



**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): 8/24/2020

ORM Number: NWP-2004-883-3

Associated JDs: AJD under Clean Water Rule NWP-2004-883-3 dated February 4, 2019, AJD under the Clean Water Rule NWP-2004-883-3 dated May 21, 2019, and Corps Final AJD Determination Letter dated July 11, 2019.

Review Area Location¹: State/Territory: Oregon City: Roseburg County/Parish/Borough: Douglas

Center Coordinates of Review Area: Latitude 43.294802 Longitude -123.363779: This AJD applies to portions of the property at 410 Del Rio Road, Roseburg, Oregon also known as Lots 1, 2 and 3. The Review Area boundary subject to this AJD is labeled "Study Area" on the AJD Drawings.

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 or describe rationale.
- 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 |
| 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. |

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.



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

| | | | |
|------------------------------------|-------------|-----------------|------------------------------------|
| 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. |

D. Excluded Waters or Features

| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | |
|--|-----------------|--|--|
| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
| Ditch A | 0.16 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 A flows through the northern portion of the Review Area from the northeast to the southwest, where it crosses to the south beneath the new Del Rio Road and flows into Ditch B, which has now been placed in a culvert within the Corps Review Area. Ditch A was not present within the 1965 aerial image but was present within the 1978 aerial image, putting the date of construction between 1965 and 1978. Based upon historic aerials and topo maps, Ditch A was constructed in uplands or non-jurisdictional features and is not a tributary or adjacent wetland. |
| Ditch B | 0.17 acre(s) | (b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories. | Ditch B within the Review Area was culverted and meets the (b)(1) exclusion. The work was completed following the February 4, 2019, AJD that determined the feature did not meet the definition of “waters of the United States” as explained in the Corps’ July 11, 2019, letter. The work was confirmed during the July 29, 2020, site visit. |
| Wetland A | 1.17 acre(s) | (b)(1) Non-adjacent wetland. | Wetland A is a palustrine emergent wetland that continues outside of the Review Area to the south. It is located between Ditch A and Del Rio Road. Hydrology within Wetland A flows to Ditch A. There are no (a)(1)-(3) waters within the Corps Review Area. Wetland A does not meet the definition of an adjacent wetland under the Navigable Waters Protection Rule. |
| Wetland B | 0.04 acre(s) | (b)(1) Non-adjacent wetland. | Wetland B is a palustrine wetland. The primary source of hydrology was a leaky pipe which was repaired in spring or early summer of 2019. The consultant conducted an updated vegetation determination during the July 29, 2020, site visit and wetland vegetation was still present within Wetland B. The maintenance to the pipe also redirected flows coming onto the site from the east, into Ditch A cutting off flows to the north of |

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.



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

| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | |
|--|----------------|------------------------|---|
| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
| | | | the Review area. Hydrology flows from Wetland B into Ditch A. There are no (a)(1)-(3) waters within the Corps Review Area. Wetland B does not meet the definition of an adjacent wetland under the Navigable Waters Protection Rule. |
| Wetland C | 0.25 | acre(s) | N/A. |
| | | | Wetland C is no longer present within the Review Area as shown in the May 10, 2019, Google Earth aerial. The wetland was filled following the February 4, 2019, AJD that determined the feature did not meet the definition of “waters of the United States” as explained in the Corps’ July 11, 2019, Final AJD Determination Letter. The Corps confirmed Wetland C is no longer present during the July 29, 2020, site visit. |

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: [Wetland Determination Report for the Winchester Industrial Park, 398 Del Rio Road, Roseburg, Oregon prepared by PBS Engineering and Environmental dated June 15, 2018 and received by the Corps October 16, 2018.](#)

This information is and is not sufficient for purposes of this AJD.

Rationale: [Additional historic information required.](#)

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

Photographs: [Aerial and Other: Google Earth July 2020, Site visit photographs July 29, 2020, and USACE Historic Aerials July 23, 2020.](#)

Corps site visit(s) conducted on: [July 29, 2020](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [NWP-2004-883-3 AJD under Clean Water Rule dated February 4, 2019 and May 21, 2019.](#)

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

USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\).](#)

USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)

USGS topographic maps: [USGS Topo View, July 2020](#)

Other data sources used to aid in this determination:

| Data Source (select) | Name and/or date and other relevant information |
|--|---|
| USGS Sources | Earth Explorer July 2020 |
| USDA Sources | N/A. |
| NOAA Sources | N/A. |
| USACE Sources | eGIS July 2020 |
| State/Local/Tribal Sources | N/A. |
| Other Sources | Historicaerials.com July 2020 |
| USACE Sources | USACE Historic Aerials |



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

B. Typical year assessment(s): [Not applicable](#)

C. Additional comments to support AJD: [N/A](#)