



**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): 6/1/2021

ORM Number: NWP-2021-146

Associated JDs: N/A

Review Area Location¹: State/Territory: Oregon City: Philomath County/Parish/Borough: Benton

Center Coordinates of Review Area: Latitude 44.536768° Longitude -123.374411°

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
Wetland A	0.06	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland A is located in the central portion of the Review Area and is surrounded by asphalt road to the east, south, and west. To the north are two backwash ponds used during the City of Philomath’s water treatment processes and beyond those is another asphalt road. Marys River is located approximately 800 feet south of Wetland A. There are no culverts feeding or discharging flow from Wetland A.</p> <p>For those reasons, Wetland A does not abut an (a)(1)-(3) feature, Wetland A is not inundated by an (a)(1)-(3) feature, Wetland A is not separated from an (a)(1)-(3) feature by only a natural barrier, and Wetland A is not separated from an (a)(1)-(3) feature by an artificial structure with a direct hydrological surface connection in a typical year. Wetland A meets the definition of a (b)(1) exclusion under the Navigable Waters Protection Rule.</p>

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 entitled “City of Philomath Water Treatment Plant Wetland Delineation Report” dated February 2021 prepared by SWCA Environmental Consultants was received by the Corps on 8 April 2021.*

This information is sufficient for purposes of this AJD.

Rationale: *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 to determine the boundaries of the wetland.*

- Data sheets prepared by the Corps: *N/A.*
- Photographs: *Aerial and Other: Aerial photographs dated 19 March 2020 and 20 July 2020 obtained from Digital Globe by Corps staff on 29 April 2021. Ground level photographs submitted within the wetland delineation.*
- 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: *N/A*

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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- USFWS NWI maps: [United States Fish and Wildlife Service \(USFWS\) National Wetland Inventory Map \(NWI\) retrieved by the Corps on 29 April 2021.](#)
- USGS topographic maps: [United States Geologic Survey \(USGS\) Corvallis and Wren quadrangle map retrieved by the Corps on 29 April 2021.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Streamstats Raindrop Path tool retrieved by Corps staff on 29 April 2021 from https://streamstats.usgs.gov/ss/.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	Local Wetland Inventory (LWI) map retrieved by Corps staff on 29 April 2021 from https://www.oregon.gov/dsl/ww/Pages/Inventories.aspx. Oregon Department of Geology and Mineral Industries (DOGAMI) information retrieved by Corps staff on 29 April 2021.
Other Sources	N/A.

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

C. Additional comments to support AJD: [N/A.](#)