



**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): 8/21/2020
 ORM Number: NWP-1999-573/4
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Oregon City: Medford County/Parish/Borough: Jackson
 Center Coordinates of Review Area: Latitude 42.375° Longitude -122.874°

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.

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.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
NWP-1999-573/4 Channelized Drainage	Total 0.87 (fig 7.6 - 0.53 fig 7.7 - 0.34)	acre(s) (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This Channelized Drainage is shown on figures 7.6 (0.53 acres in size) and 7.7 (0.34 acres in size). The drainage possesses a bed, bank, and OHWM within the study area shown on figures 7.6 & 7.7 which is recognized as a perennial tributary that contributes surface water flow directly to Upton Creek. This channelized drainage is the remaining historical alignment of Upton Creek which maintains a continuous surface water flow to the re-aligned portion of Upton Creek an (a)(2) water located outside of

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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
				<p>the north boundary of the study area. Upton Creek maintains a direct hydrological surface water connection with the Rogue River near Central Point at River Mile 127.3. The Rogue River is recognized as an (a)(1) navigable water of the U.S. to river mile 27.1 per the U.S. Army Corps of Engineers Portland District 1993 list of Navigable Riverways within the State of Oregon. Above this river mile the Corps Portland District recognizes the Rogue River as an (a)(2) traditional navigable water to river mile 157.5.</p> <p>The requestor utilized field indicators to determine the boundaries of the ordinary high water mark of the Channelized Drainage.</p>

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
NWP-1999-573/4 Wetland 1	0.13	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	This wetland, shown on figure 7.4, is adjacent to Upton Creek and is inundated by flooding from Upton Creek in a typical year by the (a)(2) water of the U.S. during winter months when the rainfall, flows, and groundwater vertically increases in elevation due to the rainfall driven inundation. The creek overtops the banks and into the wetland providing a direct hydrologic surface water connection between Upton Creek and the wetland.
NWP-1999-573/4 Wetland 2	0.01	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	This wetland, shown on figure 7.4, is adjacent to Upton Creek and is inundated by flooding from Upton Creek in a typical year by the (a)(2) water of the U.S. during winter months when the rainfall, flows, and groundwater vertically increases in elevation due to the rainfall driven inundation. The Creek overtops the banks and into the wetland providing a direct hydrologic surface water connection between Upton Creek and the wetland.
NWP-1999-573/4 Wetland 3	0.02	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	This wetland, shown on figure 7.4, is adjacent to Upton Creek and is inundated by flooding from Upton Creek in a typical year by the (a)(2) water of the U.S. during winter months when the rainfall, flows, and groundwater vertically increases in elevation due to the rainfall driven inundation. The Creek overtops the banks and into the wetland



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination	
				providing a direct hydrologic surface water connection between Upton Creek and the wetland.
NWP-1999-573/4 Wetland 4	0.17	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This wetland, shown on figure 7.6, directly abuts the Channelized Drainage within the study area. The Channelized Drainage maintains a direct hydrologic surface water connection with Upton Creek and the Rogue River as discussed above.
NWP-1999-573/4 Wetland 6	1.96	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This wetland, shown on figure 7.7, directly abuts the Channelized Drainage within the study area. The Channelized Drainage maintains a direct hydrologic surface water connection with Upton Creek and the Rogue River as discussed above.
NWP-1999-573/4 Wetland 7	0.85	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This wetland, shown on figure 7.7, directly abuts the Channelized Drainage within the study area. The Channelized Drainage maintains a direct hydrologic surface water connection with Upton Creek and the Rogue River as discussed above.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
NWP-1999-573/4 Ephemeral Ditch 1	0.01	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This ephemeral feature, shown on figure 7.1, flows only during rainfall events and discharges directly into a stormwater feature located outside of the study area. Flows are insufficient in duration to be jurisdictional.
NWP-1999-573/4 Ephemeral Ditch 2	0.01	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This ephemeral feature, shown on figure 7.2, flows only during rainfall events and discharges directly into Upton Creek located outside of the study area. Flows are insufficient in duration to be jurisdictional.
NWP-1999-573/4 Ephemeral Ditch 3	0.01	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This ephemeral feature, shown on figure 7.5, flows only during rainfall events and discharges directly into Stormwater Ditch 3, a control feature used to convey stormwater runoff. Flows are insufficient in duration to be jurisdictional.
NWP-1999-573/4 Ephemeral Ditch 4	0.01	acre(s)	(b)(3) Ephemeral feature, including an ephemeral	This ephemeral feature, shown on figure 7.6, flows only during rainfall events and discharges directly into the Channelized

