



**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): 3/19/2021  
 ORM Number: NWS-2021-49  
 Associated JDs: NA  
 Review Area Location<sup>1</sup>: State/Territory: Washington City: Ridgefield County/Parish/Borough: Clark  
 Center Coordinates of Review Area: Latitude 45.7488 Longitude -122.6622

**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
N/A.	N/A.	N/A.	N/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
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.

<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 1 NWS-2021-49	0.1	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 2 NWS-2021-49	0.533	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.

**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 Report, Marion's Carpets, dated 14 January 2121](#)

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: [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\(s\)](#).

<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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**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	N/A.
Other Sources	Topographic map – Clark County: <a href="https://gis.clark.wa.gov/maponline/index.cfm?">https://gis.clark.wa.gov/maponline/index.cfm?</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 16 March 2021, Corps staff (Jim Carsner, Project Manager) met with Miranda Adams (WA Department of Ecology), and Stephanie James (Agent) on-site to verify the wetland boundaries and collect data associated with this Approved Jurisdictional Determination. The Corps concurs the wetlands shown on figures provided in the 14 January 2021 Wetland Delineation Report, Marion’s Carpets accurately depicts the wetland boundaries within the review area.

The subject property (review area) is a vacant parcel located between the Clark County Events Center and Northeast Delfel Road, approximately 0.45 of a mile south of the intersection of Northeast 179th Street (SR-502) and Northeast Delfel Road/Northeast 10th Avenue (Figure 1). The review area consists of two tax parcels; Clark County Tax Parcels number 182215000 and 182216000 (Figure 2). The approximately 2.3-acre site is bounded on the north and west by the Clark County Events Center, the east by Northeast Delfel Road, the south by an equipment rental facility (Aerial 1).

The property is relatively flat with undulating topography and an approximately one percent slope to the east. The review area is 0.30 of a mile north of the closest surface water feature, an unnamed tributary of Whipple Creek. Vegetation across the site is dominated by herbaceous species.

Wetland 1 is a palustrine emergent seasonally flooded/saturated wetland located near the southeastern portion of the review area and abuts Northeast 10th Avenue (Figure 2). There is no off-site drainage and the wetland is contained entirely on-site. Hydrology for Wetland 1 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 1 does not meet the definition of an adjacent wetland and is not jurisdictional under 33 CFR 328.3(b)(1).

Wetland 2 is a palustrine emergent seasonally flooded/saturated wetland located on the western portion of the site (Figure 2). Wetland 2 is found in a shallow slope depression that extends from the south property boundary to the north property boundary. Any potential off-site surface connection to other waters has been severed by the adjacent developments (Aerial 1). Hydrology for Wetland 2 is provided by surface sheet



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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).