



**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): 3/1/2021

ORM Number: NWP-2020-321

Associated JDs: NWP-2015-436

Review Area Location¹: State/Territory: Oregon City: Eagle Point County/Parish/Borough: Jackson

Center Coordinates of Review Area: Latitude 42.475572 Longitude -122.965622

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
WT-18 Unnamed Tributary	350 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	WT-18 Unnamed Tributary is the upper extent of the surface water connection point for three ephemeral tributaries which form the unnamed intermittent tributary which is WT-18 Unnamed Tributary within the Review Area. The consulting firm which conducted the wetland delineation determined the tributary within the Review Area is an intermittent tributary using the Streamflow Duration Assessment Method (SDAM). National Hydrography Dataset (NHD) layers corroborate the delineators assessment. The Corps concurs with the delineators

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>SDAM evaluation.</p> <p>The unnamed intermittent tributary within the Review Area is located approximately 1,500 linear feet from Sardine Creek and possess a hydrologic surface connection with Sardine Creek outside of the Review Area. Sardine Creek possesses a hydrologic surface connection with the Rogue River west of Gold Hill, Oregon. The Rogue River is recognized as a navigable water to river mile 27.1 pursuant to the Corps Portland District 1993 list of navigable riverways in Oregon; thus, the Rogue River is an (a)(1) in its lower stream reach. While not subject to the scope of this Approved Jurisdictional Determination (AJD) both Sardine Creek and the Rogue River are preliminarily recognized as (a)(2) waters pursuant to the Navigable Waters Protection Rule (NWPR) near Gold Hill, Oregon.</p> <p>The Corps has determined that because WT-18 Unnamed Tributary contributes surface water flow directly to an (a)(1) water in a typical year it is recognized as an (a)(2) water pursuant to the NWPR.</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
WT-18	0.032	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	<p>WT-18 is located in review segment 6.46 of the Grants Pass to Sams Valley Transmission Line in the southwest corner of Township 36 South, Range 3 West, Section 4. WT-18 abuts an (a)(2) water. three ephemeral tributaries which form an unnamed intermittent tributary which is WT-18 Unnamed Tributary within the Review Area. The western portion wetland WT-18 abuts the intermittent tributary and the eastern portion of WT-18 abuts the ephemeral tributaries. The consulting firm which conducted the wetland delineation determined the tributary within the Review Area is an intermittent tributary using the SDAM. NHD layers corroborate the delineators assessment. The Corps concurs with the delineators SDAM evaluation.</p>



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Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
			The unnamed intermittent tributary within the Review Area is located approximately 1,500 linear feet from Sardine Creek and possess a hydrologic surface connection with Sardine Creek outside of the Review Area. Sardine Creek has a hydrologic surface connection with the Rogue River west of Gold Hill, Oregon. The Rogue River is recognized as an (a)(1) navigable water to river mile 27.1 pursuant to the Corps Portland District 1993 list of navigable riverways in Oregon; thus, the Rogue River is an (a)(2) in its upper reach within the project area. The Corps has determined wetland WT-18 is recognized as an (a)(4) water pursuant to the NWPR because it abuts an (a)(2) water.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland A	0.01 acre(s)	(b)(1) Non-adjacent wetland.	Wetland A is a physically remote, closed depressional surface water feature which is not flooded during a typical year by Ditch 1 or Rock Creek, the nearest (a)(2) water. Wetland A does not meet the criteria for an adjacent wetland at 33 CFR 328.3(c)(1)(ii) because there is no direct or indirect connection to an (a)(1) through (a) (3) water. Wetland A is recognized as an excluded water feature pursuant to (b)(1) of the NWPR.
Wetland B	3.74 acre(s)	(b)(1) Non-adjacent wetland.	Wetland B is a depressional surface water feature which is not flooded in a typical year by Ditch 1 or Rock Creek, the nearest (a)(2) water. Wetland B abuts Ditch 1 along its northern boundary, however, as described below, Ditch 1 does not meet jurisdictional criteria. Wetland B does not meet the criteria for an adjacent wetland at 33 CFR 328.3(c)(1)(ii) because it does not abut (a)(1) - (a)(3) water, is not inundated by an (a)(1) – (a)(3) water and is not separated from an (a)(1)-(a)(3) water by a natural or artificial barrier as defined in the NWPR. Wetland B is recognized as an excluded water feature pursuant to (b)(1) of the NWPR.
Wetland C	0.09 acre(s)	b)(1) Non-adjacent wetland	Wetland C is a physically remote, closed depressional surface water feature which is not

