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): April 24, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Portland District, Midfirst Bank, NWP-2017-398

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: Oregon County/parish/borough: Lane City: Sprinfield
Center coordinates of site (lat/long in degree decimal format): Lat. 44.067606° **N**, Long. 122.986662° **W**.
Universal Transverse Mercator:
Name of nearest waterbody: McKenzie River
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Coast Fork Willamette River
Name of watershed or Hydrologic Unit Code (HUC): Sring Creek-Willamette River (170900030601)
☒ 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: January 31, 2018
☒ Field Determination. Date(s): October 5, 2017

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
      ☐ 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: 4,118.4 linear feet: 6 width (ft) and/or 0.567 acres.
      Wetlands: 0.383 acres.

   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: **The wetland delineation identified nine (9) wetland areas north of the on-site stream channel and abutting wetland, and one (1) wetland area south of the channel.**

[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.

Three (3) wetlands, W2, W2B, and W2C, are connected to each other, and W2 has the potential to flow off-site to the north, through an 18-inch culvert. The bottom of the culvert is above the substrate level of wetland W2, though, so only when the wetland ponds could water flow through the culvert. This ponding would be ephemeral only. No signs of flow (absence of vegetation, channel existence, bent vegetation, vegetation community change, or topography) on the northern side of the culvert, across a field and into another culvert, were observed during the October 5, 2017 site visit. Review of aerial photography was not conclusive regarding wetness signatures, though no aerials showed lack of vegetation in the field. Aerials were mostly taken during summer months, though. Any water through this area would eventually flow into the Springfield stormwater system. According to the "Final City of Springfield Stormwater Facilities Master Plan" (October 2008), it appears that the stormwater catchments in the area flow into the McKenzie River, which is approximately 0.7 aerial miles from the site and greater in water flow distance. Though there is the potential for a nexus, the lack of flow channel through a vegetated area or any signs of flow, lack of flow during every rainfall event (due to the height of the culvert above the wetland), and distance to waters of the United States, this potential nexus would not impact the biological, chemical, or physical integrity of downstream waters. The amount and frequency of flow is insignificant. The waters appear to be isolated except for potentially in major rainfall events.

Six (6) wetland areas, W1A Complex, W1B, D1, W3, W3B, and W4, are hydrologically isolated with no connections to other waters. Topographic barriers separate the wetland areas from each other and other waters.

In addition to the nine northerly wetlands, the one (1) wetland area (W6) delineated south of the on-site stream channel is hydrologically isolated with no connection to other waters. Topographic barriers separate the wetland area from any other waters.

None of the isolated wetlands are physically, biologically, or chemically connected to other waters. The vegetated field slopes to the northwest, so the northerly wetlands would not flow towards the on-site stream (Irving Slough), even during storm events. Though wetland W1A is east of wetland W2, topography supports flow north into D1. This linear ditch-like wetland traverses areas of higher topography than W1A so no flow from W1A would flow far enough west through D1 to reach W2. In addition, wetland D1 ends over 400 feet east of W2 where it outlets into the culvert. Wetland D1 also does not connect to W2B, to its south. The wetlands are approximately 200 feet apart. Wetlands W3, W3B, and W4 all flow away from wetland W2. Wetland W6, the only wetland south of the on-site stream is formed by tire ruts and is not connected in any way to the on-site stream. Even during a storm event, the ruts would be subject to ponding rather than flowing to the north. Wetland W6 is approximately 50 feet from the on-site stream.

The on-site stream is a narrow, linear wetland-fringed riparian corridor. The on-site wetlands not directly abutting the stream do not contribute to the biological or chemical integrity of the stream. The field vegetation is disturbed through periodic mowing. The entire site is historically disturbed by past agriculture. The riparian area of the stream differs in vegetation community than the surround open field containing the wetlands. The wetlands do not flow into the stream. The stream flow is manipulated by upstream, off-site industrial practices, in addition to contributions from precipitation and groundwater. The abutting wetlands create a border through which any overland flow must pass prior to reaching the stream, further reducing any impact from the surrounding site (including upland areas) on downstream waters.

There is no potential for waterbody use by interstate or foreign travelers for recreational purposes. There are no habitat or resources of special significance which would attract interstate or foreign travelers, nor are there any bird or wildlife species of special significance which would attract interstate or foreign travelers. There are no fish or shellfish which could be taken or sold in interstate or foreign commerce. There is no agriculture or silviculture at the site.

Please see sections IV.B. below for additional site details.

