



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, SEATTLE DISTRICT
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

Regulatory Branch

June 16, 2021

Mr. Larry Covey
Department of Social and Health Services
Post Office Box 45848
Olympia, Washington 98504

Reference: NWS-2021-434
Department of Social and
Health Services
(AJD)

Dear Mr. Covey:

On May 26, 2021, we inspected the property at 16015 Northeast 50th Avenue, Vancouver, Clark County, Washington in response to your request for verification of the jurisdictional limits of waters of the U.S. in the review area as shown on the enclosed drawings dated April 2021. The U.S. Army Corps of Engineers has determined that Wetlands "A", "B", "C", "D", and "E" are not waters of the U.S. because they are excluded non-waters of the U.S. per 33 CFR Part 328.3 (b). As such, work that would occur within these waters do not require Department of the Army authorization under Section 404 of the Clean Water Act.

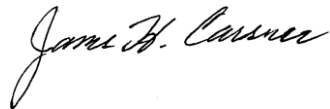
Other state and local regulations may still apply to these wetlands. For example, the Washington State Department of Ecology (Ecology) may regulate these wetlands. For information on how to obtain State approval for your project, you should contact Ecology's Federal Permit Coordinator at ecyrefedpermits@ecy.wa.gov or at (360) 407-6068. Information regarding State permitting requirements can also be found at the following website: <https://ecology.wa.gov/Water-Shorelines/Wetlands/Regulations>. We are sending a copy of this letter to Ecology and to the Environmental Protection Agency's Aquatic Resources Unit.

This approved jurisdictional determination is valid for a period of five years from the date of this letter unless new information warrants revisions of the determination. A copy of this jurisdictional determination, dated June 16, 2021 is enclosed and can be found on our website at www.nws.usace.army.mil select "Regulatory Branch, Permit Information" and then "Jurisdictional Determinations". If you object to this determination, you may request an administrative appeal under our regulations (33 Code of Federal Regulations, Part 331) as described in the enclosed *Notification of Administrative Appeal Options and Process and Request for Appeal* form.

We strongly encourage you to contact the State Historic Preservation Office for coordination purposes prior to commencing any work. They can be reached at www.dahp.wa.gov or Washington State Department of Archaeology and Historic Preservation, P.O. Box 48343, Olympia, Washington 98504-8343.

A copy of this letter with drawings will be furnished to Mr. Greg Swenson of PBS Engineering and Environmental, Incorporated (Agent). If you propose to do any work in the areas identified to be waters of the U.S., you should contact our office prior to commencing work to determine permit requirements. Please note that conducting certain activities in waters of the U.S. without Department of the Army authorization would violate Federal law. If you have any questions, please contact Mr. Jim Carsner, Project Manager at james.h.carsner@usace.army.mil or at (206) 316-3047.

Sincerely,

A handwritten signature in black ink that reads "James H. Carsner". The signature is written in a cursive style with a large, looping initial "J".

James H. Carsner,
Senior Project Manager
Regulatory Branch

Enclosures

Washington Department of Ecology, Federal Permit Coordinator at:
ecyrefedpermits@ecy.wa.gov

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Dept. of Social and Health Services		File Number: NWS-2021-434	Date: June 16, 2021
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
x	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found in Corps regulations at 33 CFR Part 331 or at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/FederalRegulation.aspx>

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

James H. Carsner, Project Manager
U.S. Army Corps of Engineers, Seattle District
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone: (206) 316-3047

For questions about the appeal process, you may also contact:

U.S. Army Corps of Engineers, Northwestern Division
ATTN: Melinda Witgenstein, Regulatory Appeals Review Officer
1201 NE Lloyd Blvd.
Suite 400
Portland, OR 97232
Telephone: (503) 808-3888
Email: Melinda.M.Witgenstein@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:



**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 depressionnal, 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, depressionnal 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, depressionnal 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



