



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): October 13, 2020

ORM Number: NWP-2020-00079

Associated JDs: N/A

Review Area Location¹:

State/Territory: OR City: Albany County/Parish/Borough: Linn County

Center Coordinates of Review Area: Latitude 44.6161 Longitude -123.1044

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
NWP-2020-79 Wetland A	0.15 acres	(b)(1) Non-adjacent wetland	<p>Wetland A is a palustrine forested wetland located in the central portion of the site. This wetland flows towards the southwest property corner where the wetlands appears to flow off-site. The Santiam-Albany Canal is just off-site to the west of the project site. There is an artificial berm that separates the on-site wetlands from the Canal. There is no direct hydrologic surface connection between the wetlands and an (a)(1) – (a)(3) water.</p> <p>In addition the Santiam-Albany Canal is a man-made canal that diverts water from the South Santiam River to the Calapooia River. This Canal is not considered a relocated tributary because the original tributary (the South Santiam River) was not wholly relocated. The Santiam-Albany Canal does not meet the definition of a tributary under the Navigable Waters Protection Rule.</p> <p>Wetland A does not abut a territorial sea (a)(1), a tributary (a)(2), or an impoundment of jurisdictional waters (a)(3). It is not separated from a water identified in paragraph (a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature. It is not inundated by flooding from a water identified in paragraph (a)(1), (2), or (3) in a typical year. Wetland A does not meet the definition of an adjacent wetland. Wetland A is excluded under paragraph (b)(1), and is not a jurisdictional water of the U.S.</p>
NWP-2020-79 Wetland B	0.49 acres	(b)(1) Non-adjacent wetland	<p>Wetland B is a palustrine emergent wetland located in the southern portion of the site. This wetland flows towards the southwest property corner where the wetlands appears to flow off-site. The Santiam-Albany Canal is just off-site to the west of the project site. There is an artificial berm that separates the on-site wetlands from the Canal. There is no direct hydrologic surface connection between the wetlands and an (a)(1) – (a)(3) water.</p> <p>Wetland B does not meet the definition of an adjacent wetland. Wetland B is excluded under paragraph (b)(1), and is not a jurisdictional water of the U.S.</p>
NWP-2020-79 Wetland C	0.4 acres	(b)(1) Non-adjacent wetland	<p>Wetland C is a palustrine scrub-shrub wetland located in the southern portion of the site. This wetland flows towards the southwest property corner where the wetlands appears to flow off-site. The Santiam-Albany Canal is just off-site to the west of the project site. There is an artificial berm that separates the on-site wetlands from the Canal. There is no direct hydrologic surface connection between the wetlands and an (a)(1) – (a)(3) water.</p> <p>Wetland C does not meet the definition of an adjacent wetland. Wetland C is excluded under paragraph (b)(1), and is not a jurisdictional water of the U.S.</p>



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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 and Waters Delineation Report, dated January 2018.*

This information is sufficient for purposes of this AJD.

Rationale: *N/A*

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

Photographs: *Wetland and Waters Delineation Report, dated January 2018, Figure 5 (6/25/2016); Ground-level photographs, November 2017.*

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: *Wetland and Waters Delineation Report, dated January 2018, Figure 4.*

City of Albany LWI maps: *Wetland and Waters Delineation Report, dated January 2018, Figure 3.*

USGS topographic maps: *1911 and 2020 topographic maps.*

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	N/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 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 ditches and wetlands within the study area.