



**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): [3/2/2021](#)

ORM Number: [NWP-2020-288](#)

Associated JDs: [N/A](#)

Review Area Location¹: State/Territory: [Oregon](#) City: [Salem](#) County/Parish/Borough: [Marion](#)
Center Coordinates of Review Area: Latitude [44.99640885](#) Longitude [-122.95248517](#)

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
Ditch 1	236	linear feet	(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 2	109	linear feet	(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 3	122	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch

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
		constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	water (tributary). Additionally, this ditch was not constructed within an(a)(4) water (adjacent wetland). This ditch was created in uplands in association with the construction/maintenance of Cordon Road NE. There are no tributaries mapped in the vicinity of this ditch. The soil survey indicated that this ditch is located within an area mapped as non-hydric (Woodburn silt loam, 0 to 3 percent) and the wetland inventory shows no mapped wetlands. Therefore, based on a review of the available data, the Corps has determined this ditch is excluded from jurisdiction pursuant to the NWPR.
Ditch 4	500	linear feet	(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 5	8	linear feet	(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).



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
			determined this ditch is excluded from jurisdiction pursuant to the NWPR.	
Ditch 6	371	linear feet	(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).	A review of available historic aerial imagery, soil surveys, wetland inventory, and topographic maps indicate that this ditch is not an (a)(1) water (territorial sea or traditionally navigable water) nor is it part of historic or relocated (a)(2) water (tributary). Additionally, this ditch was not constructed within an(a)(4) water (adjacent wetland). This ditch was created in uplands in association with the construction/maintenance of Cordon Road NE. There are no tributaries mapped in the vicinity of this ditch. The soil survey indicated that this ditch is located within an area mapped as non-hydric (Woodburn silt loam, 0 to 3 percent) and the wetland inventory shows no mapped wetlands. Therefore, based on a review of the available data, the Corps has determined this ditch is excluded from jurisdiction pursuant to the NWPR..
Ditch 7	116	linear feet	(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).	A review of available historic aerial imagery, soil surveys, wetland inventory, and topographic maps indicate that this ditch is not an (a)(1) water (territorial sea or traditionally navigable water) nor is it part of historic or relocated (a)(2) water (tributary). Additionally, this ditch was not constructed within an(a)(4) water (adjacent wetland). This ditch was created in uplands in association with the construction/maintenance of Cordon Road NE. There are no tributaries mapped in the vicinity of this ditch. The soil survey indicated that this ditch is located within an area mapped as non-hydric (Woodburn silt loam, 0 to 3 percent) and the wetland inventory shows no mapped wetlands. Therefore, based on a review of the available data, the Corps has determined this ditch is excluded from jurisdiction pursuant to the NWPR..
Ditch 8	73	linear feet	(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).	A review of available historic aerial imagery, soil surveys, wetland inventory, and topographic maps indicate that this ditch is not an (a)(1) water (territorial sea or traditionally navigable water) nor is it part of historic or relocated (a)(2) water (tributary). Additionally, this ditch was not constructed within an(a)(4) water (adjacent wetland). This ditch was created in uplands in association with the construction/maintenance of Cordon Road NE. There are no tributaries



