



**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): [May 7, 2021](#).

ORM Number: [NWP-2020-398](#)

Associated JDs: [N/A](#)

Review Area Location<sup>1</sup>: State/Territory: [Oregon](#) City: [Tillamook](#) County/Parish/Borough: [Tillamook County](#)

Center Coordinates of Review Area: Latitude [45.483158](#) Longitude [-123.84036](#)

**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)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</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
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland 1	0.7	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 is located along the eastern side of the Review Area. The southeastern wetland perimeter is lined with fill and vegetated with Himalayan blackberry ( <i>Rubus armeniacus</i> ), tall Oregon-grape, and weedy herbs. Wetland hydrology is driven by direct precipitation and local runoff. Wetland 1 is the lowest lying portion of the Review Area and without an outlet. A culvert connects within Wetland 1 to Wetland 2 located in the center of the review area. There are no (a)(1)-(3) waters within the Review Area or vicinity of the Review Area. The wetland does not meet the definition of adjacent under Navigable Water Protection Rule.
Wetland 2	0.01	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2 is located in the center of the review area, approximately 0.01 acre in size. The wetland ponds water seasonally and connects to Wetlands 1 and 3 by culvert. There are no (a)(1)-(3) waters within the Review Area or vicinity of the Review Area. The wetland does not meet the definition of adjacent under Navigable Water Protection Rule.
Wetland 3	0.05	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 3 is located in an east-west alignment between an access road and parking area within the Review Area. The wetland is bound by areas of fill and receives hydrology from Wetland 4 and drains to Wetland 2 by culverts. A grated stormwater pipe outfall is present at the western end of Wetland 3. The outfall discharges stormwater from catch basins located in the south and east portions of the creamery facility. There are no (a)(1)-(3) waters within the Review Area or vicinity of the Review Area. The wetland does not meet the definition of adjacent under Navigable Water Protection Rule.



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Wetland 4	0.03	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 4 is located in a north-south alignment between buildings and parking areas within the Review Area, approximately 0.03 acre in size. The wetland is bound by areas of fill and hydrology is driven by direct precipitation and runoff from adjacent developed areas. Wetland 4 is the higher elevation wetland within the Review Area; therefore, it's hydrology flow into Wetland 3 by culvert. There are no (a)(1)-(3) waters within the Review Area or vicinity of the Review Area. The wetland does not meet the definition of adjacent under Navigable Water Protection Rule.
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<sup>4</sup> 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.

<sup>5</sup> 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)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination

**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: [Tillamook County Creamery Association Wetland delineation dated August 24, 2020 prepared by Turnstone Environmental and supplemental figures dated March 4, 2021.](#)

This information is sufficient for purposes of this AJD. Rationale: The requestor utilized the methods described in the U.S. Army Corps of Engineers 1987 wetland delineation manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region to determine the boundaries of Wetland 1-4.

Data sheets prepared by the Corps: *N/A*

Photographs: [Aerial and Other: Tillamook County Creamery Association Wetland delineation dated August 24, 2020 prepared by Turnstone Environmental and Aerial photos provided by Corps Aerial Records.](#)

Corps site visit(s) conducted on: *N/A, no site visit conducted.*

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: [Tillamook County Creamery Association Wetland delineation dated August 24, 2020 prepared by Turnstone Environmental and NWI Figures NWP-2020-398 January 13, 2021.](#)

USGS topographic maps: [Tillamook County Creamery Association Wetland delineation dated August 24, 2020 prepared by Turnstone Environmental and USGS Maps NWP-2020-398 dated March 1, 2021.](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="https://www.fws.gov/wetlands/">https://www.fws.gov/wetlands/</a>
<a href="#">USDA Sources</a>	<a href="https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx">https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx</a>
<a href="#">NOAA Sources</a>	<i>N/A.</i>
<a href="#">USACE Sources</a>	<i>N/A.</i>
<a href="#">State/Local/Tribal Sources</a>	<i>N/A.</i>
<a href="#">Other Sources</a>	<a href="https://www.oregon.gov/dsl/ww/Pages/Inventories.aspx">https://www.oregon.gov/dsl/ww/Pages/Inventories.aspx</a>

**B. Typical year assessment(s):** [The Antecedent Precipitation Tool \(APT\) documents the date of the Wetland Delineation, March 17, 2020 as a moderate drought during the wet season. The review area elevation is approximately 25.64 feet. The 3 month seasonal average was documented as normal using the Cloverdale and Tillamook Weather Stations.](#)

**C. Additional comments to support AJD:** The Review Area is approximately 1.97 acres in size located on a portion of the Tillamook Creamery production campus, in Tillamook, Tillamook County, Oregon. The Review Area consists of a graded industrial gravel pad interspersed with numerous facilities and associated amenities such as a wastewater plant, methane capture, and digester facility, parking areas, and access roads. Parcel access is from the north side of Latimer



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Road, just east of Highway 101. The vegetated portions of Review Area are limited to wetland. The wetlands are a mix of shrubs dominated by willows (*Salix hookeriana*, *S. sitchensis*) and Himalayan blackberries (*Rubus armeniacus*, *R. laciniatus*), and introduced grasses are predominate.

The review area has hosted industrial uses since the mid-part of the 20th century, including the current creamery operation and formerly a portion of a sawmill. The most recent alterations in the 1980s and 1990s consisted of clearing vegetation, filling and construction to accommodate plant expansions at the facility. The current alignments of facilities and wetland areas appear to match those activities from circa year 2000.



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bordering gravel fill impervious surfaces. The wetlands are a mix of shrubs dominated by willows (*Salix hookeriana*, *S. sitchensis*) and Himalayan blackberries (*Rubus armeniacus*, *R. laciniatus*), and introduced grasses are predominate.