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): 2/16/2021
ORM Number: NWP-2021-032
Associated JDs: N/A
Review Area Location[1]: State/Territory: OR City: Monroe County/Parish/Borough: Benton
Center Coordinates of Review Area: Latitude 44.31754 Longitude -123.30193

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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Ditch B	0.37	acre(s)	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This stream experiences intermittent flow and contributes surface water to the Long Tom River (located approximately 0.30 miles to the east) at least once in a typical year. From the western culvert the ditch is poorly defined, but grows into a 4 foot wide channel in the northeastern portion of the Review Area and displays evidence of intermittent flow, such as a defined bed and bank. Based on flow-duration statistics, the USGS StreamStats map indicates there is an intermittent drainage at this location. Offsite and to the east, the stream grows to

[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.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
				8 feet wide. Furthermore, the 1942 quadrangle map for Monroe, Oregon shows a blue line stream extending to the Long Tom River from the approximate location of this ditch. The Corps has determined that this intermittent stream is a relocated tributary to the Long Tom River. See Section III(c) below for additional information. Ditch B meets the criteria to be recognized as an (a)(2) feature pursuant to the Navigable Waters Protection Rule (NWPR).

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
Wetland B	0.34	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland B abuts Ditch B. Therefore, it abuts an (a)(3) water. Wetland B meets the criteria to be recognized as an (a)(4) feature pursuant to the NWPR.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Ditch D	0.04	acre(s)	(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).	Ditch D was excavated in uplands. The ditch is not an (a)(1) water. Ditch D does not meet the (a)(2) definition because it is not a naturally occurring tributary. The excavation of the ditch did not relocate a tributary and the ditch was not constructed in an adjacent wetland (therefore not an (a)(4) water). Ditch D is an excavated ditch that did not relocate a tributary. Based on a review of aerial photographs and DOGAMI Lidar, this wetland likely contributes surface flow to Wetland B. However, there are uplands between it and the nearest jurisdictional tributary (Ditch B) and Wetland D is not a continuation of Wetland B (uplands in between). This feature is not jurisdictional. It does not receive inundation from Ditch B in a typical year, as Wetland D is over 7

[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.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
				feet higher in elevation See Section III(c) below for additional information. Ditch D meets the criteria to be recognized as a (b)(5) excluded feature pursuant to the NWPR.
Wetland A	0.18	acre(s)	(b)(1) Non-adjacent wetland.	This wetland does not directly abut an (a)(1) - (a)(3) water as it is surrounded on three sides by uplands that are higher in elevation. The fourth side of this wetland abuts Ditch A. This wetland is not inundated by flooding from an (a)(1) - (a)(3) water in a typical year nor 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 (it is also separated by an ephemeral ditch) allowing a direct hydrologic surface connection between the wetlands and the (a)(1) - (a)(3) water in a typical year. This wetland abuts Ditch A. The closest jurisdictional tributary (Ditch B) is separated from Wetland A by a culvert and Ditch A, an ephemeral ditch. For that reason, Wetland A cannot be considered adjacent to Ditch B. See Section III(c) below for additional information. Wetland A meets the criteria to be recognized as a (b)(1) excluded water feature pursuant to the NWPR.
Wetland C	0.02	acre(s)	(b)(1) Non-adjacent wetland.	This wetland 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 nor 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. Wetland C is a linear wetland feature that flows into a culvert located along 9th Street. The wetland delineation indicates this wetland flows into a stormwater drainage basin. The nearest jurisdictional tributary (Wetland B and Ditch B) is separated from Wetland C by 9th Street and uplands. Ditch C (see below) is also separated from this wetland by uplands.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
				See Section III(c) below for additional information. Wetland C meets the criteria to be recognized as a (b)(1) excluded feature pursuant to the NWPR.
Wetland D	0.04	acre(s)	(b)(1) Non-adjacent wetland.	This wetland 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 nor 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. Based on a review of aerial photographs and DOGAMI Lidar, this wetland likely contributes surface flow to Wetland B. However, there are uplands between it and the nearest jurisdictional tributary (Ditch B) and Wetland D is not a continuation of Wetland B (uplands in between). This feature is not jurisdictional. It does not receive inundation from Ditch B in a typical year, as Wetland D is over 7 feet higher in elevation See Section III(c) below for additional information. Wetland D meets the criteria to be recognized as a (b)(1) excluded feature pursuant to the NWPR.
Wetland E	0.91	acre(s)	(b)(1) Non-adjacent wetland.	This wetland does not directly abut an (a)(1) - (a)(3) water as it is surrounded on three sides by uplands. The fourth side of this wetland abuts Ditch D (see below). This wetland is not inundated by flooding from an (a)(1) - (a)(3) water in a typical year nor 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 closest jurisdictional aquatic feature (Wetland B and Ditch B) is separated from Wetland E by a residential development and uplands. See Section III(c) below for additional information. Wetland E meets the criteria to be

