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): March 3, 2023

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CENWP-ODG, Clackamas County South Redland Road, NWP-2022-452

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: Oregon County/parish/borough: Clackamas County City: Redland
Center coordinates of site (lat/long in degree decimal format): Lat. 45.348662° **N**, Long. -122.525484° **W**.
Universal Transverse Mercator:
Name of nearest waterbody: Potter Creek
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Willamette River
Name of watershed or Hydrologic Unit Code (HUC): 170900070404
☒ 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: February 10, 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 no** "*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
      ☐ Non-RPWs that flow directly or indirectly into TNWs
      ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
      ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
      ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
      ☐ 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: None
      Wetlands: None

   c. **Limits (boundaries) of jurisdiction** based on: **Pick List**
      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: **Within the study area, the following aquatic resources were identified: Wetlands A and B, Ponds A and B, and Roadside Ditches 1, 2, and 3. Wetlands A and B are not connected to other waters and lack a significant nexus to downstream**

[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.

waters. Ponds A and B were constructed in uplands and are not connected to any other water and lack a a significant nexus to downstream waters. Roadside Ditches 1, 2, and 3 are not tributaries or relocated tributaries and lack a significant nexus to downstream waters.

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: **Pick List**
Drainage area: **Pick List**
Average annual rainfall: inches
Average annual snowfall: inches

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

Project waters are **Pick List** river miles from TNW.
Project waters are **Pick List** river miles from RPW.
Project waters are **Pick List** aerial (straight) miles from TNW.
Project waters are **Pick List** aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: .

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

Identify flow route to TNW[5]: .
Tributary stream order, if known: .

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

Tributary is:
- ☐ Natural
- ☐ Artificial (man-made). Explain: .
- ☐ Manipulated (man-altered). Explain: .

Tributary properties with respect to top of bank (estimate):
Average width: feet
Average depth: feet
Average side slopes: **Pick List.**

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: **Pick List**
Tributary gradient (approximate average slope): %

(c) Flow:
Tributary provides for: **Pick List**
Estimate average number of flow events in review area/year: **Pick List**
Describe flow regime: .
Other information on duration and volume: .

Surface flow is: **Pick List.** Characteristics: .

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

- ☐ 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:	☐ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects	☐ survey to available datum;
☐ fine shell or debris deposits (foreshore)	☐ physical markings;
☐ physical markings/characteristics	☐ vegetation lines/changes in vegetation types.
☐ tidal gauges	
☐ other (list):	

(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: .

[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.
[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.
[7] Ibid.

(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: acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: .

Surface flow is**: Pick List**

Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

- ☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☐ Not directly abutting
  - ☐ Discrete wetland hydrologic connection. Explain: .
  - ☐ Ecological connection. Explain: .
  - ☐ Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List.**

Estimate approximate location of wetland as within the **Pick List** 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: .
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings: .
  - ☐ Fish/spawn areas. Explain findings: .
  - ☐ Other environmentally-sensitive species. Explain findings: .
  - ☐ Aquatic/wildlife diversity. Explain findings: .

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately ( ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)

Summarize overall biological, chemical and physical functions being performed: .

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: .

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: .

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: .

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: .

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: .

Provide acreage estimates for jurisdictional wetlands in the review area: 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.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

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.

Provide estimates for jurisdictional wetlands in the review area: acres.

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: .

[8]See Footnote # 3.
[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 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:

☒ Other: (explain, if not covered above): **The study area encompasses both sides of S. Redland Rd., which is a main arterial road that heads east from its origin at Highway (Hwy) 213 in Oregon City. The study area is located within a rural residential area approximately 3 miles east of Hwy 213 and encompasses approximately 6.47 acres. The study area elevations range from approximately 453 to 520 feet above sea level. Land use is currently the two lane asphalt paved S. Redland Rd., gravel shoulders, and occasional roadside ditches. Private residential properties intermixed with timber, tree farms, and hay fields or pasture surround the study area to the north and south. Wetlands A and B, Ponds A and B, and Roadside Ditches 1, 2, and 3 were identified on the east end of the study area, near the intersection of S. Redland Rd. with S. Bradley Rd. The elevation at the intersection with S. Bradley Rd. is approximately 483 above sea level and immediately gains in elevation outside of the study area heading towards the east. To the west, S. Redland Rd. gently gains and drops in elevation repetitively, which is why continuous roadside ditches are not visible when tracing the surface water flow path towards the west.**

