



**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): 8/18/2020  
 ORM Number: NWP-2020-194  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: Oregon City: Halsey County/Parish/Borough: Linn  
 Center Coordinates of Review Area: Latitude 44.3888 Longitude -123.1551

**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)<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
Wetland B	2.15	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.
			This PEM wetland continues outside of the study area as part of a larger wetland complex that abuts Muddy Creek which is a tributary to the Willamette

<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.



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Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
			River, a navigable waterway. It is a seasonally flooded farmed wetland. The wetland complex offsite is a swale that turns into a tributary with defined bank and OHWM east of the study area.
Wetland C	0.53	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water. This PSS wetland continues outside of the study area as part of a larger wetland complex that abuts Muddy Creek, which is a tributary to the Willamette River, a navigable waterway. It is a narrow, seasonally inundated swale. The wetland complex offsite is a swale that turns into a tributary with defined bank and OHWM east of the study area.
Wetland G	1.34	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water. This PEM/PFO wetland continues outside of the study area as part of a larger wetland complex that abuts Muddy Creek, which is a tributary to the Willamette River, a navigable waterway. It is a seasonally flooded, farmed wetland. The wetland complex offsite is a swale that turns into a tributary with defined bank and OHWM east of the study area.

**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
Wetland A	0.66	acre(s)	(b)(1) Non-adjacent wetland. This PEM/PSS wetland does not abut an (a)(1)-(3) water, is not physically separated from these waters by a natural or artificial feature, and is not inundated by flooding from these waters. Therefore, it is a non-adjacent wetland and not a water of the U.S.
Wetland D	0.99	acre(s)	(b)(1) Non-adjacent wetland. This PFO wetland does not abut an (a)(1)-(3) water, is not physically separated from these waters by a natural or artificial feature, and is not inundated by flooding from these waters. Therefore, it is a non-adjacent wetland and not a water of the U.S.
Wetland E	0.36	acre(s)	(b)(1) Non-adjacent wetland. This PEM wetland does not abut an (a)(1)-(3) water, is not physically separated from these waters by a natural or artificial feature, and is not inundated by flooding from these waters. Therefore, it is a non-adjacent wetland and not a water of the U.S.
Wetland F	0.31	acre(s)	(b)(1) Non-adjacent wetland. This PSS wetland does not abut an (a)(1)-(3) water, is not physically separated from these

<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.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			waters by a natural or artificial feature, and is not inundated by flooding from these waters. Therefore, it is a non-adjacent wetland and not a water of the U.S.
Wetland H	0.01	acre(s)	(b)(1) Non-adjacent wetland. This PEM wetland does not abut an (a)(1)-(3) water, is not physically separated from these waters by a natural or artificial feature, and is not inundated by flooding from these waters. Therefore, it is a non-adjacent wetland and not a water of the U.S. This wetland is separated from Wetland I by a short culvert. The wetland extends offsite but terminates at a sump about 50-70 feet south of the study area, where the water is pumped to the mill's onsite stormwater treatment facility.
Wetland I	0.07	acre(s)	(b)(1) Non-adjacent wetland. This PEM wetland does not abut an (a)(1)-(3) water, is not physically separated from these waters by a natural or artificial feature, and is not inundated by flooding from these waters. Therefore, it is a non-adjacent wetland and not a water of the U.S. This wetland is separated from Wetland H by a short culvert.
Wetland J	0.01	acre(s)	(b)(1) Non-adjacent wetland. This PEM wetland does not abut an (a)(1)-(3) water, is not physically separated from these waters by a natural or artificial feature, and is not inundated by flooding from these waters. Therefore, it is a non-adjacent wetland and not a water of the U.S. This wetland is an isolated depression, 25 feet west of Wetland I and 8 feet higher in elevation.

**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 for the Cascade Pacific Pulp Aeration Pond Project, Halsey, Oregon" prepared by Pacific Habitat Services, Inc. dated January 6, 2020

This information is sufficient for purposes of this AJD.

Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency).*

- Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- Photographs: *Select. Title(s) and/or date(s).*
- 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).*



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- USFWS NWI maps: [Provided by applicant and in administrative record](#)
- USGS topographic maps: [Title\(s\) and/or date\(s\)](#).

**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="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

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

**C. Additional comments to support AJD:** [The requestor/delineator utilized the methods described in the above referenced Wetland Delineation report to define the boundaries of waters.](#)

[The ponds offsite to the west of the study area would be considered non-jurisdictional, as they are not impoundments of jurisdictional waters, do not directly or indirectly contribute surface water flow to a navigable waterway, and are not inundated by flooding from an \(a\)\(1\)-\(3\) water. They have been in place since at least 1994 and likely were excavated from non-jurisdictional wetlands \(non-adjacent excluded wetlands\). They would be considered a \(b\)\(1\) exclusion but were not part of the study area and therefore were not included in the AJD.](#)