) is approximately 152.9 acres located immediately east of Crocker Avenue in an industrial setting within the City of Longview, Washington. The subject property consists of one tax parcel located in the Southeast ¼ of Section 30 and Northeast ¼ of Section 31, Township 8 North, Range 02 West, W.M. (Cowlitz County Tax Parcel Number 101930300). The subject property comprises the undeveloped eastern portion of Phase II of the Mint Farm Industrial Park (310 total acres) which is otherwise developed for industrial uses. The property is located on a historic floodplain of the Columbia River and is a remnant piece of agricultural property that had been used as a mint farm for many decades.

The property abuts industrial property and Weber Avenue on the west, Hoehne Avenue on the southwest, industrial property on the south, a mitigation site on the east, and Consolidated Diking Improvement District (CDID) #1 – Ditch Number 12, on the north. Constructed dikes separate the property from Ditch Number 12 and the mitigation site. No mapped wetlands are shown on the NWI map (Figure 2).

The property is relatively flat with undulating topography. Nine (9) wetlands (Wetlands A, B, E, F, G, H, I, J, and K) and eleven (11) ditches have been identified on the property. There is no Wetland C or Wetland D within the property boundary. Vegetation across the property is dominated by reed canarygrass with small to moderate groves of deciduous trees, primarily black cottonwood and willow.

**Ditches:**

A network of irrigation ditches (Ditches 1 – 10) are present onsite, in addition to Ditch 11 that runs along the northern portion of the subject property. The onsite ditches are maintained, straighten drainage features that convey ephemeral flows. The onsite ditches are linear with a trapezoidal bottom, with no pool/riffle structure, contain a prevalence of non-native invasive vegetation and lack suitable substrate and vegetative cover. These features were excavated for the purpose of conveying surface runoff off the site.

Ditch 1 and Ditch 2 are located on the southern portion of the subject property; Ditch 1 is a roadside ditch that outlets to the southwest through a culvert to a roadside ditch offsite. Ditch 2 flows north into Wetland F. Ditch 3 is a short excavated ditch that flows north from Wetland B and disperses into Wetland E. Ditch 4 originates on the central portion of the subject property and continues west into Wetland E, which outlets to Ditch 2. Ditch 5 was excavated on the northern portion of the subject property, flowing



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north from Wetland H, into Ditch 6. The west-east oriented Ditch 6 connects to a series of lateral ditches (Ditches 7 through 10) that flow north into the northern-most ditch, Ditch 11.

**Wetlands:**

**Wetland A:** Wetland A is located on the southeastern portion of the subject property. Hydrology for Wetland A is provided by a seasonally high-water table, direct precipitation, and surface runoff from adjacent uplands. Wetland A has ephemeral drainage through a culvert offsite, and does not contribute to or receive water from an (a)(1) through (a)(3) water.

**Wetland B:** is located in the southwestern portion of the property. Hydrology for Wetland B is provided by a seasonally high-water table, direct precipitation, and surface runoff from adjacent uplands. Wetland B has outlets to Ditches 2 and 3 both of which are ephemeral. Wetland B does not contribute to or receive water from an (a)(1) through (a)(3) water.

**Wetland E** is located in the center of the subject property and has an outlet to Ditch 2. Hydrology for Wetland E is provided by a seasonally high-water table, direct precipitation, and surface runoff from adjacent uplands. Historical analysis depicts a remnant channel of a historical stream which flowed south to north through the property. Wetland E is located to the southeast of this remnant/historic channel. Wetland E does not contribute to or receive water from an (a)(1) through (a)(3) water. There is no current presence of a remnant/historic channel within the review area. Wetland L located off-site and out of the review area and appears to be a remnant oxbow of this channel.

**Wetland F:** Wetland F is located on the western property boundary. Hydrology for Wetland F is provided by a seasonally high-water table, direct precipitation, and surface runoff from adjacent uplands. Wetland F drains to the south to Ditch 2. Wetland F does not contribute to or receive water from an (a)(1) through (a)(3) water.

**Wetland G:** Wetland G is located on the western property boundary. Hydrology for Wetland G is provided by a seasonally high-water table, direct precipitation, and surface runoff from adjacent uplands. Wetland G has no observed hydrologic inlet or outlet; therefore Wetland G does not contribute to or receive surface water from an (a)(1) through (a)(3) water.

**Wetland H:** Wetland H is located within the north-central portion of the subject property. Hydrology for Wetland H is provided by a seasonally high-water table, direct precipitation, and surface runoff from adjacent uplands. Wetland H is located to the north of the historic stream channel and to the east of the remnant oxbow located offsite. There is no hydrologic connection to the oxbow, rather Wetland H has an outlet to the north to Ditch 5 (an excluded water). Wetland H does not contribute to or receive surface water from an (a)(1) through (a)(3) water.

**Wetland I:** Wetland I is located in the central-east portion of the subject property. Hydrology for Wetland I is proved by a seasonally high-water table, direct precipitation, and surface runoff from adjacent uplands. Wetland I has no observed hydrologic inlet or outlet; therefore, Wetland I does not contribute to or receive surface water from an (a)(1) through (a)(3) water.

**Wetland J:** Wetland J is located in the central portion of the subject property. Hydrology for Wetland J is proved by a seasonally high-water table, direct precipitation, and surface runoff from adjacent uplands.



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Wetland J has no observed hydrologic inlet or outlet; therefore Wetland J does not contribute to or receive surface water from an (a)(1) through (a)(3) water.

Wetland K: Wetland K is located on the northwestern portion of the subject property. Hydrology for Wetland K is provided by a seasonally high-water table, direct precipitation, and surface runoff from adjacent uplands. Wetland K has a hydrologic drains to the north via a culvert to Ditch 11, an (a)(2) water.

Ditches:

A network of agricultural drainage ditches (Ditches 1 – 10) are present onsite. The conditions of the agricultural ditches onsite are characterized as maintained, artificially created agricultural straighten drainage features that convey ephemeral flows most by surface runoff and onsite wetlands. The onsite ditches are linear with a trapezoidal bottom, with no pool/riffle structure, contain a prevalence of non-native invasive vegetation and lack suitable substrate and vegetative cover. These features were excavated for the purpose of conveying surface runoff from the site.

Ditch 1 and Ditch 2 are located on the southern portion of the subject property; Ditch 1 is a roadside ditch that outlets to the southwest through a culvert to a roadside ditch offsite. Ditch 2 flows north into Wetland F. Ditch 3 is a short excavated ditch that flows north from Wetland B and disperses into Wetland E. Ditch 4 originates on the central portion of the subject property and continues west into Wetland E, which outlets to Ditch 2. Ditch 5 was excavated on the northern portion of the subject property, flowing north from Wetland H, into Ditch 6. The west-east oriented Ditch 6 connects to a series of lateral ditches (Ditches 7 through 10) that flow north into the northern-most ditch, Ditch 11.