



**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): 5/25/2021

ORM Number: NWP-2020-465

Associated JDs: N/A

Review Area Location¹: State/Territory: Oregon City: Woodburn County/Parish/Borough: Marion

Center Coordinates of Review Area: Latitude 45.1615847 Longitude -122.85874319

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.

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	
N/A.	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.	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.	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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REGULATORY PROGRAM
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NAVIGABLE WATERS PROTECTION RULE**

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland A	0.002	acre(s)	(b)(1) Non-adjacent wetland.	Wetland A is located within the grove of Scots pine trees near the southern project boundary. The wetland does not abut an (a)(1)-(3) water, nor is there evidence the wetland is inundated by an (a)(1)-(3) water. The wetland is not separated from an (a)(1)-(3) water by a natural barrier or artificial barrier. The wetland does not meet the definition of adjacent under the Navigable Waters Protection Rule.

Excluded waters ((b)(1) – (b)(12)): ⁶				
Exclusion Name	Exclusion Size		Exclusion ⁷	Rationale for Exclusion Determination
Wetland B	0.003	acre(s)	(b)(1) Non-adjacent wetland.	Wetland B is located within the grove of Scots pine trees near the southern project boundary. The wetland does not abut an (a)(1)-(3) water, nor is there evidence the wetland is inundated by an (a)(1)-(3) water. The wetland is not separated from an (a)(1)-(3) water by a natural barrier or artificial barrier. The wetland does not meet the definition of adjacent under the Navigable Waters Protection Rule.

Excluded waters ((b)(1) – (b)(12)): ⁸				
Exclusion Name	Exclusion Size		Exclusion ⁹	Rationale for Exclusion Determination
Wetland C	0.01	acre(s)	(b)(1) Non-adjacent wetland.	Wetland C is located within the grove of Scots pine trees near the southern project boundary. The wetland does not abut an (a)(1)-(3) water, nor is there evidence the wetland is inundated by an (a)(1)-(3) water. The wetland is not separated from an (a)(1)-(3) water by a natural barrier or artificial barrier. The wetland does not meet the

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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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.

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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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁸			
Exclusion Name	Exclusion Size	Exclusion ⁹	Rationale for Exclusion Determination
			definition of adjacent under the Navigable Waters Protection Rule.

Excluded waters ((b)(1) – (b)(12)): ¹⁰			
Exclusion Name	Exclusion Size	Exclusion ¹¹	Rationale for Exclusion Determination
Wetland D	0.02	acre(s)	(b)(1) Non-adjacent wetland.
			Wetland D is located within the grove of Scots pine trees near the southern project boundary. The wetland does not abut an (a)(1)-(3) water, nor is there evidence the wetland is inundated by an (a)(1)-(3) water. The wetland is not separated from an (a)(1)-(3) water by a natural barrier or artificial barrier. The wetland does not meet the definition of adjacent under the Navigable Waters Protection Rule.

Excluded waters ((b)(1) – (b)(12)): ¹²			
Exclusion Name	Exclusion Size	Exclusion ¹³	Rationale for Exclusion Determination
Wetland E	0.02	acre(s)	(b)(1) Non-adjacent wetland.
			Wetland E is located within the grove of Scots pine trees near the southern project boundary. The wetland does not abut an (a)(1)-(3) water, nor is there evidence the wetland is inundated by an (a)(1)-(3) water. The wetland is not separated from an (a)(1)-(3) water by a natural barrier or artificial barrier. The wetland does not meet the definition of adjacent under the Navigable Waters Protection Rule.

Excluded waters ((b)(1) – (b)(12)): ¹⁴			
Exclusion Name	Exclusion Size	Exclusion ¹⁵	Rationale for Exclusion Determination
Wetland F	0.002	acre(s)	(b)(1) Non-adjacent wetland.
			Wetland F is located within the grove of Scots pine trees near the southern project boundary. The wetland does not abut an (a)(1)-(3) water,

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¹¹ 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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**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)):14				
Exclusion Name	Exclusion Size		Exclusion15	Rationale for Exclusion Determination
				nor is there evidence the wetland is inundated by an (a)(1)-(3) water. The wetland is not separated from an (a)(1)-(3) water by a natural barrier or artificial barrier. The wetland does not meet the definition of adjacent under the Navigable Waters Protection Rule.

