



**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): 7/13/2021

ORM Number: NWP-2020-314

Associated JDs: N/A

Review Area Location¹: State/Territory: Oregon City: Rainer County/Parish/Borough: Columbia

Center Coordinates of Review Area: Latitude 46.096506 Longitude -122.965964

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	7.75	acre(s)	(b)(1) Non-adjacent wetland.	<p>This wetland does not directly abut an (a)(1)-(a)(3) water, as it is separated from the nearest a(1)-a(3) water by roadways, upland developments and abuts Ditch 1 (see additional discussion in Section C below). Ditch 1 meets the (b)(5) exclusion and is discussed below.</p> <p>There is no evidence Wetland A is inundated by flooding in a typical year nor separated from an (a)(1)-(a)(3) water only by a natural feature. Furthermore, this wetland is not separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1) (a)(3) water in a typical year. Wetland A does not meet the definition of an adjacent wetland under NWPR.</p>
Wetland B	0.43	acre(s)	(b)(1) Non-adjacent wetland.	<p>This wetland does not directly abut an (a)(1)-(a)(3) water, as it is separated from the nearest a(1)-a(3) water by roadways, upland developments and constructed ditches (see additional discussion in Section C below).</p> <p>There is no evidence Wetland B is inundated by flooding in a typical year nor separated from an (a)(1)-(a)(3) water only by a natural feature. Furthermore, this wetland is not separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1) (a)(3) water in a typical year. Wetland B does not meet the definition of an adjacent wetland under NWPR.</p>
Ditch 1	0.32	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the	<p>The Wetland Delineation for Columbia Crossing – Rainier Oregon includes a ditch within the boundaries of Wetland A. The Corps has determined that the ditch is a separate aquatic resource from Wetland A which requires its own determination. Ditch 1 is located in the southwestern corner of the Review Area as shown on Enclosure 1. The 1953 map depicts the upstream limits of Rinearson Slough ending</p>

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)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		conditions of (c)(1).	<p>to the west of the Interstate Toll Bridge which crosses the Columbia River. This is consistent with the 1951 aerial image from USGS Earth Explorer. The 1981 photorevision of the 1953 USGS map also depicts the upstream limits of the slough in the same location to the west of the bridge but also depicts the expansion of the Highway 30/433 interchange. The 1981 map does not depict any aquatic features to the east of the Interstate Toll Bridge. The 1990 edition of the map shows the previously sinuous upstream limits of Rinearson Slough to the west of the Review Area as channelized into a linear fashion with several 90-degree bends. While previous editions of the map do not depict any aquatic features in the Review Area, the 1990 map depicts a linear ditch along the southern and western boundaries of the Review area and extending towards the channelized portions of Rinearson Slough to the west of the Review Area. The 2020 edition of the maps is consistent with the 1990 version with the addition of wetland areas depicted along the eastern review area boundary and extending to the east.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence the ditch is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</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: [Wetland Delineation for Columbia Crossing – Rainier Oregon \(April 20, 2017 by Pacific Habitat Services\)](#)

This information is and is not sufficient for purposes of this AJD.

Rationale: [Provided report included aerial and ground-level images and rainfall data, but additional information including the USGS topographic maps, Google Earth aerial photography, USACE eGIS and the USACE Antecedent Precipitation Tool were used to supplement information in the provided 2017 report. 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 Wetlands A-B. The Corps determined the boundaries of Ditch 1 using Google Earth Aerials.](#)

- Data sheets prepared by the Corps: [N/A](#)



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- Photographs: Aerial: Aerial Photo provided in report, Google Earth Aerials (07/1990, 09/1994, 07/2000, 02/2005, 07/2010, 07/2014) accessed on 8 July 2021
- 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: NRCS WebSoil Survey (2017) provided by applicant
- USFWS NWI maps: USFWS NWI Wetland Mapper (2017) provided by applicant
- USGS topographic maps: USGS Topoview, map dates 1953, 1981, 1990, 2020 accessed on 8 July 2021