Wetland A is a PSS Depressional wetland measuring 0.014 acre within the study area and is located on the south side of S. Redland Rd., which is approximately 491 feet above sea level at this location. Wetland A abuts the road to the north and a residential pond to the south (Pond A, 0.001 acre). Wetland A and Pond A continue outside of the study area to the south in a residential area. The hydrology source is direct precipitation and stormwater runoff from S. Redland Rd. Soils within the wetland exhibited hydric soil indicators. The wetland was dominated by Douglas meadowsweet (*Spiraea douglasii*, FACW) and Himalayan blackberry (*Rubus armeniacus*, FAC). Uplands were dominated by Douglas fir (*Pseudotsuga menziesii*, FACU), red alder (*Alnus rubra*, FAC), cut-leaf blackberry (*Rubus laciniatus*, FACU), common dandelion (*Taraxacum officinale*, FACU), pineland sword fern (*Polystichum munitum*, FACU), Northern bracken fern (*Pteridium aquilinum*, FACU), and an unidentifiable grass. The topography south of S. Redland Rd. where Wetland A is located, gently slopes to the south/southwest. The nearest relatively permanent water (RPW) is located approximately 0.23 mile to the southwest at approximately 487 feet above sea level. There are several residential properties between Wetland A and the nearest RPW. The south side of Wetland A gently slopes towards Pond A. Wetland A is bordered on the north by S. Redland Rd., which is higher in elevation than the wetland. If there were a heavy rain event there's the chance that Wetland A could overflow into Pond A, although it would have to be enough to overtop the berm surrounding Pond A. Roadside Ditch 1 does not have a continuous surface water flow or connection towards the west. Roadside Ditch 1 could connect to Roadside Ditch 3, which is located to the west of Roadside Ditch 1, but would not provide a continuous surface connection beyond Roadside Ditch 3 to the west due to gains in elevation and areas where there are no connecting culverts.

Wetland B is a PSS Slope wetland measuring 0.103 acre within the study area. Wetland B is located on the north side of S. Redland Rd. and continues outside of the study area to the north. There is a residential area to the northwest of Wetland B and a forested area directly to the north. The elevation at Wetland B is approximately 483 feet above sea level. There are no drainage features or surface connections to other waters. Wetland B is at the same approximate elevation or slightly lower to the east-side roadside swale found along S. Bradley Rd. From the intersection of S. Redland Rd. with S. Bradley Rd., the elevation gradually drops as you travel north. Along the east side of S. Bradley Rd., approximately 0.13 mile north of Wetland B there is a driveway (approximately 478 feet above sea level) where a roadside swale is visible on both sides from Google Earth Street View; however, no culvert or open conveyance can be seen running under the driveway. Continuing north approximately .09 mile from the first driveway, an approximate 6-inch diameter plastic pipe can be seen crossing under a second driveway, also located on the east side of S. Bradley Rd. (approximately 454 feet above sea level). The swale continues north beyond that driveway but does not carry a RPW because of an increase in woody vegetation visible within the swale, and no defined streambed, streambank, or ordinary high water mark indicators. There are no culverts that would provide a continuous surface water connection to other waters that may be located to the north of the second driveway. There is another roadside swale located on the west-side of S. Bradley Rd. that also conveys direct precipitation and stormwater runoff. There is no culvert, open conveyance or bridged area that would provide a connection of the east and west roadside swales under S. Bradley Rd. The nearest RPW is located approximately 0.19-mile to the north of the intersection of S. Redland Rd. with S. Bradley Rd., and an additional approximate 0.11-mile down S. Greenpeace Ln., which is a road spur on the west side of S. Bradley Rd (approximately 473 feet above sea level). The elevation where the unnamed tributary begins along S. Greenpeace Ln. is at approximately 400 feet above sea level. Hydrology on the west side of S. Bradley Rd. could potentially enter the unnamed tributary located lower in elevation along S. Greenpeace Ln, although

no direct connection is visible. During a heavy rain event, ponding could occur in both Wetland B and the eastern roadside swale along S. Bradley Rd., where they could both overtop and connect; however, hydrology would not be able to pass the first driveway located approximately 0.13 mile to the north. Because there is no connection of the east swale to the west swale along S. Bradley Rd., any hydrology leaving Wetland B via the eastern roadside swale would not connect to downstream waters located approximately 0.11-mile down S. Greenpeace Ln., which is located on the opposite side of S. Bradley Rd. approximately 0.02-mile northwest of the first driveway. The hydrology source for Wetland B is direct precipitation and groundwater discharge. Soils within the wetland area are classified by the USDA as Bornstedt silt loam (8B), 0 to 8 percent slopes, moderately well drained, and partially hydric. The wetland was dominated by red alder, Himalayan blackberry, Douglas' meadowsweet, and reed canary grass (*Phalaris arundinacea*, FACW). The surrounding uplands are dominated by red alder, Himalayan blackberry, Queen Anne's lace (*Daucus carota*, FACU), and ox-eye daisy (*Leucanthemum vulgare*, FACU).

Pond A and Pond B were constructed in uplands on two separate residential parcels and lack a significant nexus to downstream waters. Pond A and Pond B appear to have been created by the landowners as amenities. The Cowardin classification of the ponds is palustrine, unconsolidated bottom, semi-permanently flooded and the hydrogeomorphic classification is depressional. Hydrology sources to the ponds appear to be direct precipitation. Soils within the ponds were not described in the field but clearly met the definition of hydric soils due to semipermanent flooding. The USDA Web Soil Survey shows the entire area (study area where aquatic resources are located) as Bornstedt silt loam (8B), 0 to 8 percent slopes, moderately well drained, and partially hydric. Pond A is located on the south side of S. Redland Rd., just southerly of Wetland A, separated by a berm approximately 1 foot high. Pond A measures 0.001 acre within the study area and continues south onto residential property. Pond B is also located on the south side of S. Redland Rd., to the west of Pond A on the opposite side of a private driveway. Pond B measures 0.001 acre within the study area and continues south onto residential property. There are no obvious outlets leaving from Pond A or Pond B and they do not connect to other waters.

