APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 15 February 2023

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CENWP-ODG, Quail Valley Golf Course, NWP-2021-108-1

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: Oregon County/parish/borough: Washington City: Banks
Center coordinates of site (lat/long in degree decimal format): Lat. 45.615237° **N**, Long. -123.099328° **W**.
Universal Transverse Mercator:
Name of nearest waterbody: Bledsoe Creek
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Dairy Creek
Name of watershed or Hydrologic Unit Code (HUC): Lower East Fork Dairy Creek; 170900100305
☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
☒ Office (Desk) Determination. Date: 19 January 2023
☐ Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [*Required*]
☐ Waters subject to the ebb and flow of the tide.
☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [*Required*]

1. **Waters of the U.S.**
   a. **Indicate presence of waters of U.S. in review area (check all that apply):** [1]
      ☐ TNWs, including territorial seas
      ☐ Wetlands adjacent to TNWs
      ☒ Relatively permanent waters[2] (RPWs) that flow directly or indirectly into TNWs: Pond C, Pond D
      ☐ Non-RPWs that flow directly or indirectly into TNWs
      ☒ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs: Wetland N
      ☒ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs: Wetland K
      ☒ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs**:** Wetland R
      ☐ Impoundments of jurisdictional waters:
      ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

   b. **Identify (estimate) size of waters of the U.S. in the review area:**
      Non-wetland waters: Pond C: 0.94 acre; Pond D: 3.63 acre
      Wetlands: Wetland K 0.06 acre; Wetland N 1.16 acres; Wetland R 0.13 acre.

   c. **Limits (boundaries) of jurisdiction** based on: **1987 Delineation Manual**
      Elevation of established OHWM (if known): .

2. **Non-regulated waters/wetlands (check if applicable):**[3]
   ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
   Explain: **Pond A, Pond B, Wetlands: A-J, L, M, O-Q**. **Refer to Section III F.**

[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[3] Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW
Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW
Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:
Watershed size: Lower East Fork Dairy Creek, 31.84 **square miles**
Drainage area: 1.5 **square miles**
Average annual rainfall: 43 inches
Average annual snowfall: 3 inches

(ii) Physical Characteristics:
(a) Relationship with TNW:
☐ Tributary flows directly into TNW.
☒ Tributary flows through **5** tributaries before entering TNW.

Project waters are **5-10** river miles from TNW.
Project waters are **1-2** river miles from RPW.
Project waters are **2-5** aerial (straight) miles from TNW.
Project waters are **1 (or less)** aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW[5]:

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.
[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Pond C: Water flows in a southeasterly direction from the pond through a culvert which empties into a roadside ditch on the eastern boundary of the Review Area. The roadside ditch flows south for approximately 160 feet before flowing into a culvert crossing NW Aerts Road, and then empties into an open channel of the unnamed tributary. Flow continues to the southeast for approximately 2 miles where the unnamed tributary flows into Bledsoe Creek. Bledsoe Creek continues to the south for approximately 2.3 miles whereupon it flows into East Fork Dairy Creek. East Fork Dairy Creek flows south for approximately 3 miles before flowing into the mainstem Dairy Creek. Dairy Creek continues south for approximately 2.5 miles whereupon it becomes a navigable water after crossing under NW Cornelius Schefflin Road.

Pond D: Water flows in a southeasterly direction from Pond D through a culvert which empties into a roadside ditch on the eastern boundary of the Review Area. The roadside ditch flows south for approximately 95 feet before flowing into a culvert crossing NW Aerts Road. The culverted pipe continues across the adjacent property in a southeasterly direction and is daylighted at a culvert crossing NW Wilson River Highway (Oregon Route 6). The culvert empties into an open channel which flows to the east for 1.6 miles before flowing into Bledsoe Creek. Bledsoe Creek continues to the south for approximately 2.3 miles whereupon it flows into East Fork Dairy Creek. East Fork Dairy Creek flows south for approximately 3 miles before flowing into the mainstem Dairy Creek. Dairy Creek continues south for approximately 2.5 miles whereupon it becomes a navigable water after crossing under NW Cornelius Schefflin Road.

Tributary stream order, if known: Stream order 1.

