



**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): 3/15/2021

ORM Number: NWP-2021-070

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Oregon City: Philomath County/Parish/Borough: Benton

Center Coordinates of Review Area: Latitude 44.534356° Longitude -123.363199°

**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)<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
Ditch	0.20	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).	This ditch borders the Review Area along the northern, western, and southern boundaries before it flows south outside the Review Area and through a culvert to the neighboring property across Chapel Drive. Based on a review of aerial imagery, topographic maps, other remote tools, and information from the project agent, the ditch is not (a)(2) tributary. The excavation of the ditch did not relocate a tributary and the ditch was not constructed in an (a)(4) adjacent wetland. Therefore, the ditch meets the definition of the (b)(5) excluded feature pursuant to the Navigable Waters Protection Rule (NWPR).
Wetland A	0.70	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 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 B	0.08	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 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	0.01	acre(s)	(b)(1) Non-adjacent wetland.	Wetland C does directly abut the ditch on the western side, however the ditch meets the (b)(5) exclusion to the NWPR and is considered non-jurisdictional (see above). There are no (a)(1)-(3) waters within the Corps Review Area. Wetland A does not meet the definition of an adjacent wetland under the NWPR.

<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	
Wetland D	0.03	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 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 E	0.03	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 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 F	0.08	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 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 G	0.21	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 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 H	0.05	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 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



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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
			surface connection between the wetlands and the (a)(1)-(a)(3) water in a typical year.
Wetland I	0.003	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 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 J	1.14	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 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.

**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 for 1701 SW Chapel Drive Property Benton County, Oregon” dated 20 May 2019 and received by the United States Army Corps of Engineers (USACE) on 3 February 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: Aerial* photographs retrieved from Google Earth dated 8/2020 by the USACE on 17 February 2021. Ground level images provided within the wetland delineation.

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: United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey retrieved by the USACE on 1 March 2021 from <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>.

USFWS NWI maps: United States Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) map retrieved from the USACE Regulatory Web Viewer on 9 February 2021.

USGS topographic maps: United States Geologic Survey (USGS) topographic maps retrieved by the USACE on 17 February 2021 from <https://ngmdb.usgs.gov/topoview/viewer/#15/44.5368/-123.2713>.



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**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 (NHD) information retrieved by the USACE on 9 February 2021. USGS StreamStats raindrop path information retrieved by USACE staff on 1 March 2021.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	Oregon Department of Geology and Mineral Industries (DOGAMI) Lidar retrieved by the USACE on 9 February 2021.
Other Sources	N/A.

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

**C. Additional comments to support AJD:** N/A.