



**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): 2/5/2021  
 ORM Number: NWP-2020-476  
 Associated JDs: NWP-2020-215  
 Review Area Location<sup>1</sup>: State/Territory: OR City: White City County/Parish/Borough: Jackson  
 Center Coordinates of Review Area: Latitude 42.43337 Longitude -122.82256

**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)<sup>2</sup>**

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

**C. Clean Water Act Section 404**

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

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.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Ditch 1	0.007	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Ditch 1 was excavated in uplands or non-jurisdictional features. The ditch is not an (a)(1) water. Ditch 1 does not meet the (a)(2) definition because it is not a naturally occurring tributary. The excavation of the ditch did not relocate a tributary and the ditch was not constructed in an adjacent wetland (therefore not an (a)(4) water). Ditch 1 is an excavated ditch that did not relocate a tributary. See Section III(c) below for additional information. Ditch 1 meets the criteria to be recognized as a (b)(5) excluded water feature pursuant to the Navigable Waters Protection Rule (NWPR).
Ditch 2	0.01	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Ditch 2 was excavated in uplands or non-jurisdictional features. The ditch is not an (a)(1) water. Ditch 2 does not meet the (a)(2) definition because it is not a naturally occurring tributary. The excavation of the ditch did not relocate a tributary and the ditch was not constructed in an adjacent wetland (therefore not an (a)(4) water). Ditch 2 is an excavated ditch that did not relocate a tributary. See Section III(c) below for additional information. Ditch 1 meets the criteria to be recognized as a (b)(5) excluded water feature pursuant to the NWPR.

**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: [“Jurisdictional Wetland Delineation for Falcon Street, T36S, R1W, Section 16DC Tax Lot 202 White City, Jackson County, Oregon”](#) dated January 2019 received by the U.S. Army Corps of Engineers (Corps) on 14 December 2020.

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

Photographs: [Aerial and Other: Aerial photographs and ground level photographs submitted within the wetland delineation. Google Earth Pro aerial photographs dated 01/2021, 07/2018, 11/2003 and Google Earth Street View images dated 05/2012.](#)

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

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

<sup>4</sup> 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.

<sup>5</sup> 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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- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Web Soil Survey data obtained by Corps staff on 22 January 2021 from <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>.
- USFWS NWI maps: USFWS NWI map retrieved by Corps staff on 3 February 2021 from the Corps' eGIS Webviewer.
- USGS topographic maps: USGS topographic map for Eagle Point, Oregon Quadrangle retrieved by Corps staff on 22 January 2021 from <https://ngmdb.usgs.gov/topoview/viewer/#15/44.5368/-123.2713>.

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	National Hydrography Dataset retrieved 22 January 2021 from Corps' eGIS WebViewer.
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):** On 3 February 2021, the Corps utilized the Antecedent Precipitation Tool (APT) to conduct a typical year analysis of the Review Area via a single point method for the date the wetland delineation field data was collected. The APT is an automation tool that evaluates three climatological parameters at a given location to assist in documenting the various determinations required by policy for the execution of the Corps Regulatory Program. The APT analysis determines if the date-specific observation falls within the normal periodic range for the geographic area based on a rolling thirty-year period. A single point method using the latitude and longitude coordinates identified in Section (I) above was utilized because the single point method adequately represents the data sources available via the APT to conduct an appropriate analysis of climatic conditions onsite. The APT is publicly available at this address: <https://github.com/jDetersUSACE/Antecedent-Precipitation-Tool/releases/tag/v1.0.13>.

The APT was run for the date of the wetland delineation field work, 17 December 2018, and demonstrated that the site conditions within the Review Area on this date represent the annual wet season, that the general region was experiencing a severe drought, and that site conditions were normal in terms of climatic conditions.

In conclusion, the Corps has determined from the use of the APT, wetland delineation data, aerial imagery, and other sources identified above that the site conditions on this date within the Review Area represent a period of time that was seasonally drier than normal climatic conditions but relatively consistent with normal climatic conditions.

**C. Additional comments to support AJD:** The Review Area is general flat and bounded by a residential subdivision to the east, a vacant field to the south and west, and Falcon Street to the north. The northern portion of the Review Area is a gravel driveway.

Ditch 1 (0.007 acre) is located in the southern half of the Review Area and extends from a culvert along the eastern Review Area boundary to the west boundary and offsite. The ditch is between 3 to 5 feet wide and 1 to 3 feet deep within well defined embankments. Based on a review of aerial imagery, Ditch 1



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appears to be an extension of the Ditch 1 identified within NWP-2020-215. The eastern portion of the ditch is dominated by Ponderosa pine, Douglas Fir, and Himalayan blackberry. The western portion of the ditch is dominated by cattails. Wetland soil characteristics were observed (F6 Redox Dark Surface). One inch of flowing water was observed during the site visit. A review of aerial imagery and historic topographical maps supports the determination that this ditch was likely excavated in uplands to manage stormwater from the residential development to the east. For that reason, Ditch 1 meets the (b)(5) exclusion.

Ditch 2 (0.01 acre) is located approximately 77 feet south of Ditch 1 and originates near the eastern border of the Review Area. During the site visit, the project agent did not observe a culvert along the eastern boundary of this feature. To the west of the review area, Ditch 2 appears to flow into Ditch 1 where it continues offsite. Vegetation within Ditch 2 includes velvet grass and Fuller's teasel. Wetland soils met the F3 Depleted Matrix indicator. Six inches of surface water were observed within the 2-6 foot wide ditch with 1-2 foot embankments. A review of aerial imagery and historic topographical maps supports the determination that this ditch was likely excavated in uplands to manage stormwater from the residential development to the east. For that reason, Ditch 2 meets the (b)(5) exclusion.