(b) General Tributary Characteristics (check all that apply):

Tributary is:
- ☐ Natural
- ☐ Artificial (man-made). Explain: .
- ☒ Manipulated (man-altered). Explain: Construction of the Quail Valley Golf during the late 1980's to mid 1990's excavated Ponds C and D. It is likely that the culverts crossing NW Aerts were already existent at this time. The unnamed tributaries downstream of the Review Area including Bledsoe Creek have likely seen their channels straightened to some degree and maintained for agricultural purposes.

Tributary properties with respect to top of bank (estimate): Pond C
Average width: 2 feet
Average depth: 2 feet
Average side slopes: **2:1.**

Primary tributary substrate composition (check all that apply):

☒ Silts	☐ Sands	☐ Concrete
☐ Cobbles	☐ Gravel	☐ Muck
☐ Bedrock	☐ Vegetation. Type/% cover:	
☐ Other. Explain: .		

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: .
Presence of run/riffle/pool complexes. Explain: .
Tributary geometry: **Relatively straight**
Tributary gradient (approximate average slope): 1 %

(c) Flow:
Tributary provides for: **Seasonal flow**
Estimate average number of flow events in review area/year: **11-20**
Describe flow regime: Intermittent.
Other information on duration and volume: Tributaries exhibit seasonal flow during the winter and spring months. Flow is also observable during the summer months on aerial and street level imagery due to supplemental input (pumped water) to the ponds (tributaries).

Surface flow is: **Confined.** Characteristics: Surface flow is mostly confined to ditches and piped culverts.

Subsurface flow: **Pick List**. Explain findings: .
- ☐ Dye (or other) test performed: .

Tributary has (check all that apply):
- ☒ Bed and banks
- ☒ OHWM[6] (check all indicators that apply):
  - ☒ clear, natural line impressed on the bank
  - ☐ changes in the character of soil
  - ☐ the presence of litter and debris
  - ☐ destruction of terrestrial vegetation

[6]A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

☐ shelving
☒ vegetation matted down, bent, or absent
☐ leaf litter disturbed or washed away
☐ sediment deposition
☐ water staining
☐ other (list):
☐ the presence of wrack line
☐ sediment sorting
☐ scour
☐ multiple observed or predicted flow events
☒ abrupt change in plant community

☐ Discontinuous OHWM.[7] Explain: .

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☐ High Tide Line indicated by:
- ☐ oil or scum line along shore objects
- ☐ fine shell or debris deposits (foreshore)
- ☐ physical markings/characteristics
- ☐ tidal gauges
- ☐ other (list):

☐ Mean High Water Mark indicated by:
- ☐ survey to available datum;
- ☐ physical markings;
- ☐ vegetation lines/changes in vegetation types.

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Explain: .
Identify specific pollutants, if known: .

(iv) Biological Characteristics. Channel supports (check all that apply):

☐ Riparian corridor. Characteristics (type, average width): .
☒ Wetland fringe. Characteristics: .
☐ Habitat for:
- ☐ Federally Listed species. Explain findings: .
- ☐ Fish/spawn areas. Explain findings: .
- ☐ Other environmentally-sensitive species. Explain findings: .
- ☐ Aquatic/wildlife diversity. Explain findings: .

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:
Properties:
Wetland size: Wetland K 0.06 acre; Wetland N 1.16 acres; Wetland R 0.13 acre.
Wetland type. Explain: Wetland K (PEMC/PSSC); Wetland N (PEMB); Wetland R (PEMC)
Wetland quality. Explain: Wetlands K and N are located in an area disturbed by past agricultural use and golf course construction. Wetland R is located in an area disturbed by past agricultural use.

Project wetlands cross or serve as state boundaries. Explain: N/A.

(b) General Flow Relationship with Non-TNW:
Flow is: **Intermittent flow**. Explain:
Wetland K: Intermittent input of surface flow from uplands, direct precipitation, and seasonally high water table.
Wetland N: Intermittent input of surface flow from uplands, direct precipitation, and perennial input from Pond D.
Wetland R: Intermittent input of surface flow from uplands, direct precipitation, and seasonally high water table.

Surface flow is**: Discrete and confined**
Characteristics:

Surface flow for Wetlands K, and R is the result of topography and is conveyed through roadside ditches.
Surface flow for Wetlands N is the result of topography and is conveyed through culverts and ditches.

Subsurface flow: **Pick List**. Explain findings: .
☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:
☒ Directly abutting; Wetland N
☒ Not directly abutting Wetland K, Wetland R
☒ Discrete wetland hydrologic connection. Explain:

Wetland K: Water flows in a northeasterly direction approximately 25 feet from Wetland K to a roadside ditch on the eastern boundary of the Review Area due to sloping topography. The roadside ditch flows north for approximately

[7]Ibid.