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: 46 **square miles**
Drainage area: 100 **acres**
Average annual rainfall: 50 inches
Average annual snowfall: 0 inches

(ii) Physical Characteristics:
(a) Relationship with TNW:
☐ Tributary flows directly into TNW.
☒ Tributary flows through **2** tributaries before entering TNW.

Project waters are **5-10** river miles from TNW.
Project waters are **1 (or less)** 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: .

[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]: The on-site stream (Irving Slough) flows off-site in the southwestern area of the site and travels west to I-5 where it flows into McKenzie Ditch. McKenzie Ditch flows south into the Q Street Canal. The Canal flows west into the Willamette River, a TNW at this outlet location.
Tributary stream order, if known: .

(b) General Tributary Characteristics (check all that apply):
Tributary is: ☐ Natural
☐ Artificial (man-made). Explain: .
☒ Manipulated (man-altered). Explain: Though a stream has always flowed through the site, a portion of the stream was rerouted to the south, and the entire stream is a straight, linear feature with only two bends on-site.

Tributary properties with respect to top of bank (estimate):
Average width: 6 feet
Average depth: 7 (water 15-inches) feet
Average side slopes: **Vertical (1:1 or less).**

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: The tributary appears stable.
Presence of run/riffle/pool complexes. Explain: None - manipulated, straight feature with minimal slope.
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: **1**
Describe flow regime: The stream flow comes from upstream supply (withdraw water from the McKenzie, used for industrial purposes, and outlet into the stream), as well as groundwater and precipitation inputs. Typically, the flow is thought to be perennial, but it is contingent upon upstream industrial operations.
Other information on duration and volume: .

Surface flow is: **Discrete and confined.** Characteristics: Flow is confined to a deeply-dug channel. Water depth is approximately five (5) feet less than bank height.

Subsurface flow: **Unknown**. 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	

[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.

☐ other (list):

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: Though the stream is subject to industrial activity outlets, water quality permits aid in the maintenance of acceptable pollutant levels. During the actual wetland delineation, the delineator noted that the water was clear and free from obvious signs of chemical contamination.

Identify specific pollutants, if known: .

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

☒ Riparian corridor. Characteristics (type, average width): Narrow riparian corridor along top of streambank - unmowed vegetation.

☒ Wetland fringe. Characteristics: The fringe wetland extends approximately one (1) foot vertically above the ordinary high water mark of the stream. It is classified as a Palustrine Emergent Seasonally Flooded/ Saturated-Semipermanently Flooded (PEMEF) feature. The wetland is seasonally saturated and/or flooded.

☒ Habitat for:

☐ Federally Listed species. Explain findings: .

☒ Fish/spawn areas. Explain findings: The wetland delineator has observed fish in the stream. Though there are downstream fish barriers, according to the delineator, fish enter the stream from upstream stock ponds.

☐ Other environmentally-sensitive species. Explain findings: .

☒ Aquatic/wildlife diversity. Explain findings: The stream is an aquatic resource with a riparion corridor that may provide shelter and prey sources for birds and other wildlife in the area.

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: 0.383 acres

Wetland type. Explain:Palustrine Emergent Seasonally Flooded/ Saturated-Semipermanently Flooded (PEMEF).

Wetland quality. Explain: The wetland fringe along the stream is manipulated because the flow of the stream is manipulated, as detailed above. Also, the site overall has experienced disturbance in the past, resulting in altered vegetation growth. The wetland is not currently mowed, however, like the rest of the site, and is allowed to remain natural in its current state.

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

(b) General Flow Relationship with Non-TNW:

Flow is: **Intermittent flow**. Explain: The stream flow comes from upstream supply (withdraw water from the McKenzie, used for industrial purposes, and outlet into the stream), as well as groundwater and precipitation inputs. Typically, the flow is thought to be perennial, but it is contingent upon upstream industrial operations. The wetland abuts this stream just above the ordinary high water mark and so flow through it is directly subject to the flow of the stream.

Surface flow is**: Overland sheetflow**

Characteristics: The wetland fringe is along steep banks of the stream. Precipitation would flow down the banks, through the wetland, and into the stream directly below.

Subsurface flow: **Unknown**. 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 **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 **500-year or greater** 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: Though the stream, and therefore wetland, is subject to industrial activity outlets, water quality permits aid in the maintenance of acceptable pollutant levels. During the actual wetland delineation, the delineator noted that the stream water was clear and free from obvious signs of chemical contamination.

Identify specific pollutants, if known: .

