



**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): 4/7/2021
 ORM Number: NWP-2021-81
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Oregon City: Riley County/Parish/Borough: Harney
 Center Coordinates of Review Area: Latitude 43.561637 Longitude -119.683022

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
Ephemeral Wash	1.66	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The Ephemeral Wash extends from the southwestern portion of the Review Area north until it exits the Review Area along the northern boundary. The Ephemeral Wash exhibits a periodic Ordinary High Water Mark (OHWM) and occasional desert vegetation within the channel. The Corps as determined that the ephemeral wash is an ephemeral feature under the Navigable Waters Protection Rule, please see Section III B for additional documentation.

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 Determination Report for Riley Solar II Tax Lot 25S25E000000105 \(Partial\) prepared by PBS Engineering and Environmental and dated 3 February 2021. Received by the Corps on 8 February 2021.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial and Other: Aerial images dated 9 November 2019 and 28 November 2020 retrieved from Digital Globe by the Corps on 18 March 2021. A 2011 Orthophoto was retrieved from the Corps WebViewer on 24 March 2021. Ground level images were provided within the wetland delineation materials.](#)
- 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: [USFWS NWI information retrieved from the Corps' WebViewer on 18 March 2021.](#)
- USGS topographic maps: [USGS topographic maps for 1981 and 2020 were retrieved by Corps staff on 18 March 2021 from <https://ngmdb.usgs.gov/topoview/viewer/#15>.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS NHD information retrieved from the Corps WebViewer on 18 March 2021.
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	DOGAMI Lidar retrieved by Corps staff on 18 March 2021 from https://gis.dogami.oregon.gov/maps/lidarviewer/
Other Sources	N/A.

B. Typical year assessment(s): On 23 March 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 dates the wetland delineation field data was collected and the dates of aerial photography. 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 represents the data sources available via the APT to conduct an appropriate analysis of climatic conditions onsite. The Corps ran a typical year analysis for the Review Area vicinity utilizing the Corps' "Antecedent Precipitation Tool (APT)" (<https://github.com/jDeters-USACE/Antecedent-Precipitation-Tool/releases/tag/v1.0.13>).

Specifically, the Corps' ran an APT Analysis for the following dates:

11/9/2019 (DigitalGlobe Image) - "normal conditions": no observations of surface water.

11/28/2020 (DigitalGlobe Image) - "normal conditions": no observations of surface water.

12/4/2020 (site visit) - "normal conditions": no observations of surface water.

In conclusion, the Corps has determined from the use of the APT, wetland delineation data, aerial imagery, and other sources identified above that the flow regime of the stream is ephemeral.

C. Additional comments to support AJD: N/A