



**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): 8/19/2020
 ORM Number: NWP-2020-308
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Oregon City: Albany County/Parish/Borough: Linn
 Center Coordinates of Review Area: Latitude 44.62231 Longitude -123.06926

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	0.07	acre(s)	(b)(1) Non-adjacent wetland.	<p>The review area does not contain any a(1) through a(3) waters. Wetland A contains a remnant linear ditch feature that no longer sustains a surface water connection to downstream surface waters. A culvert is located along the northern boundary of the review area; however, Wetland A does not possess a hydrologic surface water connection to this culvert or contribute surface water downstream. Per the Navigable Waters Protection Rule a ditch cannot render an otherwise isolated wetland an “adjacent wetland.” Historic aerial photos taken at various times of year from 2002 to present do not indicate surface water present in Wetland A and there is no evidence of water flow from Wetland A to the culvert. Wetland A does not abut an a(1) through a(3) water and is not inundated by flooding from an (a)(1) through (a)(3) water in a typical year.</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 wetland boundaries within the study area.</p>
Wetland B	0.02	acre(s)	(b)(1) Non-adjacent wetland.	Wetland B is located in the center of the study area. Wetland B does not abut an a(1) through a(3) water and is not inundated by flooding from an (a)(1) through (a)(3) water in a typical year.
Wetland C	0.04	acre(s)	(b)(1) Non-adjacent wetland.	Wetland C is located in the southern portion of the study area. Wetland C does not abut an a(1) through a(3) water and is not inundated by flooding from an (a)(1) through (a)(3) water 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.

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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- Information submitted by, or on behalf of, the applicant/consultant: [Wetland Delineation for the Fryckman Property, 21st Street SE, Albany, Oregon. Pacific Habitat Services, December 10, 2018.](#)
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 the review area under the Navigable Waters Protection Rule.](#)
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial: Google Earth, 1994, 2002, 2010, 2012, 2014, 2016, 2018.](#)
- 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: [National Wetlands Inventory, https://www.fws.gov/wetlands/data/mapper.html, 2020](#)
- USGS topographic maps: [Tangent, OR 1:24k](#)

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	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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

C. Additional comments to support AJD: [The review area is 4.25 acres located north of 21st Avenue SE in Albany, Oregon and contains Tax Lots 1800, 1900, and 2000 \(Section 8, Township 11 South, Range 3 West\). The review area is surrounded by single-family residential development. The site is mostly flat with a slight slope downslope to the north. A culvert is located at the northern boundary of the review area that was found to be clogged during the 2018 wetland delineation.](#)

[There are no Waters of the U.S. present in the review area. Three isolated wetlands are present that do not abut Waters of the U.S. and are not inundated by flooding from an a\(1\) through a\(3\) water in a typical year.](#)