



**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): 10/7/2020  
 ORM Number: NWP-2020-334  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: Oregon City: Philomath County/Parish/Borough: Benton County  
 Center Coordinates of Review Area: Latitude 44.5466° N, Longitude 123.3708° W

**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
  - 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.

<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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**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-2020-334 Drainage	0.02	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This drainage feature provides ephemeral flows to a stormwater collection system located southeast and outside of the study area. The drainage feature and the stormwater collection system is not identified on any maps as a tributary. The area surrounding the delineated drainage is encompassed with roadways, residential, and commercial development. Offsite culverts convey the flows to the southeast. No (a)(1)-(a)(3) water of the U.S. is within the review area and the drainage is not flooded by an (a)(1)-(a)(3) water in a typical year. The GIS map and the National Hydrography Dataset map of the location does not show an intermittent or perennial tributary flowing through the study area location. No defined channel or waters were observed on aerial photographs to reflect the drainage maintains a hydrologic surface water connection with a relatively permanent waterway downstream and outside of the study area. The drainage may have been constructed within a wetland, however the wetland would be recognized a non-jurisdictional (b)(1) water per the Navigable Waters Protection Rule (NWPR) for the same reasons the Wetland below is also recognized as a non-jurisdictional (b)(1) water per the NWPR.
NWP-2020-334 Wetland	0.69	acre(s)	(b)(1) Non-adjacent wetland.	This delineated wetland is surrounded by roadways, residential, and commercial development. There are no signs of directional flow from the wetland to off-site locations. No (a)(1)-(a)(3) water of the U.S. is located within the review area and the wetland is not flooded by an (a)(1)-(a)(3) water in a typical year. The GIS map and the National Hydrography Dataset map of the location does not show any intermittent or perennial tributary flowing through the study area location. No defined channel or waters were observed on aerial photographs to reflect the wetland maintains a hydrologic surface water connection with a relatively

<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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			permanent waterway downstream or outside of the study area.

**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 Report for Tax Lot 4100 Philomath, Benton County dated September 9, 2019.](#)

This information is sufficient for purposes of this AJD.

Rationale: [The delineator completed a wetland delineation which followed 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 review area.](#)

- Data sheets prepared by the Corps: [N/A](#)
- Photographs: [Aerial and Other: Google Earth 2018 and Delineation site Photos 21 August 2019.](#)
- 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: [Soil Survey Map 2019.](#)
- USFWS NWI maps: [USFWS Maps, LWI Philomath Maps.](#)
- USGS topographic maps: [1:24K Corvallis.](#)

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

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS 8, 10, 12 digit HUC maps</a>	<a href="#">HUC #170900030205</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 Corps ran the antecedent precipitation tool for the timing of when field data was collected for the wetland delineation \(21 August 2019\) to determine if the site was reviewed during drier or wetter than normal climatic conditions. The Antecedent Precipitation Tool determined the date that field data was collected by the consultant the site was experiencing normal climatic conditions for the time of year but that the region overall was in moderate drought conditions. The Corps can conclude circumstances during the delineation of the site were under typical climatic conditions for August 2019.](#)

**C. Additional comments to support AJD:** [N/A.](#)