



**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): 6/16/2021
 ORM Number: NWS-2021-434
 Associated JDs: NA
 Review Area Location¹: State/Territory: Washington City: Vancouver County/Parish/Borough: Clark
 Center Coordinates of Review Area: Latitude 45.73751 Longitude -122.617883

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	0.57	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 B	0.15	acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland A
Wetland C	0.63	acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland A
Wetland D	0.02	acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland A
Wetland E	0.04	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: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Select. Title\(s\) and/or date\(s\)](#).
- Corps site visit(s) conducted on: [26 May 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.

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
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): [Typical year assessment is not applicable due to the exclusion criteria of the wetland.](#)

C. Additional comments to support AJD: On 26 May 2021, the Corps PM (Jim Carsner, Seattle District, Regulatory Branch) met with Greg Swenson and Chris Moller (PBS agents) on site at 13:00 and walked the subject property. The subject property consists of one tax parcel (Tax Parcel number 195925000) located at 16015 Northeast 50th Avenue, near Vancouver, Clark County, Washington (Sheet 1 of 2). The entire parcel is the review area.

During the 26 May 2021 site visit, the Corps confirmed the boundaries of the five wetlands (Wetlands A through E), which were previously verified by Lance Watt, Clark County staff biologist, and assessed the presence or absence of intermittent or perennial connectivity from the wetlands to any (a)(1) - (a)(3) waters (Sheet 2 of 2).

Review Area Description:

The approximately 20-acre site is bounded on the south by Northeast 159th Street, west by Northeast 50th Avenue, north and east by residential/agricultural properties (Aerial 1). An abandoned residence with outbuildings surrounded by lawn and ornamental plantins is located on the western portion of the property. The remainder of the property is relatively flat with undulating topography). A depressional, forested area, identified as Wetland C, is found on the northeastern portion of the property. Roadside ditches parallel the roadways along the west and south property boundaries and are outside the review area. These ditches do not appear to be waters of the U.S. because they were not dug in adjacent wetlands or a tributary nor are relocated tributaries. The nearest (a)(2) water is Mill Creek located approximately 0.22 of a mile to the northwest of the property. The wetlands are not adjacent to this this waterbody.

WETLANDS: Non-Jurisdictional

Wetland A: Wetland A is a shallow, depressional palustrine emergent wetland contained entirely on-site and located near the center of the property. Hydrology for Wetland A is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. 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 shallow, depressional palustrine emergent wetland contained entirely on-site and located near the east property boundary. Hydrology for Wetland B is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. Wetland B has no observed hydrologic inlet or outlet. Wetland B does not contribute to or receive surface water from an



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(a)(1) to (a)(3) water and is not jurisdictional under 33 CFR 33 CFR 328.3(b)(1).

Wetland C: Wetland C is a shallow, depressional palustrine forested wetland is located near the northeast property boundary and extends off-site to the north. Hydrology for Wetland C is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. Wetland C has no observed hydrologic inlet or outlet. Wetland C 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).

Wetlands D: Wetland D is a shallow, depressional palustrine emergent wetland contained entirely on-site and located near the south property boundary. Hydrology for Wetland D is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. Wetland D has no observed hydrologic inlet or outlet. Wetland D 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 E: Wetland E is a shallow, depressional palustrine emergent wetland contained entirely on-site and located near the south property boundary. Hydrology for Wetland E is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. Wetland E has no observed hydrologic inlet or outlet. Wetland E 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).