



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): September 24, 2020  
ORM Number: NWP-2020-00246  
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: Tillamook County/Parish/Borough: Tillamook County  
Center Coordinates of Review Area: Latitude 45.5114 Longitude -123.8659

**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   |
|--------------------------|-------------|---|--|
| NWP-2020-246<br>Stream 1 | 0.04 acres  | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Approximately 0.04-acre of Stream 1, known as Doty Creek, is located along the northern review area boundary. Stream 1 is perennial, extending onto the site from the east through Wetland 3. Stream 1 Ordinary High Water Mark (OHWM) indicators include shelving, scour, and defined embankments. The reach within the review area is channelized with 2 to 3-foot embankments and a silty, gravelly substrate. Several feet of surface water was flowing at the time of the fieldwork on April 14, 2020. A narrow fringe of skunk cabbage (OBL) was present, within the defined OHWM. Stream 1 extended offsite to the north and west under |

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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.

<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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|                          |            |   |   |
|--------------------------|------------|---|---|
|                          |            |   | Vaughn Road. The stream has a Cowardin class of permanently flooded, lower perennial, riverine unconsolidated bottom (R2UBH) aquatic habitat.   |
| NWP-2020-246<br>Stream 2 | 0.04 acres | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Approximately 0.04-acre of Stream 2 is located along the southern margin of the review area. Stream 2 is perennial, extending west toward Vaughn Road from the Wetland 2 to the east. This drainage was identified as a canal according to the National Hydrography basemap (USGS, 2020). OHWM was based on top of bank, as the embankments were vertical, approximately 2-6 feet with a silty, gravelly substrate. Several feet of surface water was flowing at the time of the fieldwork on April 14, 2020. The embankments are dominated by a shrub layer of willow ( <i>Salix</i> sp.). Stream 2 is mapped as perennial seasonally flooded streambed (R3SBC) aquatic habitat. |

**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   |
|---------------------------|-------------|---|--|
| NWP-2020-246<br>Wetland 2 | 0.09 acres  | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Wetland 2 is approximately 0.09 acre wetland located at the southern review area boundary adjacent to Stream 2. The Wetland 2 western boundary is defined by the road slope for Vaughn Road. A road ditch with a driveway culvert extended downslope along Vaughn Road and terminated at Wetland 2. The ditch is defined as a vegetated swale that did not exhibit wetland or stream characteristics. Wetland 2 is part of the mowed lawn surrounding the house. Vegetation is a mix of grasses, dominated by common velvet grass (FAC). Adjacent to Stream 2 is a band of riparian vegetation consisting of willow ( <i>Salix</i> sp; FAC) shrubs. Soils met the Corps hydric soil field indicator of Redox Dark Surface (F6). Wetland hydrology was assumed to be sustained by runoff routed from the roadside ditch as well as geomorphic position, as the wetland is located in a sloped terrace adjacent to perennial Stream 2. This area is likely to accumulate flood water associated with the stream seasonally. The wetland is mapped as a slope/riverine HGM class with a Cowardin classification of palustrine emergent seasonally flooded/saturated (PEME). |
| NWP-2020-246<br>Wetland 3 | 0.69 acres  | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Wetland 3 is approximately 0.69 acre consisting of several wetland fingers reaching into the center of the review area. Wetland 3 extends offsite to the north and east. Portions of Wetland 3 near the center of the review area are dominated by mowed lawn grasses including tall fescue and meadow foxtail with forested   |

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|  |  |  |   |
|--|--|--|---|
|  |  |  | portions along the north including red alder (FAC) and Sitka Spruce (FAC) and a shrub canopy of twin flower (FAC), salmonberry (FAC), and rose (FAC). The majority of the offsite wetland was dominated by soft rush ( <i>Juncus effusus</i> ; FACW) and reed canary grass. Soils meet the redox dark surface or depleted matrix hydric soil indicators. Portion of Wetland 3 is assumed to be sustained by hydrology associated with the streams and offsite wetland. Offsite wetland areas east of the review area are saturated and inundated. Wetland 3 received runoff in the southern portion from the buildings. The wetland is assessed as a sloped HGM class with a Cowardin class of predominantly palustrine emergent seasonally saturated (PEMB). Adjacent upland vegetation is the same as Wetland 3, but soil and hydrology criteria were not met. The upland boundaries are defined by slight topographical changes. |
|--|--|--|---|

**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  |
|---------------------------|----------------|-----------------------------|--|
| NWP-2020-246<br>Wetland 1 | 0.01 acres     | (b)(1) Non-adjacent wetland | Wetland 1 is approximately 0.01 acre of shallow roadside depression adjacent to Vaughn Road. The lowest portion of the depression is dominated by reed canary grass ( <i>Phalaris arundinacea</i> ; FACW) and Himalayan blackberry ( <i>Rubus armeniacus</i> ; FAC). Further upslope is a mix of weedy grass species dominated by tall fescue (FAC) and meadow foxtail (FAC) which extend beyond the delineated wetland boundary. The entire area was mowed at the time of the fieldwork on April 14, 2020. Soils in the Wetland 1 met the Corps hydric soil field indicator of Depleted Matrix (F3). Hydrology is based on secondary indicators including the FAC-Neutral Test (D5) and the Geomorphic Position (D2). The area is a shallow depression with no outlet, that receives roadside runoff and accumulates seasonal precipitation. Wetland 1 is assessed as a depressional HGM class with a Cowardin classification of seasonally saturated palustrine emergent wetland (PEMB). Upland areas are topographically higher in elevation and contain similar vegetation, but did not meet soil or hydrology criteria. |

**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.

X  Information submitted by, or on behalf of, the applicant/consultant: *Jurisdictional Wetland Delineation Report for 7575 Vaughn Road, TL#100(portion) Tillamook, Oregon prepared by*

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*Schott & Associates, Inc. prepared for Micah and Briar Smith on May 2020 and the Vaughn Road AJD Request for Additional Information response prepared by Schott & Associates, Inc. on September 1, 2020.*

This information (is) sufficient for purposes of this AJD.