Excluded waters ((b)(1) – (b)(12)): ¹⁶				
Exclusion Name	Exclusion Size		Exclusion ¹⁷	Rationale for Exclusion Determination
Wetland G	0.001	acre(s)	(b)(1) Non-adjacent wetland.	Wetland G is located within the grove of Scots pine trees near the southern project boundary. The wetland does not abut an (a)(1)-(3) water, nor is there evidence the wetland is inundated by an (a)(1)-(3) water. The wetland is not separated from an (a)(1)-(3) water by a natural barrier or artificial barrier. The wetland does not meet the definition of adjacent under the Navigable Waters Protection Rule.

Excluded waters ((b)(1) – (b)(12)): ¹⁸				
Exclusion Name	Exclusion Size		Exclusion ¹⁹	Rationale for Exclusion Determination
Wetland H	0.001	acre(s)	(b)(1) Non-adjacent wetland.	Wetland H is located within the grove of Scots pine trees near the southern project boundary. The wetland does not abut an (a)(1)-(3) water, nor is there evidence the wetland is inundated by an (a)(1)-(3) water. The wetland is not separated from an (a)(1)-(3) water by a natural barrier or artificial barrier. The wetland does not meet the definition of adjacent under the Navigable Waters Protection Rule.

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REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)). ²⁰				
Exclusion Name	Exclusion Size		Exclusion ²¹	Rationale for Exclusion Determination
Wetland I	0.001	acre(s)	(b)(1) Non-adjacent wetland.	Wetland I is located within the grove of Scots pine trees near the southern project boundary. The wetland does not abut an (a)(1)-(3) water, nor is there evidence the wetland is inundated by an (a)(1)-(3) water. The wetland is not separated from an (a)(1)-(3) water by a natural barrier or artificial barrier. The wetland does not meet the definition of adjacent under the Navigable Waters Protection Rule.

Excluded waters ((b)(1) – (b)(12)): ²²				
Exclusion Name	Exclusion Size		Exclusion ²³	Rationale for Exclusion Determination
Wetland J	0.001	acre(s)	(b)(1) Non-adjacent wetland.	Wetland J is located within the grove of Scots pine trees near the southern project boundary. The wetland does not abut an (a)(1)-(3) water, nor is there evidence the wetland is inundated by an (a)(1)-(3) water. The wetland is not separated from an (a)(1)-(3) water by a natural barrier or artificial barrier. The wetland does not meet the definition of adjacent under the Navigable Waters Protection Rule.

Excluded waters ((b)(1) – (b)(12)): ²⁴				
Exclusion Name	Exclusion Size		Exclusion ²⁵	Rationale for Exclusion Determination
Wetland K	0.14	acre(s)	(b)(1) Non-adjacent wetland.	Wetland K is located in the central portion of the study area. The wetland does not abut an (a)(1)-(3) water, nor is there evidence the wetland is inundated by an (a)(1)-(3) water. The wetland is not separated from an (a)(1)-(3) water by a natural barrier or artificial barrier. The wetland does not meet the definition of adjacent under the Navigable Waters Protection Rule.

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REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
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Excluded waters ((b)(1) – (b)(12)). ²⁶			
Exclusion Name	Exclusion Size		Rationale for Exclusion Determination
Wetland L	0.03	acre(s)	(b)(1) Non-adjacent wetland.
			Wetland L is located west of the large fill area. The wetland does not abut an (a)(1)-(3) water, nor is there evidence the wetland is inundated by an (a)(1)-(3) water. The wetland is not separated from an (a)(1)-(3) water by a natural barrier or artificial barrier. The wetland does not meet the definition of adjacent under the Navigable Waters Protection Rule.

Excluded waters ((b)(1) – (b)(12)). ²⁸			
Exclusion Name	Exclusion Size		Rationale for Exclusion Determination
Wetland M	0.001	acre(s)	(b)(1) Non-adjacent wetland.
			Wetland M is located southwest of the large fill area in a shallow depression. The wetland does not abut an (a)(1)-(3) water, nor is there evidence the wetland is inundated by an (a)(1)-(3) water. The wetland is not separated from an (a)(1)-(3) water by a natural barrier or artificial barrier. The wetland does not meet the definition of adjacent under the Navigable Waters Protection Rule.

