APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 24 May 2022.

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: **Seattle District,** Woodin Creek Subdivision, LLC, NWS-2020-762.
Name of water being evaluated on this JD form: Wetlands A, B, C, H, I, J, K, and Ditch 2

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: Washington County: Clark City: Battle Ground
Center coordinates of site (lat/long in degree decimal format): Lat: 45.757922 **N**, Long: -122.542069 **W**
Universal Transverse Mercator: .
Name of nearest waterbody: Woodin Creek.
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: _____.
Name of watershed or Hydrologic Unit Code (HUC): 170800030103.
☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form. List other JDs: _____

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
☒ Office (Desk) Determination. Date: 10 May 2022.
☒ Field Determination. Date(s): 14 March 2022.

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [*Required*]
☐ Waters subject to the ebb and flow of the tide.
☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: _____.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are no** "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [*Required*]

1. **Waters of the U.S.**
   a. **Indicate presence of waters of U.S. in review area (check all that apply):** [1]
      ☐ TNWs, including territorial seas
      ☐ Wetlands adjacent to TNWs
      ☐ Relatively permanent waters[2] (RPWs) that flow directly or indirectly into TNWs
      ☐ Non-RPWs that flow directly or indirectly into TNWs
      ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
      ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
      ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
      ☐ Impoundments of jurisdictional waters
      ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

   b. **Identify (estimate) size of waters of the U.S. in the review area:**
      Non-wetland waters: _____ linear feet _____ width (ft) and/or _____ acres.
      Wetlands: _____ acres.

   c. **Limits (boundaries) of jurisdiction** based on: **Pick List** and **Pick List**
      Elevation of established OHWM (if known): _____.

2. **Non-regulated waters/wetlands (check if applicable):**[3]
   ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
   Explain: **Wetlands A, B, C, H, I, J, and K are shallow depressions with no surface or shallow subsurface connection or ecological connectivity to other navigable or interstate wters of the U.S. or tributaries of waters of the U.S. These wetland are not used by interstate or foreign travelers for recreational purposes, have no habitat or resources of**

[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[3] Supporting documentation is presented in Section III.F.

special significance which would attract interstate or foreign travelers, lacks bird and wildlife species of special significance which would attract interstate or foreign travelers, supports no fish or shellfish which could be taken or sold in interstate or foreign commerce, and are not used for industrial, agricultural, or silvicultural activities involving interstate or foreign commerce. See Section IV.B for additional information. Ditch 2 is not a water of the U. S. per the preamble to the 1986 regulations defining Waters of the United States (Section 328.3). See Section IV.B below for details.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs: NOT APPLICABLE

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS: NOT APPLICABLE

C. SIGNIFICANT NEXUS DETERMINATION: NOT APPLICABLE

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE: NOT APPLICABLE

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[4]

☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain: _____.
☐ Other factors. Explain: _____.

Identify water body and summarize rationale supporting determination: _____

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: _____ linear feet _____ width (ft).
☐ Other non-wetland waters: _____ acres.
Identify type(s) of waters: _____.
☐ Wetlands: _____ acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS:

☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☐ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
☒ Other: (explain, if not covered above): **Wetlands "A", "B", "C", "H", "I", "J", "K" are shallow depressions with no surface or shallow subsurface connection to other waters (See Section IV.B for additional details). Ditch "2" is a non-tidal drainage ditch constructed in dry land during the widening of SR-503 to convey stormwater and is not a relocated tributary. Ditch "2" is not a water of the U. S. per the preamble to the 1986 regulations defining Waters of the United States (Section 328.3).**

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams): _____ linear feet _____ width (ft).
☐ Lakes/ponds: _____ acres.
☐ Other non-wetland waters: _____ acres. List type of aquatic resource: _____.
☐ Wetlands: _____ acres.

SECTION IV: DATA SOURCES.

