



**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): [2/17/2021](#)

ORM Number: [NWP-2020-490](#)

Associated JDs: [N/A](#)

Review Area Location¹: State/Territory: [Oregon](#) City: [Chiloquin](#) County/Parish/Borough: [Klamath](#)

Center Coordinates of Review Area: Latitude [42.574780°](#) Longitude [-121.928927°](#)

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: [Based on a review of historic aerial imagery, National Wetland Inventory \(NWI\) maps, Department of Oregon Geology and Mineral Industries \(DOGAMI\) Lidar, and other digital resources, USACE staff determined this site consists of entirely dry land.](#)
- 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.



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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	
N/A.	N/A.	N/A.	N/A.	

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: [“Jeff Taylor, Wetland Determination” dated December 2020 by Rabe Consulting and received by USACE staff on 31 December 2020.](#)

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

Rationale: A request for additional information was submitted by the Corps on 20 January 2021. A complete response was returned to the Corps on 2 February 2021 which provided sufficient information to complete this AJD.

Data sheets prepared by the Corps: [N/A](#)

Photographs: [Aerial and Other: Aerial photographs dated 8/2019 and 8/2011 from Google Earth were obtained by Corps staff on 8 February 2021. Site photos provided in the wetland delineation and response to additional information request.](#)

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: [A USDA Web Soil Survey was retrieved by USACE staff on 5 February 2021 from <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>](#)

USFWS NWI maps: [USFWS NWI Maps were obtained by USACE staff on 8 February 2021 from the USACE Regulatory WebViewer.](#)

USGS topographic maps: [USGS Agency Lake Quadrangle Map obtained by USACE staff on 5 February 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 information obtained by USACE staff on 8 February 2021 from the USACE Regulatory WebViewer.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	DOGAMI Lidar information obtained by USACE Staff on 8 February 2021 from the Oregon Department of Geology and Mineral Industries.

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
Other Sources	N/A.

B. Typical year assessment(s): N/A.

C. Additional comments to support AJD: The Review Area consists of the eastern portion of Tax Lot R-3407-031C0-00702-000. The Review Area is bounded by a vacant lot to the north, a roadway to the east, a vacant lot to the south, and the remainder of the tax parcel to the west. Agency Lake lies 218 feet to the west of the Review Area boundary. The Review Area is primarily a flat, upland shelf.

The wetland data forms included within the delineation materials do not indicate the presence of wetland vegetation, soils or hydrology. Furthermore, the wetland data points were taken on the lowest points within the Review Area and where NWI mapping indicates a palustrine emergent wetland may be present.