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): 8/13/08

B. DISTRICT OFFICE, FILE NAME, AND NUMBER:Portland, TRIP NWP-2007-889 (Salmon Cr., Wetlands E, M, N, U, V, W)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State:Oregon County/parish/borough: Multnomah City: Troutdale
Center coordinates of site (lat/long in degree decimal format): Lat. 45.5557° **N**, Long. -122.4078° **W**.
Universal Transverse Mercator:
Name of nearest waterbody: Salmon Creek
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Columbia River
Name of watershed or Hydrologic Unit Code (HUC): Columbia Slough
☒ 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. (JD Form 4 of 5).

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
☒ Office (Desk) Determination. Date: 6/6/08
☒ Field Determination. Date(s): 01/14/08 & 6/5/08

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: 12,300 linear feet: 12-15 width (ft) and/or acres.
Wetlands: 63.98 acres.

c. Limits (boundaries) of jurisdiction based on: **Established by OHWM.**
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: .

[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: 36622 **acres**
Drainage area: 720 **acres**
Average annual rainfall: 44.8 inches
Average annual snowfall: 5 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 **2-5** river miles from TNW.
Project waters are **1 (or less)** river miles from RPW.
Project waters are **1 (or less)** 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]: Salmon Creek (RPW) flows to Columbia River (TNW).
Tributary stream order, if known: .

[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.

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

Tributary is: ☐ Natural
☐ Artificial (man-made). Explain: .
☒ Manipulated (man-altered). Explain: Salmon Creek, though highly modified, is a historic natural drainage feature. Most of the creek has been straightened and is within a levee system. The levee acts as an impoundment. The Sandy River Drainage District controls water levels within the creek, including at its lower end using a pump system to move water over the levee system and into the Columbia River. Also a flap gate prevents backwatering into Salmon Creek during high water periods in the Columbia River, and gravity flow is allowed through pipes during low water period.

Tributary properties with respect to top of bank (estimate):
Average width: 15-25 feet
Average depth: 6 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: No observed areas of active erosion.
Presence of run/riffle/pool complexes. Explain: Few pools with little cover.
Tributary geometry: **Relatively straight**
Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Seasonal flow**
Estimate average number of flow events in review area/year: **20 (or greater)**
Describe flow regime: Perennial.
Other information on duration and volume: Flows below project area currently are 27 cfs (2 yr storm) & 57 cfs (25 yr storm).

Surface flow is: **Discrete**. Characteristics: .

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	
☐ other (list):	

(iii) Chemical Characteristics:

[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.

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Explain: Stream likely to attain lethal levels of temperature & DO due to near stagnant conditions in dry season.
Identify specific pollutants, if known: Arrata Creek, which drains into Salmon Creek just below the project area, is listed as water quality limited for temperature, total dissolved gas, pH, dioxin, PCBs and pesticides.

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

☒ Riparian corridor. Characteristics (type, average width): mostly herbaceous with some scrub-shrub and forested reaches on at least one bank; 15 feet.

☐ 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: Within the relevant reach one would expect to find small mammals, passerine birds, waterbirds, raptors, and herp species.

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 E = 0.28; Wetland U = 0.1; V = 0.16; W = 0.08 acres

Wetland type. Explain: All are depressional, palustrine emergent.

Wetland quality. Explain: Wetland E: Site may have experienced historic fill or earth-moving activities; includes nonnative vegetation, low quality buffer, and maintenance of surface water for short periods of time immediate after rain events. Wetlands U-W: well vegetated but contain some Reed canarygrass.

Project wetlands cross or serve as state boundaries. Explain: No.

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: Wetland E, which likely was part of original Salmon Creek channel, is ephemeral as it drains to Salmon Creek at its confluence with the N-S roadside ditch via a temporary surface water connection that occurs for short periods of time immediately after rain events; Flow between wetlands U, V, W as well between these wetlands and abutting wetlands M & N, would be ephemeral after large storm events and/or flooding from Salmon Creek.

Surface flow is**: Pick List**

Characteristics: Wetland E: Discrete as water flows across a temporary surface water connection; Wetlands U,V, W: overland sheetflow.

Subsurface flow: **Pick List**. Explain findings: Wetland E: Unknown; Wetlands U,V, W: These wetlands likely provide groundwater recharge to the nearby large wetlands due to the moderate permeability of the soil, presence of water table at 1 foot, and the location of the wetlands within the historical floodplain.

☐ 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: Wetlands U, V, and W have no direct, hydrological surface connection to the nearby larger, abutting floodplain wetlands (i.e., M&N) except likely in rare storm events and/or during flooding. They are located within 300 feet of wetlands M&N which abut Salmon Creek. Wetlands U, V, & W are on historic floodplain with hydric soils closely connected to the groundwater and which can influence the chemical and biological integrity of the TNW.

☒ Separated by berm/barrier. Explain: Wetland E appears to have been formed in an area that may have experienced historic fill or earthmoving activity related to the construction of a nearby industrial site. Ground between Wetland E & the N-S roadside ditch may have been disturbed as well due to the channelization of the N-S roadside ditch & of Salmon Creek. Area between Wetland E and N-S roadside ditch and Salmon Creek shows evidence of overland flow but without OHWM.

(d) Proximity (Relationship) to TNW

Project wetlands are **2-5** river miles from TNW.

Project waters are **1 (or less)** 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: Wetlands are seasonal. Immediately surrounding watershed of Wetland E is vegetated

with remaining watershed currently dominated by gravel covered brownfield; Watershed of wetlands U, V, and W is overwhelmingly in grasses.

Identify specific pollutants, if known: NA.

