



**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-2021-033

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 42.429775° Longitude -122.847567°

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
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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1	0.027	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).	Wetland 1, an excavated ditch, was created in uplands. The ditch is not an (a)(1) water. Wetland 1 does not meet the (a)(2) definition because it is not a naturally occurring tributary. The excavation of the ditch did not relocate a tributary and the ditch was not constructed in an adjacent wetland (therefore not an (a)(4) water). Wetland 1 is an excavated ditch that did not relocate a tributary. See Section III(c) below for additional information. Wetland 1 meets the criteria to be recognized as a (b)(5) excluded water feature pursuant to the Navigable Waters Protection Rule (NWPR).
Wetland 2	0.052	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).	Wetland 2, an excavated ditch, was created in uplands. The ditch is not an (a)(1) water. Wetland 2 does not meet the (a)(2) definition because it is not a naturally occurring tributary. The excavation of the ditch did not relocate a tributary and the ditch was not constructed in an adjacent wetland (therefore not an (a)(4) water). Wetland 2 is an excavated ditch that did not relocate a tributary. See Section III(c) below for additional information. Wetland 1 meets the criteria to be recognized as a (b)(5) excluded water feature 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: "White City Grange Co-Op, White City, OR, Wetland Delineation" Prepared for Grange Co-Op. Dated December 2020. Produced by Rabe Consulting and received by the U.S. Army Corps of Engineers (USACE) on 5 January 2021.

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

Rationale: Following the receipt of additional information from the consultant on 19 February 2021, USACE Staff was able to render a determination.

Data sheets prepared by the Corps: N/A

Photographs: Aerial and Other: Aerial photographs and ground level photographs submitted within the wetland delineation. Google Earth Pro aerial photographs dated 10/25/2020, 06/28/2018, 07/20/2010.

Corps site visit(s) conducted on: N/A

Previous Jurisdictional Determinations (AJDs or PJDs): N/A

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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- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: U.S. Department of Agriculture Natural Resources Conservation Service (USDA) Soil Survey map retrieved by USACE Staff on 3 February 2021 from <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>
- USFWS NWI maps: U.S. Fish & Wildlife Service (USFS) National Wetland Inventory (NWI) map retrieved by USACE Staff on 3 February 2021 from the USACE Regulatory eGIS WebViewer.
- USGS topographic maps: 2020 Eagle Point Quadrangle Map retrieved by USACE Staff on 3 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 data retrieved by USACE staff on 3 February 2021 from the USACE Regulatory eGIS WebViewer.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	Oregon Department of Geology and Mineral Industries (DOGAMI) Lidar data retrieved by USACE staff on 3 February 2021 from https://gis.dogami.oregon.gov/maps/lidarviewer/
Other Sources	N/A.

B. Typical year assessment(s): On 4 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 wetland delineation field data was collected. 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 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 onsite. The APT is publically available at this address: <https://github.com/jDetersUSACE/Antecedent-Precipitation-Tool/releases/tag/v1.0.13>.

The APT was run for the date of the wetland delineation field work, 15 December 2020, and demonstrated that the site conditions within the Review Area on this date represent the annual wet season, that the general region was experiencing a moderate drought, and that site conditions were drier than normal in terms of climatic conditions.

In conclusion, the Corps has determined from the use of the APT, wetland delineation data, aerial imagery, and other sources identified above that the site conditions on this date within the Review Area represent a period of time that was seasonally drier than normal climatic conditions but relatively consistent with normal climatic conditions.

C. Additional comments to support AJD: The Review Area is generally flat, with a slight slope to the western boundary. Along the western boundary is a linear stormwater ditch. The ditch is bisected by the southern driveway. The northern and southern portions of this ditch are identified within the delineation materials as Wetland 1 and Wetland 2. The southern and northern driveways provide access to the site



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from State Highway 62 (SH62), which forms the western boundary on the property. A residential property bounds the northern portion of the site. Division Road runs along the eastern boundary. Antelope Road and several industrial buildings run along the southern boundary.

Wetland 1 (0.027 acre) is located along the western portion of the Review Area and extends from the Northern Access road, toward the southwestern portion of the Review Area, and into a culvert under the Southern Access Road. The ditch is 7.3 feet wide and 169 feet long. Based on a review of aerial imagery and DOGAMI Lidar, the ditch appears to be part of a ditch system that extends from the southern most point of Wetland 2, along SH62, to the north until the driveway of the "Goodwill White City." Based on a review of topographic information, this ditch flows south and off the project site through a culvert and offsite. A review of aerial imagery, DOGAMI Lidar, and site photographs supports the conclusion that this ditch was likely constructed in uplands to manage stormwater produced on site and from SH62.

Wetland 2 (0.052 acre) is located along the western portion of the Review Area and extends from a culvert under the Southern Access Road to a culvert in the southwestern portion of the site. The ditch is approximately 7.9 feet wide and 285 feet long. Based on a review of aerial imagery and DOGAMI Lidar, the ditch appears to be part of the same ditch system as Wetland 1. Based on a review of topographic information, this ditch flows south and off the project site through a culvert and offsite. A review of aerial imagery, DOGAMI Lidar, and site photographs support the conclusions that this ditch was likely constructed in uplands to manage stormwater produced on site and from SH62.