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
			flooded in a typical year by Ditch 1. Wetland C does not meet the criteria for an adjacent wetland at 33 CFR 328.3(c)(1)(ii) because there is no direct or indirect connection to an (a)(1) through (a)(3) water. Wetland C is recognized as an excluded water feature pursuant to (b)(1) of the NWPR.
Ditch 1	900	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). Ditch 1 is a 900-foot long constructed ditch which abuts and runs parallel with Tresham Lane. Ditch 1 is an ephemeral surface water feature which drains west to Rock Creek. The ditch does not meet the conditions of an (a)(2) water nor the surface water flow conditions of (a)(2) waters. There is no evidence that Ditch 1 is a relocated tributary. Ditch 1 is recognized as an excluded water feature pursuant to (b)(5) of the NWPR.
Pond 1	0.004	acre	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year. Pond 1 is an excavated surface water feature approximately 200 square feet (0.004 acre) in size which is located in the northwest portion of the Review Area. The pond does not contribute surface water flow to an (a)(1) water directly nor through an (a)(2)– (a)(4) water. Wetland B is not an (a)(4) water as discussed above and Ditch 1 is not an (a)(1) – (a)(3). Pond 1 is located within Wetland B, a (b)1 water which is excluded pursuant to the NWPR.
WT-07	0.001	acre	(b)(1) Non-adjacent wetland Wetland WT-07 is a physically remote, linear depressional surface water feature which is not connected to an (a)(1) - (a)(3) water in a typical year. Wetland WT-07 is located to the southeast of a (b)(9) water, a constructed pond associated with a gravel mining operation. The (b)(9) constructed pond has no surface water connection to the Rogue River, an (a)(2) water located to the north outside of the Review Area. Wetland WT-07 does not meet the criteria for an adjacent wetland at 33 CFR 328.3(c)(1)(ii) because there is no direct or indirect connection to an (a)(1) through (a)(3) water. Wetland WT-07 is recognized as an excluded water feature pursuant to (b)(1) of the NWPR.
WT-08	0.018	acre	(b)(1) Non-adjacent wetland Wetland WT-08 is a physically remote, linear depressional surface water feature which is not connected to an (a)(1) - (a)(3) water in a typical year. Wetland WT-08 is located to the southeast



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			of a (b)(9) water, a constructed pond associated with a gravel mining operation. The (b)(9) constructed pond has no surface water connection to the Rogue River, an (a)(2) water to the north outside of the Review Area. Wetland WT-08 does not meet the criteria for an adjacent wetland at 33 CFR 328.3(c)(1)(ii) because there is no direct or indirect connection to an (a)(1) through (a)(3) water. Wetland WT-08 is recognized as an excluded water feature pursuant to (b)(1) of the NWPR.
WT-19	0.017	acre	(b)(1) Non-adjacent wetland Wetland WT-19 is a physically remote, closed depressional surface water feature which is not flooded in a typical year by the nearest intermittent or perennial (a)(2) – (a)(3) water located approximately 250 feet to the west outside of the Review Area. Wetland WT-19 does not meet the criteria for an adjacent wetland at 33 CFR 328.3(c)(1)(ii) because there is no direct or indirect connection to an (a)(1) through (a)(3) water. Wetland WT-19 is recognized as an excluded water feature pursuant to (b)(1) of the NWPR.
WT-20	0.007	acre	(b)(1) Non-adjacent wetland Wetland WT-20 is a physically remote, closed depressional surface water feature which is not flooded in a typical year by the nearest (a)(2) – (a)(3) water. Wetland WT-20 does not meet the criteria for an adjacent wetland at 33 CFR 328.3(c)(1)(ii) because there is no direct or indirect connection to an (a)(1) through (a)(3) water. Wetland WT-20 is recognized as an excluded water feature pursuant to (b)(1) of the NWPR.
WT-22	0.875	acre(s)	(b)(1) Non-adjacent wetland. Wetland WT-22 is a closed depressional surface water feature which is not flooded in a typical year by an (a)(1) – (a)(3) water. Wetland WT-22 is located west of a (b)(12) waste treatment system pond which does not possess a surface water connection to an (a)(1) – (a)(3) water. Wetland WT-22 does not meet the criteria for an adjacent wetland at 33 CFR 328.3(c)(1)(ii) because there is no direct or indirect connection to an(a)(1) through (a)(3) water during a typical year. Wetland WT-22 is recognized as an excluded water feature pursuant to (b)(1) of the NWPR.
WT-23	0.003		(b)(1) Non-adjacent wetland. Wetland WT-23 is a closed depressional surface water feature near a transmission tower to the



