



®

Regulatory Program



®

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

SECTION I: BACKGROUND INFORMATION

A.COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (AJD): 4 February 2019

B.ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): NWP-2004-883/3

C.PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Oregon County/parish/borough: Douglas County City: Winchester

Center coordinates of site (lat/long in degree decimal format): Lat. 43.296666°, Long. -123.357808°.

Map(s)/diagram(s) of review area (including map identifying single point of entry (SPOE) watershed and/or potential jurisdictional areas where applicable) is/are: attached in report/map titled Wetland Determination Report for the Winchester Industrial Park, 398 Del Rio Road, Roseburg, Oregon prepared by PBS Engineering and Environmental and dated 15 June 2018.

Other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different jurisdictional determination (JD) form. List JD form ID numbers (e.g., HQ-2015-00001-SMJ-1): .

D.REVIEW PERFORMED FOR SITE EVALUATION:

Office (Desk) Determination Only. Date:.

Office (Desk) and Field Determination. Office/Desk Dates: 30 January 2019 Field Date(s): 15 November 2018.

SECTION II: DATA SOURCES

Check all that were used to aid in the determination and attach data/maps to this AJD form and/or references/citations in the administrative record, as appropriate.

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant. Title/Date: Wetland Determination Report for the Winchester Industrial Park, 398 Del Rio Road, Roseburg, Oregon prepared by PBS Engineering and Environmental and dated 15 June 2018

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Data sheets/delineation report are sufficient for purposes of AJD form. Title/Date: Wetland Determination Report for the Winchester Industrial Park, 398 Del Rio Road, Roseburg, Oregon prepared by PBS Engineering and Environmental and dated 15 June 2018.

Data sheets/delineation report are not sufficient for purposes of AJD form. Summarize rationale and include information on revised data sheets/delineation report that this AJD form has relied upon:

Revised Title/Date: .

- Data sheets prepared by the Corps. Title/Date: ORM Accessed JD Viewer SPOE, Landform, Soils and Vegetation maps .
- Corps navigable waters study. Title/Date: Navigable Riverways within the State of Oregon, Portland District Corps of Engineers dated October 1993.
- CorpsMap ORM map layers. Title/Date: Referenced below.
- USGS Hydrologic Atlas. Title/Date: Corps GIS data layer accessed 29 November 2018.
- USGS, NHD, or WBD data/maps. Title/Date: Corps GIS data layer accessed 29 November 2018.
- USGS 8, 10 and/or 12 digit HUC maps. HUC number: 171003011105.
- USGS maps. Scale & quad name and date: 1:24K Winchester, Oregon 1987.
- USDA NRCS Soil Survey. Citation: <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm> accessed 29 January 2019.
- USFWS National Wetlands Inventory maps. Citation: ORM accessed 29 November 2018.
- State/Local wetland inventory maps. Citation: .
- FEMA/FIRM maps. Citation: FEMA Firmette No. 41019C1365F Effective date 17 February 2010. FEMA Flood Map Service Center <https://msc.fema.gov>. accessed on 29 January 2019 The entire project area is outside of the FEMA flood zones .
- Photographs: Aerial. Citation: Google Earth 29 July 2011. or Other. Citation: .
- LiDAR data/maps. Citation: <https://gis.dogami.oregon.gov/maps/lidarviewer> DOGAMI Lidar Viewer.
- Previous JDs. File no. and date of JD letter: PJD NWP-2009-124/2 dated 26 February 2009 .
- Applicable/supporting case law:.
- Applicable/supporting scientific literature:.
- Other information (please specify): The application for this action includes 7.05 acres of palustrine scrub-shrub and emergent wetland compensatory wetland mitigation which is proposed to be filled in addition to the areas defined in the 15 June 2018 wetland delineation .

SECTION III: SUMMARY OF FINDINGS

A. RIVERS AND HARBORS ACT (RHA) SECTION 10 DETERMINATION OF JURISDICTION:

- “*navigable waters of the U.S.*” within RHA jurisdiction (as defined by 33 CFR part 329) in the review area.

- **Complete Table 1 - Required**

NOTE: If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Section 10 navigable waters list, DO NOT USE THIS FORM TO MAKE THE DETERMINATION. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Section 10 RHA navigability determination.

B. CLEAN WATER ACT (CWA) SECTION 404 DETERMINATION OF JURISDICTION: “waters of the U.S.” within CWA jurisdiction (as defined by 33 CFR part 328.3) in the review area. Check all that apply.

