



**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): 12/29/2020

ORM Number: NWP-2020-355

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Oregon City: Clackamas County/Parish/Borough: Clackamas

Center Coordinates of Review Area: Latitude 45.408022 Longitude -122.567049

**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.	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.	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.	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.	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.	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
Wetland A	0.47	acre(s)	(b)(1) Non-adjacent wetland.	This wetland is excluded as a non-adjacent wetland. Based on a desktop review of the site and agent supplied information (maps, figures, and datasheets), the review area contains a 0.47 acres depressional wetland located with a vegetated area on the eastern boundary of the parcel. The western portion of the site consists of a paved parking lot and driveway. The wetland identified on site does not directly abut an (a)(1) - (a)(3) water as it is surrounded by uplands that are higher in elevation. This wetland is not inundated by flooding from an (a)(1) - (a)(3) water in a typical year or separated from an (a)(1) - (a)(3) water only by a natural feature. Furthermore, this wetland is not separated from an (a)(1) - (a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetlands and the (a)(1) - (a)(3) water in a typical year. The next closest off-site aquatic feature (Cow Creek) is separated from the wetland within the review area by uplands, multiple railroads, and roadways. The wetland extends off-site to the east and is confined by the railroad tracks. According to site visit notes, the agent identified a small culvert beneath the railroad outside the south eastern corner of the parcel. However, due to steep sloping along the eastern and southern boundary of the site associated with the railroad and roadway, no potential connections to Cow Creek were identified. Aerial imagery and Google Street View images support this determination.

**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: [Robert Evans SE 82nd Drive Wetland Delineation Report dated 9 September 2020 prepared by Environmental Science & Assessment, LLC](#)

This information is sufficient for purposes of this AJD.

<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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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: Other: N/A
- 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: 20201015 Soil Map obtained from <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>
- USFWS NWI maps: N/A
- USGS topographic maps: 20201113 USGS Topo Map obtained from <https://ngmdb.usgs.gov/topoview/viewer/#4/39.98/-100.06>

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

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
Other USDA data (specify)	NRCS: 20201015 Hydric Rating Map obtained from <a href="https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx">https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx</a>
NOAA Sources	N/A.
USACE Sources	20201116 NHD Lines obtained from eGIS National Hydrography Dataset
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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

**C. Additional comments to support AJD:** N/A