



**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): 2/4/2021

ORM Number: NWP-2019-073

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: OR City: Manzanita County/Parish/Borough: Tillamook

Center Coordinates of Review Area: Latitude 45.71737 Longitude 123.93661

**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.

**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.

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.

<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	0.096	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland A collects surface runoff from surrounding runoff in response to precipitation. There is no surface water connection, culvert, or other subsurface connection to reflect the wetland maintains a hydrologic surface water connection with a relatively permanent waterway downstream or outside of the review area. Wetland A is not an adjacent or abutting wetland to a navigable waterway and is not inundated by flooding in a typical year.</p> <p>Wetland A 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.</p>
Wetland B	0.224	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland B collects surface runoff from surrounding runoff in response to precipitation. There is no surface water connection, culvert, or other subsurface connection to reflect the wetland maintains a hydrologic surface water connection with a relatively permanent waterway downstream or outside of the review area. Wetland B is not an adjacent or abutting wetland to a navigable waterway and is not inundated by flooding in a typical year.</p> <p>Wetland B 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.</p>
Wetland C	0.002	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland C collects surface runoff from surrounding runoff in response to precipitation. There is no surface water connection, culvert, or other subsurface connection to reflect the wetland maintains a hydrologic surface water connection with a relatively permanent waterway</p>

<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
			<p>downstream or outside of the review area. Wetland C is not an adjacent or abutting wetland to a navigable waterway and is not inundated by flooding in a typical year.</p> <p>Wetland C 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.</p>
Wetland D	0.015	acre(s)	<p>(b)(1) Non-adjacent wetland.</p> <p>Wetland D collects surface runoff from surrounding runoff in response to precipitation. There is no surface water connection, culvert, or other subsurface connection to reflect the wetland maintains a hydrologic surface water connection with a relatively permanent waterway downstream or outside of the review area. Wetland D is not an adjacent or abutting wetland to a navigable waterway and is not inundated by flooding in a typical year.</p> <p>Wetland D 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.</p>
Wetland E	0.002	acre(s)	<p>(b)(1) Non-adjacent wetland.</p> <p>Wetland E collects surface runoff from surrounding runoff in response to precipitation. There is no surface water connection, culvert, or other subsurface connection to reflect the wetland maintains a hydrologic surface water connection with a relatively permanent waterway downstream or outside of the review area. Wetland E is not an adjacent or abutting wetland to a navigable waterway and is not inundated by flooding in a typical year.</p> <p>Wetland E 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.</p>

**III. SUPPORTING INFORMATION**



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**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 Pocket Development by Christine McDonald \(08/04/2017\), received August 5, 2020](#)  
This information is and is not sufficient for purposes of this AJD.  
Rationale: [Provided report lacked historical aerial photographs and NWI data needed for analysis.](#)
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Google Earth, 2005-2017, site photographs provided by the requestor dated July 2017](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [NRCS Web Soil Survey, accessed 11/23/2020](#)
- USFWS NWI maps: [USFWS Wetlands Mapper, accessed 11/23/2020](#)
- USGS topographic maps: [Title\(s\) and/or date\(s\).](#)

**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="#">USGS Stream Stats review, last accessed 11/27/2020</a>
<a href="#">USDA NRCS WETS tables</a>	<a href="#">Provided with requestor delineation report, supplemented by USACE APT tool</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="#">N/A.</a>

**B. Typical year assessment(s):** The Corps utilized the Antecedent Precipitation Tool (APT) to evaluate the study area via a single point method for the evaluation area. The APT was generated for dates that correlate with field work conducted by the requestor for the dates provided in the requestor delineation report. The APT analysis determines if the date-specific observation falls within the normal periodic range for the geographic area based on a rolling thirty-year period. A single point method using the latitude and longitude coordinates identified in Section (1) above were utilized because the single point method adequately represents the data sources available via the APT to conduct an analysis of climatic conditions within the study area. The APT indicated the dates of the July 2017 field investigation were during the dry season with wetter than normal conditions.

**C. Additional comments to support AJD:** [The aquatic resources within the review area are geomorphically positioned depressions. Site work to clear woody debris following a tornado in 2016 let to the creation of dune mounds which interrupted local drainage patterns within the review area. According to the requestor, hydrology is a result of local drainage, seeps under dune mounds and adjacent roadways, and an elevated water table. The surrounding residential land use results in a mix of pervious and impervious surface with the review area being the largest contiguous impervious surface in the immediate vicinity. No tributaries were observed within the review area or within 0.5 mile of the review area and no NWI features are mapped within the review area or immediate vicinity. There is no evidence of a connection to an a\(1\)-a\(3\)](#)



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waterway based upon the review of available resources. Because of this, the aquatic resources observed (Wetlands A, B, C, D and E) do not qualify as a(4) waters and thus are considered excluded b(1) waters.