- (a)(1): All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (Traditional Navigable Waters (TNWs))

- **Complete Table 1 - Required**

- This AJD includes a case-specific (a)(1) TNW (Section 404 navigable-in-fact) determination on a water that has not previously been designated

- as such. Documentation required for this case-specific (a)(1) TNW determination is attached.
- (a)(2): All interstate waters, including interstate wetlands.
 - **Complete Table 2 - Required**
 - (a)(3): The territorial seas.
 - **Complete Table 3 - Required**
 - (a)(4): All impoundments of waters otherwise identified as waters of the U.S. under 33 CFR part 328.3.
 - **Complete Table 4 - Required**
 - (a)(5): All tributaries, as defined in 33 CFR part 328.3, of waters identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
 - **Complete Table 5 - Required**
 - (a)(6): All waters adjacent to a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.
 - **Complete Table 6 - Required**
 - Bordering/Contiguous.
 - Neighboring:
 - (c)(2)(i): All waters located within 100 feet of the ordinary high water mark (OHWM) of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3.
 - (c)(2)(ii): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 and not more than 1,500 feet of the OHWM of such water.
 - (c)(2)(iii): All waters located within 1,500 feet of the high tide line of a water identified in paragraphs (a)(1) or (a)(3) of 33 CFR part 328.3, and all waters within 1,500 feet of the OHWM of the Great Lakes.
 - (a)(7): All waters identified in 33 CFR 328.3(a)(7)(i)-(v) where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
 - **Complete Table 7 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(7) waters identified in the similarly situated analysis. - Required**
 - Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.
 - (a)(8): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3 not covered by (c)(2)(ii) above and all waters located within 4,000 feet of the high tide line or OHWM of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
 - **Complete Table 8 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(8) waters identified in the similarly situated analysis. - Required**
 - Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

C. NON-WATERS OF THE U.S. FINDINGS:

Check all that apply.

- The review area is comprised entirely of dry land.

- Potential-(a)(7) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)- (a)(3) of 33 CFR part 328.3.
 - **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(7) waters identified in the similarly situated analysis. - Required**
 - Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.
- Potential-(a)(8) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)- (a)(3) of 33 CFR part 328.3.
 - **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(8) waters identified in the similarly situated analysis. - Required**
 - Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.
- Excluded Waters (Non-Waters of U.S.), even where they otherwise meet the terms of paragraphs (a)(4)-(a)(8):
 - **Complete Table 10 - Required**
 - (b)(1): Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA.
 - (b)(2): Prior converted cropland.
 - (b)(3)(i): Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.
 - (b)(3)(ii): Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.
 - (b)(3)(iii): Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1)-(a)(3).
 - (b)(4)(i): Artificially irrigated areas that would revert to dry land should application of water to that area cease.
 - (b)(4)(ii): Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds.
 - (b)(4)(iii): Artificial reflecting pools or swimming pools created in dry land.¹
 - (b)(4)(iv): Small ornamental waters created in dry land.¹
 - (b)(4)(v): Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water.
 - (b)(4)(vi): Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways.¹
 - (b)(4)(vii): Puddles.¹
 - (b)(5): Groundwater, including groundwater drained through subsurface drainage systems.¹
 - (b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.¹
 - (b)(7): Wastewater recycling structures created in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.
- Other non-jurisdictional waters/features within review area that do not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).

¹ In many cases these excluded features will not be specifically identified on the AJD form, unless specifically requested. Corps Districts may, in case-by-case instances, choose to identify some or all of these features within the review area.

- **Complete Table 11 - Required.**

D. ADDITIONAL COMMENTS TO SUPPORT AJD: The review area is approximately 12.68 acres. The wetlands are located in Lots 1, 2, and 3. The wetland delineation titled “Wetland Determination Report for the Winchester Industrial Park, 398 Del Rio Road, Roseburg, Oregon”, developed by PBS Environmental Services and dated 15 June 2018 identified three wetlands (Wetland A, B and C) totaling 1.42 acres and two drainage ditches (Ditch A & B) totaling approximately 0.33 acres. The review area is located north and south of Del Rio Road, west of Interstate 5, near Exit 129 in Winchester, Douglas County, Oregon. Del Rio Road was realigned beginning in 2011 therefore, historic references to Del Rio Road should be checked against the current alignment.

