

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

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): January 10, 2020**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CENWP-ODG-P, ODOT - I-205 Abernethy Bridge Geotech Survey and Widening, NWP-2016-458-2**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: OR County/parish/borough: Clackamas City: West Linn, Oregon City  
Center coordinates of site (lat/long in degree decimal format): Lat. 45.369107° **N**, Long. -122.754285° **W**.  
Universal Transverse Mercator:

Name of nearest waterbody: Willamette River

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Willamette River

Name of watershed or Hydrologic Unit Code (HUC): 170900070405 Tanner Creek-Willamette River

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.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

Office (Desk) Determination. Date: 7-6-18 and 11-8-19

Field Determination. Date(s): 6-28-18

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There **Are** "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: On the 1993 Navigable Waterway List.

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There **Are** "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):<sup>1</sup>**

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters<sup>2</sup> (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: 11,922 linear feet: width (ft) and/or acres.

Wetlands: 7 acres.

**c. Limits (boundaries) of jurisdiction based on: Established by OHWM.**

Elevation of established OHWM (if known): .

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain: **Wetlands 2, 4, 6, 7, 14, 16, 18, 20, 21, 23, 24, 25, 27, 28, 29, and 40 do not connect to any features that are jurisdictional. Wetland 7 continues off-site but does not appear to connect to any other features. Ditches 1, 2, 2b, 5, 6, 7, 8, 10-11, 14-15, 17, 18, and 20 do not connect to any downstream waters.**

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> 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).

<sup>3</sup> Supporting documentation is presented in Section III.F.

### SECTION III: CWA ANALYSIS

#### A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

##### 1. TNW

Identify TNW: **Tualatin River and Willamette River.**

Summarize rationale supporting determination: The Tualatin River and Willamette River are on the 1993 list of Oregon Navigable Waterways.

##### 2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”: W-8 and W-10 are on the banks of the Tualatin River. W-10 is about 50 feet from its OHWM and W-8 is about 100 feet from its OHWM. These are connected physically during high water events. They are connected chemically through the exchange of water and pollutants. They are connected biologically by providing the same habitat as the adjacent TNW.

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

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

##### 1. Characteristics of non-TNWs that flow directly or indirectly into TNW

###### (i) General Area Conditions:

Watershed size: **Pick List**

Drainage area: **Pick List**

Average annual rainfall: inches

Average annual snowfall: inches

###### (ii) Physical Characteristics:

###### (a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.

Project waters are **Pick List** river miles from RPW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Project waters are **Pick List** aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: .

<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

Identify flow route to TNW<sup>5</sup>.  
Tributary stream order, if known: .

(b) **General Tributary Characteristics (check all that apply):**

**Tributary is:**  Natural  
 Artificial (man-made). Explain: .  
 Manipulated (man-altered). Explain: .

**Tributary properties with respect to top of bank (estimate):**

Average width: . feet  
Average depth: . feet  
Average side slopes: **Pick List**.

**Primary tributary substrate composition (check all that apply):**

Silts  Sands  Concrete  
 Cobbles  Gravel  Muck  
 Bedrock  Vegetation. Type/% cover:  
 Other. Explain: .

**Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:** .

**Presence of run/riffle/pool complexes. Explain:** .

**Tributary geometry: Pick List**

**Tributary gradient (approximate average slope):** %

(c) **Flow:**

**Tributary provides for: Pick List**

**Estimate average number of flow events in review area/year: Pick List**

Describe flow regime: .

Other information on duration and volume: .

Surface flow is: **Pick List**. Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

Dye (or other) test performed: .

**Tributary has (check all that apply):**

Bed and banks  
 OHWM<sup>6</sup> (check all indicators that apply):  
 clear, natural line impressed on the bank  the presence of litter and debris  
 changes in the character of soil  destruction of terrestrial vegetation  
 shelving  the presence of wrack line  
 vegetation matted down, bent, or absent  sediment sorting  
 leaf litter disturbed or washed away  scour  
 sediment deposition  multiple observed or predicted flow events  
 water staining  abrupt change in plant community  
 other (list):  
 Discontinuous OHWM.<sup>7</sup> Explain: .