180 feet before flowing into a culvert crossing NW Aerts Road. The culverted pipe continues across the adjacent property in a southeasterly direction and is daylighted at a culvert crossing NW Wilson River Highway (Oregon Route 6). The culvert empties into an open channel which flows to the east for 1.6 miles before flowing into Bledsoe Creek. Bledsoe Creek continues to the south for approximately 2.3 miles whereupon it flows into East Fork Dairy Creek. East Fork Dairy Creek flows south for approximately 3 miles before flowing into the mainstem Dairy Creek. Dairy Creek continues south for approximately 2.5 miles whereupon it becomes a navigable water after crossing under NW Cornelius Schefflin Road.

Wetland R: Water flows in a southeasterly direction from Wetland R directly to a railroad ditch. The railroad ditch continues to the southeast for approximately 2000 feet before flowing into an unnamed tributary. The unnamed tributary continues for 2.5 miles whereupon it flows into East Dairy Creek. East Dairy Creek flows south for approximately 2 miles before flowing into the mainstem Dairy Creek. Dairy Creek continues south for approximately 2.5 miles whereupon it becomes a navigable water after crossing under NW Cornelius Schefflin Road.

☐ Ecological connection. Explain: .
☐ Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW
Project wetlands are **5-10** river miles from TNW.
Project waters are **2-5** aerial (straight) miles from TNW.
Flow is from: **Wetland to navigable waters.**
Estimate approximate location of wetland as within the **100 - 500-year** floodplain.

(ii) Chemical Characteristics:
Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .
Identify specific pollutants, if known: .

(iii) Biological Characteristics. Wetland supports (check all that apply):
☐ Riparian buffer. Characteristics (type, average width): .
☒ Vegetation type/percent cover. Explain:

Wetland K: A hydrophytic plant community dominated by Shining Willow (*Salix lucida*, FACW), Willow (*Salix* sp, FACW estimated), Balsam Poplar (*Populus balsamifera*, FAC), Himalayan Blackberry (*Rubus armeniacus*, FAC), Slough Sedge (*Carex obnupta*, OBL), Lamp Rush (*Juncus effusus*, FACW), Perennial Rye Grass (*Lolium perenne*, FAC), Common Velvet Grass (*Holcus lanatus*, FAC), Pale-Yellow Iris (*Iris pseudacorus*, OBL), Codlins-and-Cream (*Epilobium hirsutum*, FACW), Broad-Leaf Cat-Tail (*Typha latifolia*, OBL), Tall False Rye Grass (*Schedonorus arundinaceus*, FAC), White Clover (*Trifolium repens*, FAC), and Reed Canary Grass (*Phalaris arundinacea*, FACW) was documented.

Wetland N: A hydrophytic plant community dominated by Balsam Poplar, Himalayan Blackberry, Broad-Leaf Cat-Tail, Pale-Yellow Iris, Codlins and Cream, and Lamp Rush was documented whereas contrasting uplands were dominated by unidentifiable mowed grass, Tall False Rye Grass, and Red Fescue.

Wetland R: Due to ongoing cultivation in the area, Perennial Rye Grass plant community was not considered as natural conditions for making the wetland determination.

☒ Habitat for:
☐ Federally Listed species. Explain findings: .
☒ Fish/spawn areas. Explain findings: Wetland N may provide habitat for fish.
☐ Other environmentally-sensitive species. Explain findings: .
☒ Aquatic/wildlife diversity. Explain findings: Wetland K, N, and R serve as habitat for mammals, amphibians, and invertebrates.

3. Characteristics of all wetlands adjacent to the tributary (if any)
All wetland(s) being considered in the cumulative analysis: **3**
Approximately (1.35) acres in total are being considered in the cumulative analysis.

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)
Wetland K No	0.06 acre		
Wetland N: Yes	1.16 acres		
Wetland R: No	0.13 acre		

Summarize overall biological, chemical and physical functions being performed:

Wetlands K, N, and R provide habitat for small terrestrial and aquatic species within the confines of a recreational golf course. The wetlands also serve to filter runoff from the surrounding uplands which likely contain elevated levels of herbicides and nitrogen and phosphorus from fertilizers.

