



**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): 8/20/2021
 ORM Number: NWP-2020-286
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Oregon City: Corvallis County/Parish/Borough: Benton
 Center Coordinates of Review Area: Latitude 44.53379 Longitude -123.26862

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
Wetland A	29.22	acre(s)	(a)(4) Wetland separated from Wetland A extends outside of the Review Area to the northwest. Wetland A is connected to 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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Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
		<p>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.</p>	<p>palustrine forested wetland located outside of the Review Area. Based on Google Earth aerials and Corps site visits, the palustrine emergent forested wetland is a contiguous wetland that extends to the railroad track located to the northwest and outside of the Review Area. There is a box culvert underneath the railroad that allows for a direct hydrologic connection in a typical year to the tributary west of the railroad track, see Section III C.</p> <p>Immediately adjacent to the culvert on the east side, there is an unnamed tributary that forms. During the Corps site visit, Corps staff completed a Streamflow Duration Assessment form in accordance with the Streamflow Duration Assessment Method (SDAM). The form documented the unnamed tributary as possessing intermittent flow at the railroad track. The unnamed tributary flows directly to the west crossing underneath a roadway via a culvert. Corps staff completed a Streamflow Duration Assessment form in accordance with the SDAM at the downstream end of the roadway crossing and documented the unnamed tributary as possessing intermittent flow. The Corps has determined that the roadway culvert allows for a connection in typical year. The unnamed tributary continues to the west crossing underneath a bridge and contributes surface water flows to the Marys River. Marys River flows to the northwest and east into the Willamette River. The Willamette River is not subject to the U.S. Army Corps of Engineers (Corps) Approved Jurisdictional Determination (AJD) for this AJD, but is an (a)(1) navigable water of the U.S. per the Corps Portland District's 1993 List of Navigable Riverways within the State of Oregon. The unnamed tributary located outside of the Review Area is not subject to this AJD, however based on the above information the unnamed tributary meets the definition of the an (a)(2) water pursuant the Navigable Waters Protection Rule (NWPR).</p>



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Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
			Based on the above information, the Corps has determined that Wetland A is part of a contiguous wetland located outside of the Review Area that extends to the northwest where the wetland abuts the railroad. The railroad is an artificial structure that separates the wetland from the unnamed (a)(2) tributary with a box culvert that allows for a direct hydrologic connection in a typical year. Wetland A meets the definition of an adjacent wetland pursuant the NWPR.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
N/A.	N/A.	N/A.	N/A.

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 Corvallis – Slayden Site, Corvallis, Oregon” Pacific Habitat Services, Inc. dated July 2, 2020.

This information is sufficient for purposes of this AJD.

Rationale: The delineator completed a wetland delineation which followed 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 the waters within the review area.

- Data sheets prepared by the Corps: Streamflow Duration Assessment Manual data forms at four locations completed during the June 17, 2021 site visit by Corps staff.
- Photographs: Aerial and Other: Google Earth Images (August 2005, March 2010, November 2011, July 2016, July 2017, July 2018), LIDAR, and site visit photos from June 17, 2021.
- Corps site visit(s) conducted on: May 27, 2021 and June 17, 2021.
- Previous Jurisdictional Determinations (AJDs or PJDs): N/A
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Amity Silt Loam, 0-3% slopes and Dayton Silt Loam, 0-3% slopes - 9/30/2020
- USFWS NWI maps: 1:9 Corvallis County - 9/30/2020
- USGS topographic maps: Corvallis 2017 (US Topo) Scale 1:24000 - 10/1/2020

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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Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	National Hydrography Dataset information obtained by USACE staff on 17 June 2021 from the USACE Regulatory WebViewer.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	U.S. Army Corps of Engineers 1987 wetland delineation manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountain, Valley, and Coast Region.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): The antecedent precipitation tool was utilized for the timing of the wetland delineation performed by the consultant on 15 September 2017 and the site visits conducted by the Corps on 27 May 2021 and 17 June 2021 to determine if the site was delineated during drier or wetter than normal circumstances. The APT determined the delineation was performed during normal conditions for the time of the year. The APT determined the site visit on 27 May 2021 was during drier than normal conditions for the time of the year. The APT determined the site visit on 17 June 2021 was during normal conditions for the time of the year. Therefore, the Corps can conclude site conditions during the delineation of the site were normal for September 2017, drier than normal for May 2021 and normal for June 2021.

C. Additional comments to support AJD: The vegetation observed upstream from the railroad box culvert track include the following: Oregon ash (*Fraxinus latifolia*, FACW), willow (*Salix* sp., (FACW)), reed canarygrass (*Phalaris arundinacea*, FACW), and Balsam poplar (aka Cottonwood (*Populus trichocarpa*, FACW)). This vegetation is characteristic of palustrine forested wetlands observed along the western boundary of the site. This palustrine forested wetland does extend to the railroad box culvert track. Reviewing the site indicators for signs of flows, there were observed paths of water flowing through the palustrine forested wetland. Some evidence of erosion includes clearing of recent build up of leaves and organic material, and observed sorting of granular sized sediments. No flows were present during the 27 May 2021 and 17 June 2021 site visits. Water line stains depicting a relative permanence were observed within the box culvert from the east side where flows would presumably enter the culvert.

The observations of the entire area reveal a palustrine forested wetland extending from the Review Area and downstream to the Marys River. While reviewing the wetland characteristics, the observation of a flow path from a tributary was reviewed at four locations and in each instance the SDAM classified the channel as intermittent flow. The basis for the first three locations were due to the low slope gradient and the prevalence of wetland vegetation. At the fourth data point the same characteristics applied, but there were three pools full of water observed within the Review Area which reflected a larger volume of water coming through the site with more relative permanence. Although the pools were covered by dense vegetation, several macroinvertebrate species were observed and correlated the findings of the unnamed tributary to have intermittent flows.



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In conclusion, there is an intermittent tributary flowing through the palustrine forested wetland and extends to the Marys River. The Streamflow Duration Assessment Methodology and forms completed for the tributary reflect the tributary has intermittent flows which were also confirmed with the presence of pools of water and macroinvertebrates. The unnamed tributary flows directly to the Marys River with an intermittent flow regime as shown on the GIS maps.