



**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): [Select](#).

ORM Number: [NWS-2020-762](#)

Associated JDs: [NA](#)

Review Area Location¹: State/Territory: [Washington](#) City: [Battle Ground](#) County/Parish/Borough: [Clark](#)

Center Coordinates of Review Area: Latitude [45.7569](#) Longitude [-122.5420](#)

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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Unnamed Tributary	200	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary A provides intermittent/perennial flow through a surface water channel to a paragraph (a)(1) water in a typical year through one or more paragraph (a)(2) waters. Tributary A flows from Wetland F into Woodin Creek, which flows into Salmon Creek, a tributary of Lake River, which flows into the Columbia River, an (a)(1) water. See Section III.C for additional details
Tributary A	850	linear feet	(a)(2) Intermittent tributary contributes	Tributary A provides intermittent/perennial flow through a surface water channel to a paragraph (a)(1) water in a typical year through one or more

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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	paragraph (a)(2) waters. Tributary A flows from Wetland F into Woodin Creek, which flows into Salmon Creek, a tributary of Lake River, which flows into the Columbia River, an (a)(1) water. See Section III.C for additional details
Tributary B	400	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary B provides intermittent/perennial flow through a surface water channel to a paragraph (a)(1) water in a typical year through one or more paragraph (a)(2) waters. Tributary B flows from Wetland G into Woodin Creek, which flows into Salmon Creek, a tributary of Lake River, which flows into the Columbia River, an (a)(1) water. See Section III.C for additional details
Tributary C	1300	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary C provides intermittent/perennial flow through a surface water channel to a paragraph (a)(1) water in a typical year through one or more paragraph (a)(2) waters. Tributary C flows into Woodin Creek, which flows into Salmon Creek, a tributary of Lake River, which flows into the Columbia River, an (a)(1) water. See Section III.C for additional details

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 E	0.17	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland E abuts the Unnamed Tributary, an (a)(2) water. See Section III.C for additional details
Wetland F	0.21	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland F abuts Tributary A, an (a)(2) water. See Section III.C for additional details
Wetland G	0.39	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland G abuts Tributary B, an (a)(2) water. See Section III.C for additional details

D. Excluded Waters or Features



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland A	0.04	acre(s)	(b)(1) Non-adjacent wetland.	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
Wetland B	0.02	acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland A
Wetland C	0.03	acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland A
Wetland D	0.40	acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland A
Wetland H	0.12	acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland A
Wetland I	.07	acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland A
Wetland J	.14	acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland A
Wetland K	.03	acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland A
Ditch 1	400	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 channel, constructed in uplands and used to convey water from Wetland D to Wetland E. The ditch itself does not meet the conditions of an adjacent wetland and does not satisfy the 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
Ditch 2	1,050	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 a roadside ditch constructed in uplands and is not a relocated tributary. The ditch itself does not meet the conditions of an adjacent wetland and does not satisfy the 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

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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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: [Critical Areas Report \(Report\)](#), dated [Revised October 23, 2020](#) by [Ecological Land Services, Incorporated](#). This information is sufficient for purposes of this AJD.

This information is sufficient for purposes of this AJD.

Rationale: [NA](#)

- Data sheets prepared by the Corps: [Routine Data Form – Data Plot A; 5 October 2020](#)
- Photographs: [Aerial and Other: Report figures, dated 23 February 2021; Site visit photographs taken by Jim Carsner, Project Manager; Historical aerials from Clark County MapsOnLine website, 1968, 1984, 1998, and 2019 as well as 16 July 2018 from Google Earth.](#)
- Corps site visit(s) conducted on: [5 October 2020 and 14 January 2021](#)
- 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
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Merrick & Company 2002 and 2010 LIDAR topography

B. Typical year assessment(s): A typical year determination was made using the APT. The report was generated for the date of the field delineation and Corps site visits, [07 July 2020](#), [5 October 2020](#), and [14 January 2021](#). The APT data indicated the July site visit was performed during the annual dry season with precipitation levels above normal; however, the overall result show normal precipitation levels for the three-month average at the time of the site investigation. The APT data indicated the October site visit was performed during the start of the annual wet season with normal precipitation levels for the three-month average at the time of the site. The APT data indicated the January site visit was performed during the annual wet season and precipitation levels were above normal for January but show for normal levels for the three-month average at the time of the site investigation.