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

   Wetland R: Wetland R is a shallow depression located at the base of a swale in the southeast corner of the Review Area. The upland area north of the wetland is composed of an agricultural field of perennial rye grass, and further upgradient is the main parking area for the Quail Valley Golf Course. During precipitation events, upgradient runoff from the parking lot, including pollutants, is funneled downgradient to the agricultural field and Wetland R. Wetland R sheetflows to the south when infiltration capacity is exceeded into an adjacent railroad ditch located directly outside of the Review Area. The railroad ditch continues to the southeast for approximately 2000 feet before flowing into an unnamed tributary. The unnamed tributary continues for 2.5 miles whereupon it flows into East Dairy Creek. East Dairy Creek flows south for approximately 2 miles before flowing into the mainstem Dairy Creek. Dairy Creek continues south for approximately 2.5 miles whereupon it becomes a navigable water after crossing under NW Cornelius Schefflin Road. This demonstrates a direct physical and chemical connection to the downstream TNW. Vegetation growing in Wetland R is transported along this path transferring nutrients and organic carbon that would support downstream food webs in TNWs.

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

   Wetland K: Wetland k is a shallow linear depression located at the sloping western edge of the golf course and Review Area. During precipitation events, upgradient runoff from the adjacent golf course fairways and paved path flows to Wetland K. Runoff likely contains elevated levels of herbicides and nitrogen and phosphorus from fertilizers. When infiltration capacity is exceeded, Wetland K sheetflows downgradient to the west approximately 25 feet into a roadside ditch directly outside of the Review Area. The roadside ditch flows north for approximately 180 feet before flowing into a culvert crossing NW Aerts Road. The culverted pipe continues across the adjacent property in a southeasterly direction and is daylighted at a culvert crossing NW Wilson River Highway (Oregon Route 6). The culvert empties into an open channel which flows to the east for 1.6 miles before flowing into Bledsoe Creek. Bledsoe Creek continues to the south for approximately 2.3 miles whereupon it flows into East Fork Dairy Creek. East Fork Dairy Creek flows south for approximately 3 miles before flowing into the mainstem Dairy Creek. Dairy Creek continues south for approximately 2.5 miles whereupon it becomes a navigable water after crossing under NW Cornelius Schefflin Road.

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   ☐ TNWs: linear feet width (ft), Or, acres.
   ☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**
   ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: .
   ☒ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .

   Pond C: Tributary exhibits intermittent flow during the winter and spring months as observed on aerial imagery. Flow is also observable during the summer months on aerial and street level imagery due to supplemental input (pumped water) to the ponds (tributaries).

   Pond D: Tributary exhibits intermittent flow during the winter and spring months as observed on aerial imagery. Flow is also observable during the summer months on aerial and street level imagery due to supplemental input (pumped water) to the ponds (tributaries).

   Provide estimates for jurisdictional waters in the review area (check all that apply):
   ☒ Tributary waters: Pond C: 550 linear feet **,** Pond D: 1300 linear feet
   ☐ Other non-wetland waters: acres.
   Identify type(s) of waters: .

3. **Non-RPWs[8] that flow directly or indirectly into TNWs.**
   ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

   Provide estimates for jurisdictional waters within the review area (check all that apply):
   ☐ Tributary waters: linear feet width (ft).
   ☐ Other non-wetland waters: acres.
   Identify type(s) of waters: **.**

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**
   ☒ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
   ☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

   ☒ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

   Wetland N: Wetland N is a palustrine emergent seasonally saturated wetland belonging to the depression (HGM) sub classification. Wetland N directly abuts Pond D, which is a tributary to a TNW. The primary sources of hydrology for Wetland N are precipitation, surface runoff, and supplemental water from the TWD to Pond D.

   Provide acreage estimates for jurisdictional wetlands in the review area: Wetland N, 1.16 acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**
   ☒ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C. **Wetland K.**

   Provide acreage estimates for jurisdictional wetlands in the review area: Wetland K, 0.06 acre.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**
   ☒ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C. **Wetland R.**

   Provide estimates for jurisdictional wetlands in the review area: Wetland R, 0.13 acre.

[8]See Footnote # 3.

7. **Impoundments of jurisdictional waters.**[9]
As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
☐ Demonstrate that impoundment was created from "waters of the U.S.," or
☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[10]
☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain: .
☐ Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .
☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):
☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☒ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☐ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☒ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:

Pond A: The Corps determined that Pond A meets the definition of "Preamble Waters" defined in the November 13, 1986 Federal Register (51 FR, Page 41217), Part 328: Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking dry land to retain water for primarily aesthetic reasons. Therefore, the Corps has determined Pond B is a non-jurisdictional water.

