



**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): 2/22/2021

ORM Number: NWP-2020-413

Associated JDs: N/A

Review Area Location¹: State/Territory: Oregon City: Portland County/Parish/Borough: Multnomah

Center Coordinates of Review Area: Latitude 45.4804 Longitude -122.5476

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
Johnson Creek	0.066 acre(s)	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Johnson Creek is a perennial stream that flows west through the southwestern portion of the review area. The Cowardin class is riverine, lower perennial, unconsolidated bottom, permanent and the HGM class is Riverine. Within the review area, the stream channel is relatively low gradient with moderate flow. The banks are steep in some areas (including sections of stone wall) and benched in others. The stream channel at OHW averages approximately 35 to 46 feet in width throughout the PSA. Dominant substrate consists of fines and cobble.

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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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.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland A	0.98	acre(s)	(b)(1) Non-adjacent wetland.	Wetland A is a palustrine emergent wetland, approximately 0.98 acre in size within the review area, located south of Springwater Corridor Trail. Hydrology within Wetland A flows to a stormwater swale for a parking lot. This feature does not connect to any (a)(1)-(3) waters within the Corps Review Area or offsite. Wetland A does not meet the definition of an adjacent wetland under the Navigable Waters Protection Rule.

Excluded waters ((b)(1) – (b)(12)): ⁶				
Exclusion Name	Exclusion Size		Exclusion ⁷	Rationale for Exclusion Determination
Wetland B	9.40	acre(s)	(b)(1) Non-adjacent wetland.	Wetland B, also known as the Zenger Farm Wetland, is a palustrine emergent wetland approximately 9.4 acres in size within the review located south of Springwater Corridor Trail. Hydrology within Wetland B flows to a stormwater swale for a parking lot. This feature does not connect to any (a)(1)-(3) waters within the Corps Review Area or offsite. Wetland B does not meet the definition of an adjacent wetland under the Navigable Waters Protection Rule.

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.

⁶ 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.

⁷ 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)): ⁸				
Exclusion Name	Exclusion Size		Exclusion ⁹	Rationale for Exclusion Determination
Wetland C	5.40	acre(s)	(b)(1) Non-adjacent wetland.	Wetland C is a palustrine emergent wetland, approximately 5.4 acres in size, located north of Springwater Corridor Trail. Hydrology within Wetland C flows to a stormwater swale for a parking lot. This feature does not connect to any (a)(1)-(3) waters within the Corps Review Area or offsite. Wetland C does not meet the definition of an adjacent wetland under the Navigable Waters Protection Rule.

Excluded waters ((b)(1) – (b)(12)): ¹⁰				
Exclusion Name	Exclusion Size		Exclusion ¹¹	Rationale for Exclusion Determination
Wetland D	2.78	acre(s)	(b)(1) Non-adjacent wetland.	Wetland D is a palustrine emergent wetland, approximately 2.78 acres in size, located north of Springwater Corridor Trail. Hydrology within Wetland D forms a catch basin which is a part of the cities stormwater system. Wetland D flows to a stormwater swale for a parking lot. This feature does not connect to any (a)(1)-(3) waters within the Corps Review Area or offsite. Wetland D does not meet the definition of an adjacent wetland under the Navigable Waters Protection Rule.

Excluded waters ((b)(1) – (b)(12)): ¹²				
Exclusion Name	Exclusion Size		Exclusion ¹³	Rationale for Exclusion Determination
Wetland E	17.65	acre(s)	(b)(1) Non-adjacent wetland.	Wetland E is a palustrine emergent wetland, approximately 17.65 acres in size, located north of Springwater Corridor Trail. Hydrology within Wetland E forms a catch basin which is part of the cities stormwater system. Wetland E flows to a stormwater swale for a parking lot. There are no (a)(1)-(3) waters within the Corps Review Area or offsite. Wetland E does not meet the

⁸ 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.

⁹ 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.

¹⁰ 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.

¹¹ 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.

¹² 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.

¹³ 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)): ¹²			
Exclusion Name	Exclusion Size	Exclusion ¹³	Rationale for Exclusion Determination
			definition of an adjacent wetland under the Navigable Waters Protection Rule.

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 Report Springwater Wetland Restoration Project” dated July 8, 2020 by Campbell Environmental, LLC.](#)
This information is sufficient for purposes of this AJD.
Rationale: [N/A](#)
- Data sheets prepared by the Corps: [N/A](#)
- Photographs: [Aerial and Other: Google Earth Images \(11/2020, 5/2019, 5/2017, 7/2012, 8/2005, 6/1994\), and LIDAR.](#)
- 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: [Multnomah silt loam, 8-15% slopes, Multnomah – Urban land complex, 0-3% slopes, Multnomah – Urban land complex, 3-8% slopes, Urban land – Multnomah complex, 0-3% slopes, Wapato silt loam - 12/22/2020](#)
- USFWS NWI maps: [Multnomah County - 12/22/2020](#)
- USGS topographic maps: [2011 \(US Top0\) Scale 1:24000 - 12/22/2020](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): The antecedent precipitation tool was utilized for the timing of the wetland delineation performed by the consultant on 11 December 2019 to determine if the site was reviewed during normal circumstances. The APT determined the review was performed during drier than normal conditions for the time of the year. Therefore, the Corps can conclude site conditions during the delineation of the site were drier than normal for December 2019.

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