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
				recognized as a (b)(1) excluded feature pursuant to the NWPR.
Ditch A	0.02	acre(s)	(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).	Ditch A was excavated in uplands. The ditch is not an (a)(1) water. Ditch A does not meet the (a)(2) definition because it is not a naturally occurring tributary. The excavation of the ditch did not relocate a tributary and the ditch was not constructed in an adjacent wetland (therefore not an (a)(4) water). Ditch A is an excavated ditch that did not relocate a tributary. This ditch flows along the Tax Lot 5400 boundary and into a ditch system which connects to a culvert and into Ditch B. Site photographs provided within the wetland delineation do not indicate this ditch experiences intermittent or perennial flow, as there are no indications of relative permanence. See Section III(c) below for additional information. Ditch A meets the criteria to be recognized as a (b)(5) excluded feature pursuant to the NWPR.
Ditch C	0.004	acre(s)	(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).	Ditch C was excavated in uplands. The ditch is not an (a)(1) water. Ditch C does not meet the (a)(2) definition because it is not a naturally occurring tributary. The excavation of the ditch did not relocate a tributary and the ditch was not constructed in an adjacent wetland (therefore not an (a)(4) water). Ditch C is an excavated ditch that did not relocate a tributary. This ditch originates at the eastern terminus of Wetland C and flows down the western side of North 9th Street until it crosses to the eastern portion of North 9th Street through a culvert. The ditch flows toward the center of the Review Area, but stops shortly before the boundary of Tax Lot 2300. Site photographs provided within the wetland delineation do not indicate this ditch experiences intermittent or perennial flow, as there are no indications of relative permanence. Furthermore, this ditch is separated from the nearest jurisdictional feature (Ditch B and Wetland B) by uplands – there is no downstream connection from this Ditch to an (a)(1) through (a)(3) water. See Section III(c) below for additional information. Ditch C meets the criteria to be

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
				recognized as a (b)(5) excluded feature 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: "Monroe Property Wetland Delineation Report" produced by Allen Martin and dated October 2020. Received by U.S. Army Corps of Engineers (USACE) staff on 5 January 2021.

This information is sufficient for purposes of this AJD.
Rationale: N/A

☐ Data sheets prepared by the Corps: N/A

☒ Photographs: Aerial and Other: Site photographs provided within the wetland delineation report and Google Earth Pro images dated 12 August 2020, July 2017, and July 2012.

☐ 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: U.S. Department of Agriculture Natural Resources Conservation Service Soil Survey information obtained by USACE staff on 15 January 2021 from https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx

☒ USFWS NWI maps: U.S. Fish & Wildlife Service National Wetland Inventory map obtained by USACE staff on 5 February 2021 from the USACE Regulatory WebViewer.

☒ USGS topographic maps: U.S. Geological Survey (USGS) Monroe, Oregon Quadrangle map obtained by USACE staff on 15 January 2021 from https://ngmdb.usgs.gov/topoview/viewer/#15/44.5368/-123.2713

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	National Hydrography Dataset retrieved 15 January 2021 from the USACE Regulatory WebViewer. StreamStats report retrieved 6 February 2021 by USACE Staff from https://streamstats.usgs.gov/ss/
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Lidar obtained from the Oregon Department of Geology and Mineral Industries (DOGAMI) by USACE staff on 5 February 2021.

