



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): 9/25/2020

ORM Number: NWP-2020-00338

Associated JDs: N/A

Review Area Location¹:

State/Territory: Oregon City: Portland County/Parish/Borough: Multnomah County

Center Coordinates of Review Area: Latitude 45.514825 Longitude -122.504211

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)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 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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland A	0.08 acre	(b)(1) Non-adjacent wetland	The review area does not contain any a(1) through a(3) waters. 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.
Wetland B	0.54 acre	(b)(1) Non-adjacent wetland	The review area does not contain any a(1) through a(3) waters. 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.

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 Assessment Technical Memorandum, Landau Associates, August 24, 2020. Parklane Park Existing and Historical Conditions/ PHS #4297, Pacific Habitat Services, September 29, 2008.*

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 1990, 2000, 2010, 2015, 2016, 2017, 2018, 2019*

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: *<https://www.fws.gov/wetlands/Data/Mapper.html>, accessed 9/23/2020.*

USGS topographic maps: *Mount Tabor 1:24k, 2016.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
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USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Portland District eGIS Information Portal, http://egis.nwp.usace.army.mil/
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 20 acres, located directly to the north of Parklane Park in Portland, Oregon. The requestor 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 survey for wetlands within the review area. The site is a former sand and gravel quarry that was closed and backfilled in the late 1990's. Prior to the construction of the quarry, the review area was the site of an airport until the 1940's. The surface of the site is comprised of highly compacted quarry backfill with very limited infiltration capacity. Berms were constructed during quarry operations to keep stormwater on-site in order to prevent street flooding. These conditions have led to seasonal ponding, and portions of the review area appear to meet the criteria for wetlands, including shallow hydric soils and a hydrophytic vegetation. These wetlands do not abut any a(1)-a(3) waters and are not inundated by flooding from an a(1)-a(3) water in a typical year. Historic aerial photos show that the quarry was not constructed in adjacent wetlands and there is no evidence of a hydrologic surface connection between wetlands in the review area and downstream waters.

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