



**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): **November 16, 2020**

ORM Number: **NWP-2020-174**

Associated JDs: **N/A**

Review Area Location¹: State/Territory: **Oregon** City: **Sunriver** County/Parish/Borough: **Deschutes**

Center Coordinates of Review Area: Latitude **43.858664°** Longitude **-121.443225°**

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)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 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)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1	<0.01	acre(s)	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	<p>The review area does not contain any a(1) through a(3) waters. Wetland 1 is a shoreline, palustrine emergent feature that abuts a golf course pond. The date of original construction of the pond is unknown and the feature appears in historical aerial images and topographic maps from National Environmental Title Research (NETR) after 1982. Further review of the NETR historical aerial images and topographic maps from 1959 and 1964 showed wetland and waterways did not occur within the review area at the time the pond was constructed. The review area is outside of the historic floodplain of the Deschutes River.</p> <p>The golf course pond’s hydrological source is a well located southeast of the pond which pumps water into the pond via a culvert. The golf course maintains the water level in the pond at or below the ordinary high water mark (OHWM). If the water level rose to the pond’s top of bank, water could be released downstream via a stream channel on the west side of the pond. However, the OHWM of the pond occurs approximately 4 feet below the stream’s upstream end.</p> <p>In 1959 (prior to the pond’s construction), the stream’s alignment was approximately 200 feet further to the west than its current location and the pond. The stream is now an ephemeral, remnant feature that would only convey water immediately following large rainfall events. The stream is intersected by Nest Pine Drive and then continues downstream to enter a wetland that directly abuts the Deschutes River.</p> <p>The Natural Resource Conservation Service (NRCS) soil survey indicates the review area is underlain by Sunriver sandy loam, 0 to 3 percent slopes. This soil type does not typically flood or pond and is characteristic of terraces above</p>

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
			<p>streams. Sunriver sandy loam is not classified as a hydric soil. Although there may be hydric Cryoquoll type soil inclusions within Sunriver sandy loam, this hydric soil is characteristic of cold, ephemeral wet meadows. The wetland delineation did not identify any hydric soil indicators within the review area. Portions of the review area that are underlain by Sunriver sandy loam and not influenced by the pond's hydrology do not support strongly hydrophytic plants. See Section III(C) below for an expanded discussion of the wetland delineation data and results.</p> <p>The Corps determined Wetland 1 was originally constructed in uplands and abuts an artificially constructed pond. As such, it would be considered a non-water of the U.S. despite the potential downstream connection to a traditionally navigable water in the event that water levels in the pond were allowed to rise to the top of its banks. Wetland 1 is a feature that is not identified in paragraph (a)(1), (a)(2), (a)(3), or (a)(4).</p> <p>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: Arid West Region to delineate wetland boundaries within the study area.</p>

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: [Aequinox. June 22, 2020. Wetland Delineation for Corps Application ID Number: NWP-2020-174;Project Name: 56645 Nest Pine Drive.](#)

This information is sufficient for purposes of this AJD.

Rationale: [The site was delineated using the U.S. Army Corps of Engineers 1987 wetland delineation manual and the appropriate Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region to delineate wetland boundaries within the study area.](#)

Data sheets prepared by the Corps: [N/A](#)

Photographs: [Aerial and Other: Aequinox. June 22, 2020. Wetland Delineation for Corps Application ID Number: NWP-2020-174;Project Name: 56645 Nest Pine Drive. Photographs 1-9.](#)

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.](#)



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NAVIGABLE WATERS PROTECTION RULE**

- ☒ USDA NRCS Soil Survey: [NRCS. Web Soil Survey. Online: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx](https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx). Accessed June 2020.
- ☒ USFWS NWI maps: [U.S. Fish and Wildlife Service. NWI Mapper. Online: https://www.fws.gov/wetlands/data/Mapper.html](https://www.fws.gov/wetlands/data/Mapper.html). Accessed June 2020.
- ☒ USGS topographic maps: [U.S. Army Corps of Engineers Portland District eGIS Information Portal. USGS Topographic Map 1: 2400 Anns Butte. Online: http://egis.nwp.usace.army.mil/](http://egis.nwp.usace.army.mil/). Accessed June 2020.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	U.S. Army Corps of Engineers Portland District eGIS Information Portal. USGS Topographic Map 1: 2400 Anns Butte. Online: http://egis.nwp.usace.army.mil/ . Accessed June 2020.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	<p>Oregon Department of Geology and Mineral Industries. LiDar Map Viewer. Online: https://www.oregongeology.org/lidar/. Accessed June 2020.</p> <p>NETR. Environmental Records Database Viewer and Report Generator. Historic Aerial and Topographic Maps from 1969 to 2017. Online: https://www.historicaerials.com/. Accessed June 2020.</p> <p>Google Earth Pro, software version 7.3.3.7692. Historical Aerial Images from 1984 to 2019. Accessed June and September 2020.</p>

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: Aequinox prepared the wetland delineation and installed one set of paired sample plots along the boundary of Wetland 1. Wetland 1 is a shoreline fringe feature around an artificially created golf course pond. The golf course pond is a depression in the landscape which was excavated in uplands for aesthetic purposes and to provide an irrigation source for the golf course. The pond’s hydrological source is a well located southeast of the pond which pumps water into the pond via a culvert.

One sample point (SP1) was located 4.5 feet (ft) upslope from the ordinary high water (OHW) mark of the golf course pond within Wetland 1. Dominant wetland species found in SP1 included lodgepole pine (*Pinus contorta*, facultative), narrowleaf willow (*Salix exigua* var. *exigua*, facultative-wetland), and Kentucky bluegrass (*Poa pratensis*, facultative). Non-dominant wetland species at SP1 included largeleaf avens (*Geum macrophyllum*, facultative-wetland) and water parsley (*Oenanthe sarmentosa*, obligate). Hydric soil indicators were not found at SP1. Soil was saturated at a depth of 2 inches and thus, a primary wetland hydrology indicator was noted at SP1.

One sample plot (SP2) was located in uplands approximately 13.5 ft upslope from the OHW mark of the golf course pond. Dominant wetland species found in SP2 included lodgepole pine (*Pinus contorta*,



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facultative), aspen (*Populus tremuloides*, facultative-upland), and Idaho fescue (*Festuca idahoensis*, facultative-upland). Hydric soil and wetland hydrology indicators were not found at SP2.