**If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):**

High Tide Line indicated by:  Mean High Water Mark indicated by:  
 oil or scum line along shore objects  survey to available datum;  
 fine shell or debris deposits (foreshore)  physical markings;  
 physical markings/characteristics  vegetation lines/changes in vegetation types.  
 tidal gauges  
 other (list):

(iii) **Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: .

<sup>5</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

<sup>6</sup> A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

<sup>7</sup>Ibid.

Identify specific pollutants, if known: \_\_\_\_\_ .

**(iv) Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width): \_\_\_\_\_ .
- Wetland fringe. Characteristics: \_\_\_\_\_ .
- Habitat for:
  - Federally Listed species. Explain findings: \_\_\_\_\_ .
  - Fish/spawn areas. Explain findings: \_\_\_\_\_ .
  - Other environmentally-sensitive species. Explain findings: \_\_\_\_\_ .
  - Aquatic/wildlife diversity. Explain findings: \_\_\_\_\_ .

**2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

**(i) Physical Characteristics:**

**(a) General Wetland Characteristics:**

Properties:

Wetland size: \_\_\_\_\_ acres

Wetland type. Explain: \_\_\_\_\_ .

Wetland quality. Explain: \_\_\_\_\_ .

Project wetlands cross or serve as state boundaries. Explain: \_\_\_\_\_ .

**(b) General Flow Relationship with Non-TNW:**

Flow is: **Pick List**. Explain: \_\_\_\_\_ .

Surface flow is: **Pick List**

Characteristics: \_\_\_\_\_ .

Subsurface flow: **Pick List**. Explain findings: \_\_\_\_\_ .

Dye (or other) test performed: \_\_\_\_\_ .

**(c) Wetland Adjacency Determination with Non-TNW:**

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: \_\_\_\_\_ .

Ecological connection. Explain: \_\_\_\_\_ .

Separated by berm/barrier. Explain: \_\_\_\_\_ .

**(d) Proximity (Relationship) to TNW**

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

**(ii) Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: \_\_\_\_\_ .

Identify specific pollutants, if known: \_\_\_\_\_ .

**(iii) Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width): \_\_\_\_\_ .
- Vegetation type/percent cover. Explain: \_\_\_\_\_ .
- Habitat for:
  - Federally Listed species. Explain findings: \_\_\_\_\_ .
  - Fish/spawn areas. Explain findings: \_\_\_\_\_ .
  - Other environmentally-sensitive species. Explain findings: \_\_\_\_\_ .
  - Aquatic/wildlife diversity. Explain findings: \_\_\_\_\_ .

**3. Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately ( \_\_\_\_\_ ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)      Size (in acres)      Directly abuts? (Y/N)      Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

### C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

**Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:**

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: Stream 3-7, 9-11, Ditch 4, and Ditch to Athey Creek are non-RPW that flow directly or indirectly into TNWs. Stream 3 flows to an unnamed tributary to Tualatin River. Stream 4 flows to Stream 9 which flows to the Willamette River. Stream 5 flows to the Tualatin River. Stream 6 flows to Ditch 11 which flows to the Tualatin River. Stream 7 flows to Stream 5 which flows to the Tualatin River. Stream 9 flows to the Willamette River. Stream 10 flows to Athey Creek which flows to the Tualatin River. Stream 11 flows to Stream 9 which flows to the Willamette River. Ditch 4 flows to an unnamed tributary that flows to the Tualatin River. Ditch to Athey Creek flows to Athey Creek which flows to the Tualatin River. Ditch 19 flows into Stream 13 which is an RPW.
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: Ditch 12 connects to Stream 9 which flows to the Willamette River. W-33 and W-34 are abutting Ditch 12.
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: W-1 is 50 feet from Ditch to Athey Creek which flows to Athey Creek which flows to the Tualatin River.

