



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 11/17/2020
 ORM Number: NWP-2020-296
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Oregon City: Sandy County/Parish/Borough: Clackamas
 Center Coordinates of Review Area: Latitude 45.417864 Longitude -122.282683

II. FINDINGS

- A. Summary:** Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.
- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A
 - There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
 - There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
 - There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³				
(a)(1) Name	(a)(1) Size		(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size		(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland	0.045	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland continues outside of the review area and provides a direct chemical, physical, and biological connection to an unnamed tributary which flows to

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.
² If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.
³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
			Tickle Creek, located south of the review area. The information used to make this determination include aerial imagery, topographic maps, LIDAR, soil survey maps and U.S. Fish and the Wildlife Services National Wetland Inventory (USFWS NWI) map. Lidar Imagery and topographic maps show depressional flow from the upper drainage area connecting to the review area wetland through two culverts under Kelso Road. The review area wetland continues offsite into tax lot 2204. Tax lot 2204 delineation NWP-2018-473 confirmed Wetland A connects to the review area wetland. Lidar Imagery, Topographic maps, aerial imagery, and soil survey maps confirm the offsite wetland continues offsite and abuts the unnamed tributary documented in the USFWS NWI map.

D. Excluded Waters or Features

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

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: [“Delineation Report Kelso Row” dated April 15, 2020 prepared by Environmental Technology Consultants.](#)

This information is sufficient for purposes of this AJD.

Rationale: [The delineator completed a wetland delineation which followed the U.S. Army Corps of Engineers 1987 wetland delineation manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region to determine the boundaries of the waters within the review area.](#)

Data sheets prepared by the Corps: [N/A](#)

Photographs: [Aerial and Other: Wetland Delineation Figures. Google Earth Images \(2001 August, 2002 April and May, 2004 July, 2005 April, 2011 August, July 2012, July 2017, June 2018, May 2019. Historic Aerial Images \(1952, 1960, 1970, 1981 and 1982.\)](#)

Corps site visit(s) conducted on: [N/A](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [10/29/2020](#)

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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- USFWS NWI maps: 10/29/2020
- USGS topographic maps: 10/29/2020

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** The antecedent precipitation tool was utilized for the timing of the wetland delineation performed by the consultant on 15 September 2017 to determine if the site was reviewed during drier or wetter than normal circumstances. The APT determined the review was performed during normal conditions for the time of the year. Therefore, the Corps can conclude site conditions during the delineation of the site was normal for March 2017.
- C. Additional comments to support AJD:** The consultant provided drawings from a supplemental wetland delineation which reflected the wetland extending outside of the review area and downslope to an unnamed tributary. The consultant also provided a surface flow diagram which reflected the surfacewater in the wetland providing flows to the unnamed tributary, located south of the study site. The unnamed tributary discharges into Trickle Creek.