



**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): 7/28/2021
 ORM Number: NWS-2021-346
 Associated JDs: NA
 Review Area Location¹: State/Territory: Washington City: Camas County/Parish/Borough: Clark
 Center Coordinates of Review Area: Latitude 45.6881 Longitude -122.3611

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
NA	NA	N/A.	NA

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	0.603	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	0.020	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: [Wetland Delineation REporot, Williams Property, dated 25 June 2021](#); and the [Technical Memorandum, Williams Property, dated 15 July 2021](#).

This information is sufficient for purposes of this AJD.

Rationale: [NA](#)

- 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: [18 June 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: [Title\(s\) and/or date\(s\)](#).
- USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).
- 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 website

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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Data Source (select)	Name and/or date and other relevant information
Other Sources	N/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 18 June 2021, the Corps PM (Jim Carsner, Seattle District, Regulatory Branch) met with Mr. Chad Williams (applicant) on site and walked the subject property (review area) to assess the jurisdictional status of the on-site delineated wetlands. The subject property (review area) is located at 30317 Northeast Livingston Mountain Circle, neat Camas, Clark County, Washington (Figure 1 of 3). The roughly 7-acre site is bounded on the north, by Northeast Livingston Mountain Circle, east and west by a large lot partially developed forested residential property, and the south by Northeast Livingston Road /L1000S Road. A culvert under Northeast Livingston Road /L1000S Road allows surface water to drain southward toward the Little Washougal River.

Site topography show the land to drop approximately 50 feet from Northeast Livingston Mountain Circle, across Wetland A, and would have a roughly 14 percent slope between Northeast Livingston Mountain Circle and Northeast Livingston Mountain Road (Figure 2 of 3).

The 25 June 2021 delineation reported two wetlands on the property. During the 18 June 2021 site visit, the Corps disagreed with the delineated wetland boundaries and, because of the slope landform, requested a further review of a possible surface connection between the on-site wetlands. The applicant's consultant revisited the site and on 15 July 2021 provided a Technical Memorandum with a revised assessment of the wetland boundaries, showing a delineation of three wetlands. Wetlands A and B are located within the review area and Wetland C is south and outside the review area (Figure 3 of 3). The Corps agrees with the wetland boundaries presented in the 15 July 2021 Technical Memorandum.

Although three wetlands have been delineated on the subject property, the applicant has requested the review area be limited to the northern portion of the property that would include only Wetlands A and B because the proposal would only impact these wetlands.

WETLANDS: Non-Jurisdictional

Wetland A: Wetland A is a 0.603 of an acre palustrine scrub-shrub/emergent slope wetland located approximately 25 feet downslope from Northeast Livingston Mountain Circle, 100 feet upslope from Northeast Livingston Road, 25 feet from Wetland B, and 150 feet upslope from Wetland C. Wetland A is found in a shallow swale that extends southward toward Northeast Livingston Road and contained entirely within the property boundary. Hydrology for Wetland A is provided by seeps near the upper extent of the wetland, 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 Little Washougal River located roughly 0.21 of a mile southeast of the wetland and the nearest wetland abutting an (a)(2) water is Wetland C, roughly 160 feet south 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 B: Wetland B is a 0.02 of an acre palustrine scrub-shrub/emergent slope wetland located approximately 125 feet downslope from Northeast Livingston Mountain Circle and 25 feet east of Wetland



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A. Wetland B is found in a shallow slope depression and contained entirely within the property boundary. Hydrology for Wetland B is provided by a high-water table, surface sheet flow from adjacent uplands, and direct precipitation. The nearest (a)(2) water is the Little Washougal River located roughly 0.21 of a mile southeast of the wetland and the nearest wetland abutting an (a)(2) water is Wetland C, roughly 400 feet south of the wetland. There is no surface water drainage feature that would allow water flow from Wetland B other on-site or off-site waters. Wetland B 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).