### D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:  
 TNWs: 1,641 linear feet      width (ft), Or,      acres.  
 Wetlands adjacent to TNWs: 0.14 acres.
2. **RPWs that flow directly or indirectly into TNWs.**

- Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Abernethy and Tanner Creeks are perennial based on a Stream Duration Assessment Method (SDAM) assessment and flow into the Willamette River. Athey Creek is perennial based on an SDAM assessment and flows into the Tualatin River. They all have bed, bank, and ordinary high water mark.
- Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: McLoughlin Creek is intermittent based on an SDAM assessment and flows into the Willamette River. Stream 1 and Stream 2 (Wilson Creek) are intermittent based on an SDAM assessment and flow into the Tualatin River. Stream 12 and Stream 13 are intermittent based on an SDAM assessment and flow into the Tualatin River.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: **1,254 linear feet** width (ft).
  - Other non-wetland waters: \_\_\_\_\_ acres.
- Identify type(s) of waters: \_\_\_\_\_.

**3. Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: **8,681 linear feet** width (ft).
  - Other non-wetland waters: \_\_\_\_\_ acres.
- Identify type(s) of waters: \_\_\_\_\_.

**4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
- Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: **W-5, W-8, and W-10 are directly abutting RPWs.**
- Wetlands directly abutting an RPW where tributaries typically flow “seasonally.” Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: **W-5, W-9, W-11, W-13, W-15, W-17, W-22, W-30, W-31, W-36, W-37, W-38, and W-41 are abutting intermittent creeks/ditches/streams that flow directly or indirectly into a TNW. These waters maintain a hydrologic surface connection to downstream surface waters.**

Provide acreage estimates for jurisdictional wetlands in the review area: **1.56** acres.

**5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C. **W-1, W-3, W-12, W-26, W-32, W-35, W-39, W-42, and W-43.**

Provide acreage estimates for jurisdictional wetlands in the review area: **2.51** acres.

**6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C. **W-33, W-34, W-19**

Provide estimates for jurisdictional wetlands in the review area: **2.93** acres.

**7. Impoundments of jurisdictional waters.<sup>9</sup>**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from “waters of the U.S.,” or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

<sup>8</sup>See Footnote # 3.

<sup>9</sup>To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

**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):<sup>10</sup>**

- 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 (CHECK ALL THAT APPLY):**

- 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): .

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.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): **8,305** linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: 3.45 acres.

**SECTION IV: DATA SOURCES.**

**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: "Wetlands and Waterbodies Delineation Report - Revised" by ODOT for I-205 Stafford Rd to OR 213 project, dated January 14, 2019.
- 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: 1993 Navigable Waters List.
- 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: .
- National wetlands inventory map(s). Cite name: .

<sup>10</sup> 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.

- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date):in WD.  
or  Other (Name & Date):in WD.
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** EPA coordination was started on December 2, 2019 and completed on January 10, 2020. EPA provided comments, which were addressed via email and phone call. EPA comments resulted in the addition of 809 linear feet of jurisdictional waters and 4.86 acres of jurisdictional wetlands included. See table below for summary of all waters.