Pond B: The Corps determined that Pond B meets the definition of "Preamble Waters" defined in the November 13, 1986 Federal Register (51 FR, Page 41217), Part 328: Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking dry land to retain water for primarily aesthetic reasons. Therefore, the Corps has determined Pond B is a non-jurisdictional water.

Wetlands A-J, L, M, O-Q: The adjacent parcels to the west and east were used as analogues to estimate preconstruction contours of the golf course, and the location/likelihood of wetlands. Based on aerial imagery, these Wetlands are depression features formed by construction activities. These Wetlands do not receive nor contribute flows to any other wetlands or waters. During extreme floods/storms, these Wetlands would not overflow into a water of the U.S., nor would a water of the U.S. overflow into the wetland due to topography changes. The Wetlands are not in a designated floodplain. The Wetlands are not used by interstate or foreign travelers for recreational purposes. There are no resources, habitat, bird/wildlife species of special significance that would attract interstate or foreign travelers to the Wetlands. The Wetlands do not support fish and shellfish which could be taken or sold for interstate or foreign commerce. There are no industrial, agricultural, or silviculture supported by these Wetlands of which the products would be sold for interstate or foreign commerce. the Corps has determined Wetlands A-J, L, M, O-Q are non-jurisdictional isolated wetlands.

☐ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams):
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands:

[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
[10] Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.*

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

☒ Non-wetland waters (i.e., rivers, streams): Pond A, 1.70 acres; Pond B, 2.23 acres.
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☒ Wetlands: Wetland A, 0.04 acres; Wetland B, 0.79 acre; Wetland C, 0.26 acre; Wetland D, 0.13 acre; Wetland E, 0.13 acre; Wetland F, 0.14 acre; Wetland G, 0.03 acre; Wetland H, 0.07 acre; Wetland I, 0.02 acre; Wetland J, 0.24 acre; Wetland L, 0.10 acre; Wetland M, 0.20 acre; Wetland O, 0.15 acre; Wetland P, 0.17 acre; Wetland Q, 0.27 acre.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: *Quail Valley Golf Course Wetland and Waters Delineation Report*. Prepared by Brownstone Development, November 6, 2020.
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  ☒ Office concurs with data sheets/delineation report.
  ☐ Office does not concur with data sheets/delineation report.
☐ Data sheets prepared by the Corps: .
☒ Corps navigable waters' study: Corps EGIS, last accessed 19 January 2023.
☒ U.S. Geological Survey Hydrologic Atlas: Corps EGIS, last accessed 19 January 2023.
  ☒ USGS NHD data.
  ☒ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: OR Forest Grove 1956, 2011, 2020, 24K.
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS Web Soil Survey, last accessed 19 January 2023.
☒ National wetlands inventory map(s). Cite name: Corps EGIS, last accessed 19 January 2023.
☒ State/Local wetland inventory map(s): Corps EGIS, last accessed 19 January 2023.
☒ FEMA/FIRM maps: Corps EGIS, last accessed 19 January 2023.
☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): Aerial photos submitted in *Quail Valley Golf Course Wetland and Waters Delineation Report*, prepared by Brownstone Development, November 6, 2020. Google Earth imagery, last accessed 19 January 2023.
  or ☒ Other (Name & Date): Site photos submitted in *Quail Valley Golf Course Wetland and Waters Delineation Report*, prepared by Brownstone Development, November 6, 2020. Google Maps Street View, last accessed 19 January 2023.
☒ Previous determination(s). File no. and date of response letter: NWP-2021-108, 18 August 2021.
☐ Applicable/supporting case law: .
☐ Applicable/supporting scientific literature: .
☒ Other information (please specify): Oregon DOGAMI Bare Earth Slope LiDAR and, Antecedent Precipitation Tool (USACE) software (v1.0.20) last accessed 19 January 2023.

B. ADDITIONAL COMMENTS TO SUPPORT JD: On 31 January 2023, the Corps initiated coordination for the review of this AJD with the U.S. Environmental Protection Agency (EPA) Region 10 and Corps Headquarters (HQ). On 08 February 2023, Corps HQ responded with no comments. On 15 February 2023, the EPA concurred with our determination.