

From: [Jeffrey Delapena](#)
To: [Clark County Citizens United, Inc.](#); [Cnty 2025 Comp Plan](#); [Bart Catching](#); [Jeffrey Delapena](#); [Jose Alvarez](#); [Oliver Orjiako](#)
Subject: RE: There is a clear and concise definition for a wetland: Understanding staff's regulatory over reach
Date: Tuesday, January 13, 2026 3:43:27 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Good day, Susan,

Thank you for providing this feedback related to the 2025 Comprehensive Plan Update. This will be added to the Index of Record.

Best,



Jeff Delapena
Program Assistant
COMMUNITY PLANNING

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Subject: There is a clear and concise definition for a wetland: Understanding staff's regulatory over reach

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January 13, 2026

Clark County Council
Clark County Community Development
Clark County Planning Commission
P.O Box 5000
Vancouver, Washington 98666

FOR THE PUBLIC RECORD and the COMPREHENSIVE PLAN

Dear Councilors, Commissioners and Staff,

Clark County Citizens United, Inc. has seen that for years, Clark County landowners, farmers, ranchers, equestrians and foresters have worked their lands while keeping eyes on the weather, commodity market conditions, and the many regulations that shape their business decisions. Among the most impactful and confusing regulatory actions, concerns Clark County's ever-changing definition of "wetlands" performed by Staff. Many property owners have been questioning the county's definition of wetlands and what that really means for their operations. The wetland definitions in county code, federal law, and state RCWs say the same thing, yet county staff fails to adhere to those laws.

CCCU's membership has been consistently advocating for practical regulations, clear definitions that protect property rights, while ensuring reasonable environmental stewardship. There is a clear definition that identifies wetlands under the Department of Ecology, State of Washington's definition as written in the Wetland Guidance for Critical Areas Ordinance (CAO) Updates, Western and Eastern Washington, October 2022, Publication #22-06-14 and the U.S. Army Corp of Engineers Wetland Delineation Manual. They all say the same thing.

RCW 36-70A-030(31) Page 9 of the Guidance, Definition of Wetlands In designating wetlands for regulatory purposes, the GMA specifies the definition of wetlands as follows:

"Wetland" or wetlands means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support , and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands

generally include swamps, marshes, bogs, and similar areas. Wetland do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands. .

Pg. 10 of **DOE's Guidance:**

Counties and cities are required to use the definition of wetlands in RCW 36-70A-030(31) without any changes.

The Washington DOE Guidance is very clear. This serves as the threshold that determines which bodies of water fall under the wetlands definition and are worthy of regulating. There is also clarity that says what fail to meet the defining requirements. Unfortunately, landowners are seeing county agency staff exploit and expand their authority far beyond what Washington DOE, RCW's and federal definitions demands. Time and again, members of county staff are venturing outside their jurisdictional authority and "rewriting" the definition of "wetlands". This expands staff's authority far beyond what county, state and federal laws intended. In essence, they are writing new law, for which they have no jurisdiction to do.

Agency staff need to operate under the only authorized regulatory definition that provides a precise interpretation of wetlands. Staff's embellishments are creating expansive and expensive interpretations that fail to stand up to scientific scrutiny. Staff's faulty fabrications and interpretations create more questions than answers, create more costs to landowners and drive questionable permitting practices with uncertainty.

Land features like isolated farm ponds, field depressions, disconnected wetlands, ditches and prior converted croplands (PCC), are excluded from the definition. The definition stated in RCW 36-70A-030(31), is the only authorized, legal definition that staff should be applying . This brings consistency, and predictability to the permitting process. By strictly following the legal guidelines:

- 1. reduces permitting costs.**
- 2. reduces the amount of land subject to regulations,**
- 3. reduces the amount of land in a potential "buffer",**
- 4. reduces the amount and cost of mitigation,**
- 5. reduces the amount of land the county controls under Conservation Covenants,**
- 6. reduces the amount of permitting time,**

Importantly, the RCW definition shifts the burden of proof away from the landowner and places this responsibility squarely on county staff. Landowners should not be required to prove and correct staff's errors when they choose to "rewrite" the definitions of wetlands.

There is a clear and concise definition for a wetland determination and Clark County staff needs to follow it.

Sincerely,

Susan Rasmussen, President

Clark County Citizens United, Inc.
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