



**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): 4/28/2021

ORM Number: NWS-2021-131

Associated JDs: NA

Review Area Location¹: State/Territory: Washington City: Vancouver County/Parish/Borough: Clark

Center Coordinates of Review Area: Latitude 45.67330170 Longitude 122.5072

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
Wetland A	0.33	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	0.012	acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland A
Wetland C	0.014	acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland A.
Wetland D	0.33	acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland A.
Roadside Ditch (Ditch 1a and 1b)	530	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 through uplands and used to convey water from off-site stormwater catch basins and Wetlands A and D. 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.

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: [NE Fourth Plain and NE 162nd Avenue, Vancouver, Clark County Critical Areas Predetermination Report, 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: [Routine Data Form – Data Plots \(DP-CE1 and DP-CE2\); 11 March 2021](#)
- Photographs: [Aerial and Other: Aerials and Photos taken by Jim Carsner, 11 March 2021](#)
- Corps site visit(s) conducted on: [11 March 2021](#)

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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- 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	Clark County MapsOnLine
Other Sources	N/A.

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 18 August 2020 and 11 March 2021, respectively. The APT shows the August field investigation and March site visit occurred during the dry and wet season, respectively, with normal precipitation levels present on both dates.

C. Additional comments to support AJD: Investigators: On 11 March 2021, Jim Carsner (Corps) met on site with Miranda Adams (Ecology), Jim Barnes (Agent), and George Cluen (Applicant) to verify the wetland boundary delineated by AKS Engineering and Forestry in September 2020. The 11 March 2021 site visit was considered to be during the wet time of year and within the early part of the growing season. The Corps disagreed with the AKS delineated boundaries and requested a new delineation. On 22 March 2021, the Corps received a copy of a supplemental report to the 2020 report titled “Wetland Technical Report”, dated 18 March 2021, prepared by Cascadia Environmental Services. The Corps concurs the wetland boundaries provided in the 18 March 2021 report accurately depicts the on-site wetland boundaries and adjacent ditches.

Site Description: The subject property, also the review area, is located near the City of Vancouver, northeast of the intersection of Northeast Fourth Plain Boulevard/SR-500 and Northeast 162nd Avenue (Figure 1). The site is approximately 0.8 of a mile north of Burnt Bridge Creek and outside the floodplain for the creek. The roughly 8-acre site is bounded on the west by residential development, north by a Clark County park, east by Northeast 162nd Avenue, and south by Northeast Fourth Plain Boulevard/SR-500. The property is relatively flat with undulating topography with a general slope, approximately 0.7 percent, to the southeast (Figure 2). A north-south roadside ditch, constructed during road construction, parallels the east property boundary along Northeast 162nd Avenue. Four wetlands, Wetlands A, B, C, and D and the roadside ditch were delineated within the review area (Figures 2 and 3). For the purpose of this AJD, the roadside ditch is identified as Ditch 1a, the area between Wetland A and Wetland D, and Ditch 1b, the area south of Wetland A (Figures 2 and 3).

Topography

A topographic map with wetland boundaries overlaid provided by Cascadia Ecological Services, Incorporated, dated 22 March 2021 show a relatively flat with undulating topography and a general slope, approximately 1%, to the southeast (Figure 2).



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Soil and hydrology data were recorded at two data plots located along the side slope of the roadside ditch during the 11 March 2021 site visit; one between Wetland A and D boundaries (DP-CE1) and the other south of the Wetland D boundary (DP-CE2) (Figure 3). Data show the soils at these locations to be non-hydric with a profile of 10YR 3/2 gravelly loam to 16 inches with no redoximorphic features.

Roadside Ditch (Ditch 1a and 1b): The roadside ditch was constructed parallel and adjacent to Northeast 162nd Avenue, through Wetlands A and D, and terminating near the stormwater catch basin along Northeast Fourth Plain Boulevard (Figure 3; Photos 1 through 4). The APT data show normal precipitation levels present during the March site visit, wet season. Soil data collected from the side slopes of Ditch 1a and Ditch 1b were found to be non-hydric demonstrating the portions of the ditch between the wetlands and south of Wetland A had been constructed in uplands (Data Forms DP-CE1 and DP-CE2; Figure 3). The portions of the roadside ditch, outside the wetland boundaries and identified as Ditch 1a and Ditch 1b, were 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).

Wetlands:

Wetland A is an approximately 0.33 of an acre Palustrine scrub-shrub/forested seasonally flooded/saturated wetland extending southeast across the center of the property (Figure 3). Wetland A joins the roadside ditch north of the intersection of Northeast Fourth Plain Boulevard and Northeast 162nd Avenue. Hydrology for Wetland A is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. While Wetland A butts the roadside ditch and drains into Ditch 1b. Ditch 1b is not a water of the U.S. Wetland A does not abut a water of the U.S., is not inundated by flooding of a water of the U.S., is not separated from a water of the U.S. by a natural or artificial berm, and there is no natural surface hydrologic connection to off-site waters of the U.S. Wetland A does not meet the definition of an adjacent wetland and is not jurisdictional under 33 CFR 328.3(b)(1).

Wetland B is an approximately 0.012 of an acre Palustrine forested/emergent seasonally flooded/saturated depression wetland located near the south portion of the property (Figure 3). 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. The wetland does not abut a water of the U.S., is not inundated by flooding of a water of the U.S., is not separated from a water of the U.S. by a natural or artificial berm, and there is no natural surface hydrologic connection to off-site waters of the U.S. Wetland B does not meet the definition of an adjacent wetland and is not jurisdictional under 33 CFR 328.3(b)(1).

Wetland C is an approximately 0.014 of an acre Palustrine forested seasonally flooded/saturated depression wetland located on the southeast portion of the property and contained entirely on-site (Figure 3). 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. The wetland does not abut a water of the U.S., is not inundated by flooding of a water of the U.S., is not separated from a water of the U.S. by a natural or artificial berm, and there is no natural surface hydrologic connection to off-site waters of the U.S. Wetland C does not meet the definition of an adjacent wetland and is not jurisdictional under 33 CFR 328.3(b)(1).



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Wetland D is an approximately 0.33 of an acre Palustrine emergent seasonally flooded/saturated wetland located near the northeastern portion of the review area and abuts the roadside ditch (Figure 3). Hydrology for Wetland D is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. While Wetland D abuts the roadside ditch and drains into Ditch 1a. Ditch 1a is not a water of the U.S.. Wetland D does not abut a water of the U.S., is not inundated by flooding of a water of the U.S., is not separated from a water of the U.S. by a natural or artificial berm, and there is no natural surface hydrologic connection to off-site waters of the U.S. Wetland D does not meet the definition of an adjacent wetland and is not jurisdictional under 33 CFR 328.3(b)(1).