The Corps reviewed historic information including information obtained from a previous delineation on the subject property. The Corps found one additional delineation that covers the subject property in whole or in part. A delineation dated February 2009 was conducted to support the realignment of Del Rio Road. This delineation identified a large wetland within what are now Lots 2 and 3. According to the 2018 delineation, the southern portion of the wetland, now located in Lot 2, previously identified in the countersigned PJD (dated 20 October 2010) and completed for Corps ID NWP-2009-124 no longer exists. The approximate 1.32 acre wetland loss appears to be the result of the realignment of Del Rio Road.

The 2009 delineation, (Corps Action ID NWP-2009-124) and associated PJD dated February 2009 identifies the area described in the 2018 delineation as Wetland A and Ditch A. and in the 2009 PJD as Ditch 14 and Wetland 23. The basis for jurisdiction for Ditch A (Ditch 14) was the presence of a defined bed and bank and a flow path to the north and into the unnamed tributaries to the North Fork Umpqua River.

Prior to the realignment of the road, Drainage Ditch A & B were connected, however, the roadwork severed the connection and hydrology appears to have not persisted based upon the 2018 delineation. Drainage Ditch A was identified in the 2010 delineation. Drainage Ditch A drains to the north based on slope aspect into the unnamed first order tributary to the North Fork Umpqua.

A field visit by the Corps occurred on 15 November 2018. At that time, the Corps preliminarily determined that wetland C south of Del Rio Road was non-jurisdictional. This wetland is adjacent to Drainage B which the Corps determined was not jurisdictional as it lacked a defined bed and bank and a clear flow path from the study area to the North Fork Umpqua.

Wetlands A & B and Drainage Ditch A are located in a 4.56 acre study area north of Del Rio Road within Lot 3. Wetland A and B abut the approximate 888 linear foot Ditch A. Wetland B is adjacent to Central Oregon Pacific Road tracks and abuts the eastern end of Drainage Ditch A. Aerial photos show Wetlands A & B and Drainage Ditch A drain intermittently to the north into an first order unnamed tributary to North Fork Umpqua River within a 1,500 radius. Water flows into Wetland A & B through direct precipitation. Water also enters Wetlands A and B as runoff from the spur road into Lot 3 from Del Rio Road and from the Central Oregon Pacific Railroad tracks to the east.

Drainage Ditch B is located to the south of Del Rio Road along the west side of Lot 2 and Lot 1. Based on field observation, the feature does not have a bed and bank and appears to receive water from road runoff ephemerally. Vegetation is largely limited

to Armenian blackberry and sparse clumps of unidentified grasses. Lot 2 includes the approximately 864 linear foot Drainage Ditch B which slopes south from Del Rio Road towards Old Del Rio Road.

Wetland C is located in Lot 1 along with the remainder of Drainage Ditch B south of Del Rio Road. Lot 1 is south of Lot 2. Wetland C is located in a depression which has formed at the base of a slope. Drainage Ditch B does not appear to have a surface connection to ditches identified in the PJD for NWP-2009-124/2. Drainage Ditch B does not appear to have surface connection to a roadside ditch along Old Del Rio Road which is believe to be connected to the North Fork Umpqua based on data in the 2009 delineation for NWP-2009-124. Thus Wetland C is isolated from surface flow to the North Fork Umpqua River. Wetland C south of Del Rio Road is not mapped on the NWI. However, a 0.48 acre excavated freshwater pond which has been filled at some time appears to currently support parking. Approximately 2.03 acre of NWI wetland south of Del Rio Road which included a portion of Ditch B is no longer present according to the current delineation.

Jurisdictional Waters of the U.S.

Default field entry is “N/A”. Delete “N/A” and fill out all fields in the table where applicable for waters/features present in the review area.

