



**DEPARTMENT OF THE ARMY**  
**U.S. ARMY CORPS OF ENGINEERS, PORTLAND DISTRICT**  
**P.O. BOX 2946**  
**PORTLAND, OR 97208-2946**

January 16, 2024

Regulatory Branch  
Corps No. NWP-2022-493



Dear [REDACTED]

The U.S. Army Corps of Engineers (Corps) has received your application for a Department of the Army (DA) permit to install one 16-inch positive train control (PTC) wayside monopole tower within approximately 0.01-acre of the Union Pacific Railroad (UPR) railroad right-of-way at mile post 70.79, in Mosier, Wasco County, Oregon Latitude/Longitude: 45.698039°, -121.37327°. Your application has been assigned Corps No.: NWP-2022-493. Please refer to this number in all correspondence.

We have reviewed your application pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act of 1899 (RHA). We have completed an Approved Jurisdictional Determination (AJD) of the review area at this site. This determination applies only to the review area. Other aquatic resources that may occur on this property or on adjacent properties outside the review area are not the subject of this determination. Based on the AJD, we have determined that a DA permit is not required for your proposed work as described in your application and as shown on the enclosed drawings (Enclosure 1).

Under Section 10 of the RHA, a DA permit is required to construct structures or perform work in or affecting navigable waters of the U.S. The limits of navigable waters under Section 10 extend landward to the mean high water mark in tidal waters and to the ordinary high water mark in non-tidal waters. Columbia River is a navigable water of the U.S. However, the proposed work would occur landward of the ordinary high water mark and would not affect the navigable waters.

Under Section 404 of the CWA, a DA permit is generally required for the discharge of dredged or fill material into waters of the U.S. However, there are no aquatic resources within the review area of the proposed project; as a result, the activity would not occur in waters of the U.S. In addition, the work would not occur in or affect a navigable water of the U.S. As a result, a DA permit is not required for the proposed work.

The enclosed *Memorandum for Record* (MFR) (Enclosure 2) provides the size, criteria and rationale for jurisdiction for all aquatic resources within the review area. The perimeter of the review area and the boundaries of the delineated waters of the U.S. subject to this AJD are identified on the enclosed drawings (Enclosure 1).

If you object to the enclosed AJD, you may request an administrative appeal under 33 CFR Part 331 as described in the enclosed *Notification of Administrative Appeal Options and Process and Request for Appeal* (RFA) form (Enclosure 3). To appeal this AJD, you must submit a completed RFA form to the Corps Northwestern Division (NWD) office at the address listed on the form. In order for the request for appeal to be accepted, the Corps must determine that the form is complete, that the request meets the criteria for appeal under 33 CFR Part 331.5, and the form must also be received by the NWD office within 60 days from the date on the form. It is not necessary to submit the form to the NWD office if you do not object to the enclosed AJD.

This AJD is valid for a period of five years from the date of this letter unless new information warrants revisions of the determination.

Based upon information provided in your application, we have determined a Section 10 or Section 404 DA permit is not required for your proposed work. Although a DA permit is not required, other local, State, or Federal requirements may still apply. In particular, your project may require permission from the Corps under 33 USC § 408 (referred to as "Section 408") to alter or occupy a Corps federally authorized project. I have forwarded a copy of your application to our Section 408 staff. You can contact our Section 408 staff directly at the following email address: [section408nwp@usace.army.mil](mailto:section408nwp@usace.army.mil). Please visit the website <https://www.nwp.usace.army.mil/408/> for more information regarding Section 408.

Our determination regarding the proposed work is based on the project description and construction methods provided in your permit application. You are cautioned that any change in the location or plans of the work may result in activities that require a DA permit.

We would like to hear about your experience working with the Portland District, Regulatory Branch. Please complete a customer service survey form at the following address: <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

If you have any questions regarding our regulatory authority, please contact [REDACTED]

[REDACTED]

Sincerely,

[REDACTED]

[REDACTED]

Chief, Regulatory Branch

Enclosures

cc:

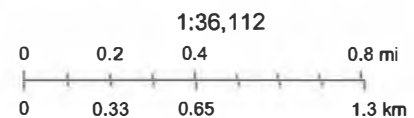
[REDACTED]

## MP 70.79



11/2/2022, 10:21:58 AM

Sub Wasco County Mile Post 70.79  
TBD, Mosier, Wasco County, Oregon  
Latitude: 45.698039° N, Longitude: 121.37327° W  
USGS 7.5' Lyle, Oregon topographic quadrangle 2022  
Section 31, Township 3 N, Range 12 E



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USGS  
2021 USGS



**NWP-2022-493**

Review Area

**Legend**

 Feature 1

45.698039, -121.37327 NWP-2022-493

Google Earth



100 ft