



**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): 9/10/2020  
 ORM Number: NWP-2019-50-1  
 Associated JDs: Previous AJD completed under the 2015 Clean Water Rule dated 18 April 2019  
 Review Area Location<sup>1</sup>: State/Territory: Oregon City: Beaverton County/Parish/Borough: Washington  
 Center Coordinates of Review Area: Latitude 45.512477 Longitude -122.895128

**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
Drainage B	0.03 acre(s)	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Drainage B flows along the eastern property boundary. It originates onsite and continues offsite. The drainage contributes flow indirectly to an (a)(1) water in a typical year. The drainage flows to Beaverton Creek, then to Rock Creek, and then to the Tualatin River, a navigable waterway according to the 1993 Navigable Waterway List. It has a defined bed and bank and an ordinary high water mark. It has perennial flow, which was observed at the site visit by the consultant.

<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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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.	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.	N/A.

**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
PEM Wetland	0.03	acre(s)	(b)(1) Non-adjacent wetland.	This palustrine emergent (PEM) wetland is an isolated depression in the southwest corner of the study area. It is not an adjacent wetland. It does not abut an (a)(1)-(3) water, it is physically isolated from any (a)(1)-(3) water and is not inundated by an (a)(1)-(3) water in a typical year.
Drainage A	0.02	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This drainage has ephemeral flow in a typical year. It flows southwest to northeast across the middle of the site. It originates onsite and flows offsite to the northeast. It does not have a well defined bed and bank and does not have an ordinary high water mark. It does not have any wetland characteristics. It would not be considered a tributary. It is excluded as an ephemeral feature. It eventually converges offsite with Drainage B northeast of the Brackenwood Lane and SW 211th Ave intersection. The consultant did not observe any surface water during the site visit. However, the drainage bed was saturated in parts of the channel north of the driveway.

**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: "Jurisdictional Wetland Determination and Delineation of the Phillis Subdivision" prepared by DRG Services dated 9 March 2017  
This information **Select.** 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: **Aerial and Other: included in the report**
- Corps site visit(s) conducted on: **8 April 2019**

<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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- Previous Jurisdictional Determinations (AJDs or PJDs): [NWP-2019-50 dated 18 April 2019](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\).](#)
- USFWS NWI maps: [included in report](#)
- USGS topographic maps: [included in report](#)

**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):** [The consultant visited the site on 25 May 2016 and collected data for the delineation and assessment. The APT showed this date of 25 May 2016 was within the range of normal conditions for precipitation. Therefore, the Corps concludes the data collected represents a typical year for the purposes of this assessment.](#)

**C. Additional comments to support AJD:** [An unpaved driveway begins near the corner of SW Brackenwood Lane and SW 211th Ave close to the northeast property corner. The driveway curves to the southwest, passing a single-family dwelling in the southeast corner of the property, a house in the middle of the lot, and several outbuildings. Topographically most of the site gently slopes to the north with the exception of the steeply banked sections of two onsite drainage channels. One drainage flows from the southeast corner of the site, north to a culvert that lies under Brackenwood Lane. The second drainage originates in the southern portion of the site, northeast of the end of SW 213th Ave, and flows north to a culvert extending beneath the unpaved driveway. Stormwater runoff outflows from the north end of the culvert and flows north-northeast and offsite.](#)

[Methodology used to delineate the wetland included using the Corps of Engineers Wetlands Delineation Manual \(1987\) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region Version 2.0.](#)