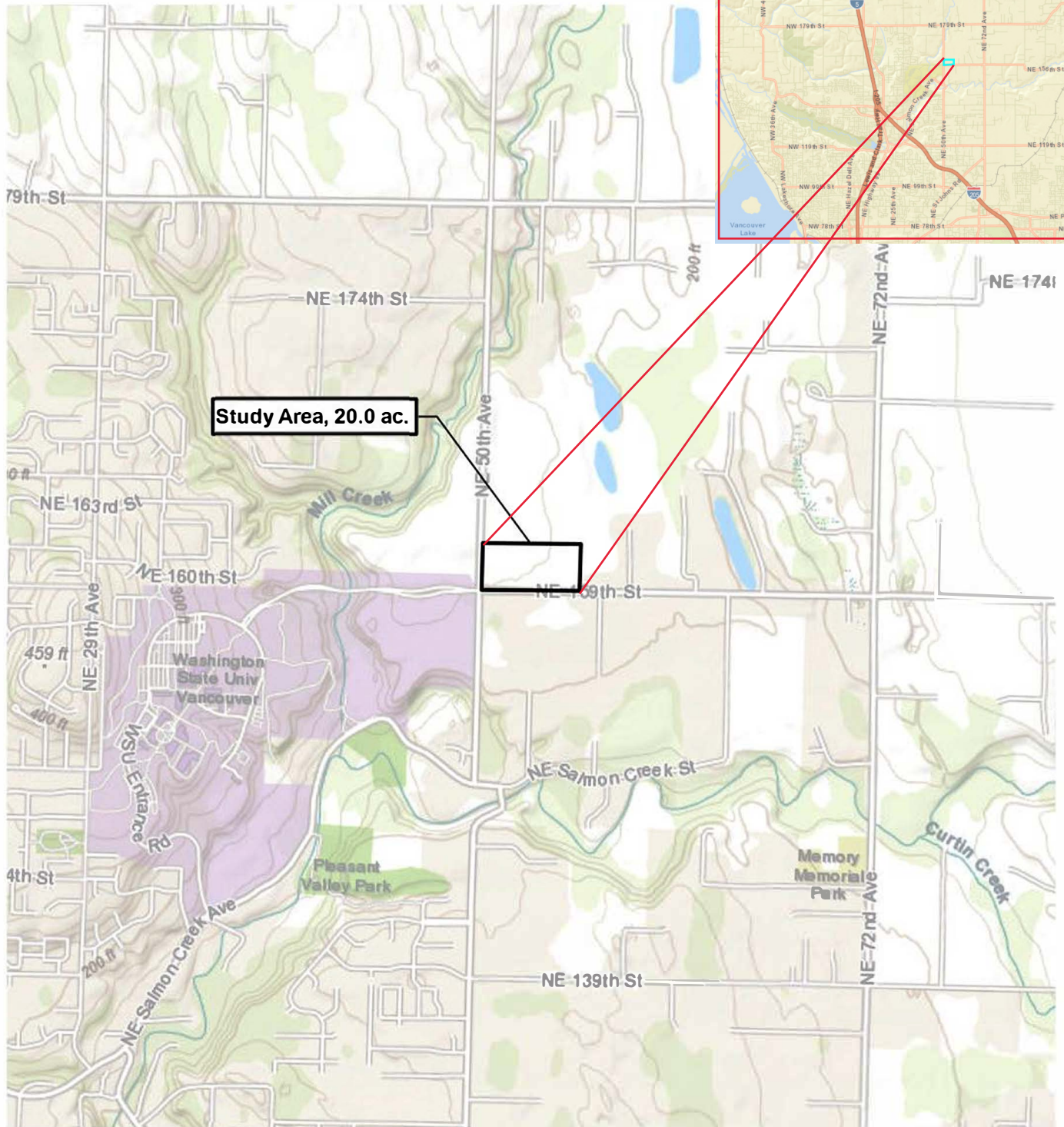
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(a)(1) to (a)(3) water and is not jurisdictional under 33 CFR 33 CFR 328.3(b)(1).

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).



SOURCE: ESRI (2020).



NWS-2021-434
 Lat: 45.73751
 Long: -122.617883



SCALE: 1" = 2,000' (8.5" x 11")

