



**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): 7/23/2021
 ORM Number: NWP-2020-380
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Oregon City: Dundee County/Parish/Borough: Yamhill
 Center Coordinates of Review Area: Latitude 45.275275 Longitude -123.070240

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	0.27 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 uplands with rural developments. A review of USGS topographic maps (1956, 1993, 2014) do not depict any aquatic features in the vicinity of the review area. The 2020 USGS map does depict the headwaters of an unnamed tributary to Hess Creek to the southeast of the review area, but a review of Google Earth aerial photography (1994, 2005, 2011, 2018, 2020) and ground photographs provided by the applicant does not concur with the 2020 USGS map.</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>

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: [Pinnacle Property Reservoir Site Wetland Delineation Report by Wetlands Solutions Northwest, LLC – April 2019](#)

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 USGS topographic maps, Google Earth aerial photography, USACE eGIS and the USACE Antecedent Precipitation Tool were used to supplement information in the provided 2019 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 Wetland A.](#)

- Data sheets prepared by the Corps: [N/A](#)
- Photographs: [Aerial and Other: Aerial: Aerial Photo and ground-level photographs provided in report, Google Earth Aerials \(06/1994, 06/2005, 08/2011, 07/2018, and 08/2020\) accessed on 22 July 2021](#)

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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- 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 Web Soil Survey, 2018, provided by applicant](#)
- USFWS NWI maps: [USFWS Wetland Mapper, accessed 22 July 2021](#)
- USGS topographic maps: [USGS Topoview map dates 1956, 1993, 2014, 2020 accessed 22 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 22 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	N/A.

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 January and March 2019 field investigations were normal conditions for the time of the site visits.

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