C. Additional comments to support AJD: On [5 October 2020](#) and [14 January 2021](#), the Corps PM (Jim Carsner, Seattle District, Regulatory Branch) met with [Miranda Adams](#) (WA State Department of Ecology), [Francis Naglich](#), [Coli Hoffman](#), and [Annie Jean Rendleman](#) (ELS, agents) on site at [09:00](#) and [13:30](#), respectively, and walked the subject property. The subject property (review area) is located at [18717 Northeast 122nd Avenue, near Battle Ground, Clark County, Washington \(Sheet 1 of 4\)](#). The [14 January 2021](#) site visit was required due to the inclusion of additional development on the eastern portion of the property that had not been included during the earlier site visit.



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During the 5 October 2020 field investigation, the Corps reviewed and confirmed the boundaries of eight wetlands (Wetlands A through H), three tributaries (Tributary A, B, and C), and one ditch (Ditch 1) and assessed the presence or absence of intermittent or perennial connectivity from the wetlands to any (a)(1) to (a)(3) waters (Sheet 2 of 4). The tributaries provided a division of the property with approximately two-thirds found west and one third found east of the tributaries with development proposed on the western two-thirds of the property. The area east of the tributaries were not reviewed because the development was restricted to west of the tributaries and no wetlands had been delineated on the eastern portion.

On 18 December 2020, a revised site plan was received that showed additional development in areas and an access to SR-503 (Ditch 2) that had not previously been disclosed or the new impact area reviewed for wetlands. On 14 January 2021, a second site visit was conducted to review the new area. Three additional wetlands were identified during the January site visit that were later delineated and mapped as Wetlands I, J, and K (Sheets 2 and 3 of 4).

Site Description:

The property consists of three tax parcels; North Parcel (Tax Parcel number 194048000), Center Parcel (Tax Parcel number 194049000), and South Parcel (Tax Parcel number 195080000) (Sheets 2 and 3 of 4). The roughly 65-acre site is bounded on the north, east, and south by agricultural and residential properties, and the west by State Route (SR) 503. An elevated multiple use trail, approximately 10 feet wide abuts the west property boundary and a roadside ditch is situated between the trail and SR-503. The western half of the property is relatively flat with undulating topography and has been in agriculture with the eastern half of the property being forested and slopes to the northeast, with three perennial drainages (Sheets 2 and 3 of 4).

Topography

A topographic map from 2019 by Merrick & Company (Sheets 3 of 4) and provided within the Critical Areas Report, Woodin Creek, dated Revised 23 February 2021 show a relatively flat with undulating topography on the western portion of the property and three moderate to steep slopes forming stream drainages on the eastern portion of the property.

TRIBUTARIES (Sheets 2-4 of 4):

Unnamed Tributary: An unnamed tributary originates on the east side of Wetland E, allowing water to flow into Wetland F and Tributary A. This tributary is approximately 100 feet in length before merging with Wetland F and 200 feet in length before merging with Tributary A. This tributary was dry during the October site visit then with an expressed surface flow during the January site visit and at a time of normal precipitation (Photos 1 through 4). This tributary flows into Tributary A then Tributary C and Woodin Creek which flows into Salmon Creek, Lake River, and into the Columbia River, an (a)(1) water.

Tributary A: Tributary A originates on the north side of Wetland F and slopes to the northeast. This tributary is approximately 850 feet in length before merging with Tributary C. This tributary is within a defined channel that was dry for approximately 100 feet during the October site visit expressed surface flow during the January site visit and at a time of normal precipitation (Photos 4 and 5). This tributary flows into Tributary C then Woodin Creek which flows into Salmon Creek, Lake River, and into the Columbia River, an (a)(1) water.



