



**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): 1/6/2021
 ORM Number: NWS-2020-829
 Associated JDs: NA
 Review Area Location¹: State/Territory: Washington City: Battle Ground County/Parish/Borough: Clark
 Center Coordinates of Review Area: Latitude 45.7579 Longitude -122.5246

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
NWS-2020-829 Wetland A	0.1 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
NWS-2020-829 Wetland B	3.5 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-2020-829 Wetland C	N/A.	N/A.	(b)(1) Non-adjacent wetland. 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
NWS-2020-829 Wetland D	0.08 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

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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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			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-2020-829 Wetland E	0.25	acre(s)	(b)(1) Non-adjacent wetland. Wetland E 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

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, North Columbia Homes, LLC Project, dated 24 December 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: Aerials obtained 28 December 2020 from Clark County mapsonline website. Photographs taken on 3 November 2020 by Jim Carsner, Project Manager.NAA](#)
- Corps site visit(s) conducted on: [3 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
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other information (specify)	Aerials from https://gis.clark.wa.gov/mapsonline/index.cfm?



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

C. Additional comments to support AJD:

Investigators: On 3 November 2020, Jim Carsner (Corps) visited the site to verify the wetland boundaries and collect data associated with this Approved Jurisdictional Determination (AJD). The agent and applicant were not present but provided verbal authorization to inspect the site wetlands and onsite verbal permission was received from Mr. Sam Ramsey, property owner. On 27 July 2020, Miranda Adams of WA State Department of Ecology met with Mr. Doug Campbell, applicant, and Mr. Jim Barnes, agent, to verify the wetland boundaries. Ms. Adams disagreed with one wetland boundary (Wetland C), which was revised in the field. The 3 November 2020 site visit adjusted Wetland C boundary further, extending to the eastern boundary of the north parcel. The Corps concurs the wetland figure provided in the 24 December 2020 critical areas report accurately depicts the on-site wetland boundaries.

Site Description: The subject property (property) is located within the City of Battle Ground, adjacent to Northeast 142nd Avenue/Southeast Grace Avenue (Road), at 3305 Southeast Grace Avenue (Figure 1). The site is approximately 0.3 miles west of Salmon Creek and outside the floodplain for the creek. The property consists of two tax parcels; Clark County Tax Parcels number 194348000 and 194397000 (Figure 1). The roughly 22-acre site is bounded on the north and south by agricultural/residential properties, to the east by residential properties, and to the west by Northeast 142nd Avenue/Southeast Grace Avenue. An off-site roadside ditch separates the review area from the road. The ditch was excavated below existing grades during road construction to convey stormwater runoff and is not a relocated tributary. The roadside ditch conveys ephemeral flow only and does not meet the flow regime requirements of an (a)(2) tributary. The property has been in agriculture and is currently used for grazing and haying with a single-family residence and outbuildings near the center of the south parcel (Parcel number: 1943970000). The review area includes both parcels.

The property is relatively flat with undulating topography with a general slope, approximately 2 percent, to the southeast (Figure 2). The eastern portion of the north parcel is forested and, except for the structures, the remainder of both parcels are in pasture. Five wetlands, Wetlands A through E, were delineated on the subject property. A shallow trench, approximately three inches deep and eight inches wide is found extending from the north property boundary, through Wetlands A and B and into Wetland C.

Wetland A is a palustrine emergent seasonally flooded/saturated wetland located near the northwestern portion of the review area (Figure 3). Wetland A is found in a shallow depression approximately 130 feet east of the road and roadside ditch (Photo 1). A shallow trench, approximately three inches deep and eight inches wide is found extending from the north property boundary, through Wetlands A and B and into Wetland C (Photo 1). Hydrology for Wetland A is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. Interpretation of site topography (Figure 2) and review of historical aerials (Aerials 1 through 8) show no identifiable or observed inlet or outlet and no water flow indicators within the shallow trench. Therefore, Wetland A does not meet the definition of an adjacent wetlands and is not jurisdictional under 33 CFR 328.3(a)(2).



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Wetland B is a palustrine emergent seasonally flooded/saturated wetland located near the west property boundary of the north parcel (Figure 3). Wetland B is found in a shallow depression approximately 25 feet east of the road and roadside ditch (Photo 2). Hydrology for Wetland A is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. Site topography (Figure 2), review of historical aerials (Aerials 1 through 8), and on-site observations show no identifiable or observed hydrologic inlet or outlet. Therefore, Wetland A does not meet the definition of an adjacent wetlands and is not jurisdictional under 33 CFR 328.3(a)(2).

Wetland C is a palustrine forested/emergent seasonally flooded/saturated slope/depressional wetland located near the center of the review area, extending from the roadside ditch to the northeast property boundary (Figure 3). Wetland C has undulating topography throughout with the western portion being in pasture and the northeastern portion being forested, Photos 3 and 3a). Hydrology for Wetland C is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. Interpretation site topography (Figure 2) and review of historical aerials (Aerials 1 through 8) and on-site observations show Wetland C is adjacent to the roadside ditch. The ditch was excavated below existing grades during road construction to convey stormwater runoff and is not a relocated tributary. The roadside ditch conveys ephemeral flow only and does not meet the flow regime requirements of an (a)(2) tributary. Therefore, Wetland C does not meet the definition of an adjacent wetlands and is not jurisdictional under 33 CFR 328.3(a)(2).

Wetland D is a palustrine emergent seasonally flooded/saturated wetland located on the southwest portion of the review area, near the center western property boundary and extending into the roadside ditch (Figure 3). Wetland D is found in a shallow depression that abuts the roadside ditch (Photos 4 and 4a). Hydrology for Wetland D is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. Interpretation site topography (Figure 2) and review of historical aerials (Aerials 1 through 8) and on-site observations show Wetland D is adjacent to the roadside ditch. The ditch was excavated below existing grades during road construction to convey stormwater runoff and is not a relocated tributary. The roadside 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 wetlands and is not jurisdictional under 33 CFR 328.3(a)(2).

Wetland E is a palustrine emergent seasonally flooded/saturated wetland located near the northwestern portion of the review area (Figure 3). Wetland E is found in a shallow depression approximately 420 feet east of the road and roadside ditch (Photo 5). Hydrology for Wetland E is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. Site topography (Figure 2), review of historical aerials (Aerials 1 through 8), and on-site observations show no identifiable or observed hydrologic inlet or outlet. Therefore, Wetland A does not meet the definition of an adjacent wetlands and is not jurisdictional under 33 CFR 328.3(a)(2).