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			north of WT-22. Wetland WT-23 is located west of a (b)(12) waste treatment system pond which does not possess a surface water connection to an (a)(1) – (a)(3) water. Wetland WT-23 does not meet the criteria for an adjacent wetland at 33 CFR 328.3(c)(1)(ii) because there is no direct or indirect connection to an (a)(1) through (a)(3) water during a typical year. Wetland WT-23 is recognized as an excluded water feature pursuant to (b)(1) of the NWPR.
WT-24	0.21	(b)(1) Non-adjacent wetland.	Wetland WT-24 is a closed depressional surface water feature which is not flooded in a typical year by an (a)(1) – (a)(3) water. WT-24 is located west of a (b)(12) waste treatment system pond which does not possess a surface connection to an (a)(1) – (a)(3) water. Wetland WT-24 does not meet the criteria for an adjacent wetland at 33 CFR 328.3(c)(1)(ii) because there is no direct or indirect connection to an (a)(1) through (a)(3) water. Wetland WT-24 is recognized as an excluded water feature pursuant to (b)(1) of 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: [Wetlands and Waters Delineation Report, PacifiCorp Table Rock Substation Project, Jackson County, Oregon by HDR, Inc. and dated 20 April 2015 and Sams Valley Reinforcement Projects Wetland Delineation Report prepared by Tetra Tech, dated July 2020 .](#)

This information is sufficient for purposes of this AJD.

Rationale: [The 2020 wetland delineation provides information describing the flow regime of all waters and their connection or lack of connection to ephemeral and intermittent to perennial waters through the use of direct observation, SDAM. See reference to supplemental information to support the APT per site below.](#)

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

Photographs: [Aerial: Google Earth prodated 20 July 1994, 20 July 2010, 29 June 2018 and 25 October 2020.](#)

Corps site visit(s) conducted on: [Date\(s\).](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [NWP-2015-436, Preliminary Jurisdictional Determination.](#)

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

USDA NRCS Soil Survey: [U.S. Army Corps of Engineers GeoPortal tool review on 5 January 2021.](#)



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- USFWS NWI maps: [U.S. Army Corps of Engineers GeoPortal tool review on 5 January 2021.](#)
- USGS topographic maps: [Sams Valley 7.5' 1:2400 quadrangle 1983.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	U.S. Army Corps of Engineers GeoPortal tool review on 5 February 2021.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	U.S. Army Corps of Engineers GeoPortal tool review on 5 February 2021.
State/Local/Tribal Sources	N/A.
Other Sources	Oregon Department of Mining and Mineral Industries LiDAR Viewer Bare Earth slope layer. USGS National Water Information System – Rogue River at RayGold (RYGO3) near Central Point, Oregon

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

C. Additional comments to support AJD: [The overall Review Area includes four review sites along the project corridor. The corridor extends from the PacifiCorp substation in Grants Pass, Josephine County to the Whetstone substation near White City along existing utility rights-of-way and within 29.8 acres of previously grazed grassland. All wetland features were delineated using the Regional Supplement to the Corps of Engineers Delineation Manual: Arid West Region \(Version 2.0\) dated September 2008.](#)