Waters_Name	Amount	Units	Waters_Type	Latitude	Longitude
NWP-2016-458-2_W-1	0.09	ACRE	RPWWN	45.37081528	-122.7102356
NWP-2016-458-2_W-2	0.03	ACRE	ISOLATE	45.37326813	-122.7217026
NWP-2016-458-2_W-3	0.04	ACRE	RPWWN	45.3704834	-122.7093582
NWP-2016-458-2_W-4	0.03	ACRE	ISOLATE	45.37014389	-122.7055283
NWP-2016-458-2_W-5	0.01	ACRE	RPWWD	45.3698616	-122.7086182
NWP-2016-458-2_W-6	0.01	ACRE	ISOLATE	45.36697006	-122.6915894
NWP-2016-458-2_W-7	0.68	ACRE	ISOLATE	45.36888504	-122.7055435
NWP-2016-458-2_W-8	0.08	ACRE	RPWWD	45.36661911	-122.6885834
NWP-2016-458-2_W-9	0.01	ACRE	RPWWD	45.36370468	-122.6750717
NWP-2016-458-2_W-10	0.06	ACRE	RPWWD	45.36615753	-122.6879883
NWP-2016-458-2_W-11	0.02	ACRE	RPWWD	45.35829926	-122.6673508
NWP-2016-458-2_W-12	0.01	ACRE	NRPWW	45.36610794	-122.6811752
NWP-2016-458-2_W-13	0.04	ACRE	RPWWD	45.35651779	-122.6655655
NWP-2016-458-2_W-14	0.18	ACRE	ISOLATE	45.34877396	-122.6563721
NWP-2016-458-2_W-15	0.07	ACRE	RPWWD	45.34735489	-122.6544571
NWP-2016-458-2_W-16	0.22	ACRE	ISOLATE	45.34766769	-122.6532898
NWP-2016-458-2_W-17	0.48	ACRE	RPWWD	45.34689713	-122.6484833
NWP-2016-458-2_W-18	0.29	ACRE	ISOLATE	45.34745026	-122.650116
NWP-2016-458-2_W-19	2.4	ACRE	NRPWW	45.37318802	-122.5884171
NWP-2016-458-2_W-20	0.06	ACRE	ISOLATE	45.36209869	-122.6704788
NWP-2016-458-2_W-21	0.13	ACRE	ISOLATE	45.36985016	-122.592514
NWP-2016-458-2_W-22	0.52	ACRE	RPWWD	45.36362839	-122.673027
NWP-2016-458-2_W-23	0.83	ACRE	ISOLATE	45.35669327	-122.6193924
NWP-2016-458-2_W-24	0.03	ACRE	ISOLATE	45.36421585	-122.6739273
NWP-2016-458-2_W-25	0.31	ACRE	ISOLATE	45.35209274	-122.6284561
NWP-2016-458-2_W-26	0.95	ACRE	NRPWW	45.36549377	-122.6781616
NWP-2016-458-2_W-27	0.06	ACRE	ISOLATE	45.35237503	-122.6282501
NWP-2016-458-2_W-28	0.1	ACRE	ISOLATE	45.35238266	-122.6272507
NWP-2016-458-2_W-29	0.14	ACRE	ISOLATE	45.35374451	-122.6251602
NWP-2016-458-2_W-30	0.01	ACRE	RPWWD	45.35142136	-122.6301041
NWP-2016-458-2_W-31	0.07	ACRE	RPWWD	45.34978485	-122.6340866
NWP-2016-458-2_W-32	0.25	ACRE	RPWWN	45.34956741	-122.634964
NWP-2016-458-2_W-33	0.11	ACRE	NRPWW	45.34879303	-122.6546402
NWP-2016-458-2_W-34	0.42	ACRE	NRPWW	45.35037231	-122.6578064
NWP-2016-458-2_W-35	0.77	ACRE	RPWWN	45.36416626	-122.6726685
NWP-2016-458-2_W-36	0.04	ACRE	RPWWD	45.36116409	-122.6677246
NWP-2016-458-2_W-37	0.01	ACRE	RPWWD	45.36369324	-122.6085815
NWP-2016-458-2_W-38	0.13	ACRE	RPWWD	45.35955048	-122.66642



