



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): 13-JUL-2020

ORM Number: NWP-2020-00237

Associated JDs: N/A

Review Area Location¹:

State/Territory: OR City: Gresham County/Parish/Borough: Multnomah County

Center Coordinates of Review Area: Latitude 45.469279 Longitude -122.470874

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 |
|-----------------------|-------------|--|--|
| NWP-2020-237 Stream A | 0.08 acres | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Flow connects downstream through Wetlands A, B, and C to Kelly Creek, Johnson Creek, then the Willamette River. Intermittent stream with ordinary high water mark. There is a culvert located in stream A as shown on Enclosure 1. |

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 |

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 and flow of 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 independent 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.

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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Adjacent wetlands ((a)(4) waters):

| (a)(4) Name | (a)(4) Size | (a)(4) Criteria | Rationale for (a)(4) Determination |
|---------------------------|--------------------|--|---|
| NWP-2020-237 Wetland A | 0.1 acres | (a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year | Flow connects downstream to Kelly Creek, Johnson Creek, then the Willamette River. The ordinary high water mark dissipates upstream of this wetland. The water from Stream A runs into this wetland, making it adjacent to Stream A. The water flows under a culvert under the road to connect to downstream waters. |
| NWP-2020-237 Wetland B | 0.09 acres | (a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year | Flow connects downstream through Wetlands A to Kelly Creek, Johnson Creek, then the Willamette River. The ordinary high water mark dissipates upstream of this wetland and water flows through this wetland through Wetlands A, a culvert, then Wetlands B, and C, prior to exiting the site. There is an existing culvert between the southeast end of Wetland C and the northeast end of Wetland B as shown in Enclosure 1. |
| NWP-2020-237 Wetland C | 0.02 acres | (a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year | Flow connects downstream through Wetlands A and B to Kelly Creek, Johnson Creek, then the Willamette River. The ordinary high water mark dissipates upstream of this wetland. Stream A is directly adjacent to this wetland and water flows through this wetland in a typical year. There is an existing culvert between the southeast end of Wetland C and the northeast end of Wetland B as shown in Enclosure 1. |
| NWP-2020-237 Wetland D | 0.06 acres | (a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year | Flows through offsite ditch to Kelly Creek, Johnson Creek, then the Willamette River. Flow goes under a culvert in the road to connect to downstream waters. Water flows from the wetland during a typical year connecting to the offsite ditch. |

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

| Exclusion Name | Exclusion Size | Exclusion⁵ | Rationale for Exclusion Determination |
|---------------------------|-----------------------|--|--|
| NWP-2020-237 Pond A | 0.32 acres | (b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6) | Excavated from uplands for the purpose of storing water for irrigation support. The pond is lined and receives water from on-site wells to store water for irrigation. |
| NWP-2020-237 Pond B | 0.58 acres | (b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6) | Excavated from uplands for the purpose of storing water for irrigation support. The pond is lined and receives water from on-site wells to store water for irrigation. |
| NWP-2020-237 Wetland E | 0.006 acres | (b)(7) Artificially irrigated area, including fields flooded for agricultural production, that would revert to upland should application of irrigation water to that area cease | Formed as a result of leakage from a pump for the nearby pond. |

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| | | | |
|---------------------------|------------|-----------------------------|---|
| NWP-2020-237 Wetland F | 0.19 acres | (b)(1) Non-adjacent wetland | Does not hydrologically connect to nearby wetlands or waters in a typical year. Created in uplands for agricultural drainage. |
| NWP-2020-237 Wetland G | 0.01 acres | (b)(1) Non-adjacent wetland | Does not hydrologically connect to nearby wetlands or waters in a typical year. |

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: *Wetland Delineation Sunset Village at Pleasant Valley Project Gresham Oregon. Dated May 19, 2020.*
This information is sufficient for purposes of this AJD.

Rationale: *N/A*

Data sheets prepared by the Corps: *Wetland Delineation Sunset Village at Pleasant Valley Project Gresham Oregon. Dated May 19, 2020.*

Photographs: aerial and onsite - *Wetland Delineation Sunset Village at Pleasant Valley Project Gresham Oregon. Dated May 19, 2020.*

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: *Wetland Delineation Sunset Village at Pleasant Valley Project Gresham Oregon. Dated May 19, 2020.*

USFWS NWI maps: *Wetland Delineation Sunset Village at Pleasant Valley Project Gresham Oregon. Dated May 19, 2020.*

USGS topographic maps: *Wetland Delineation Sunset Village at Pleasant Valley Project Gresham Oregon. Dated May 19, 2020.*

Other data sources used to aid in this determination:

| Data Source (select) | Name and/or date and other relevant information |
|----------------------------|--|
| USGS Sources | N/A. |
| USDA Sources | N/A. |
| NOAA Sources | N/A. |
| USACE Sources | APT tool. |
| State/Local/Tribal Sources | N/A. |
| Other Sources | Additional information provided by the consultant on 2020907 |

B. Typical year assessment(s): Site observations for 2016 were conducted in a time period considered wetter than normal for a typical year. Site observations for 2020 were conducted in a time period considered normal for a typical year. This is based on wetland delineation report precipitation data and analysis section and use of Corps APT tool.

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- C. **Additional comments to support AJD:** Site is an old nursery. Ponds were constructed between 1960 and 1970. Full use of the site for nursery operations appears to have been discontinued around 1996.

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