



**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): 8/6/2020

ORM Number: NWP-2020-236

Associated JDs: N/A

Review Area Location¹: State/Territory: Oregon City: Wilsonville County/Parish/Borough: Clackamas

Center Coordinates of Review Area: Latitude 45.3246 Longitude -122.7671

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)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
Wetland A	0.01	acre(s)	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	<p>Wetland A is a palustrine emergent wetland located within the study area. The surface water connection between Wetland A and a(1)-a(3) waters downstream, outside of the study area, is severed whereby the surface water disappears underground. The Corps was unable to identify where surface waters may connect to a downstream tributary outside of the study area. As such, the surface water channel does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year. Wetland A qualifies for an exclusion pursuant to (b)(1).</p> <p>The requestor utilized the U.S. Army Corps of Engineers 1987 wetland delineation manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region to delineate the boundaries of Wetland A within the study area.</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: Pacific Habitat Services, Inc. Wetland Delineation for the Parkway Woods Development site in Wilsonville, Oregon / PHS #69402020, 2020; Tektronix, Inc. Wilsonville Phase I Grading Plan, 1975

This information is sufficient for purposes of this AJD.

Rationale: The included site photos, vegetation and soil surveys, and site plans provide sufficient documentation to assess Wetland A under the Navigable Waters Protection Rule.

- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Aerial: Google Earth, 1994, 2000, 2003, 2005, 2014, 2017, 2019
- Corps site visit(s) conducted on: 31 July 2020
- 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: Title(s) and/or date(s).

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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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	Portland District eGIS Information Portal, http://egis.nwp.usace.army.mil/
State/Local/Tribal Sources	City of Wilsonville Local Wetlands Inventory, 1999
Other Sources	N/A.

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

C. Additional comments to support AJD: The review area is located at the Parkway Woods Business Park, 26600 Southwest Parkway Avenue, Wilsonville, Oregon. The review area is directly to the south of a large commercial building slated for redevelopment. The review area includes one aquatic feature, Wetland A, a linear 0.01 acre palustrine-emergent wetland fed by a culvert that originates from under the building and sidewalk to the north as well as stormwater runoff and overland flow.

The Corps conducted a site visit on 31 July 2020 and investigated Wetland A within the review area as well as potential surface water connections to downstream a(1)-a(3) waters outside of the review area. A culvert under SW Xerox Drive at the southern end of Wetland A provides a downstream path for surface water flows from the review area into a linear channel through the wooded area to the south. This linear channel appears to be periodically maintained as a drainage ditch and is culverted again under a small walking path. The channel continues south until it terminates at a topographic rise consisting of a vegetated mound. Surface flow appears to dissipate underground as it is directed around this mound. The linear channel splits into two smaller channels that quickly dissipate and become indistinguishable as surface water features. The surface water connection between Wetland A and a(1)-a(3) waters downstream is therefore severed whereby the surface stream channels disappear underground and never reconnect with the downstream tributary system other than possibly as groundwater.

A culvert to the south of the wooded area is located under a parking lot that was constructed in 2000 and was presumably intended to provide drainage from the wooded area into stormwater systems to the south. However, there is no continuous surface water connection from Wetland A to this culvert.