



**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-2021-31

Associated JDs: N/A

Review Area Location¹: State/Territory: Oregon City: West Linn County/Parish/Borough: Clackamas

Center Coordinates of Review Area: Latitude 45.34842103 Longitude -122.6722719

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.

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
Stream 1	0.01	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 1 is located in the southeastern portion of the Review Area and does not exhibit a defined bed and bank. Stream 1 was determined to exhibit ephemeral flows, See Section III B. Stream 1 does not meet the definition of water of the U.S. under the 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.

Information submitted by, or on behalf of, the applicant/consultant: [Wetland Delineation for the Dollar Street School Project in West Linn, Oregon dated November 9, 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

Photographs: [Aerial: Google Earth, May 8, 2019, April 17, 2015, and December 31, 2013 reviewed by the Corps May 28, 2021.](#)

Corps site visit(s) conducted on: [Date\(s\)](#).

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: [Title\(s\) and/or date\(s\)](#).

USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).

USGS topographic maps: [USGS Topoviewer 1961 Topographic Map, 1982 Topographic Map, and 2020 Topographic Map reviewed by the Corps May 28, 2021.](#)

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 Corps reviewed the output from the Antecedent Precipitation Tool \(APT\) for the Review Area vicinity using a single point method on June 11, 2020 \(the date of the delineation field work\) and May 8, 2019, April 17, 2015, December 31, 2013 \(dates of Google Earth Pro aerial imagery which demonstrate the presence of surface water within the Review Area\). The APT is an](#)

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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automation tool that rapidly evaluates climatic parameters for a given location. The APT is one tool that the Corps may use to determine and document typical year conditions. The APT is available online (<https://github.com/jDeters-USACE/Antecedent-Precipitation-Tool>).

Stream 1:

June 11, 2020 (Delineation Field Work) – The APT determined this date was under “Drier Than Normal.” No surface water was present during the field within Stream 1.

May 8, 2019 (Google Earth Pro Aerial Image) – The APT determined this date was under “Normal Conditions.” Based on Google Earth Pro aerial imagery, no surface water is present within Stream 1.

April 17, 2015 (Google Earth Pro Aerial Image) – The APT determined this date was “Normal Conditions.” Based on Google Earth Pro aerial imagery, no surface water was present within Stream 1.

December 31, 2013 (Google Earth Pro Aerial Image) – The APT determined this date was “Drier Than Normal.” Based on Google Earth Pro aerial imagery, no surface water was present within Stream 1.

Based on the typical year assessment above, the Corps has determined that Stream 1 possesses ephemeral surface water flow in a typical year.

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