



**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): 2/9/2021

ORM Number: NWP-2021-62

Associated JDs: N/A.

Review Area Location¹: State/Territory: Oregon City: Bandon County/Parish/Borough: Coos

Center Coordinates of Review Area: Latitude 43.11032 Longitude -124.396239

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
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
Wetland 1	0.21	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.
			Wetland 1 is a palustrine emergent (PEM) wetland located in the western portion of the Review Area. Surface water within Wetland 1 flows west and off-

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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Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
			<p>site, outside of the Review Area. Surface water flow within Wetland 1 abuts and maintains a hydrologic surface water connection with an intermittent tributary to Ferry Creek located west and outside of the Review Area. Ferry Creek is a perennial tributary which maintains a hydrologic surface water connection with the Coquille River near river mile 1. Ferry Creek is tidally influenced in its lower reaches and, while not subject to the scope of this Approved Jurisdictional Determination, is preliminarily recognized by the Corps in its lower stream reach as a navigable water pursuant to 33 CFR 329.4.</p> <p>Because Wetland 1 abuts an (a)(2) water of the U.S. outside of the Review Area Wetland 1 meets the criteria to be recognized an (a)(4) water of the U.S. pursuant to the Navigable Waters Protection Rule (NWPR).</p>
Ditch 1 (located within the delineated geographic boundary of Wetland 1)	85	linear feet	<p>(a)(4) Wetland abuts an (a)(1)-(a)(3) water.</p> <p>This portion of Ditch 1 is located within Wetland 1 along the northern boundary of the Review Area. Wetland 1 is recognized as a 0.21 acre PEM wetland within the Review Area. Ditch 1 is approximately one to two feet wide and one to two feet deep. Surface water within this portion of Ditch 1 flows west and off-site, outside of the Review Area. Surface water flow within Ditch 1 abuts and maintains a hydrologic surface water connection with an intermittent tributary to Ferry Creek located west and outside of the Review Area. Ferry Creek is a perennial tributary which maintains a hydrologic surface water connection with the Coquille River near river mile 1. Ferry Creek is tidally influenced in its lower reaches and, while not subject to the scope of this Approved Jurisdictional Determination, is preliminarily recognized by the Corps in its lower stream reach as a navigable water pursuant to 33 CFR 329.4.</p> <p>Because this portion of Ditch 1 abuts an (a)(2) water of the U.S. outside of the Review Area this portion of Ditch 1 meets the criteria to be recognized an (a)(4) water of the U.S. pursuant to the NWPR.</p>

D. Excluded Waters or Features



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Ditch 1 (located outside of the delineated geographic boundary of Wetland 1)	15	linear feet	(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).	This portion of Ditch 1 is located outside of the delineated boundary of Wetland 1 along the northern boundary of the Review Area. This portion of Ditch 1 may have been excavated in uplands or non-jurisdictional features. The Corps has found no evidence that this portion of Ditch 1 was excavated in a tributary, relocated a tributary or was constructed in an adjacent wetland. Ditch 1 at this location meets the criteria to be recognized as a (b)(5) excluded water 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: [Wetland delineation report titled “Ruby Loop Lot” submitted by New Millennium Consulting; received by the U.S. Army Corps of Engineers \(Corps\) on 2 February 2021. Wetland delineation field data was captured by the delineator on 9 November 2020, 19 November 2020 and 29 November 2020.](#)

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 aquatic resources within the review area.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Aerial and ground level photographs as submitted with the wetland delineation. Google Earth Pro imagery review conducted by Corps staff on 3 February 2021.](#)
- Corps site visit(s) conducted on: [N/A.](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A.](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [U.S. Department of Agriculture Natural Resources Conservation Service soil mapping as found within the wetland delineation received by the Corps on 2 February 2021.](#)
- USFWS NWI maps: [U.S. Fish & Wildlife National Wetland Inventory mapping accessed by Corps staff on 3 February 2021.](#)
- USGS topographic maps: [Bandon, Oregon 15 minute quadrangle, 1944 and Bandon, Oregon 7.5 minute quadrangle, 1970, 2011, 2014, 2020; accessed by Corps staff on 3 February 2021.](#)

Other data sources used to aid in this determination:

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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Data Source (select)	Name and/or date and other relevant information
USGS Sources	See section III.A above. U.S. Geologic Survey (USGS) Stream Stats basin report accessed by Corps staff on 4 February 2021.
USDA Sources	See section III.A above.
NOAA Sources	N/A.
USACE Sources	See section III.A above.
State/Local/Tribal Sources	Oregon Department of Geology and Mineral Industries bare earth and slope LiDAR imagery accessed by Corps staff on 2 February 2021 and 3 February 2021.
Other Sources	National Hydrography Dataset data accessed by Corps staff on 3 February 2021. Federal Emergency Management Agency (FEMA) Floodrate Insurance Mapping accessed by Corps staff on 3 February 2021.

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 bulk of the wetland delineation field data was captured by the delineator. 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 is one tool that the Corps may use to determine and document typical year conditions. 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 on-site. The APT is publicly available at this web site: <https://github.com/jDetersUSACE/Antecedent-Precipitation-Tool/releases/tag/v1.0.13>.

9 November 2020. The APT was run for the date wetland delineation data was captured by the delineator representing the requestor (9 November 2020). The APT demonstrated the site conditions within the Review Area on this date represent a time of year referenced as the wet season, that the general region and site were in a mild drought, and that site conditions were normal in climatic conditions.

Summary: The Corps can draw the conclusion from the use of the APT, wetland delineation data, aerial imagery and other sources identified above that site conditions on this day within the Review Area represent a time period which was seasonally wetter than normal climatic conditions but relatively consistent with normal climatic conditions.

C. Additional comments to support AJD: The Review Area is geomorphically located on a landform that slopes east to west and is located at approximately 101 feet above sea level. The Review Area is not located in a floodplain per the FEMA Flood Insurance Rate Map. An aerial imagery review of the watershed area immediately upslope of the Review Area indicates several properties which possess wetland and/or open water signatures on the landscape. Overland sheetflow and groundwater transport projects north within the watershed and is intercepted, in part, by the intermittent tributary located immediately west of the Review Area. The USGS Stream Stats basin report indicates intermittent surface water flow within the tributary west of the Review Area throughout the calendar year.



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