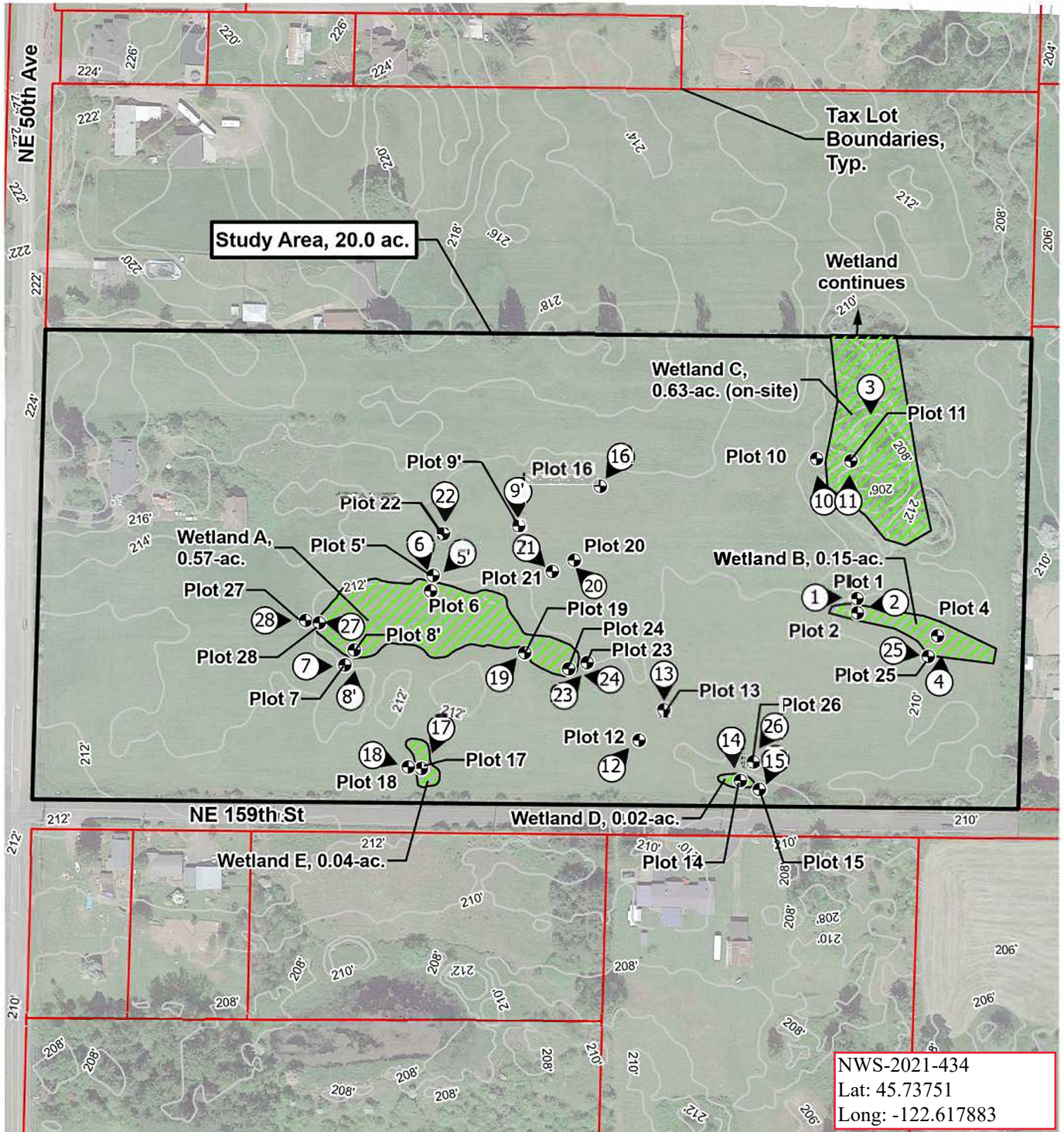


PREPARED FOR: BCRA / CHRISTINE PHILLIPS.



VICINITY MAP
 16015 NE 50TH AVE. WETLAND DELINEATION
 VANCOUVER, CLARK COUNTY, WASHINGTON

File name: L:\Projects\73200\73200-73299\73200_IWA STATE_2015-810C\73200-011\NRM\mapping\GIS\APPRX\16015_NE50th.aprx Plot Date/Time: 4/16/2021 3:16 PM

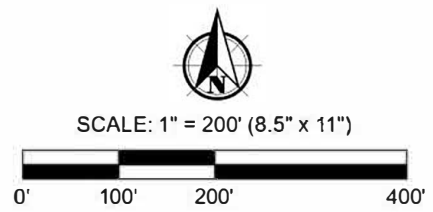


SOURCE: GOOGLE EARTH (2019).

Legend

- Data Plot Locations
- Ground Level Photograph Locations
- Revised Wetlands, 1.41-ac. (onsite)

Sample plots, wetland boundaries, and photo points were mapped using a Trimble Geo7X handheld GPS unit. All features collected achieved submeter accuracy after post-processing. Study area boundaries based on tax lot boundaries and aerial photo interpretation (+/-1 m est. accuracy).



PREPARED FOR: BCRA / CHRISTINE PHILLIPS.



WETLAND DELINEATION MAP
 16015 NE 50TH AVE. WETLAND DELINEATION
 VANCOUVER, CLARK COUNTY, WASHINGTON