



**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): 6/28/2021
 ORM Number: NWP-2021-243
 Associated JDs: NWP-2020-132 Perimeter Ditch and NWP-2017-349 Log Pond
 Review Area Location¹: State/Territory: Washington City: Longview County/Parish/Borough: Cowlitz
 Center Coordinates of Review Area: Latitude 46.107802 Longitude -122.938014

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
Finger Slough	7.6	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	<p>The Finger Slough was excavated as a linear industrial water feature in 1923 to serve the Long-Bell lumber mill with log conveyance, sorting and storage. Spoils dug from the Finger Slough were side cast and spread out on the adjoining land. Based on Google Earth aerial images the pond exhibits surface water throughout the year.</p> <p>The 1921 United States Geological Survey topographic map documents multiple tributaries near the Review Area and one tributary that historically would of passed through the center of the Finger Slough.</p> <p>At the time of construction, the Finger Slough was hydrologically connected to the Columbia River via the log pond and log transport pond. Disconnection of the Finger Slough from the Log Pond was partly completed in the 1970s with the construction of Fibre Way, which bisected the northern extent of the Finger Slough, although a limited surface water connection between the two water bodies was maintained with a 12-foot diameter culvert under Fibre Way. Complete disconnection occurred in 2002 with the construction of the original Industrial Rail Corridor and the Fibre Way Grade Separation.</p> <p>The Finger Slough now flows through the Perimeter Ditch to the North Tie Road, where water enters a pipe and flows to the Consolidated Diking and Improvement District (CDID) Ditch #3. From Ditch #3, water flows to the CDID Oregon Way Pump Station and is pumped via pipe to the Columbia River. Based on the typical year assessment the Finger Slough contributes surface water flows indirectly to the Columbia River but does not do so in a typical year, see Section III B.</p> <p>The Finger Slough does not contributes surface</p>

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.



**U.S. ARMY CORPS OF ENGINEERS
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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			water flow in a typical year to an (a)(1) water, See Section III B. Therefore, the Finger Slough does not meet definition of an (a)(3) water pursuant the Navigable Waters Protection Rule (NWPR) and is excluded as a (b)(1) water.
Black Lagoon	0.1	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff. The Black Lagoon was constructed in 2002 in association with the Industrial Rail Corridor and the Fibre Way Grade Separation. This project took place in the same location as the original Fibre Way bisection. To address water flow from the Finger Slough, the project included a new stormwater conveyance system connecting the Finger Slough to the Black Lagoon. The new conveyance system consisted of three underground parallel pipes running north from the Finger Slough to the Black Lagoon. The Black Lagoon was originally constructed in association with the stormwater conveyance system and is included in the Port of Longview Finger Slough Stormwater Pond Maintenance Plan. Therefore, the Black Lagoon meets the (b)(10) exclusion pursuant to the NWPR.
Dewatering Pond	0.1	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff. Based upon the applicant submitted information and Google Earth Aerial, the dewatering pond was constructed sometime between June 25, 2009 and September 25, 2011. Based on Google Earth aerials the dewatering pond historically would have been located within the boundaries of the Finger Slough. However, sometime between July 23, 2000 and June 15, 2003 this area of the Finger Slough was filled and converted to uplands. The dewatering pond was constructed to manage discharges during the construction of the underground rail dump pits for the Export Grain terminal. Based on the documented evidence, the dewatering pond is an artificial pond constructed in uplands, therefore the dewatering pond meets the (b)(10) exclusions pursuant to the NWPR.
Perimeter Ditch	0.9	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the The Perimeter Ditch is located in the northwest portion of the Review Area. Based on historic aerial imagery and topographic maps, the ditch was constructed within a previously filled area within the Port of Longview property sometime between 1948 and 1957. There is not sufficient evidence to show that during ditch construction the ditch relocated a tributary, was constructed



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		conditions of (c)(1).	in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.

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: [Port of Longview Stormwater Pond and receiving Water Jurisdictional Waters Opinion Cowlitz County, Washington](#) dated April 30, 2021

This information is and is not sufficient for purposes of this AJD.

Rationale: The requestor utilized the methods described in the U.S. Army Corps of Engineers 1987 Wetland Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region to determine the boundaries of the aquatic resources within the Review Area. While the delineation was substantial enough to provide documentation for the boundaries of the aquatic resource, additional historical documents and flow observations were required to complete the review.

- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Aerial: [Google Earth](#), accessed June 9-11, 2021
- Corps site visit(s) conducted on: [Date\(s\)](#).
- 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: [USGS Topoviewer 1921, 1953, 1962, 1980, 1990, and 2020 topographic maps](#), accessed May 25, 2021.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Topographic Instructions of the United States Geological Survey Edition of 1918, https://pubs.usgs.gov/unnumbered/70039569/report.pdf
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): The Corps reviewed the output from the Antecedent Precipitation Tool (APT) for the Review Area vicinity using a single point method. The APT is an automation tool that rapidly evaluates climatic parameters for a given location. The APT is one tool that the Corps may use to determine and document typical year conditions. The APT is available online (<https://github.com/jDeters-USACE/Antecedent-Precipitation-Tool>).

Finger Slough Discharge Observations:



**U.S. ARMY CORPS OF ENGINEERS
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October 21, 2019 (Observation) – The APT determined this date was under “Normal Conditions.” No discharge was present at this time.

December 12, 2019 (Observation) – The APT determined this date was under “Drier than Normal Conditions.” No discharge was present at this time.

January 6, 2020 (Observation) – The APT determined this date was under “Normal Conditions.” No discharge was present at this time.

February 3, 2020 (Observation) – The APT determined this date was under “Wetter than Normal Conditions.” Discharge is present from the Finger Slough.

February 19, 2020 (Observation) – The APT determined this date was under “Wetter than Normal Conditions.” Discharge is present from the Finger Slough.

June 15, 2020 (Observation) – The APT determined this date was under “Normal Conditions.” No discharge was present at this time.

October 23, 2020 (Observation) – The APT determined this date was under “Normal Conditions.” No discharge was present at this time.

November 25, 2020 (Observation) – The APT determined this date was under “Normal Conditions.” No discharge was present at this time.

December 31, 2020 (Observation) – The APT determined this date was under “Normal Conditions.” No discharge was present at this time.

January 28, 2021 (Observation) – The APT determined this date was under “Wetter than Normal Conditions.” No discharge was present at this time.

March 3, 2021 (Observation) – The APT determined this date was under “Wetter than Normal Conditions.” Discharge is present from the Finger Slough.

March 26, 2021 (Observation) – The APT determined this date was under “Normal Conditions.” No discharge was present at this time.

Based on the above information, the Finger Slough discharges water only during “Wetter than Normal Conditions” and therefore does not discharge water and connect downstream in a typical year to an (a)(1) water.

C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.