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Stream Stats, accessed 8 July 2021
USDA Sources	Provided in requestor delineation report, supplemented by USACE APT
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	USGS Earth Explorer 1951 aerial image accessed July 10, 2021

B. Typical year assessment(s): The Corps utilized the Antecedent Precipitation Tool (APT) to evaluate the Review Area via a single point method for the evaluation area. The APT was generated for dates that correlate with field work conducted by the requestor for the dates provided in the requestor delineation report. The APT analysis determines if the date-specific observation falls within the normal periodic range for the geographic area based on a rolling thirty-year period. A single point method using the latitude and longitude coordinates identified in Section (1) above were utilized because the single point method adequately represents the data sources available via the APT to conduct an analysis of climatic conditions within the study area. The APT indicated the dates of the July 2016 and January 2017 field investigations were normal conditions for the time of the site visits.

C. Additional comments to support AJD:

USGS Topographic Map Review:

The 1953 map depicts the upstream limits of Rinearson Slough ending to the west of the Interstate Toll Bridge which crosses the Columbia River. The 1981 photorevision of the 1953 USGS map also depicts the upstream limits of the slough in the same location to the west of the bridge but also depicts the expansion of the Highway 30/433 interchange. The 1981 map does not depict any aquatic features to the east of the Interstate Toll Bridge. The 1990 edition of the map shows the previously sinuous upstream limits of Rinearson Slough to the west of the Review Area as channelized into a linear fashion with several 90-degree bends. While previous editions of the map do not depict any aquatic features in the Review Area, the 1990 map depicts a linear ditch along the southern and western boundaries of the Review area and extending towards the channelized portions of Rinearson Slough to the west of the Review Area. The 2020 edition of the maps is consistent with the 1990 version with the addition of wetland areas depicted along the eastern review area boundary and extending to the east.

Google Earth Aerial Photograph Review:

The 1990 photograph is consistent with the 1990 USGS map depicting a linear ditch parallel to Highway 30



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and along the southern and western Review Area boundaries in the general location of Ditch 1. The ditch appears to continue west under the Highway 433 bridge with several 90-degree turns until it connects with a presumably natural portion of Rinearson Slough with a wooded riparian corridor. The majority of the review area is devoid of woody vegetation and is potentially in use for agricultural development. The 1994 photograph is consistent with the 1990 photograph, but shows some woody vegetation forming along the linear ditch, in addition to some apparent recent clearing with the Review Area. The 2000 photograph shows land use as consistent with prior photos, and shows clearing of woody vegetation along the ditch/southern Review Area boundary. Evidence of clearing and grading is apparent, as well as some saturation signatures in the southwestern portion of the Review Area. The 2005 photograph shows two different vegetation signatures. The green signature is consistent with a maintained agricultural setting and the brown/gold signature is largely consistent with the footprint of Wetland A. The 2010 photograph is generally consistent with prior photographs as is the 2014 photograph, however the 2014 photograph does appear to show selective grading/mowing, presumably around the footprint of Wetland A.

In general, the aerial photographs are consistent with the USGS maps in that there is a linear ditch (Ditch 1) along Highway 30 which has several 90-degree bends along the southern and western boundaries of the Review Area, presumably to route interrupted overland/local drainage around the embankment for the Highway 30/433 interchange prior to outfalling into Rinearson Slough approximately 2,000 feet downstream of highway 433. It should be noted that the USGS maps did not depict any aquatic features within the Review Area prior to the construction of this interchange. As a result, the Corps concluded that the Ditch 1 along Highways 30 and 433 are man-made features which do not replace the function of an a(1)-a(3) water. Because of this, Wetland A and Wetland B would not be considered adjacent wetlands because they do not directly abut an (a)(1)-(a)(3) water, are not inundated by flooding in a typical year nor are separated from an (a)(1)-(a)(3) water only by a natural feature. Furthermore, these wetlands are not separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1) (a)(3) water in a typical year.