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
			mapped in the vicinity of this ditch. The soil survey indicated that this ditch is located within an area mapped as non-hydric (Woodburn silt loam, 0 to 3 percent) and the wetland inventory shows no mapped wetlands. Therefore, based on a review of the available data, the Corps has determined this ditch is excluded from jurisdiction pursuant to the NWPR.	
Ditch 9	76	linear feet	(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).	A review of available historic aerial imagery, soil surveys, wetland inventory, and topographic maps indicate that this ditch is not an (a)(1) water (territorial sea or traditionally navigable water) nor is it part of historic or relocated (a)(2) water (tributary). Additionally, this ditch was not constructed within an(a)(4) water (adjacent wetland). This ditch was created in uplands in association with the construction/maintenance of Cordon Road NE. There are no tributaries mapped in the vicinity of this ditch. The soil survey indicated that this ditch is located within an area mapped as non-hydric (Woodburn silt loam, 0 to 3 percent) and the wetland inventory shows no mapped wetlands. Therefore, based on a review of the available data, the Corps has determined this ditch is excluded from jurisdiction pursuant to the NWPR.
Ditch 10	93	linear feet	(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).	A review of available historic aerial imagery, soil surveys, wetland inventory, and topographic maps indicate that this ditch is not an (a)(1) water (territorial sea or traditionally navigable water) nor is it part of historic or relocated (a)(2) water (tributary). Additionally, this ditch was not constructed within an(a)(4) water (adjacent wetland). This ditch was created in uplands in association with the construction/maintenance of Cordon Road NE. There are no tributaries mapped in the vicinity of this ditch. The soil survey indicated that this ditch is located within an area mapped as non-hydric (Woodburn silt loam, 0 to 3 percent) and the wetland inventory shows no mapped wetlands. Therefore, based on a review of the available data, the Corps has determined this ditch is excluded from jurisdiction pursuant to the NWPR.
Ditch 11	123	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of	A review of available historic aerial imagery, soil surveys, wetland inventory, and topographic maps indicate that this ditch is not an (a)(1) water (territorial sea or traditionally navigable



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
		a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	water) nor is it part of historic or relocated (a)(2) water (tributary). Additionally, this ditch was not constructed within an(a)(4) water (adjacent wetland). This ditch was created in uplands in association with the construction/maintenance of Cordon Road NE. There are no tributaries mapped in the vicinity of this ditch. The soil survey indicated that this ditch is located within an area mapped as non-hydric (Woodburn silt loam, 0 to 3 percent) and the wetland inventory shows no mapped wetlands. Therefore, based on a review of the available data, the Corps has determined this ditch is excluded from jurisdiction pursuant to the NWPR.	
Ditch 12	109	linear feet	(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).	
Subsurface culvert between Ditch 1 and 4	80	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Water flow between ditch 1 and 4 is contained within a subsurface culvert at this location. The culvert provides a hydrologic connection between Ditch 1 and 4. Because the water flow is confined to this subsurface culvert at this location the Corps has determined that the water flow is excluded from jurisdiction pursuant to the NWPR.
Subsurface culvert between Ditch 4 and 5	16	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Water flow between ditch 4 and 5 is contained within a subsurface culvert at this location. The culvert provides a hydrologic connection between Ditch 4 and 5. Because the water flow is confined to this subsurface culvert at this location the Corps has determined that the water flow is excluded from jurisdiction pursuant to the NWPR.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
Subsurface culvert between Ditch 5 and 6	26	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Water flow between ditch 5 and 6 is contained within a subsurface culvert at this location. The culvert provides a hydrologic connection between Ditch 5 and 6. Because the water flow is confined to this subsurface culvert at this location the Corps has determined that the water flow is excluded from jurisdiction pursuant to the NWPR.
Subsurface culvert at south end of Ditch 6 and crossing Cordon Road NE	62	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Water flow connected to Ditch 6 is contained within a subsurface culvert at this location. The culvert has a hydrologic connection to Ditch 6. Because the water flow is confined to this subsurface culvert at this location the Corps has determined that the water flow is excluded from jurisdiction pursuant to the NWPR.
Subsurface culvert adjacent to Cordon Road NE and driveway	12	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Water flow connected to this location is ephemeral in nature and confined to the subsurface culvert. Therefore, the Corps has determined that the water flow is excluded from jurisdiction pursuant to the NWPR.
Subsurface culvert at north end of Ditch 7	93	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Water flow connected to Ditch 7 is contained within a subsurface culvert at this location. The culvert has a hydrologic connection to Ditch 7. Because the water flow is confined to this subsurface culvert at this location the Corps has determined that the water flow is excluded from jurisdiction pursuant to the NWPR.
Subsurface culvert intersecting Ditch 7 and crossing Cordon Road NE	60	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Water flow connected to Ditch 7 is contained within a subsurface culvert at this location. The culvert has a hydrologic connection to Ditch 7. Because the water flow is confined to this subsurface culvert at this location the Corps has determined that the water flow is excluded from jurisdiction pursuant to the NWPR.
Subsurface culvert between Ditch 7 and 8	22	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Water flow between ditch 7 and 8 is contained within a subsurface culvert at this location. The culvert provides a hydrologic connection between Ditch 7 and 8. Because the water flow is confined to this subsurface culvert at this location the Corps has determined that the water flow is excluded from jurisdiction pursuant to the NWPR.
Subsurface culvert between Ditch 8 and 9	26	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and	Water flow between ditch 8 and 9 is contained within a subsurface culvert at this location. The culvert provides a hydrologic connection between Ditch 8 and 9. Because the water flow