NWP-2016-458-2_W-39	0.01	ACRE	RPWWD	45.36672974	-122.680687
NWP-2016-458-2_W-40	0.35	ACRE	ISOLATE	45.36967087	-122.7018661
NWP-2016-458-2_W-41	0.01	ACRE	RPWWD	45.3716507	-122.7081223
NWP-2016-458-2_W-42	0.03	ACRE	RPWWN	45.36615	-122.68939
NWP-2016-458-2_W-43	0.36	ACRE	RPWWN	45.36674	-122.68125
NWP-2016-458-2_Willamette River	986	FOOT	TNW	45.36377335	-122.6067429
NWP-2016-458-2_Tualatin River	655	FOOT	TNW	45.36661148	-122.6881561
NWP-2016-458-2_Abernethy Creek	142	FOOT	RPW	45.36493301	-122.6015396
NWP-2016-458-2_Athey Creek	121	FOOT	RPW	45.37218857	-122.7103195
NWP-2016-458-2_Tanner Creek	83	FOOT	RPW	45.35130692	-122.6302185
NWP-2016-458-2_McLoughlin Creek	448	FOOT	RPW	45.36351395	-122.6080933
NWP-2016-458-2_Stream 1	69	FOOT	RPW	45.36784363	-122.6934586
NWP-2016-458-2_Stream 2	41	FOOT	RPW	45.36707687	-122.6876221
NWP-2016-458-2_Stream 3	98	FOOT	NRPW	45.36375427	-122.6750259
NWP-2016-458-2_Stream 4	58	FOOT	NRPW	45.34849548	-122.6532593
NWP-2016-458-2_Stream 5	138	FOOT	NRPW	45.35834503	-122.6673508
NWP-2016-458-2_Stream 6	43	FOOT	NRPW	45.36115646	-122.6677628
NWP-2016-458-2_Stream 7	119	FOOT	NRPW	45.35720444	-122.6644516
NWP-2016-458-2_Stream 9	2208	FOOT	NRPW	45.34718323	-122.6536942
NWP-2016-458-2_Stream 10	43	FOOT	NRPW	45.37166214	-122.7081451
NWP-2016-458-2_Stream 11	5117	FOOT	NRPW	45.35359192	-122.6618881
NWP-2016-458-2_Stream 12	250	FOOT	RPW	45.350249	-122.634072
NWP-2016-458-2_Stream 13	100	FOOT	RPW	45.372865	-122.727474
NWP-2016-458-2_Ditch 1	198	FOOT	ISOLATE	45.37159729	-122.7130966
NWP-2016-458-2_Ditch 2	4056	FOOT	ISOLATE	45.37286377	-122.7170868
NWP-2016-458-2_Ditch 2b	30	FOOT	ISOLATE	45.37285233	-122.7176285
NWP-2016-458-2_Ditch 3	13	FOOT	RPW	45.36985779	-122.70858
NWP-2016-458-2_Ditch 4	181	FOOT	NRPW	45.36325073	-122.6735229
NWP-2016-458-2_Ditch 5	228	FOOT	ISOLATE	45.36874008	-122.7043457
NWP-2016-458-2_Ditch 6	278	FOOT	ISOLATE	45.36585236	-122.6806793
NWP-2016-458-2_Ditch 7	21	FOOT	ISOLATE	45.36110687	-122.6701584
NWP-2016-458-2_Ditch 8	876	FOOT	ISOLATE	45.36803055	-122.6976318
NWP-2016-458-2_Ditch 10	1378	FOOT	ISOLATE	45.35934067	-122.6156006
NWP-2016-458-2_Ditch 11	156	FOOT	ISOLATE	45.35982895	-122.6689148
NWP-2016-458-2_Ditch 12	147	FOOT	NRPW	45.34905243	-122.6553574
NWP-2016-458-2_Ditch 14	974	FOOT	ISOLATE	45.34898376	-122.6420517
NWP-2016-458-2_Ditch 15	148	FOOT	ISOLATE	45.36874771	-122.594696
NWP-2016-458-2_Ditch 17	56	FOOT	ISOLATE	45.36658478	-122.6808243
NWP-2016-458-2_Ditch 18	19	FOOT	ISOLATE	45.37366486	-122.7209549
NWP-2016-458-2_Ditch 19	113	FOOT	NRPW	45.37360382	-122.7272568
NWP-2016-458-2_Ditch 20	333	FOOT	ISOLATE	45.35247803	-122.6608505
NWP-2016-458-2_Ditch to Athey Creek	416	FOOT	NRPW	45.37108231	-122.7113495