



**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): [7/30/2021](#)  
 ORM Number: [NWS-2021-313](#)  
 Associated JDs: [NA](#)  
 Review Area Location<sup>1</sup>: State/Territory: [Washington](#) City: [Battle Ground](#) County/Parish/Borough: [Clark](#)  
 Center Coordinates of Review Area: Latitude [45.78069](#) Longitude [-122.54754](#)

**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
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</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
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</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
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>

<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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**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	0.35	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 A Ditch	80	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 ditch did not relocate a tributary, was not constructed in a tributary, was not constructed in a jurisdictional adjacent wetland, and does not satisfy the flow conditions of an (a)(2) tributary. The portion of the ditch in Wetland A does not meet the conditions of an adjacent wetland per the definition at (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: [Critical Areas Report for Creekview Pointe II Subdivision, dated 30 June 2021; the Creekview Point II Subdivision \(NWS-2021-313 & Tracking #140328\) letter, dated 26 July 2021.](#)

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: [Select. Title\(s\) and/or date\(s\).](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- 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: [Title\(s\) and/or date\(s\).](#)
- USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)

<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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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>	N/A.
<a href="#">USDA Sources</a>	N/A.
<a href="#">NOAA Sources</a>	N/A.
<a href="#">USACE Sources</a>	N/A.
<a href="#">State/Local/Tribal Sources</a>	N/A.
<a href="#">Other Sources</a>	<a href="#">Clark County Mapsonline website</a>

**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 29 July 2021, the Corps PM \(Jim Carsner, Seattle District, Regulatory Branch\) completed a virtual assessment of the delineated wetland and ditch on the subject property. On 20 July 2021, Miranda Adams \(WA State Department of Ecology\) met with Francis Naglich and Laura Westervelt of Ecological Land Services \(consultants\) and verified the wetland boundaries as delineated. On 21 July 2021, Ms. Adams confirmed via email there were no surface drainage from water features within the review area to offsite waters. The subject property \(review area\) is located immediately northeast of the intersection of Southwest Scotton Way and Southeast Parkway Avenue in Battle Ground \(Figure 1 of 2\). The roughly 5-acre property consists of two tax parcels \(western Parcel #91102152 and eastern Parcel #91102192\). The property is bounded on the north by residential property and Woodin Creek, east by Residential property, south by commercial development and Woddin Creek.](#)

[Site topography from the Clark County mapsonline website show the western parcel to be relatively flat with slightly undulating topography. The eastern parcel has a slope of approximately 28 percent toward Woodin Creek.](#)

[Although one wetland and Woodin Creek, a perennial stream, have been delineated on the eastern parcel of the subject property, the applicant has requested the review area be limited to the western parcel \(#91102152\) of the property that would include only Wetland A because the proposed project would have direct impacts to this wetland only.](#)

[Wetland A is a 0.35 of an acre palustrine forested slope wetland located approximately 20 feet from South Parkway Avenue. Wetland A is found in a shallow depression that is contained entirely within the property boundary. Hydrology for Wetland A is provided a seasonal high water table, surface sheet flow from adjacent uplands, and direct precipitation. There is no surface water drainage feature that would allow water flow from Wetland A other on-site or off-site waters. The nearest \(a\)\(2\) water is the Woodin Creek, located roughly 330 feet east of the wetland. 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 A Ditch extends approximately 80 feet east from the wetland and terminates within the upland pasture area of the property. The nearest \(a\)\(2\) water is the Woodin Creek, located roughly 250 feet east of the end of the ditch. Observations made by Ecology during 20 July 2021 site visit showed Wetland A](#)



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Ditch was not constructed in wetlands and the wetland does not provide either perennial or intermittent flows to an (a)(1) water either directly or through an (a)(2) through (a)(4) water, and therefore does not meet the definition of a 33 CFR 328.3 (a)(2) tributary.