



**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-2020-359
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Oregon City: Junction City County/Parish/Borough: Lane
 Center Coordinates of Review Area: Latitude 44.219915 Longitude -123.225855

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
NWP-2020-359 Wetland A	12.63	acre(s)	(b)(6) Prior converted cropland.	This aquatic resource is a palustrine emergent wetland that has been manipulated for the purpose of agricultural production prior to 23 December 1985. Furthermore, the site is not considered abandoned as it has been utilized in support of agricultural purposes in the last 5 years. According to available historic aerials, the entire review area including this wetland has been actively used and manipulated for agricultural purposes since at least 1936. This manipulation consists of frequent plowing and ditching to support agricultural use. The site has been and is currently utilized for cultivation and harvest of rye and fescue seed, hay production, and livestock grazing. Recent aerial imagery and site photos show that the site is currently planted and being utilized for livestock grazing. In a 15 June 1998 letter, Oregon Department of State Lands (DSL) classified this wetland as a prior converted cropland (PCC) based on input from Natural Resource Conservation Service. This wetland is considered a prior converted cropland and therefore the Corps has determined that it is excluded from jurisdiction pursuant to the Navigable Waters Protection Rule (NWPR).
NWP-2020-359 Wetland B	0.19	acre(s)	(b)(1) Non-adjacent wetland.	This aquatic resource is a palustrine emergent wetland which is separated from the nearest (a) (1) – (a) (3) water (Flat Creek) by uplands, a PCC wetland, and a levee. Furthermore, flow between this feature and the adjacent wetland is ephemeral in nature and occurs infrequently due to regular plowing and planting. Therefore, the Corps has determined that this water is excluded from jurisdiction as a non-adjacent wetland pursuant to the Navigable Waters Protection Rule (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.

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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Information submitted by, or on behalf of, the applicant/consultant: "Oaklea Property Wetland Delineation Report" prepared by Allen Martin, Geo Resources on 11 September 2020; Additional information submitted by Allen Martin, Geo Resources on 5 March 2021.

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: Aerial: Google Earth, 28 July 2018; Digital Globe 28 February 2021
- 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: Title(s) and/or date(s).
- USFWS NWI maps: Title(s) and/or date(s).
- USGS topographic maps: Historic topographic maps dated 1910, 1940, 1946, 1960, 1967, 1980, 2011, and 2020 obtained from USGS Topoviewer website.

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.
State/Local/Tribal Sources	N/A.
Other Sources	DSL Delineation Concurrence Letter dated 15 June 1998.

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

C. Additional comments to support AJD: The review area consists of an approximately 86 acre parcel which has been utilized for various agricultural practices since at least 1936. The aerial imagery indicates that the site is currently and has historically been used for grass cultivation, hay production, and cattle grazing. The review area is bordered to the west by Flat Creek, a historic tributary. This historic tributary abuts the site, but is not located within the review area. A berm is present along the entire western boundary of the site with multiple cuts to allow drainage from the review area to Flat Creek immediately offsite.

Within Wetland A, there is also an approximately 330 linear foot ditch that extends from the western boundary across the review area. This area was investigated by the agent and characterized as a wetland. Therefore, the ditch was included as a part of this wetland and not as a separate feature.