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
		does not meet the other (b)(1) subcategories.	is confined to this subsurface culvert at this location the Corps has determined that the water flow is excluded from jurisdiction pursuant to the NWPR.	
Subsurface culvert between Ditch 9 and 10	37	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Water flow between ditch 9 and 10 is contained within a subsurface culvert at this location. The culvert provides a hydrologic connection between Ditch 9 and 10. Because the water flow is confined to this subsurface culvert at this location the Corps has determined that the water flow is excluded from jurisdiction pursuant to the NWPR.
Subsurface culvert at north end of Ditch 10 and crossing Cordon Road NE	54	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Water flow connected to Ditch 10 is contained within a subsurface culvert at this location. The culvert has a hydrologic connection to Ditch 10. Because the water flow is confined to this subsurface culvert at this location the Corps has determined that the water flow is excluded from jurisdiction pursuant to the NWPR.
Subsurface culvert between Ditch 10 and 11	21	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Water flow between ditch 10 and 11 is contained within a subsurface culvert at this location. The culvert provides a hydrologic connection between Ditch 10 and 11. Because the water flow is confined to this subsurface culvert at this location the Corps has determined that the water flow is excluded from jurisdiction pursuant to the NWPR.
Subsurface culvert at north end of Ditch 12	81	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Water flow connected to Ditch 12 is contained within a subsurface culvert at this location. The culvert has a hydrologic connection to Ditch 12. Because the water flow is confined to this subsurface culvert at this location the Corps has determined that the water flow is excluded from jurisdiction pursuant to the NWPR.
Subsurface culvert at south end of Ditch 12	37	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Water flow connected to Ditch 12 is contained within a subsurface culvert at this location. The culvert has a hydrologic connection to Ditch 12. Because the water flow is confined to this subsurface culvert at this location the Corps has determined that the water flow is excluded from jurisdiction 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: [Jurisdictional Wetland Delineation Report For ARTS Cordon RD Turn Lanes T7S R2W Sec.5A & T6S R2W Sec.32D ROW between Kale St.](#)



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NE and Hayseville Dr. Marion County, OR prepared by Schott and Associates, Inc, July 2020; U.S. Army Corps of Engineers (Corps) request for additional information for Corps No. NWP-2020-288 prepared by Schott and Associates, Inc, dated 5 October 2020.

This information is sufficient for purposes of this AJD.

Rationale: The delineator completed a wetland delineation which followed the Corps 1987 wetland delineation manual and Regional Supplement to the Corps Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region to determine the boundaries of the waters within the review area. Furthermore, sufficient maps and figures were submitted to support the delineation.

- Data sheets prepared by the Corps: N/A
- Photographs: Select. N/A
- 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: N/A
- USFWS NWI maps: N/A
- USGS topographic maps: Historic topographic maps dated 1925, 1941, 1957, 1969, 1983, 2011, 2020 retrieved from U. S. Geologic Survey Topo Viewer website on 23 February 2021.

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	Natural Resources Conservation Service Hydric Rating by Map Unit Figure retrieved from Web Soil Survey 2 December 2020.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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

C. Additional comments to support AJD: N/A