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Tributary B: Tributary B originates on the east side of Wetland G and slopes to the east in a well-defined channel. This tributary is approximately 850 feet in length before merging with Tributary C. The channel was dry for approximately 100 feet during the October site visit then with an expressed surface flow during the January site visit and at a time of normal precipitation (Photos 6 and 7). This tributary flows into Tributary A then Tributary C and Woodin Creek which flows into Salmon Creek, Lake River, and into the Columbia River, an (a)(1) water.

Tributary C: Tributary C is within a defined channel and a DNR mapped perennial water, with approximately 1,300 lineal feet on-site (Photo 8). Tributary C originates off-site and merges with waters from Tributary A then into Woodin Creek then Salmon Creek, Lake River, and into the Columbia River, an (a)(1) water.

While no surface water drainage from the wetlands were observed during October, dry season, site visit; however, water flows were observed originating from Wetlands E, F, and G during the January, wet season, site visit. These observed water flows were contained within defined channels labeled as Unnamed Tributary and Tributaries A through B are consistent with intermittent drainage patterns, which would occur during the wet season with Tributary C having perennial flows. The presence of water within these tributaries and data from the APT showing normal conditions for precipitation levels at the time of the January site visit supports the conclusion that at least seasonal or intermittent water flows occur within these tributaries during normal years; therefore, all on-site mapped tributaries and the unnamed tributary meet the definition of an (a)(2) water under 33 CFR 328.3(a)(2).

WETLANDS: Jurisdictional

Wetland E: Wetland E is a 0.17 of an acre depressional wetland located on the south parcel, approximately 250 feet east of the Wetland D (Sheets 2 and 3). Hydrology for Wetland E is provided by a seasonally high groundwater table, surface sheet flow from adjacent uplands, direct precipitation, and seasonal flow from Wetland D through a ditch excavated in uplands. Although water flow from Wetland E was not observed during the October site visit, water was observed flowing from the through (a)(2) waters, the Unnamed Tributary and Tributary A, during the January site visit. Water flows from the wetland to the (a)(2) tributaries demonstrate that Wetland E meets the definition of an adjacent wetland (a)(4) and is jurisdictional under 33 CFR 328.3(a)(2).

Wetland F: Wetland F is found in a shallow depressional area located on the south parcel, approximately 1,500 feet east of the SR-503 and near the south property boundary. Hydrology for Wetland F is provided by seasonally high groundwater table, surface sheet flow from surrounding uplands, and direct precipitation. While we did not observe surface water drainage from the wetland during October, during the January site visit, water was observed flowing (intermittent flow) in a well-defined channel (the headwaters of Tributary A) from Wetland F and into Tributary A, and (a)(2) water. Water flows from the wetland to the (a)(2) tributaries demonstrate that Wetland F meets the definition of an adjacent wetland (a)(4) and is jurisdictional under 33 CFR 328.3(a)(2).



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Wetland G: Wetland G: Wetland G is found in a depressional area located on the center parcel, approximately 1,100 feet east of the SR-503. Hydrology for Wetland F is provided by seasonally high groundwater table, surface sheet flow from surrounding uplands, and direct precipitation. While we did not observe surface water drainage from the wetland during October; however, during the January site visit, water was observed flowing in a well-defined channel from Wetland G and into Tributary B then Tributary A, both (a)(2) waters. Water flows from the wetland to the (a)(2) tributaries demonstrate that Wetland G meets the definition of an adjacent wetland (a)(4) and is jurisdictional under 33 CFR 328.3(a)(2).

