



**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): [January 28, 2021](#)
 ORM Number: [NWP-2019-439](#)
 Associated JDs: [NWP-2009-458](#)
 Review Area Location¹: State/Territory: [Oregon](#) City: [Junction City](#) County/Parish/Borough: [Lane](#)
 Center Coordinates of Review Area: Latitude [44.184386°](#) Longitude [-123.201279°](#)

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 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	0.02	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland 1 is a hydrologically isolated closed depression surface water feature that is located adjacent to a gravel road within the AJD Review Area. An unnamed surface water ditch feature is located west of the gravel road. The unnamed surface water ditch occurs in the General Project Site, but is located outside of the AJD Review Area.</p> <p>There is no surface water connection, culvert, or other subsurface connection between Wetland 1 and the unnamed surface water ditch feature. Wetland 1 collects water from overland sheet flow from the surrounding farmland and pools in response to precipitation. In addition, Wetland 1 collects stormwater runoff from the adjacent gravel road.</p> <p>Wetland 1 was not identified in a previous wetland delineation survey or preliminary jurisdictional determination rendered by the Corps in 2009 (associated with NWP-2009-458). Google Earth Pro imagery from June 28, 2005 and May 1994 do not show a wetland signature in the AJD Review Area. Google Earth Pro imagery from August 4, 2012 and June 6, 2014 show that the gravel road abutting the west side of the AJD Review Area was constructed between 2012 and 2014 and Wetland 1 appeared shortly thereafter.</p> <p>Wetland 1 qualifies for the (b)(1) non-adjacent wetland exclusion pursuant to the Navigable Waters Protection Rule because it is physically separated from a territorial sea or traditionally navigable water (TNW), a tributary, or a lake, pond, or impoundment of a jurisdictional water. The gravel road abutting the west side of the AJD Review Area prevents a direct hydrological surface connection to Flat Creek in a typical year, and surface water from Wetland 1 is not hydrologically connected to the surface water</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
			ditch feature located west and outside of the AJD Review Area through a culvert or similar artificial feature.

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: [Terra Science. September 18, 2019. Wetland Delineation for Corps Application ID Number NWP-2019-439;Project Name: Shell Biogas Facility.](#)

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: Western Mountains, Valleys, and Coast to delineate wetland boundaries within the AJD Review Area. The consultant conducted the wetland delineation survey on April 26, 2018 and June 12, 2018. Several unnamed waterways and wetland features occur in the General Project Site, which is more expansive than the AJD Review Area.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Terra Science. September 18, 2019. Wetland Delineation for Corps Application ID Number NWP-2019-439. Figures 5A-5E and Photographs 1-18.](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [Preliminary Jurisdictional Determination for Corps Application ID Number NWP-2009-458. August 12, 2009.](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Terra Science. June 2018. Wetland Delineation for Corps Application ID Number: NWP-2019-439. Figure 4.](#)
- USFWS NWI maps: [Terra Science. June 2018. Wetland Delineation for Corps Application ID Number NWP-2019-439. Figure 3A.](#)
- USGS topographic maps: [USGS Topoview. 2020 USGS Topographic Map 1: 2400 Junction City. Online: <https://ngmdb.usgs.gov/topoview/viewer/#15/44.1829/-123.2011>. Accessed January 2021 by Corps staff.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	NHD: U.S. Army Corps of Engineers Portland District eGIS Information Portal. Online: http://egis.nwp.usace.army.mil/. Accessed January 2021.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Local Wetland Inventory Map: Terra Science. June 2018. Wetland Delineation for Corps Application ID Number NWP-2019-439. Figure 3B.



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Data Source (select)	Name and/or date and other relevant information
	Google Earth Pro, software version 7.3.3.7692. Historical Aerial Images from 1994 to 2020. Accessed January 2021.

B. Typical year assessment(s): [The Corps determined that a typical year assessment is not necessary to reach the conclusion that Wetland 1 qualifies for the \(b\)\(1\) non-adjacent wetland exclusion.](#)

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