



**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): 4/28/2021

ORM Number: NWP-2021-104

Associated JDs: N/A

Review Area Location¹: State/Territory: Oregon City: Harrisburg County/Parish/Borough: Linn

Center Coordinates of Review Area: Latitude 44.2647° Longitude -123.1603°

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
Roadside Ditch	0.04	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).	<p>The Roadside Ditch borders the Review Area along the northern boundary and flows west outside the Review Area. Shortly before the intersection of S. 6th Street and Sommerville Loop, the ditch turns south and then southwest before flowing into an intermittent stream and into the Willamette River approximately 0.69 miles to the west.</p> <p>Based on a review of aerial imagery, topographic maps, other remote tools the ditch is not an (a)(1) water. A review of historic aerial images and topographic maps do not depict any historic tributaries within the vicinity of the Roadside Ditch. For that reason, the Corps determined the Roadside Ditch was not constructed in a wetland or tributary nor did it relocate a tributary.</p> <p>The Corps' review of historic aerial imagery and topographic maps did not show any evidence of surface water indicating a perennial or intermittent flow. For that reason, the Roadside Ditch is not an (a)(2) water.</p> <p>The Roadside Ditch is not an (a)(4) adjacent wetland because there are numerous man-made structures such as culverts separating the Roadside Ditch from the Willamette River.</p> <p>Therefore, the Roadside Ditch meets the definition of the (b)(5) exclusion pursuant to the Navigable Waters Protection Rule (NWPR).</p>
Ditch	0.02	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).	<p>The Ditch borders the Review Area along the southern boundary and flows west. Immediately outside of the Review Area, the Ditch turns north and joins with the Roadside Ditch at Sommerville Road and continues on along the same flow path as the Roadside Ditch.</p> <p>Based on a review of aerial imagery, topographic maps, other remote tools the Ditch is not an (a)(1) water. A review of historic aerial images</p>

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
				<p>and topographic maps do not depict any historic tributaries within the vicinity of the Ditch. For that reason, the Corps determined the Ditch was not constructed in a wetland or tributary nor did it relocate a tributary.</p> <p>The Corps' review of historic aerial imagery and topographic maps did not show any evidence of surface water indicating a perennial or intermittent flow. For that reason, the Ditch is not an (a)(2) water.</p> <p>The Ditch is not an (a)(4) adjacent wetland because there are numerous man-made structures such as culverts separating the Ditch from the Willamette River. Therefore, the Ditch meets the definition of the (b)(5) exclusion pursuant to the NWPR.</p>
Wetland A	1.92	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland A is located in the western portion of the Review Area and extends offsite to the north and into the Roadside Ditch and offsite to the south and into the Ditch.</p> <p>Based on a review of available resources, the Corps determined Wetland A does not abut an (a)(1)-(3) water, is not inundated by flooding from an (a)(1)-(3) water in a typical year, is not physically separated from an (a)(1)-(3) water by only a natural feature, nor is it separated from an (a)(1)-(3) water only by an artificial structure allowing a direct hydrologic surface connection. For those reasons, Wetland A meets the (b)(1) exclusion under the NWPR.</p>
Wetland B	0.91	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland B is located in the eastern portion of the Review Area and extends offsite to the north and into the Roadside Ditch, offsite to the east, and offsite to the south and into the Ditch.</p> <p>Based on a review of available resources, the Corps determined Wetland B does not abut an (a)(1)-(3) water, is not inundated by flooding from an (a)(1)-(3) water in a typical year, is not physically separated from an (a)(1)-(3) water by only a natural feature, nor is it separated from an (a)(1)-(3) water only by an artificial structure allowing a direct hydrologic surface connection. For those reasons, Wetland B meets the (b)(1) exclusion under the NWPR.</p>



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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 wetland delineation \(untitled and undated\) was submitted to the Corps on 24 February 2021.](#)

This information is and is not sufficient for purposes of this AJD.

Rationale: [Additional information was requested 4 March 2021. On 8 April 2021 the Corps received the requested information and was able to make a determination. The provided wetland delineation adheres to the procedures outlined within the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual and 2010 Western Mountains, Valleys, and Coasts Regional Supplement.](#)

Data sheets prepared by the Corps: [N/A](#)

Photographs: [Aerial and Other: Aerial images from 2018 were retrieved from the Regulatory eGIS WebViewer by USACE Staff on 4 March 2021. Ground level images were provided within the response to additional information request.](#)

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 was retrieved by USACE staff on 3 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 \(NWI\) maps were retrieved by USACE staff from the Regulatory eGIS WebViewer on 3 March 2021.](#)

USGS topographic maps: [United States Geologic Survey \(USGS\) topographic maps were retrieved by USACE staff on 4 March 2021 from <https://ngmdb.usgs.gov/topoview/viewer/#15/44.5368/-123.2713>.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS National Hydrography Dataset (NHD) information was retrieved by USACE staff on 3 March 2021 from the Regulatory eGIS WebViewer.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	Local Wetlands Inventory (LWI) information was retrieved by USACE staff on 4 March 2021 from https://www.oregon.gov/dsl/ww/Pages/Inventories.aspx. Oregon Department of Geology and Mineral Industries (DOGAMI) Lidar was retrieved by USACE staff on 3 March 2021 from https://gis.dogami.oregon.gov/maps/lidarviewer/.
Other Sources	N/A.

B. Typical year assessment(s): [On 4 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. 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 \(I\)](#)



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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:

1 October 2020 (Site Visit) - "normal conditions:" no observations of surface water.

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