



**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): 7/14/2020
 ORM Number: NWP-2019-459-1
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Oregon City: Umatilla County/Parish/Borough: Umatilla
 Center Coordinates of Review Area: Latitude 45.903723 Longitude -119.307343

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	
Umatilla Drain	41	linear feet	(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 conditions of (c)(1).	The Umatilla Drain from the review area flows to the northwest and enters a pipe which flows to the Umatilla River. The drain originates east of US 395, approximately 1.7 miles east of the study area where it connects with S Canal irrigation canal. The Bureau of Reclamation record dated January 2013 states that “good progress was made on the excavation of the Umatilla Drain under contract”. This puts the construction of the drain in 1913. Based on historical aerials, topographic maps, plat map, and the Bureau of Reclamation Record all indicate that the Umatilla Drain was not a relocated tributary and was constructed in uplands or non-jurisdictional features.
Ditch 1	55	linear feet	(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 conditions of (c)(1).	The ditch was constructed to convey roadside runoff to the Umatilla Drain. Based on historical data the ditch is not a relocated tributary and was constructed in uplands or non-jurisdictional features.
Wetland 1	0.016	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 is a palustrine emergent wetland. Hydrologic inputs to the wetland includes roadside runoff and ground water. The wetland appears to extend outside the review area to the Northwest. There are no a(1)-(3) waters within the review area or within the vicinity of the review area. The wetland does not meet one of the four parameters to be considered an adjacent wetland.
Wetland 2	0.058	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2 is a palustrine emergent wetland. Hydrologic inputs to the wetland includes roadside runoff and ground water. The wetland abuts the Umatilla Drain. The wetland appears to extend outside the review area to the West. There are no a(1)-(3) waters within the review area or within the vicinity of the review area. The wetland does not meet one of the four

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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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			parameters to be considered an adjacent wetland.
Wetland 3	0.009	acre(s)	(b)(1) Non-adjacent wetland. Wetland 3 is a palustrine emergent wetland. Hydrologic inputs to the wetland includes roadside runoff, runoff from surrounding development and ground water. The wetland abuts the Umatilla Drain. The wetland appears to extend outside the review area to the West. There are no a(1)-(3) waters within the review area or within the vicinity of the review area. The wetland does not meet one of the four parameters to be considered an adjacent wetland.
Wetland 4	0.02	acre(s)	(b)(1) Non-adjacent wetland. Wetland 4 is a palustrine emergent wetland. Hydrologic inputs to the wetland includes roadside runoff, runoff from surrounding development and ground water. The wetland appears to extend outside the review area to the South. There are no a(1)-(3) waters within the review area or within the vicinity of the review area. The wetland does not meet one of the four parameters to be considered an adjacent wetland.

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: [Delineation of Waters of the U.S for the Lind Road Widening Project dated October 2019.](#)

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

Rationale: [The delineation did not provide the historical context of the Umatilla Drain.](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Aerial: Google Earth June 25, 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: [Title\(s\) and/or date\(s\).](#)

USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)

USGS topographic maps: [Historic Aerials June 25, 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.



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Data Source (select)	Name and/or date and other relevant information
USACE Sources	eGIS
State/Local/Tribal Sources	N/A.
Other Sources	Bureau of Reclamation Record dated January 2013
Other Sources	Bureau of Reclamation Record dated February 2013
Other Sources	1861 Plat map
Other Sources	1908 topographic map

B. Typical year assessment(s): [N/A](#)

C. Additional comments to support AJD: [N/A](#) or provide additional discussion as appropriate.