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

☒ Riparian buffer. Characteristics (type, average width): Wetland E: Herbaceous species dominated by upland vegetation (e.g., english plantain, colonial bentgrass, and Queen Anne's lace); 35 or more feet wide; Wetlands V, W: blackberry (Rubus armeniacus) and grasses (i.e., bentgrass, foxtail) more than 50 feet wide; Wetland U similar to V & W except also contains Rubus armeniacus .

☒ Vegetation type/percent cover. Explain: Wetland E: herbaceous, 100%; Wetlands V, W: herbaceous, 100%; Wetland U 80% herbaceous & 20% shrubby.

☒ Habitat for:

☐ Federally Listed species. Explain findings: .

☐ Fish/spawn areas. Explain findings: .

☐ Other environmentally-sensitive species. Explain findings: .

☒ Aquatic/wildlife diversity. Explain findings: Wetlands expected to support a variety of invertebrates such as insects as well as provide low habitat for herp species, small mammals, and passerines.

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

All wetland(s) being considered in the cumulative analysis: **10**

Approximately (63.98) 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)
E (N)	0.28	M (Y)	25.79
N (Y)	28.67	U (N)	0.10
V (N)	0.16	W (N)	0.08
PSSC (Y)	1.0	PSSA (N)	1.7
PEMR#1 (Y)	0.2	PEMR#2 (Y)	6

Summarize overall biological, chemical and physical functions being performed: Wetland E was assessed low though not insignificantly for all functions due to nonnative vegetation, low quality buffer, and maintenance of surface water for short periods of time immediately after rain events.

Wetlands M & N, by area, constitute a significant area of wetlands in the former floodplain of the Columbia River. Together with the nearby wetlands U, V, and W, they create an ecologically inter-related wetland complex that provides a mosaic of wildlife habitats, provide the potential to filter pollutants, capture stormwater, recharge the aquifer associated with the TNW, and provide food chain support.

Wetlands PSSA, PSSC, PEMR#1 and PEMR#2 provide an additional mosaic of habitats that are more closely proximal to Salmon Creek and would be expected to filter pollutants, provide food chain support, and provide habitat for avian, mammalian and herp species.

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: Though Wetland E was assessed low for all functions due to nonnative vegetation, low quality buffer, and maintenance of surface water for short periods of time immediate after rain events, it nontheless still contributes such functions in support of the RPW (i.e., Salmon Creek).
   In addition, wetlands U,V, and W, due to their close proximity to abutting Wetlands M & N constitute a significant complex of wetlands in the formerly unprotected floodplain of the Columbia River. A ditch, dominated by wetland vegetation, is located throughout wetlands M & N and connects those wetlands to Salmon Creek, an RPW known to flow perennially, which drains to the TNW. Together these wetlands create an ecologically inter-related wetland complex that supports the integrity of the TNW for the following reasons: First, these 5 wetlands, combined with Salmon Creek provide a mosaic of habitats that would be expected to support a diverse assemblage of herp species, including salamanders, snakes, and frogs, all of which would be species common to the TNW. Secondly, these wetlands sustain viable plant communities and microbiota that have the potential to filter pollutants (e.g., during overbank flooding). Third, these historical floodplain wetlands are located on two major soils 1) Faloma silt loam protected (by a levee), on alluvium with a water table within 1 foot, and 2) Rafton silt loam protected (by a levee), on alluvium, subject to frequent ponding and a water table from +2 to -1 feet. These wetlands capture stormwater and likely function to recharge the aquifer associated with the TNW. Finally, these wetlands provide food chain support for the RPW and receiving TNW in their capacity to deliver carbon and nutrients.
   Wetland PSSA is located within 100 feet of Salmon Creek and would be expected to filter pollutants including sediments and auto-related pollutants originating from the nearby roadway, provide organic material and nutrients to support stream-related food chains, and as a buffer to Salmon Creek, provide habitat for avian, mammalian and herp species more dependent on the stream for their survival.
   Thus, Salmon Creek, in combination with its adjacent wetlands E, U, V, W, and PSSA, and including abutting wetlands M & N, contributes to maintaining the integrity of the Columbia River, a TNW.

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: Applicant testimony of consistent flows including during the summer dry period.
   - ☐ 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: **16,480** linear feet **12-15** 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.

[8]See Footnote # 3.

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: **Wetland N connected via a ditch on surface to Wetland M, whose boundary was field delineated and shown to be abutting Salmon Creek (i.e., RPW). Water control structure (WCS) between Wetland M and Salmon Creek does not affect jurisdiction or abutting character. Significant (4-5 feet deep) water present in Wetland N and observed flowing through WCS 6/5/08) .**

☐ 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: **54.46** 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: **0.62** 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: .

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

[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.*

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): .

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:Composite wetland/other waters map AN_Z/2007/4452; permit application plan view.
☒ 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: .
  ☒ USGS NHD data.
  ☒ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name:Camas WA/OR 1:24000.
☒ USDA Natural Resources Conservation Service Soil Survey. Citation:Multnomah County 1975 photography.
☒ National wetlands inventory map(s). Cite name: Camas OR-WA (digital).
☐ State/Local wetland inventory map(s): .
☒ FEMA/FIRM maps: digital.
☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
☐ Photographs: ☐ Aerial (Name & Date): .
  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):Biological assessment.

B. ADDITIONAL COMMENTS TO SUPPORT JD: Section II.B.1.c: Note that Limits of JD for all wetlands addressed herein is based on 1987 Delineation Manual. This is form 4 of 5. See other JD forms for other water bodies included in overall project. Section III.D.7: Salmon Creek (RPW) is a historic natural drainage feature that lies within a levee system and whose water levels are controlled by the Sandy River Drainage District.