



**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): 8/4/2020  
 ORM Number: NWP-2017-00203  
 Associated JDs: PJD, NWP-2017-203, 4 September 2019  
 Review Area Location<sup>1</sup>: State/Territory: Oregon City: Eugene County/Parish/Borough: Lane  
 Center Coordinates of Review Area: Latitude 44.106909 Longitude -123.167246

**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
- 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)<sup>2</sup>**

§ 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): <sup>3</sup>			
(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.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
NWP-2017-203, Former Log Pond	18.12	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	<p>The Corps has determined the former long pond is an excluded (b)(1) feature. Does not meet the definition of an (a)(1) water. There is no outflow from the pond which would contribute surface flow to a (a)(1) water in a typical year. Nor does it contribute flow to an (a)(2), (a)(3), or (a)(4) water either directly or indirectly. Additionally the pond does not receive flood waters from any (a)(1) (a)(2), or (a)(3) in a typical year.</p> <p>Although there are tributaries near the pond, approximately 85 feet to the east and 123 feet to the west at the nearest points, there are no pipes or culverts which allow for water to flow out of the pond. The log pond is surrounded by a berm constructed from the earth excavated to construct the pond, in approximately the early 1950's. The berm surrounding the pond is 4-6 feet high with an approximately 25-foot wide road constructed on top of the berm, blocking floodwater flows from entering the site.</p>
NWP-2017-203, Pond Fringe Wetland	1.66	acre(s)	(b)(1) Non-adjacent wetland.	<p>The Corps has determined the fringe wetlands along the former long pond are an excluded (b)(1) feature. The narrow vegetated palustrine emergent wetlands are along many areas of the inside edge of the berm and are abutting the former log pond. Because the pond is not a jurisdictional water, the wetland would also be excluded because it is not adjacent to a jurisdictional water. The wetland is not adjacent to any (a)(1)-(a)(3) water and is not inundated by such water during a typical year.</p>

**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: [Included in the Wetland Delineation prepared by GeoResources, LLC., provided on 14 August 2019](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

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

<sup>4</sup> 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.

<sup>5</sup> 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.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

- Photographs: [Aerial and Other: Aerial Figures 5 a – k, 1936 aerial provided by consultant on 03 August 2018, and Photos 1 – 18 from the Wetland Delineation](#)
- Corps site visit(s) conducted on: [Date\(s\)](#).
- Previous Jurisdictional Determinations (AJDs or PJDs): [PJD, NWP-2017-203, 4 September 2019](#)
- Antecedent Precipitation Tool: [\*provide detailed discussion in Section III.B.\*](#)
- USDA NRCS Soil Survey: [NRCS Web Soil Survey mapping site, accessed 28 July 2020](#)
- USFWS NWI maps: [USFWS NWI mapping site, accessed 28 July 2020](#)
- USGS topographic maps: [Topo maps from 1910, 1969, 2013](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">USGS Topo maps listed above in section III.A.</a>
<a href="#">USDA Sources</a>	<a href="#">USDA Soil maps listed above in section III.A.</a>
<a href="#">NOAA Sources</a>	N/A.
<a href="#">USACE Sources</a>	<a href="#">USACE eGIS Mapping accessed 28 July 2020</a>
<a href="#">State/Local/Tribal Sources</a>	N/A.
<a href="#">Other Sources</a>	<a href="#">Numerous aerial imagery resources: Google Earth Pro (1994, 2000, 2003, 2005, 2006, 2011, 2012, 2014, 2016, 2017, 2018, and 2019) and Digital Globe 2018 and 2020, accessed 28 July 2020.</a>

**B. Typical year assessment(s):** For November 2011 Google aerial imagery along with the Corps Antecedent Precipitation Tool (APT) indicate a dryer than normal year. Aerial imagery from Digital Globe for January 2020 and the APT also indicates a dryer than normal year; however, those dates are within the wet season for this region. Observations during the wetland delineation site visit by the consultant on 26 March 2015 were considered normal for a typical year and precipitation was within the 30th to 70th percentile.

Summary: Though APT data reflected dryer than normal conditions, there is no evidence showing surface water connection from the pond and its wetlands to waters outside the study area. Based on multiple years of aerial imagery, climatic conditions do not show any surface water or flooding connection into or out of the pond.

**C. Additional comments to support AJD:** The wetlands on-site are physically and hydrologically isolated from all surrounding surface waters. The wetlands on-site do not maintain a hydrologic surface connection with downstream surface waters nor are flooded in a typical year by surrounding surface waters.

Though the NRCS soils map shows a tributary which appears to flow into the log pond, this tributary was relocated when the pond was constructed and now exists to the east of the pond on the other side of the berm and is outside of this study area.