[4] **Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.***

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Critical Areas Report (Report), dated Revised August 12, 2021; revised maps dated 4 April 2022.
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☒ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps: _____.
- ☐ Corps navigable waters' study: _____.
- ☐ U.S. Geological Survey Hydrologic Atlas: _____.
  - ☐ USGS NHD data.
  - ☐ USGS 8 and 12 digit HUC maps.
- ☐ U.S. Geological Survey map(s). Cite scale & quad name:
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx.
- ☒ National wetlands inventory map(s). Cite name: https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper.
- ☒ State/Local wetland inventory map(s): https://gis.clark.wa.gov/mapsonline/index.cfm?
- ☐ FEMA/FIRM maps: _____.
- ☐ 100-year Floodplain Elevation is: _____ (National Geodectic Vertical Datum of 1929)
- ☐ Photographs: ☐ Aerial (Name & Date): _____
  or ☐ Other (Name & Date): _____.
- ☒ Previous determination(s). File no. and date of response letter: NWS-2020-762; NWPR-AJD; dated 24 March 2021.
- ☐ Applicable/supporting case law: _____.
- ☐ Applicable/supporting scientific literature: _____.
- ☐ Other information (please specify): _____.

B. ADDITIONAL COMMENTS TO SUPPORT JD: On 24 March 2021, a Navigable Waters Protection Rule-AJD was completed for the subject property (review area). This Pre-2015 Rule-AJD is to bring the jurisdictional determination in compliance with the current regulation.

Site visit: On 5 October 2020 and 14 January 2021, the Corps PM (Jim Carsner, Seattle District, Regulatory Branch) met with Miranda Adams (WA State Department of Ecology), Francis Naglich, Coli Hoffman, and Annie Jean Rendleman (ELS, agents) on site, respectively, and walked the subject property. On 14 March 2022, Jim Carsner (Corps PM) met with Francis Naglich (consultant) to assess water flows Wetlands "D", "E", and "F" under the Pre-2015 Regulatory Regime.

Site description: The 65-acre property is located east of SR-503 and north of Northeast 184th Street near Battle Ground (Sheet 1 of 4). The site is rectangular in shape and bounded by residential development on the north, undeveloped forested land and Woodin Creek on the east, residential development and Northeast 128th Avenue on the south, and a multiple-use walking trail and roadside ditch (Ditch 2) adjacent to SR-503 on the west. The site has no structures on it. An elevated multiple use trail, approximately 10 feet wide abuts the west property boundary with a roadside ditch situated between the trail and SR-503. The project site is roughly 9.2 air miles from Lake River, the closest TNW.

Soils: NRCS maps the onsite soils as non-hydric Hillsboro loam (HlE) with 20-30 percent slopes, Dollar loam (DoB) with 0-5 percent slopes, and Hockinson loam (HuB) with 0-8 percent slopes (Sheet 2 of 4). All mapped soil series are considered non-hydric with HlE being classified as well-drained and DoB and HuB classified as moderately well-drained. The typical profile for HlE is loam to roughly 34 inches then becoming sandy loam to sand between 34 and 60 inches with no listed restrictive layer. The typical profile for DoB is loam to roughly 60 inches with a restrictive layer between 20 and 40 inches below the surface. The typical profile for HuB is loam to roughly 60 inches with a restrictive layer at greater than 80 inches below the surface.

Topography: A topographic map from 2019 by Merrick & Company and provided within the Critical Areas Report, Woodin Creek, dated Revised 12 August 2021 show a relatively flat with undulating topography on the western portion of the property and three moderate to steep slopes forming stream drainages on the eastern portion of the property (Sheet 3 of 4). The western portion of the property has a general slope to the east.

