



**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): 1/22/2021  
 ORM Number: NWP-2020-260  
 Associated JDs: NWP-1995-847  
 Review Area Location<sup>1</sup>: State/Territory: Oregon City: Turner County/Parish/Borough: Marion  
 Center Coordinates of Review Area: Latitude 44.858114 Longitude -122.960645

**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)<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
NWP-2020-260 Ditch 1	288	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	A review of available historic aerial imagery, soil surveys, wetland inventory, and topographic maps indicate that this ditch is not an (a)(1) water (territorial sea or traditionally navigable water) nor is it part of historic or relocated (a)(2) water (tributary). Additionally, this ditch was not constructed within an(a)(4) water (adjacent wetland). Based on available data, this ditch was constructed in uplands in association with the construction of Turner Road prior to 1944. Therefore, based on a review of the available data, this ditch excluded from jurisdiction pursuant to the Navigable Waters Protection Rule (NWPR).
NWP-2020-260 Ditch 2	295	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	A review of available historic aerial imagery, soil surveys, wetland inventory, and topographic maps indicate that this ditch is not an (a)(1) water (territorial sea or traditionally navigable water) nor is it part of historic or relocated (a)(2) water (tributary). Additionally, this ditch was not constructed within an(a) (4) water (adjacent wetland). Based on available data, this ditch was constructed in uplands in association with the construction of Turner Road prior to 1944. Therefore, based on a review of the available data, this ditch excluded from jurisdiction pursuant to the NWPR.
NWP-2020-260 Ditch 3	820	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	A review of available historic aerial imagery, soil surveys, wetland inventory, and topographic maps indicate that this ditch is not an (a)(1) water (territorial sea or traditionally navigable water) nor is it part of historic or relocated (a)(2) water (tributary). Additionally, this ditch was not constructed within an(a) (4) water (adjacent wetland). Based on available data, this ditch was constructed in uplands in association with the construction of Turner Road prior to 1944. Therefore, based on a review of the available data, this ditch excluded from jurisdiction pursuant to the NWPR.
NWP-2020-260 Ditch 4	1220	linear feet	(b)(5) Ditch that is not an (a)(1) or	A review of available historic aerial imagery, soil surveys, wetland inventory, and topographic

<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
		(a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	maps indicate that this ditch is not an (a)(1) water (territorial sea or traditionally navigable water) nor is it part of historic or relocated (a)(2) water (tributary). Additionally, this ditch was not constructed within an(a) (4) water (adjacent wetland). Based on available data, this ditch was constructed in uplands in association with the construction of Turner Road prior to 1944. Therefore, based on a review of the available data, this ditch excluded from jurisdiction pursuant to the NWPR.

**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: [Turner Road SE, Turner, Oregon, Wetland and Waters Delineation Report dated May 2020 and NWP-2020-260 Wetland Delineation Report Addendum dated September 3, 2020 prepared by Julie Wirth-McGee, AKS Engineering & Forestry, LLC.](#)

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. Furthermore, sufficient maps and figures were submitted to support the delineation.](#)

- Data sheets prepared by the Corps: [N/A](#)
- Photographs: [Aerial: U.S. Army Corps of Engineers Historic Aerials Archive dated 9 May 1939, 4 May 1944, 5 February 1967, 6 November 1972, January 1974, July 1985, and June 2004.](#)
- Corps site visit(s) conducted on: [N/A](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [NWP-1995-847-1 completed 28 March 2014](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [N/A](#)
- USFWS NWI maps: [N/A](#)
- USGS topographic maps: [Historic topographic maps date 1941, 1957, 1983, 1991, and 2011 obtained from USGS Topo viewer site <https://ngmdb.usgs.gov/topoview/viewer/#14/44.8609/-122.9664>.](#)

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

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</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="#">Google Earth Pro aerial imagery dated 29 February 2008, 9 July 2012, 3 July 2017, and 11 April 2020.</a>



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

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