



**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): 8/18/2021

ORM Number: NWP-2021-108

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Oregon City: Banks County/Parish/Borough: Washington

Center Coordinates of Review Area: Latitude 45.615237 Longitude -123.099328

**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)<sup>2</sup>**

§ 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): <sup>3</sup>			
(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.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland A	0.04	acre(s)	(b)(1) Non-adjacent wetland.	See Section III C.
Wetland B	0.79	acre(s)	(b)(1) Non-adjacent wetland.	See Section III C.
Wetland C	0.26	acre(s)	(b)(1) Non-adjacent wetland.	See Section III C.
Wetland D	0.13	acre(s)	(b)(1) Non-adjacent wetland.	See Section III C.
Wetland E	0.13	acre(s)	(b)(1) Non-adjacent wetland.	See Section III C.
Wetland F	0.14	acre(s)	(b)(1) Non-adjacent wetland.	See Section III C.
Wetland G	0.03	acre(s)	(b)(1) Non-adjacent wetland.	See Section III C.
Wetland H	0.07	acre(s)	(b)(1) Non-adjacent wetland.	See Section III C.
Wetland I	0.02	acre(s)	(b)(1) Non-adjacent wetland.	See Section III C.
Wetland J	0.24	acre(s)	(b)(1) Non-adjacent wetland.	See Section III C.
Wetland K	0.06	acre(s)	(b)(1) Non-adjacent wetland.	See Section III C.
Wetland L	0.10	acre(s)	(b)(1) Non-adjacent wetland.	See Section III C.
Wetland M	0.20	acre(s)	(b)(1) Non-adjacent wetland.	See Section III C.
Wetland N	1.16	acre(s)	(b)(1) Non-adjacent wetland.	See Section III C.
Wetland O	0.15	acre(s)	(b)(1) Non-adjacent wetland.	See Section III C.
Wetland P	0.17	acre(s)	(b)(1) Non-adjacent wetland.	See Section III C.
Wetland Q	0.27	acre(s)	(b)(1) Non-adjacent wetland.	See Section III C.
Wetland R	0.13	acre(s)	(b)(1) Non-adjacent wetland.	See Section III C.
Pond A	1.70	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-	Based on review of historical aerials and topographic maps, the pond was constructed in upland or non-jurisdictional waters. There is not sufficient evidence to document that Pond A is an impoundment of a jurisdictional water that

<sup>4</sup> 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.

<sup>5</sup> 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)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
		jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. There is no evidence that Pond A is inundated by flooding from an (a)(1)-(a)(3) water in a typical year.
Pond B	2.23	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).  Based on review of historical aerials and topographic maps, the pond was constructed in upland or non-jurisdictional waters. There is not sufficient evidence to document that Pond B is an impoundment of a jurisdictional water that contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. There is no evidence that Pond B is inundated by flooding from an (a)(1)-(a)(3) water in a typical year.
Pond C	0.94	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).  Based on review of historical aerials and topographic maps, the pond was constructed in upland or non-jurisdictional waters. There is not sufficient evidence to document that Pond C is an impoundment of a jurisdictional water that contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. There is no evidence that Pond C is inundated by flooding from an (a)(1)-(a)(3) water in a typical year.
Pond D	3.63	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).  Based on review of historical aerials and topographic maps, the pond was constructed in upland or non-jurisdictional waters. There is not sufficient evidence to document that Pond D is an impoundment of a jurisdictional water that contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. There is no evidence that Pond D is inundated by flooding from an (a)(1)-(a)(3) water in a typical year.



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**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: [Quail Valley Golf Course Wetland and Waters Delineation Report dated 06NOV2020.](#)

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

Rationale: [The information submitted did not include an Antecedent Precipitation Tool \(APT\) analysis for potential stream channels located adjacent to the review area that could have provide jurisdiction for \(a\)\(4\) water\(s\) determinations. The report did include soil maps, wetland datasheets, site photographs, and history of the review area which clearly defined the historic, intensive modifications to the landscape by the construction and development of a golf course.](#)

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

Photographs: [Aerial and Other: Google Earth Pro aerial imagery dated 13AUG2020 & 17APR2015 and site photographs provided in the requestor's wetland and waters delineation report taken on 25SEP2020. The delineation report also included aerial photographs dated 17MAY1973 & 27JUN1994 identified as provided by U.S. Geological Survey \(USGS\) which shows the review area prior to and during conversion to a golf course.](#)

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: [Viewed online and downloaded via the Natural Resources Conservation Service Web Soil Survey on 16JUN2021. The delineation report included an undated, county soil map.](#)

USFWS NWI maps: [Viewed online and downloaded via the USFWS NWI Mapper on 16JUN2021. The delineation report included an undated map with wetland data with the data source identified as wetland polygons from USFWS.](#)

USGS topographic maps: [2020 Edition of the Forest Grove, Oregon 1:24,000 topographical map viewed online and downloaded via USGS Topoview on 16JUN2021.](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

**B. Typical year assessment(s):** [The Corps completed typical year assessments using the APT. The APT analysis was performed for two dates where historical aerial imagery provided clear views of potential stream channels. The dates for the APT analysis include both the dry and wet season.](#)

[13AUG2020: Dry season, normal conditions, mild drought](#)  
[17APR20215: Wet season, normal conditions, mild drought](#)

[The Corps reviewed historical aerial imagery for the dates the APT analyses were completed. This review](#)



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included both the requested review area and potential stream channels outside the review area for adjacency determinations of (a)(4) waters. The Corps did not identify surface water in potential stream channels and therefore no (a)(1)-(a)(3) waters are present. Without the presence of a jurisdictional (a)(1)-(a)(3) water of the U.S., none of the wetlands and/or ponds located within the review area meet the requirements for an (a)(4) water.

**C. Additional comments to support AJD:**

Wetlands A-R Exclusion Rationale:

These eighteen wetlands are located through the review area with several being fringe wetlands located along the edge of ponds. The Corps determined there are no (a)(1)-(a)(3) waters present within or adjacent to the review area. Without the presence of an (a)(1)-(a)(3) water, the Corps determined that wetlands A-R are (b)(1) excluded waters due to non-adjacency.

The landscape within the review area was heavily modified during conversion from agricultural fields into a golf course. A review of historical aerial imagery and topographic map did not provide evidence that historic stream channels have been diverted or converted into ditches. Typical year assessments did not provide evidence of intermittent or perennial stream flow within or adjacent to the review area which negates the potential for adjacency of wetlands/ponds to (a)(1)-(a)(3) waters. The Corps has determined that only excluded waters or features, which are not jurisdictional under the NWPR, are located within the review area.