WETLANDS: Non-Jurisdictional

Wetland A: Wetland A is located approximately 40 feet from State Route (SR)-503 near the west center property boundary within the review area. Hydrology for Wetland C is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. Wetland A is found in a shallow depression and contained entirely within the property boundary. A ditch, excavated entirely within the wetland, terminates at western edge of the wetland and near the property boundary. There is no culvert or other surface drainage feature that would allow water flow from the wetland or the ditch dug in the wetland into the SR-503 ditch (Ditch 2). Wetland A has no observed hydrologic inlet or outlet. 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 33 CFR 328.3(b)(1).

Wetland B: Wetland B is located on the center parcel, approximately 500 feet east of the SR-503. Hydrology for Wetland B is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. Wetland B is found in a shallow depression with no observed hydrologic inlet or outlet. 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 33 CFR 328.3(b)(1).

Wetland C: Wetland C is located northeast of Wetland B on the center parcel, approximately 650 feet east of the SR-503. Hydrology for Wetland C is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. Wetland C is found in a shallow depression with no observed hydrologic inlet or outlet. 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 33 CFR 328.3(b)(1).

Wetlands D: Wetland D is located in a shallow depression approximately 150 feet north of the south center property boundary. Hydrology for Wetland D is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. Wetland D drains into a Ditch 1. 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 33 CFR 328.3(b)(1).

Wetland H: Wetland H is located on the north parcel, approximately 150 feet north of Wetland C and approximately 600 feet east of SR-503. Hydrology for Wetland H receives surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. Wetland H is found in a shallow depression with no observed hydrologic inlet or outlet. Wetland H does not contribute to or receive surface water from an (a)(1) to (a)(3) water and is not jurisdictional under 33 CFR 33 CFR 328.3(b)(1).



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Wetland I: Wetland I is located along the north property boundary east of Tributary C and near the Utility Corridor. Hydrology for Wetland I is predominately from precipitation, surface sheet flow from adjacent uplands, and a seasonally high groundwater table. Wetland I is found in a shallow depression with no observed hydrologic inlet or outlet, therefore, Wetland I does not contribute to or receive surface water from an (a)(1) to (a)(3) water and is not jurisdictional under 33 CFR 33 CFR 328.3(b)(1).

Wetland J: Wetland J is located along the north property boundary east of Tributary C and near the Utility Corridor. Hydrology for Wetland J is predominately from precipitation, surface sheet flow from adjacent uplands, and a seasonally high groundwater table. Wetland J is found in a shallow depression with no observed hydrologic inlet or outlet, therefore, Wetland J does not contribute to or receive surface water from an (a)(1) to (a)(3) water and is not jurisdictional under 33 CFR 33 CFR 328.3(b)(1).

Wetland K: Wetland J is located approximately 100 feet northeast of Wetland G with an upland rise between the two wetlands. Hydrology for Wetland K is predominately from precipitation, surface sheet flow from adjacent uplands, and a seasonally high groundwater table. Wetland K is found in a shallow depression with no observed hydrologic inlet or outlet, therefore, Wetland K does not contribute to or receive surface water from an (a)(1) to (a)(3) water and is not jurisdictional under 33 CFR 33 CFR 328.3(b)(1).

Ditches:

Ditch 1 extends approximately 400 feet east from the mid-point of Wetland D and terminates at Wetland E. Data collected within Ditch 1 slope were found to be non-hydric and demonstrates this ditch had been constructed in uplands (Data Form DP-1COE). Ditch 1 was not constructed in wetlands or an (a)(2) water, is not a relocated tributary and does not provide either intermittent or perennial flows to an (a)(1) through (a)(4) water and therefore is not jurisdictional under 33 CFR 328.3(b)(5).

Ditch 2: Ditch 2 is roadside ditch along SR-503 that flows south, approximately 1.0 mile, to a wetland adjacent to Salmon Creek, an (a)(2) water. 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. Ditch 2 was not constructed in wetlands, does not provide either intermittent or perennial flows to an (a)(1) through (a)(4) water and therefore is not jurisdictional under 33 CFR 328.3(b)(5).

On 12 March 2021, this JD was coordinated with EPA, Region 10. On 22 March 2021, they concurred with the Corps findings.