Table 1. (a)(1) Traditional Navigable Waters

(a)(1) Waters Name	(a)(1) Criteria	Rationale to Support (a)(1) Designation Include High Tide Line or Ordinary High Water Mark indicators, when applicable.
North Fork Umpqua	Waters have historically, are currently, and/or are susceptible for commercial navigation, including commercial waterborne recreation.	North Fork Umpqua flows into TNW South Fork Umpqua at approximate river mile 5.2

Table 2. (a)(2) Interstate Waters

(a)(2) Waters Name	Rationale to Support (a)(2) Designation
N/A	N/A

Table 3. (a)(3) Territorial Seas

(a)(3) Waters Name	Rationale to Support (a)(3) Designation
N/A	N/A

Table 4. (a)(4) Impoundments

(a)(4) Waters Name	Rationale to Support (a)(4) Designation
N/A	N/A
N/A	N/A

Table 5. (a)(5) Tributaries

(a)(5) Waters Name	Flow Regime	(a)(1)-(a)(3) Water Name to which this (a)(5) Tributary Flows	Tributary Breaks	Rationale for (a)(5) Designation and Additional Discussion. Identify flowpath to (a)(1)-(a)(3) water or attach map identifying the flowpath; explain any breaks or flow through excluded/non-jurisdictional features, etc.
First order Unnamed Tributary to NF Umpqua	Perennial	North Fork Umpqua (NFU)	Yes	The 1st Order Tributary enters a culvert on Del Rio Road and travels along private land until entering the NFU at approximate river mile 5.2
Second order Unnamed Tributary to NF Umpqua	Intermittent	N/A	No	2nd order tributary flows downslope to 1st order tributary
Ditch A	Intermittent	N/A	No	Ditch A flows to the second order tributary (intermittent) & into the first order tributary (perennial) then to NFU

Table 6. (a)(6) Adjacent Waters

(a)(6) Waters Name	(a)(1)-(a)(5) Water Name to which this Water is Adjacent	Rationale for (a)(6) Designation and Additional Discussion. Identify the type of water and how the limits of jurisdiction were established (e.g., wetland, 87 Manual/Regional Supplement); explain how the 100-year floodplain and/or the distance threshold was determined; whether this water extends beyond a threshold; explain if the water is part of a mosaic, etc.
Wetland A	2nd Order Trib to NFU Umpqua	Established by delineation dated 15 June 2018 & by PJD dated 26 February 2009; distance threshold of 1,500 feet determined using the radius tool feature in Google Earth
Wetland B	2 nd Order Trib to NFU	Established by delineation dated 15 June 2018 & by PJD dated 26 February 2009; distance threshold of 1,500 feet determined using the radius tool feature in Google Earth.
Ditch A	2 nd Order Trib to NFU	Established by delineation dated 15 June 2018 & by PJD dated 26 February 2009; distance threshold of 1,500 feet determined using the radius tool feature in Google Earth. Bed and bank information derived from previous PJD for NWP-2009-124/2

Table 7. (a)(7) Waters

SPOE Name	(a)(7) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; discuss whether any similarly situated waters were present and aggregated for SND; discuss data, provide analysis, and summarize how the waters have more than speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Table 8. (a)(8) Waters

SPOE Name	(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to subject water and aggregated for SND; discuss data, provide analysis, and then summarize how the waters have more than speculative or insubstantial effect the on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Non-Jurisdictional Waters

Default field entry is "N/A". Delete "N/A" and fill out all fields in the table where applicable for waters/features present in the review area.

Table 9. Non-Waters/No Significant Nexus

SPOE Name	Non-(a)(7)/(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water DOES NOT have a Significant Nexus	Basis for Determination that the Functions DO NOT Contribute Significantly to the Chemical, Physical, or Biological Integrity of the (a)(1)-(a)(3) Water. Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to the subject water; discuss data, provide analysis, and summarize how the waters did not have more than a speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Table 10. Non-Waters/Excluded Waters and Features

Paragraph (b) Excluded Feature/Water Name	Rationale for Paragraph (b) Excluded Feature/Water and Additional Discussion.
N/A	N/A
N/A	N/A

Table 11. Non-Waters/Other

Other Non-Waters of U.S. Feature/Water Name	Rationale for Non-Waters of U.S. Feature/Water and Additional Discussion.
N/A	N/A

Waters_Name	State	Cowardin Code	Hgm Code	Meas Type	Amount	Units	Waters_Type	Latitude	Longitude
NWP-2004-883-3 Water A	OR	RP1EM-RIPARIAN, LOTIC, EMERGENT	Riverine	AREA	0.16	ACRES	A5	43.29496	123.3652
NWP-2004-883-3 Wet A	OR	PEM-PALUSTRINE, EMERGENT	Depressional	AREA	1.17	ACRES	A6N3HWB	43.29486	123.3641
NWP-2004-883-3 Wet B	OR	PEM-PALUSTRINE, EMERGENT	Depressional	AREA	0.04	ACRES	A6N3HWB	43.29571	123.3623