Excluded waters ((b)(1) – (b)(12)). ³⁰			
Exclusion Name	Exclusion Size		Rationale for Exclusion Determination
Wetland N	0.004	acre(s)	(b)(1) Non-adjacent wetland.
			Wetland N is located southwest of the large fill in the eastern portion of the review area. The wetland does not abut an (a)(1)-(3) water, nor is there evidence the wetland is inundated by an (a)(1)-(3) water. The wetland is not separated from an (a)(1)-(3) water by a natural barrier or artificial barrier. The wetland does not meet the definition of adjacent under the Navigable Waters Protection Rule.

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Excluded waters ((b)(1) – (b)(12)): ³²			
Exclusion Name	Exclusion Size		Rationale for Exclusion Determination
Wetland O	0.01	acre(s)	(b)(1) Non-adjacent wetland. Wetland O is located in a shallow depression adjacent to the eastern boundary of a large fill area. The wetland does not abut an (a)(1)-(3) water, nor is there evidence the wetland is inundated by an (a)(1)-(3) water. The wetland is not separated from an (a)(1)-(3) water by a natural barrier or artificial barrier. The wetland does not meet the definition of adjacent under the Navigable Waters Protection Rule.

Excluded waters ((b)(1) – (b)(12)): ³⁴			
Exclusion Name	Exclusion Size		Rationale for Exclusion Determination
Wetland P	0.01	acre(s)	(b)(1) Non-adjacent wetland. Wetland P is located in the eastern portion of the review area. The wetland does not abut an (a)(1)-(3) water, nor is there evidence the wetland is inundated by an (a)(1)-(3) water. The wetland is not separated from an (a)(1)-(3) water by a natural barrier or artificial barrier. The wetland does not meet the definition of adjacent under the Navigable Waters Protection Rule.

Excluded waters ((b)(1) – (b)(12)): ³⁶			
Exclusion Name	Exclusion Size		Rationale for Exclusion Determination
Wetland Q	0.10	acre(s)	(b)(1) Non-adjacent wetland. Wetland Q is located in the eastern portion of the review area and is drained by a hand dug drainage ditch at its east end. The wetland flows into a culvert underneath N Boones Ferry Rd. The drainage flow down a slope on the eastern side of the road into a French drain which is connected to a pipe. The piped water flows underneath a golf course for 0.65 mile and drains into Mill Creek (a)(2). The wetland is non-jurisdictional because it has more than one

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REGULATORY PROGRAM
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NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)). ³⁶				
Exclusion Name	Exclusion Size		Exclusion ³⁷	Rationale for Exclusion Determination
				artificial feature between the wetland and Mill Creek. It is also non-jurisdictional because when the water enters the drainage pipe it is no longer considered surface water. The wetland does not abut an (a)(1)-(3) water, nor is there evidence the wetland is inundated by an (a)(1)-(3) water. The wetland is not separated from an (a)(1)-(3) water by a natural barrier or artificial barrier. The wetland does not meet the definition of adjacent under the Navigable Waters Protection Rule.

Excluded waters ((b)(1) – (b)(12)). ³⁸				
Exclusion Name	Exclusion Size		Exclusion ³⁹	Rationale for Exclusion Determination
Wetland R	0.01	acre(s)	(b)(1) Non-adjacent wetland.	Wetland R is located in a shallow depression southwest of the large fill area. The wetland does not abut an (a)(1)-(3) water, nor is there evidence the wetland is inundated by an (a)(1)-(3) water. The wetland is not separated from an (a)(1)-(3) water by a natural barrier or artificial barrier. The wetland does not meet the definition of adjacent under the Navigable Waters Protection Rule.

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: "Revised Wetland Delineation for Schult Farm Woodburn, Oregon" by Joe Thompson 17 March, 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 A-R.

- ☒ Data sheets prepared by the Corps: Title(s) and/or date(s).
- ☐ Photographs: Select. Title(s) and/or date(s).
- ☒ Corps site visit(s) conducted on: 3/17/2021
- ☐ 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: 5/4/2021
- ☒ USFWS NWI maps: 5/4/2021
- ☒ USGS topographic maps: 5/4/2021

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**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

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 17 March 2021 and 29 July 2020 to determine if the site was delineated during drier or wetter than normal circumstances. The APT determined the delineation was performed during normal conditions for the time of the year. Therefore, the Corps can conclude site conditions during the delineation of the site were normal for March 2021 and normal for July 2020.

C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.