(iii) Biological Characteristics. Wetland supports (check all that apply):

☒ Riparian buffer. Characteristics (type, average width): The wetland is part of the riparian buffer for the stream.
☒ Vegetation type/percent cover. Explain: Emergent wetland cover, 100%.
☒ Habitat for:
☐ Federally Listed species. Explain findings: .
☐ Fish/spawn areas. Explain findings: .
☐ Other environmentally-sensitive species. Explain findings: .
☒ Aquatic/wildlife diversity. Explain findings: The wetland is an aquatic resource within a riparion corridor that may provide shelter and prey sources for birds and other wildlife in the area.

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

All wetland(s) being considered in the cumulative analysis: **1**
Approximately (0.383) 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)
R1 Wetland - Yes	0.383		

Summarize overall biological, chemical and physical functions being performed: The wetland directly abuts the stream, providing riparian buffer, filtering overland precipitation flow prior to its reaching the stream, and providing habitat for birds and other wildlife. In addition, the riparian buffer may aid in temperature control for stream water.

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: The stream flow may generally be perennial, according to the delineator who has been at the site multiple times

over the last 12 years. However, during the October 5, 2017 Corps site visit, there was no flow in the stream. The stream flows at least seasonally and is known to usually contain fish from upstream waters.

Provide estimates for jurisdictional waters in the review area (check all that apply):
☒ Tributary waters: **4,118.4** linear feet **6** 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: The wetland fringe of the stream begins immediately above the ordinary high water mark of the stream.

Provide acreage estimates for jurisdictional wetlands in the review area: **0.383** 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.

[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.*

☐ 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: **As detailed above, wetland area W2, and wetlands W2B and W2C, thoughthey potentially flow off-site on rare occasions, do not have a significant nexus with downstream waters. These wetlands are not adjacent to, and do not connect in any way, with the on-site stream. The wetlands flow off-stream into the city of Springfield stormwater system. The flow off-site is ephemeral at most and no signs of sustained, or any, flow have been observed, either in the field, or in viewing aerials. If, during storm events, flow from the on-site wetlands W2, W2B and W2C did leave the site, the water would combine with other water in the stormwater system and would flow greater than 0.7 miles prior to reaching a water of the United States. Though the wetland flow would contribute to the overall water in the storm system, its impact to downstream waters would be insignificant and discountable.**
☐ 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): linear feet width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☒ Wetlands: (1A Complex, W1B, D1, W3, W3B, W4, W6) 5.85 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: (W2, W2B, W2C) 1.9 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: Wetland Delineation Report, dated August 4, 2017, as well as additional site/delineation information, received by the Corps on January 22, 2018.
☒ 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: HUC-12 170900030601 (Spring Creek-Willamette River).
☒ USGS NHD data.
☒ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: Springfield 2017, 7.5 Minute.
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Custom Soil Resource Report for Lane County Area, Oregon (generated September 12, 2017).

- ☒ National wetlands inventory map(s). Cite name: USFWS NWI mapping (vied September 14, 2017).
- ☐ State/Local wetland inventory map(s): .
- ☒ FEMA/FIRM maps: Viewed October 5, 2017.
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Part of the Wetland Delineation report, also Google Earth timeline aerials.
  or ☒ Other (Name & Date): Part of the Wetland Delineation report.
- ☐ 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 site is mostly open, periodically mowed field, with some trees only in a narrow band along the manipulated stream channel that bisects the site. The site is mostly surrounded by residential and commercial development. A walk/bike path borders the northern boundary of the site, Marcola Road borders the southern edge, 31st Street borders the eastern side, and development borders the western edge. There are walking paths throughout the site, and some drivable dirt areas (some with tire ruts, others just flat surface). No signs of current development were observed during the site visit, though there is an old building pad, and the stream bisecting the site was partially relocated in the past. The general slope of the site is from higher elevation in the southeastern corner to lower elevation in the northwestern corner. Other than the stream channel and abutting wetland, on-site water appears to flow north-northwest.

The site is disturbed by past agricultural use and current, passive recreational use (walking, mowed paths), as well as current mowing. The site has not recently been used for agricultural purposes, so it appears that conditions would be considered normal for the site, other than periodic mowing.

According to the NRCS Soils Survey, site soils consist of Malabon silty clay loam, Malabon-Urban land complex, Oxley gravelly silt loam, and Salem gravelly silt loam. None of these are considered hydric soils, though they can have hydric inclusions.

On March 15, 2018 we coordinated this JD with EPA Region 10 and Corps HQ. No response was received from the EPA nor Corps HQ within the required timelines.