



**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): 4/2/2021

ORM Number: NWS-2021-148

Associated JDs: N/A or ORM numbers and NAidentifiers (e.g. HQS-2020-00001-MSW-MITSITE)

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

Center Coordinates of Review Area: Latitude 45.7428611 Longitude -122.6629972

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/B	2.02	acre(s)	(b)(1) Non-adjacent wetland.	The wetland does not abut an (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 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 (3) water in a typical year. See Section III.C for additional details.
Wetland C	0.24	acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland A

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: [Title\(s\) and date\(s\)](#)
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: [s](#)
- Photographs: [Other: Site photographs taken 16 March 2021 by Jim Carsner, Project Manager](#)
- Corps site visit(s) conducted on: [16 March 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	Clark County website: MapsOnLine
Other Sources	N/A.

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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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: On 16 March 2021, Corps staff (Jim Carsner, Project Manager) met with Miranda Adams (WA Department of Ecology), and Chad Wallin (Agent) on-site to verify the wetland boundaries and collect data associated with this Approved Jurisdictional Determination. The Corps disagreed with the wetland boundaries during the site visit and identified other onsite wetland areas. The Corps requested additional data be collected and the wetland boundaries redefined.

The Corps concurs the wetlands shown on figures provided in the March 2021 revised "Summit Strategic Weapon, LLC, 16616 NE 10th Avenue – Ridgefield, WA, Wetland Analysis Report" accurately depict the wetland boundaries within the review area.

The subject property (review area) is a vacant agricultural parcel with previous structures having been demolished and removed. The review area is located between the Clark County Events Center and Northeast Delfel Road, approximately 0.63 of a mile south of the intersection of Northeast 179th Street (SR-502) and Northeast Delfel Road/Northeast 10th Avenue (Sheet 1 of 2). The review area consists of one parcel: Clark County Tax Parcel number 182140000 (Sheet 2 of 2). The approximately 9.47-acre site is bounded on the north by commercial development, west by the Clark County Events Center, the east by Northeast Delfel Road, the south undeveloped agricultural land (Aerial 1). An off-site roadside ditch that slopes to the south is found between the review area and Northeast 10th Avenue (Figure 2/Photos 1 and 2). The review area is approximately 0.14 of a mile north of an unnamed tributary to Whipple Creek, the closest surface water feature.

Topography on the northern portion of the review area is relatively flat then slopes at approximately 3.8 percent to the south (Aerial 2). Vegetation across the site is dominated by herbaceous species with patches of Himalayan blackberry across the site and scattered fruit trees on the southeastern portion of the property.

The off-site roadside ditch was constructed during road construction to convey surface runoff from the roadway as well as storm water overflow from a storm pond found immediately north of the property (Figure 2). The off-site ditch is not a relocated tributary and conveys ephemeral flow only, as evidenced by the absence of erosional features (Photos 1 and 2) and does not meet the flow regime requirements of an (a)(2) tributary.

Wetland A/B is a palustrine emergent seasonally flooded/saturated depression wetland located on the northern portion of the review area (Figure 2). There is no surface drainage feature from Wetland A/B to the off-site ditch and the wetland is contained entirely on-site. Hydrology for Wetland A/B is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. Because the wetland is not abutting 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 surface hydrologic connection to off-site waters of the U.S., Wetland A/B does not meet the definition of an adjacent wetland and is not jurisdictional under 33 CFR 328.3(b)(1).

Wetland C is a palustrine emergent seasonally saturated slope wetland located on the southern portion of the review area (Figure 2). Wetland C is contained on-site and there is no surface drainage feature from



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Wetland C. Hydrology for Wetland C is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. Because the wetland is not abutting 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 surface hydrologic connection to off-site waters of the U.S., Wetland 2 does not meet the definition of an adjacent wetland and is not jurisdictional under 33 CFR 328.3(b)(1).