B. Typical year assessment(s): On 15 January 2021, the Corps utilized the Antecedent Precipitation Tool (APT) to conduct a typical year analysis of the Review Area via a single point method for the date the wetland delineation field data was collected. The APT is an automation tool that evaluates three climatological parameters at a given location to assist in documenting the various determinations required by policy for the execution of the Corps Regulatory Program. 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 (I)

above was utilized because the single point method adequately reporesents the data sources available via the APT to conduct an appropriate analysis of climatic conditions onsite. The APT is publically available at this address: https://github.com/jDetersUSACE/Antecedent-Precipitation-Tool/releases/tag/v1.0.13.

The APT was run for the date of the wetland delineation field work, 8 October 2020, and demonstrated that the site conditions within the Review Area on this date represent the annual wet season, that the general region was experiencing a moderate drought, and that site conditions were normal in terms of climatic conditions.

In conclusion, the Corps has determined from the use of the APT, wetland delineation data, aerial imagery, and other sources identified above that the site conditions on this date within the Review Area represent a period of time that was seasonally drier than normal climatic conditions but relatively consistent with normal climatic conditions.

C. Additional comments to support AJD: The Review Area is a generally flat, grassy field that is used for periodic hay production. A small portion of the review area is located to the northwest of the grassy field that appears to be a fallow yard. The Review Area is generally bounded by Ash Street to the north, private residences and 8th Street to the east, a vacant field to the south, and private residences to the west.

Ditch B (0.37 acre) is located in the northeastern portion of the Review Area and flows from a culvert located in the northwestern portion of the Review Area to the east. A review of aerial and ground level photography, DOGAMI Lidar, USGS StreamStats resources, and USGS Topograhical Maps supports the determination that Ditch B is a relocated, intermittent tributary to the Long Tom River. For that reason, Ditch B is a (a)(2) water.

Wetland B (0.34 acre) is located in the northeastern portion of the Review Area and abuts Ditch B. This wetland occupies a majority of Tax Lot 5700 and a portion of Tax Lot 5100. A review of aerial and ground level photography, DOGAMI Lidar, and information supplied within the wetland delineation supports the determination that this wetland is a (a)(4) water.

Wetland A (0.18 acre) is located in the northwestern portion of the site within Tax Lot 5400. A review of aerial and ground level photography, DOGAMI Lidar, and information supplied within the wetland delineation supports the determination that this wetland is a (b)(1) excluded water.

Wetland C (0.02 acre) is located along the western portion of the Review Area. A review of aerial and ground level photography, DOGAMI Lidar, and information supplied within the wetland delineation supports the determination that this wetland is a (b)(1) excluded water.

Wetland D (0.04 acre) is located in the center of the Review Area (between Tax Lots 5100 and 2200). A review of aerial and ground level photography, DOGAMI Lidar, and information supplied within the wetland delineation supports the determination that this wetland is a (b)(1) excluded water.

Wetland E (0.91 acre) is located along the southern portion of the review area and abuts Ditch D in the southeast corner of the Review Area. A review of aerial and ground level photography, DOGAMI Lidar, and information supplied within the wetland delineation supports the determination that this wetland is a (b)(1)

excluded water.

Ditch A (0.02 acre) is located to the east of Wetland A within the northeast portion of the site. A review of aerial and ground level photography, DOGAMI Lidar, and information supplied within the wetland delineation supports the determination that this wetland is a (b)(5) excluded feature.

Ditch C (0.004 acre) is located along the western boundary of the Review Area and along North 9th Street. A review of aerial and ground level photography, DOGAMI Lidar, and information supplied within the wetland delineation supports the determination that this wetland is a (b)(5) excluded feature.

Ditch D (0.04 acre) is located in the southeastern portion of the Review Area and originates within Wetland E and from a residential development along 8th Street. A review of aerial and ground level photography, DOGAMI Lidar, and information supplied within the wetland delineation supports the determination that this wetland is a (b)(5) excluded feature.