Wetland delineation: A wetland delineation was conducted by Ecological Land Services, Incorporated biologists on during July and August 2020 with additional work in January 2021. Eleven wetlands (Wetlands "A" – "K"), four tributaries (Tributary "A" – "C"), an unnamed tributary, and one ditch (Ditch "1") were identified onsite by the consultant. An offsite roadside ditch (Ditch "2") was not identified by the consultant. Only Wetlands "A", "B", "C", "H", "I", "J", "K" and the offsite Ditch "2" are discussed in this Form 2 of 2. The National Wetland Inventory shows a wetland on the southeast corner of the property, associated with Woodin Creek (Sheet 4 of 4). The Clark County Wetland Inventory shows wetlands present in several areas that coincide with the delineation report (Sheet 4 of 4).

Precipitation: The Antecedent Precipitation Tool (APT) shows the July and August 2020 delineation studies were conducted during the dry time of the year with normal precipitation levels. The ATP shows 14 January 2021and the 14 March 2022 site visits were was conducted during the wet season and during normal preciptation levels.

Wetland "A": Wetland “A” is a 1,904 square-foot, palustrine emergent, seasonally flooded/saturated depressional wetland located approximately 40 feet east from State Route (SR)-503 near the west center property boundary within the review area. Hydrology for Wetland “A” is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. Wetland “A” is found in a shallow depression and contained entirely within the property boundary. A ditch, excavated entirely within the wetland, terminates at western edge of the wetland and near the property boundary. There is no culvert or other surface drainage feature that would allow water flow from the wetland, or the ditch dug in the wetland into the SR-503 ditch (Ditch 2). Wetland “A” has no observed hydrologic inlet or outlet. The NRCS soils map shows Wetland “A” soils as DoB. Random auger cores taken during the 14 Marche 2022 site visit did not reveal a shallow sub-surface connection between Wetland “A” and other wetlands or drainages. The nearest RPW (Tributary “B”) is located roughly 0.25 of a mile east of Wetland “A”.

Wetland "B": Wetland “B” is a 779 square-foot, palustrine emergent, seasonally flooded/saturated depressional wetland located on the center parcel, approximately 500 feet east of the SR-503. Hydrology for Wetland “B” is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. Wetland “B” is found in a shallow depression and contained entirely within the property boundary. There is no surface drainage feature that would allow water flow from the wetland to other onsite waters. Wetland “B” has no observed hydrologic inlet or outlet. The NRCS soils map shows Wetland “B” soils as DoB. Random auger cores taken during the 14 Marche 2022 site visit did not reveal a shallow sub-surface connection between Wetland “B” and other wetlands or drainages. The nearest RPW (Tributary “B”) is located roughly 0.19 of a mile east of Wetland “B”.

Wetland "C": Wetland “C” is a 1,104 square-foot, palustrine emergent, seasonally flooded/saturated depressional wetland located northeast of Wetland “B” on the center parcel, approximately 650 feet east of the SR-503. Hydrology for Wetland “C” is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. Wetland “C” is found in a shallow depression and contained entirely within the property boundary. There is no surface drainage feature that would allow water flow from the wetland to other onsite waters. Wetland “C” has no observed hydrologic inlet or outlet. The NRCS soils map shows Wetland “C” soils as DoB. Random auger cores taken during the 14 Marche 2022 site visit did not reveal a shallow sub-surface connection between Wetland “C” and other wetlands or drainages. The nearest RPW (Tributary “B”) is located roughly 0.14 of a mile east of Wetland “C”.

Wetland "H:: Wetland “H” is a 5,310 square-foot, palustrine emergent, seasonally flooded/saturated depressional wetland located on the north parcel, approximately 150 feet north of Wetland “C” and approximately 600 feet east of SR-503. Hydrology for Wetland “H” is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. Wetland “H” is found in a shallow depression and contained entirely within the property boundary. There is no surface drainage feature that would allow water flow from the wetland to other onsite waters. Wetland “H” has no observed hydrologic inlet or outlet. The NRCS soils map shows Wetland “H” soils as DoB and HuB. Random auger cores taken during the 14 Marche 2022 site visit did not reveal a shallow sub-surface connection between Wetland “H” and other wetlands or drainages. The nearest RPW (Tributary “C”) is located roughly 0.14 of a mile east of Wetland “H”.