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			stream, swale, gully, rill, or pool.	Drainage. Flows are insufficient in duration to be jurisdictional.
NWP-1999-573/4 Ephemeral Ditch 5	0.01	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This ephemeral feature, shown on figure 7.6, flows only during rainfall events and discharges directly into the Channelized Drainage. Flows are insufficient in duration to be jurisdictional.
NWP-1999-573/4 RVP 1	0.03	acre(s)	(b)(1) Non-adjacent wetland.	This vernal pool wetland, shown on figure 7.4, is not located adjacent to or abutting an (a)(1)-(a)(3) feature and is not jurisdictional. The wetland is physically isolated and not flooded in a typical year by a tributary.
NWP-1999-573/4 RVP 2	0.03	acre(s)	(b)(1) Non-adjacent wetland.	This vernal pool wetland, shown on figure 7.4, is not located adjacent to or abutting an (a)(1)-(a)(3) feature and is not jurisdictional. The wetland is physically isolated and not flooded in a typical year by a tributary.
NWP-1999-573/4 RVP 3	0.01	acre(s)	(b)(1) Non-adjacent wetland.	This vernal pool wetland, shown on figure 7.4, is not located adjacent to or abutting an (a)(1)-(a)(3) feature and is not jurisdictional. The wetland is physically isolated and not flooded in a typical year by a tributary.
NWP-1999-573/4 Stormwater Ditch 1	0.04	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	This ephemeral stormwater feature, shown on figure 7.3, flows only during rainfall events and discharges stormwater into a collection system which discharges flows into Stormwater Ditch 3.
NWP-1999-573/4 Stormwater Ditch 2	0.02	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	This ephemeral stormwater feature, shown on figure 7.3, flows only during rainfall events and discharges stormwater into a collection system which discharges flows into Stormwater Ditch 3.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
NWP-1999-573/4 Stormwater Ditch 3	Total 0.92 (fig 7.5 - 0.456 fig 7.6 - 0.466 acres)	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	This ephemeral stormwater feature, shown on figures 7.5 and 7.6, flows only during rainfall events. The ditch feature collects stormwater from the impervious surfaces around the airport and conveys flows to an (a)(2) waterway (Channelized Drainage). The designed flow event for this feature is a 10-year event to ensure operations at the airport can be maintained.
NWP-1999-573/4 Wetland 5	0.17	acre(s)	(b)(1) Non-adjacent wetland.	This wetland, shown on figure 7.6, is not located adjacent to or abutting an (a)(1)-(a)(3) feature and is not jurisdictional. A gravel roadway causes an impoundment of irrigation waters at this location. The wetland is physically isolated and not flooded in a typical year by a tributary.
NWP-1999-573/4 Wetlands 6A-6G	0.04	acre(s)	(b)(1) Non-adjacent wetland.	These small wetlands are shown on figure 7.7 and are not located adjacent to or abutting an (a)(1)-(a)(3) feature and are not jurisdictional. The wetlands are physically isolated and not flooded in a typical year by a tributary.

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: [Aquatic Resources Delineation Report for select portions of the Rogue Valley International-Medford Airport, City of Medford, Jackson County, Oregon and dated June 2019.](#)

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: Google Earth 2019 and delineation photos May 2019.](#)
- Corps site visit(s) conducted on: [N/A](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [NWP-1999-573, NWP-1999-573/1, NWP-1999-573/2, and NWP-1999-573/3 with various years.](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Jackson County Soil Survey Map-Agate Winlow \(6B\), Coker Clay \(33A\), Cove Clay \(35A\), Phoenix Clay \(141A\), completed June 2019 and reviewed March 2020.](#)



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- USFWS NWI maps: USFWS NWI Map completed June 2019 and reviewed on March 2020 and August 2020.
- USGS topographic maps: 1:24K Medford East, completed June 2019 and reviewed on March 2020 and August 2020.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS 8, 10, 12 digit HUC maps	HUC #171003080202
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 on March 6, 2019 to determine if the site was reviewed during drier or wetter than normal circumstances. The APT determined the review was performed during a wetter than normal time of the year and the site was in wetter than normal rainfall conditions. Prior to the site visit, the rainfall was above normal averages since late January 2019. Therefore, the Corps can conclude circumstances during the delineation of the site were wetter than normal for March 2019.

C. Additional comments to support AJD: The delineator used 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 areas.