



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): 9/22/2020  
ORM Number: NWP-2020-00318  
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)  
Review Area Location<sup>1</sup>:  
State/Territory: OR City: Lebanon County/Parish/Borough: Linn County  
Center Coordinates of Review Area: Latitude 44.5232 Longitude -122.925

**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
N/A	N/A	N/A	N/A

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<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 independent 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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<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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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

<b>Exclusion Name</b>	<b>Exclusion Size</b>	<b>Exclusion<sup>5</sup></b>	<b>Rationale for Exclusion Determination</b>
Wetland A	1.7 acres	(b)(1) Non-adjacent wetland	The review area does not contain any a(1) through a(3) waters. Wetland A is a non-adjacent Palustrine forested seasonally flooded wetland. 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. A ditch system directly to the east and north of the review area (but offsite) was constructed beginning sometime between 1947 and 1949. Artificial ditches and stormwater systems currently drain the area. Per the Navigable Waters Protection Rule a ditch cannot render an otherwise isolated wetland an “adjacent wetland.”
Wetland B	0.7 acres	(b)(1) Non-adjacent wetland	Wetland B is a non-adjacent palustrine emergent and scrub-shrub wetland. 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	0.02 acres	(b)(1) Non-adjacent wetland	Wetland C is a non-adjacent palustrine emergent and scrub-shrub wetland. 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.

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**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 Tax Lot 902 in Lebanon, Oregon. Pacific Habitat Services, Inc., July 11, 2019.*

This information is sufficient for purposes of this AJD.

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: HistoricAerials.com 1947, 1949; Google Earth 1995 2000, 2003, 2006, 2010, 2017, 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: *Title(s) and/or date(s).*

\_\_\_ 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
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Portland District eGIS Information Portal, <a href="http://egis.nwp.usace.army.mil/">http://egis.nwp.usace.army.mil/</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 delineator used the U.S. Army Corps of Engineers 1987 Wetland Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region to determine the boundaries of the waters within the study area. The study area is Linn County tax lot 902, a 6.5-acre lot west of Stoltz Hill Road and south of Kees Street in southwest Lebanon, Oregon. The site is in close proximity to the Willamette Speedway and the Lebanon State Airport and was historically an agricultural field. A 1947 aerial photo shows no surface water channels in or near the study area at that time. A ditch was constructed immediately off-site between 1947 and 1949 and then moved in the late 1990's. The ditch feature is shown on National Wetlands Inventory mapping and runs parallel to the review area but off-site to the north. A residential subdivision with associated stormwater infrastructure was built directly to the north of the review area starting in 2000. The ditch feature and residential stormwater drains

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into Little Oak Creek, which is a tributary of Oak Creek, which is a tributary of the Calapooia River, which reaches the Willamette River at River Mile (RM) 119. The U.S. Army Corps of Engineers, Portland District recognizes the Willamette River as a navigable water to RM 183.2.

To be jurisdictional as an (a)(2) or an (a)(4) water, the ditch must have been constructed in a wetland that was an adjacent wetland (as defined by the NWPR) at the time the ditch was constructed. Historic aerial photos indicate that any wetlands the ditch may have been constructed in were not adjacent to a(1)-a(3) waters either at the time of construction in the 1940's or when it was moved in the 1990's.

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