



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): March 31, 2021

ORM Number: NWP-2021-080

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: OR City: White City County/Parish/Borough: Jackson County

Center Coordinates of Review Area: Latitude 42.4322 Longitude -122.8456

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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

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<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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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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))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
NWP-2021-080 Ditch 1	0.01 acres	(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 0.01 acre and drains to a culvert along the southern end of the Review Area. NRCS soil maps show no predominantly hydric soils within the Review Area. A review of historic aerial imagery, DOGAMI LIDAR, and site photographs supports the conclusion that this ditch was constructed in uplands to manage stormwater from State Highway 62. Based on the historical images, the ditch was constructed between 1939 and 1959. Ditch 1 was constructed in uplands or in non-jurisdictional waters, and is excluded water feature pursuant to the Navigable Waters Protection Rule (NWPR).
NWP-2021-080 Ditch 2	0.21 acres	(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 2 is 0.21 acre and does not connect to Ditch 1. A review of historic aerial imagery, DOGAMI LIDAR, and site photographs supports the conclusion that this ditch was likely constructed in uplands to manage stormwater from State Highway 62. Based on the historical images, the ditch was constructed between 1939 and 1959. Ditch 2 was constructed in uplands or in non-jurisdictional waters, and is excluded water feature pursuant

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			to the Navigable Waters Protection Rule (NWPR).
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**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: *Jurisdictional Wetland Delineation Report for T36S, R1W, Section 20AB, TL# 200, 304 White City, Oregon. Schott & Associates, Inc., January 2021.* 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: Arid West Region to determine the boundaries of the waters within the review area. The delineation included site photos, historic aerial photographs, vegetation and soil surveys, and site plans that provide sufficient documentation to assess the review area under the Navigable Waters Protection Rule (NWPR).*
- Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- Photographs: *Google Earth Pro Aerial imagery 1994, 2020.*  
*Corps historic aerial photographs: 1939, 1959, 1968, 1973, 1991, 2002*
- Corps Site visit(s) conducted on: *Date(s).*
- Previous Jurisdictional Determinations (AJDs or PJDs): *NWP-2021-33*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *<https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>, accessed February 23, 2021*
- USFWS NWI maps: *<https://www.fws.gov/wetlands/data/Mapper.html>, February 23, 2021*
- USGS topographic maps: *Eagle Point, OR 1:24K, 2014; historic maps accessed March 4, 2021 at <https://ngmdb.usgs.gov/topoview/viewer/>.*

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	DOGAMI LIDAR, <a href="https://gis.dogami.oregon.gov/maps/lidarviewer/">https://gis.dogami.oregon.gov/maps/lidarviewer/</a> , accessed February 24, 2021
Other Sources	N/A.

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

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**C. Additional comments to support AJD:** The applicant mapped a remnant ditch within the Review Area (Ditch 1 and 2, two portions of the same ditch). This ditch has been abandoned and water no longer flows within the confines of the ditch. This area has been determined to be uplands.

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