



**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): 1/27/2021
 ORM Number: NWP-2020-387
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Oregon City: Haines County/Parish/Borough: Baker
 Center Coordinates of Review Area: Latitude 44.905578 Longitude -117.937322

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
Ditch 1 - Christensen Slough	208	linear feet	<p>(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)</p> <p>This feature is a four-foot wide constructed channel which is a relocated branch of Rock Creek. Closer to Haines city limits it appears to have been relocated and channelized. Christensen Slough terminates in agricultural fields east of the project and does not reach downstream waters. Thus, does not contribute surface water flow to an (a)(1) water in a typical year.</p> <p>This is ditch is not considered a tributary under (a)(2) due to the fact that it does not contribute surface water flow to an (a)(1) water.</p>
Ditch 2 - Irrigation Ditch	1,304	linear feet	<p>(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).</p> <p>This channelized non-jurisdictional surface water feature is a two-foot wide shallow constructed depression which crosses the property and flows from the northeast corner to the southwest corner and enters the roadside ditch (ditch 3, below).</p> <p>This is ditch is not considered a tributary under (a)(2) due to the fact that at the time the ditch was originally constructed, the ditch did not relocate a tributary, was not constructed in a tributary, and was not constructed in an adjacent wetland.</p>
Ditch 3 - Roadside Ditch	1,897	linear feet	<p>(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).</p> <p>This channelized non-jurisdictional surface water feature is a shallow, three-foot wide, constructed roadside ditch located on the west side of the review area. When carrying surface water it flows from north to south abutting and entering the off-site tributary of Favorite Slough which flows into the Powder River.</p> <p>Although the roadside ditch now exhibits palustrine emergent characteristics, ditches constructed in uplands that are now linear wetlands regardless of their connection to jurisdictional waters are excluded.</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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				This ditch is not considered a tributary under (a)(2) due to the fact that at the time the ditch was originally constructed, the ditch did not relocate a tributary, was not constructed in a tributary, and was not constructed in an adjacent wetland.
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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 Delineation for Nutrien Ag Solutions Acquisition” dated December 2020 prepared by T-O Engineers.

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 determine boundaries of the aquatic resources within the review area.

- Data sheets prepared by the Corps: N/A
- Photographs: Aerial and Other: Aerials in Appendix B, Figures 2 - 4, and ground level photos in Appendix F, Photos 1 - 16 of the Wetland Delineation Report; Google Earth images (May 1994, July 2001, August 2003, August 2005, August 2006, November 2011, June 2013, August 2013, February 2015, and June 2015); and historical aerial imagery from Nationwide Environmental Title Research (NETR) Online 1966, 1981, 1994, 2001, 2005, 2009, 2011, 2012, 2014, and 2016.
- 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: Page 28 from the Wetland Delineation prepared by T-O Engineers, December 2020.
- USFWS NWI maps: Page 27 from the Wetland Delineation prepared by T-O Engineers, December 2020.
- USGS topographic maps: Figure 1 and page 26 from the Wetland Delineation prepared by T-O Engineers, December 2020.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	The National Map. HUC and NHD Layers. Online: https://viewer.nationalmap.gov/advanced-viewer/ . Accessed December 2020.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	ORM. Online: https://orm.usace.army.mil/ . Accessed December 2020.
State/Local/Tribal Sources	N/A.
Other Sources	Google Earth Pro, software version 7.3.3.7692. Historical aerial images from 1994 to 2015. Accessed December 2020.
Other Sources	NETR. Historic Aerials from 1966 to 2016. Online: https://www.historicaerials.com/ . Accessed December 2020.



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

C. Additional comments to support AJD: The review area totals approximately 13.7 acres. The review area tax lot is located within the city of Haines, Baker County, Oregon. Agricultural and residential land uses are occurring within the vicinity of the tax lot. The delineation titled, Wetland Delineation for Nutrien Ag Solutions Acquisition conducted by T-O Engineers dated December 2020 identified three aquatic resources on site. The field visit for the wetland delineations was conducted by the consultant on 1 September 2020.

Christensen Slough (in the review area), Favorite Slough (to the south of the review area) originate from the Elkhorn Mountains and flow east towards the Powder River. The Powder River is approximately 0.5 mile east of the review area. Historically, Christensen Slough and Favorite Slough have been rerouted in multiple places along their length for purposes of irrigation.

The review area is primarily utilized for grazing under its current use. On-site irrigation occurs intermittently when water is received via irrigation ditches that border and intersect the property. Drainage in the northern portion of the review area is generally east, while drainage in the southern portion is generally southwest.

Soils in the review area are Haines (non-hydric) and Umpine (hydric) which range from moderately to strongly alkaline.

Vegetation within the review has been disturbed through ongoing grazing practices and includes upland species such as witchgrass (*Panicum capillare*), rabbitsfoot grass (*Polypogon monspeliensis*), yellow sweet clover (*Melilotus officinalis*), red clover (*Trifolium pretense*), and bull thistle (*Cirsium vulgare*). The delineation indicated many of the upland species were also found within the ditch areas alongside wetland vegetation. Wetland species identified were predominantly facultative including Kentucky bluegrass (*Poa pratensis*), and quackgrass (*Elymus repens*). One facultative wetland species, reed canarygrass (*Phalaris arundinacea*), was identified in the delineation in the roadside ditch.