Roadside Ditches 1, 2, and 3 are not tributaries or relocated tributaries, were constructed in uplands, and lack a significant nexus to downstream waters. Within the study area, Roadside Ditch 1 measures 0.001-acre, Roadside Ditch 2 measures 0.007-acre, and Roadside Ditch 3 measures 0.002-acre. Hydrology sources to the ditches appear to be direct precipitation and runoff from Redland Road. All the ditches are located on the south side of S. Redland Rd. within a gentle swale and do not appear to connect to one another. All three ditches exhibited a natural impressed line on the bank and showed clear changes from substrate to vegetation, where an ordinary high water mark (OHWM) was identifiable. The ditches generally lacked vegetation whereas elevations above the OHWM had weedy upland vegetation. From Google Earth Street View looking west from Roadside Ditch 1, which appears as a mostly grassy swale, does not have a consistent grade that would carry water from Roadside Ditch 1 to Roadside Ditch 2 unless it was a high water event that could overtop some of the rolling grade. Roadside Ditch 2 could connect to Roadside Ditch 3 from a culvert located under a private driveway. However, if you continue west on S. Redland Rd., there was no continuous connection of culverts between properties. Some roadside swells were isolated, where some connected under private driveways, but then do not continue west. The elevation does not drop continuously as you travel west, as there are gentle inclines and declines similar to a rolling hill. Even in a heavy rain event, there would not be a continuous flow of water through roadside swales to the west where the elevation eventually declines.

All aquatic resources (AR) identified within the study area are located on the east side of the study area near the intersection of S. Redland Rd. with S. Bradly Rd. The nearest RPW is an unnamed tributary, located approximately 0.4 mile to the west of the intersection. The unnamed tributary flows approximately 0.77 mile before converging with Potter Creek. Potter Creek is shown as a perennial water according to the National Hydrograph Dataset (NHD) map layer. Potter Creek flows to Holcomb Creek, which flows to Abernathy Creek, which flows to the Willamette River. The Willamette River is the nearest TNW, which is located approximately 4.45 miles to the west of the AR identified within the study area.

The elevation is approximately 471 feet above sea level in the general vicinity of the AR. To the immediate east of the study area the elevation quickly rises to approximately 521 feet. The elevation at S. Bradley Rd. is approximately 483 feet and to the west of that, the elevation drops to approximately 466 feet at the west end of the study area. Although the elevation drops as you head west from the eastern end of the study area, there are no continuous surface connections to other waters outside of the study area.

Roadside Ditches 1, 2, and 3 lack a connection to a traditionally navigable water (TNW). Wetlands A and B do not meet the Significant Nexus standard.

The aquatic resources identified lack interstate use by interstate or foreign travelers for recreational purposes, they lack habitat or resources of special significance which would attract interstate or foreign travelers, lack bird and wildlife species of special significance which would attract interstate or foreign travelers, lack fish or shellfish which could be taken or sold in interstate or foreign commerce, lack industrial purposes (e.g., water withdrawal for industrial use), lack agriculture which is sold interstate or foreign, and lack silviculture which is sold interstate or foreign.

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): linear feet width (ft).
- ☐ Lakes/ponds: acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☐ Wetlands: acres.

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): linear feet, width (ft).
- ☐ Lakes/ponds: acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☐ Wetlands: acres.

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: .
- ☒ 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: .
- ☒ U.S. Geological Survey Hydrologic Atlas: Accessed through the Corps' National Regulatory Viewer 2023.
  - ☒ USGS NHD data.
  - ☒ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: 7.5 minute index: Oregon City, scale 1:24,000.
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: 20230127 USDA Soil Report.
- ☒ National wetlands inventory map(s). Cite name: National Wetland Inventory map accessed through the Corps' National Regulatory Viewer 2023.
- ☐ State/Local wetland inventory map(s): .
- ☒ FEMA/FIRM maps: FIRM Panel 41005C0285D.
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Google Earth imagery 2022.
  or ☐ Other (Name & Date): .
- ☐ Previous determination(s). File no. and date of response letter: .
- ☐ Applicable/supporting case law: .
- ☐ Applicable/supporting scientific literature: .
- ☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: The Review Area is 6.47 acres in size. On February 10, 2023, the Corps coordinated this JD with the U.S. Environmental Protection Agency (EPA) Region 10 and Corps Headquarters (HQ). Corps HQ responded in an email dated February 23, 2023, with no comments. EPA Region 10 did not respond to the email dated February 23, 2023, within the 21-day comment period, which ended on March 2, 2023. The Corps considers coordination with EPA and HQ as of March 3, 2023.