



**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): 3/16/2021
 ORM Number: NWP-2021-120
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Oregon City: Lebanon County/Parish/Borough: Linn
 Center Coordinates of Review Area: Latitude 44.5224° Longitude -122.8952°

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.

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
Wetland A	0.78 acre(s)	(b)(1) Non-adjacent wetland.	Wetland A is wholly within the Review Area boundary and is surrounded by uplands that are higher in elevation on all sides. Wetland A is not inundated by flooding from an (a)(1)-(3) water in a typical year. 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 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: [A untitled wetland delineation completed by Zion Natural Resources Consulting at a 4.7-acre parcel located west of River Road, Lebanon was received by the U.S. Army Corps of Engineers \(USACE\) Portland District Regulatory Branch on 3 March 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 on 3 March 2021 by USACE dated 08/2021. Ground level photos were 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 Resource Conservation Service \(NRCS\) soil survey retrieved by USACE Staff on 8 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 data obtained by USACE Staff on 8 March 2021 from the Regulatory eGIS WebViewer.](#)

USGS topographic maps: [United States Geological Survey \(USGS\) 2020 topographic map was obtained by USACE on 8 March 2021 from <https://ngmdb.usgs.gov/topoview/viewer/#15/44.5212/-122.8959/>](#)

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.

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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Data Source (select)	Name and/or date and other relevant information
State/Local/Tribal Sources	Oregon Department of Geology and Mineral Industries (DOGAMI) Lidar obtained by USACE Staff on 8 March 2021 from https://gis.dogami.oregon.gov/maps/lidarviewer/
Other Sources	N/A.

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

C. Additional comments to support AJD: The Review Area consists of a 4.7 acre irregular polygon located approximately 0.25 miles north of Cheadle Lake in Lebanon, Oregon. The site gently slopes from the southwest and northeast to the center of the site creating a shallow swale. Wetland A is wholly located within the shallow swale and does not extend offsite.