Rationale: *Additional details was requested regarding a roadside ditch habitat characteristics and upland indicators adjacent to wetland boundaries. Upon receiving the additional information was determined sufficient.*

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

Photographs: *(aerial and site photos from 1994 to 2017) See the Jurisdictional Wetland Delineation Report for 7575 Vaughn Road, TL#100(portion) Tillamook, Oregon prepared by Schott & Associates, Inc. on May 2020 and the Vaughn Road AJD Request for Additional Information response prepared by Schott & Associates, Inc. on September 1, 2020 for aerial and site photos.*

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: *NWP-2020-246 Soil Survey NRCS, <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>.*

USFWS NWI maps: *NWP-2020-246 dated August 1, 2020, <https://www.fws.gov/wetlands/>.*

USGS topographic maps: *OR Kilchis River, 1985 & 2020.*

**Other data sources used to aid in this determination:**

| Data Source (select)       | Name and/or date and other relevant information   |
|----------------------------|---|
| USGS Sources               | <a href="https://viewer.nationalmap.gov/basic/?basemap=b1&amp;category=histopo,ustopo&amp;title=MapView#productSearch">https://viewer.nationalmap.gov/basic/?basemap=b1&amp;category=histopo,ustopo&amp;title=MapView#productSearch</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):** The Corps ran a typical year analysis for the Review Area vicinity for April 14, 2020 (date wetland delineation was performed) utilizing the Corps' "Antecedent Precipitation Tool (APT)" (<https://github.com/jDeters-USACE/Antecedent-Precipitation-Tool/releases/tag/v1.0.13>). The APT is an automated tool that evaluates three climatological parameters at a given location to assist in the making and documenting of various determinations required by policy for the execution of USACE's Regulatory Program. The APT is one tool that the Corps may use to determine and document typical year conditions. The delineation for the site was performed during severe drought conditions according to the drought index (PDSI).

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**C. Additional comments to support AJD:** The review area is located in a rural residential area north of the urban center of Tillamook and south of Bay City. Alderbrook Golf Course directly abuts the property to the south. To the north and east is an undeveloped forested corridor associated with Doty Creek. The review area consisted of an irregular rectangular area at the southwestern edge of tax lot 100 along Vaughn Road. The review area was determined by including all potential areas of permanent disturbance for construction of a new residential home. The central portion of the review area contains an existing residential home, barn, and outbuildings. Surrounding the existing buildings, the review area is open mowed lawn with forested and shrub habitat along the northern and eastern margins. The northern and southern boundaries are constrained by the presence of two waterways; one to the south and one to the north. Site topography is flat. Vegetation on the site is dominated by mowed grasses and forbs including tall fescue (*Schedonorus arundinaceus*), common velvet grass (*Holcus lanatus*), meadow foxtail (*Alopecurus pratensis*), creeping buttercup (*Ranunculus repens*), and hairy cat's ear (*Hypochaeris radicata*). To the north, east, and extending along Stream 1 and 2 is forested with an overstory of red alder (*Alnus rubra*) and Sitka spruce (*Picea sitchensis*) and a mixed understory including twin flower (*Lonicera involucrata*), salmonberry (*Rubus spectabilis*), rose (*Rosa* sp), Himalayan blackberry (*Rubus armeniacus*) and trailing blackberry (*Rubus ursinus*). Groundcover species included sword fern (*Polystichum munitum*) and slough sedge (*Carex obnupta*). Skunk cabbage (*Lysichiton americanum*) is abundantly along the edges of Stream 1 and 2. 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 the waters and wetlands within the study area. Aerial photographs indicate that the surrounding and subject property conditions have remained relatively stable throughout that time. Directly south of the site, the adjacent property was historically forested between 2005 and 2011, but this offsite area has since been cleared and converted to a golf course. Precipitation observed in the months of January and February was above both the WETS average and normal range. Precipitation for March was below the WETS average and normal range. Precipitation for the water year (October 1, 2019-April 14, 2020) was 88% of average through the month of March according to these averages. Based on the average precipitation for the water year, precipitation was approximately average for the time of year the site was delineated. However, the APT provides a typical year conditions analysis, which indicates the delineation was conducted during severe drought for a typical year.

The roadside ditch near Wetland 2 and Stream 2 is a vegetated swale containing hydrophytic field grasses typical of a managed lawn and consistent with species present elsewhere onsite. Topographically, the feature slopes from the north to the south and carries roadside runoff associated with rain. The feature is not a prominent feature, less than a foot wide. No sample plots were taken within the ditch. The ditch does not exhibit wetland or stream characteristics and therefore is not an aquatic resource and was removed from the delineation. Wetland boundaries are clearly identified via change in vegetation and/or topography.

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