Wetland "I": Wetland “I” is a 2,858 square-foot, palustrine forested/emergent, seasonally flooded/saturated depressional wetland located on the north parcel, approximately 200 feet northeast of Tributary “C”. Hydrology for Wetland “I” is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. Wetland “I” is found in a shallow depression, on and adjacent to a utility line corridor, and contained entirely within the property boundary. There is no surface drainage feature that would allow water flow from the wetland to other onsite waters. Wetland “I” has no observed hydrologic inlet or outlet. The NRCS soils map shows Wetland “I” soils as HlE and DoB. Random auger cores taken during the 14 Marche 2022 site visit did not reveal a shallow sub-surface connection between Wetland “I” and other wetlands or drainages. The nearest RPW (Tributary “C”) is located roughly 200 feet south of Wetland “I”.

Wetland "J": Wetland “J” is a 5,969 square-foot, palustrine emergent, seasonally flooded/saturated depressional wetland located on the north parcel, approximately 2300 feet northeast of Tributary “C”. Hydrology for Wetland “J” is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. Wetland “J” is found in a shallow depression, on and adjacent to a utility line corridor, and contained entirely within the property boundary. There is no surface drainage feature that would allow water flow from the wetland to other onsite waters. Wetland “J” has no observed hydrologic inlet or outlet. The NRCS soils map shows Wetland “J” soils as HlE. Random auger cores taken during the 14 March 2022 site visit did not reveal a shallow sub-surface connection between Wetland “J” and other wetlands or drainages. The nearest RPW (Tributary “C”) is located roughly 300 feet south of Wetland “J”.

Wetland "K"Wetland “K” is a 1,102 square-foot, palustrine emergent, seasonally flooded/saturated depressional wetland located on the north parcel 100 feet northeast of Wetland “G” with an upland rise between the two wetlands and a general slope to the northeast. Hydrology for Wetland “K” is provided by surface sheet flow from adjacent uplands, a seasonally high groundwater table, and direct precipitation. Wetland “K” is found in a shallow depression, on and adjacent to a utility line corridor, and contained entirely within the property boundary. There is no surface drainage feature that would allow water flow from the wetland to other onsite waters. Wetland “K” has no observed hydrologic inlet or outlet. The NRCS soils map shows Wetland “K” soils as DoB. Random auger cores taken during the 14 Marche 2022 site visit did not reveal a shallow sub-surface connection between Wetland “K” and other wetlands or drainages. The nearest RPW (Tributary “C”) is located roughly 400 feet northeast of Wetland “K”.

Jurisdictional determination: Wetlands "A", "B", "C", "H", "I", "J", and "K" do not have a surface water or shallow subsurface connection or ecological connectivity to other navigable or interstate waters of the U. S. or tributaries of waters of the U. S. The subject wetlands are not used by interstate or foreign travelers for recreational purposes, have no habitat or resources of special significance which would attract interstate or foreign travelers, lack bird and wildlife species of special significance which would attract interstate or foreign travelers, support no fish or shellfish which could be taken or sold in interstate or foreign commerce, and are not used for industrial,

agricultural, or silvicultural activities involving interstate or foreign commerce. Ditch "2" is a non-tidal drainage ditch constructed in dry land during the widening of SR-503 to convey stormwater and is not a relocated tributary. Therefore, I have concluded Wetlands "A", "B", "C", "H", "I", "J", "K", and Ditch "2" are not jurisdictional waters.

Ditch "2" is a non-tidal drainage ditch constructed in dry land during the widening of SR-503 to convey stormwater, is not a relocated tributary, and is not a water of the U. S. per the preamble to the 1986 regulations defining Waters of the United States (Section 328.3).

Emails requesting concurrence were sent to EPA and to Corps HQ on 10 May 2022. The EPA did not responde after 14 days. On 13 May 2022, Corps HQ responded they had no comments on the isolated waters determination and considered the coordination complete.