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): 10/2/2020
ORM Number: NWP-2020-157
Associated JDs: N/A
Review Area Location[1]: State/Territory: Oregon City: Hillsboro County/Parish/Borough: Washington
Center Coordinates of Review Area: Latitude 45.5591000 Longitude -122.92944444

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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Drainage-01	0.58	acre(s)	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Drainage-01 is a deeply channelized intermittent stream, known as Waible Creek. The channel is approximately 12 feet wide at the ordinary high water mark and approximately 3-4 feet deep. The drainage is dominated by reed canary grass (Phalaris arundinacea) and cattail (Typha latifolia), with Himalayan blackberry growing on the banks. Approximately 6 inches to 1 foot of water was observed by the requestor during the site visit on 20 June 2016 in the channel. The Antecedent Precipitation Tool for this date indicates that

[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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
				conditions were normal during the dry season. Drainage-01 is identified on the National Hydrography Dataset. The requestor utilized field indicators to determine the boundaries of the ordinary high water mark of Drainage-01. Drainage-01 maintains a hydrologic surface water connection with the Willamette River. Drainage-01 connects to McKay Creek, McKay Creek connects to Dairy Creek, Dairy Creek connects to the Tualatin River, and the Tualatin River connects to the Willamette River between river miles 28 and 29. The Willamette River is recognized as an (a)(1) water and is a navigable water of the U.S. pursuant to the Corps 1993 list of Navigable Riverways within the State of Oregon. Since Drainage-01 contributes surface water flow directly or indirectly to an (a)(1) water in a typical year, Drainage-01 meets the criteria to be recognized as a water of the U.S. pursuant to (a)(2).

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
Wetland-03	0.30	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	Wetland-03 is a palustrine-emergent-persistent-seasonally saturated wetland adjacent to Drainage-01. Wetland-03 is within the mapped FEMA floodway of Drainage-01. A natural bank, less than 10 feet in width, separates Wetland-03 from Drainage-01. Elevation changes by 1-2 feet from Wetland-03 towards Drainage-01. The requestor utilized the methods described in 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 Wetland-03. Wetland-03 is separated from an (a)(2) water by a natural feature and therefore meets the criteria

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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
				recognized as a water of the U.S. pursuant to (a)(4).

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Wetland-01	0.09	acre(s)	(b)(1) Non-adjacent wetland.	Wetland-01 is a riverine-intermittent-streambed-organic, shallow seasonally flowing drainage. Wetland-01 is identified on the National Wetlands Inventory. The study area is not included within the boundaries of the Local Wetland Inventory for Hillsboro, Oregon. The requestor utilized the methods described in 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 Wetland-01. The 0.09 acre wetland does not meet the criteria of an (a)(4) water and is an excluded water (b)(1) under the Navigable Waters Protection Rule.
Wetland-02	0.08	acre(s)	(b)(1) Non-adjacent wetland.	Wetland-02 is a palustrine-forested-broad-leaf deciduous, seasonally saturated wetland. The wetland is geomorphically positioned in a depressional feature within a forested portion of the study area. The overstory near Wetland-02 is dominated by Oregon ash (Fraxinus latifolia) with an understory dominated by colonial bentgrass (Agrostis capillaris). The requestor utilized the methods described in 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 Wetland-02. The 0.08 acre wetland does not meet the criteria

[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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Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
				of an (a)(4) water and is an excluded water (b)(1) under the Navigable Waters Protection Rule.
Wetland-04	0.01	acre(s)	(b)(1) Non-adjacent wetland.	Wetland-04 is a riverine-intermittent-streambed-organic, shallow seasonally flowing drainage. The overstory is dominated by Oregon ash (Fraxinus latifolia) and Oregon white oak (Quercus garryana). The requestor utilized the methods described in 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 Wetland-04. The 0.01 acre wetland does not meet the criteria of an (a)(4) water and is an excluded water (b)(1) under the Navigable Waters Protection Rule.

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: QTS Hillsboro, Project Umbrella, Wetland Delination Report by Environmental Resources Management dated March 26, 2020. August 2020 Addendum to the March 2020 Wetland Delineation Report dated August 18, 2020.

This information is sufficient for purposes of this AJD.

Rationale: N/A

☐ Data sheets prepared by the Corps: N/A

☒ Photographs: Aerial and Other: Historic aerial imagery, current Google Earth imagery, and ground level photographs submitted by the requestor in the March 2020 report and August 2020 report.

☐ Corps site visit(s) conducted on: N/A

☐ Previous Jurisdictional Determinations (AJDs or PJDs): N/A

☒ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B*.

☒ USDA NRCS Soil Survey: Submitted by the requestor in the March 2020 report.

☒ USFWS NWI maps: Submitted by the requestor in the March 2020 report.

☐ USGS topographic maps: N/A

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Stream Stats review, last accessed on 17 September 2020.
USDA Sources	N/A
NOAA Sources	N/A.

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Data Source (select)	Name and/or date and other relevant information
USACE Sources	USACE eGIS review, last accessed on 18 September 2020.
State/Local/Tribal Sources	Oregon Department of State Lands Statewide Wetlands Inventory review, last accessed on 17 September 2020.
Other Sources	N/A.

B. Typical year assessment(s): The Corps utilized the Antecedent Precipitation Tool (APT) to evaluate the study area via a single point method for a distinct time period as discussed in the jurisdictional determination form and below. The APT was generated for the date that correlates with field work conducted by the requestor. The APT analysis determines if the date-specific observation falls within the normal periodic range for the geographic area based on a rolling thirty-year period. A single point method using the latitude and longitude coordinates identified in Section (1) above were utilized because the single point method adequately represents the data sources available via the APT to conduct an analysis of climatic conditions within the study area.

1) June 20, 2016: Date of the field work conducted by the requestor as indicated on field data sheets. The APT indicated the date was during the dry season with normal conditions.

C. Additional comments to support AJD: N/A