



**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-2020-443
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Oregon City: Salem County/Parish/Borough: Marion
 Center Coordinates of Review Area: Latitude 44.88104384 Longitude -122.99170653

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 or describe rationale.
 - 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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Ditch 1	0.44	acre(s)	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Ditch 1 is an intermittent tributary. Ditch 1 begins in the southern boundary of the review area, flows north through the center of the review area into Ditch 3. Ditch 1 has a topography change in the center of the review area where it flows through a culvert crossing. Historical aerial images and a site visit conducted on March 10, 2021 were used to determine Ditch 1 is a relocated tributary. Ditch 1 drains into East Fork Pringle Creek (a)(2) tributary classified perennial that connects directly or

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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
				indirectly to the Willamette River, an (a)(1) water, in a typical year.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Ditch 2	0.06	acre(s)	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Ditch 2 originates near the northwest corner of the review area, flows east, adjacent to Boone Road SE on the south side of the roadway. Ditch 2 abuts Ditch 1 and Ditch 3 which are relocated tributaries. Ditch 2 has perennial flows and abuts Wetland A, an (a)(4) water to Ditch 1. Ditch 2 drains into Ditch 3 which is a relocated tributary and drains into East Fork Pringle Creek (a)(2) tributary classified perennial that connects directly or indirectly to the Willamette River, an (a)(1) water, in a typical year.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Ditch 3	0.35	acre(s)	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Ditch 3 historical aerial images and a site visit conducted on March 10, 2021 confirm that Ditch 3 is a relocated tributary with perennial flows east and drains into East Fork Pringle Creek (a)(2) tributary classified perennial that connects directly or indirectly to the Willamette River, an (a)(1) water, in a typical year.

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.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland A	8.63	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland A is a palustrine emergent wetland that abuts Ditch 1 and Ditch 2. Ditch 1 is a relocated tributary and drains into East Fork Pringle Creek (a)(2) tributary classified perennial that connects directly or indirectly to the Willamette River, an (a)(1) water, in a typical year.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland B	0.11	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland B abuts Ditch 1 which is a relocated tributary and drains into East Fork Pringle Creek (a)(2) tributary classified perennial that connects directly or indirectly to the Willamette River, an (a)(1) water, in a typical year.



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland E	0.11	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland E abuts Ditch 3 which is a relocated tributary and drains into East Fork Pringle Creek (a)(2) tributary classified perennial that connects directly or indirectly to the Willamette River, an (a)(1) water, in a typical year.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland F	0.79	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland F abuts Ditch 1 which is a relocated tributary and drains into East Fork Pringle Creek (a)(2) tributary classified perennial that connects directly or indirectly to the Willamette River, an (a)(1) water, in a typical year.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland H	2.06	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland H abuts Ditch 1 which is a relocated tributary and drains into East Fork Pringle Creek (a)(2) tributary classified perennial that connects directly or indirectly to the Willamette River, an (a)(1) water, in a typical year.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland C	0.24	acre(s)	(b)(1) Non-adjacent wetland.	Wetland C lies approximately 50 feet from Ditch 3; however, the hydrology comes from a high water table and/or direct precipitation without a connection to nearby aquatic resources. The wetland does not abut an (a)(1)-(a)(3) water, is not physically separated from (a)(1)-(a)(3) water by natural or artificial feature, and is not inundated by flooding from (a)(1)-(a)(3) water.

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)): ⁶				
Exclusion Name	Exclusion Size		Exclusion ⁷	Rationale for Exclusion Determination
Wetland D	0.26	acre(s)	(b)(1) Non-adjacent wetland.	Wetland D lies approximately 50 feet from Ditch 3; however, the hydrology comes from a high water table and/or direct precipitation without a connection to nearby aquatic resources. The wetland does not abut an (a)(1)-(a)(3) water, is not physically separated from (a)(1)-(a)(3) water by natural or artificial feature, and is not inundated by flooding from (a)(1)-(a)(3) water.

Excluded waters ((b)(1) – (b)(12)): ⁸				
Exclusion Name	Exclusion Size		Exclusion ⁹	Rationale for Exclusion Determination
Wetland G	0.17	acre(s)	(b)(1) Non-adjacent wetland.	Wetland G is located in the center in the northeast quadrant of the review area between Ditch 3 to the east and Wetland F to the west. Hydrology comes from a high water table and/or direct precipitation without a connection to nearby aquatic resources. The wetland does not abut an (a)(1)-(a)(3) water, is not physically separated from (a)(1)-(a)(3) water by natural or artificial feature, and is not inundated by flooding from (a)(1)-(a)(3) water.

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 Property on Boone Road SE Salem, Oregon” on August 4, 2020 by Pacific Habitat Services, Inc.

This information **Select.** sufficient for purposes of this AJD.

Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency).*

Data sheets prepared by the Corps: AP1, AP2, AP3, AP4, 20210310

Photographs: *Aerial and Other: Historic Aerial Images (1936, 1944, 1972, 1976, 1985, 1999 and 2004), Google Earth Images (May 2020, July 2017, May 2013 and July 2000) and LIDAR.*

Corps site visit(s) conducted on: 20210310

Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: 20201209

USFWS NWI maps: 20201209

⁶ 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.

⁷ 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.

⁸ 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.

⁹ 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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USGS topographic maps: [20201209](#)

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	N/A.

B. Typical year assessment(s): The antecedent precipitation tool was utilized for the timing of the wetland delineation performed by the consultant on 15 May 2020 to determine if the site was delineated during drier or wetter than normal circumstances. The APT determined the delineation was performed during drier than normal conditions for the time of the year. Therefore, the Corps can conclude site conditions during the delineation of the site were drier than normal for May 2020.

C. Additional comments to support AJD: Ditches 1-3 and Wetlands A-G within the review area were inspected during a site visit conducted by the Corps on 10 March 2021. The antecedent precipitation tool was utilized for the timing of the wetland delineation performed by the Corps on 10 March 2021 was under normal circumstances and the 7 May 2020 was under drier than normal circumstances. The Corps site visit combined with historic aerial images concluded that Ditch 1 and 3 are a relocated tributary which drains into East Fork Pringle Creek (a)(2) tributary classified perennial that connects directly or indirectly to the Willamette River, an (a)(1) water, in a typical year. Wetland Delineation plots were taken to determine if Wetlands B, C, D, F and G had a direct hydrologic connection to Ditches 1 or Ditch 3. The site visit determined Wetlands B and F have a direct hydrologic connection to Ditch 1, an (a)(2) water. The site visit determined Wetlands C, D, and G do not have a direct hydrologic connection to Ditch 2, an (a)(2) water.