



**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): 4/28/2021
 ORM Number: NWP-2021-164
 Associated JDs: N/A.
 Review Area Location¹: State/Territory: Oregon City: Prospect County/Parish/Borough: Jackson
 Center Coordinates of Review Area: Latitude 42.756396° Longitude -122.498106°

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
Rogue River 1	1.19 acre(s)	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The Rogue River is considered an (a)(1) navigable water from the Pacific Ocean to Agness, Oregon. The Review Area is located approximately 115 miles upstream of the (a)(1) portion. Because the portion of the Rogue River 1 within the Review Area is perennial and contributes surface flow to the (a)(1) portion of the Rogue River in a typical year, it is considered an (a)(2) jurisdictional water under the Navigable Water Protection Rule (NWPR).
Canal 1	0.03 acre(s)	(a)(2) Perennial tributary	Canal 1 is a perennial feature that directs flow from the Rogue River 2 (see the (a)(3) table below) to the

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
		contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	downstream Prospect No. 2 Forebay and Powerhouse. From there, flow passes through the power generation dam and flows into a series of pipes before discharging into the navigable portion of the Rogue River. For that reason, Canal 1 is considered an (a)(2) perennial tributary under the NWPR.
Canal 2	0.06	acre(s)	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. Canal 2 is a perennial feature that directs flow from the Rogue River 2 (see the (a)(3) table below) through the City of Prospect and to another power generation dam that flows into Red Blanket Creek. Red Blanket Creek is a mapped perennial feature on United States topographic maps and aerial images depict perennial flow. Red Blanket Creek is a tributary to the navigable portion of the Middle Fork Rogue River. For that reason, Canal 2 is considered an (a)(2) perennial tributary under the NWPR.

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
Rogue River 2	2.11	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. The North Fork Diversion Dam impounds the Rogue River within the Review Area. Because this dam is used for electricity generation, it regularly releases water into the Rogue River 1 feature identified above. Because of this, it contributes surface water flow directly to an (a)(1) water in a typical year and is considered jurisdictional under the NWPR.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland B	0.07	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water. Based on the information provided within the wetland delineation, Wetland B abuts the Rogue River 1. For that reason, Wetland B is considered an (a)(4) water under the NWPR.
Wetland C	0.08	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water. Based on the information provided within the wetland delineation, Wetland C abuts the Rogue River 1. For that reason, Wetland C is considered an (a)(4) water under the NWPR.
Wetland D	0.03	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water. Based on the information provided within the wetland delineation, Wetland D abuts the Rogue River 2. For that reason, Wetland D is considered an (a)(4) water under the NWPR.

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
Wetland A	0.01	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland A is located at the lower end of a dirt access road along the western dam base above the high-flow elevation of the spillway channel. Wetland A is located in a small depression and surrounded on all sides by uplands as documented in the wetland delineation and on Oregon Department of Geology and Mineral Industries (DOGAMI) Lidar. Wetland A is located upslope, approximately 20 feet west of Rogue River 1.</p> <p>Wetland A does not abut an (a)(1)-(a)(3) water, nor is it inundated by an (a)(1)-(a)(3) water in a typical year, nor is it separated from an (a)(1)-(a)(3) water by only a natural feature, nor is it separated from an (a)(1)-(a)(3) water by an artificial structure that allows a direct hydrologic connection in a typical year. Therefore, Wetland A is considered a non-adjacent wetland (b)(1) exempt feature under the NWPR.</p>

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: "PacifiCorp North Fork Diversion Dam Wetland Delineation Report" dated January 2021 by AECOM received by the Corps' on 12 March 2021.

This information is sufficient for purposes of this AJD.

Rationale: The provided wetland delineation adheres to the procedures outlined within the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual and 2010 Western Mountains, Valleys, and Coasts Regional Supplement.

Data sheets prepared by the Corps: N/A.

Photographs: Aerial and Other: Aerial photographs dated 2018 retrieved by the Corps on 6 April 2021 from the Corps Regulatory WebViewer. Ground level photographs provided within the wetland delineation report materials.

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: 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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- USFWS NWI maps: [United States Fish and Wildlife Service \(USFWS\) National Wetland Inventory \(NWI\) map retrieved by the Corps on 6 April 2021 from the Corps' Regulatory WebViewer.](#)
- USGS topographic maps: [United States Geological Survey \(USGS\) topographic maps retrieved by the Corps on 6 April 2021 from https://ngmdb.usgs.gov/topoview/viewer/#15/42.7565/-122.4989.](https://ngmdb.usgs.gov/topoview/viewer/#15/42.7565/-122.4989)

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 retrieved by the Corps on 16 April 2021.
Other Sources	N/A.

B. Typical year assessment(s): On 6 April 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 dates 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 Corps ran a typical year analysis for the Review Area vicinity utilizing the Corps' "Antecedent Precipitation Tool (APT)" (<https://github.com/jDeters-USACE/Antecedent-Precipitation-Tool/releases/tag/v1.0.13>).

Specifically, the Corps' ran an APT Analysis for the following dates:

12/15/2020 (site visit) - "normal conditions": observations of flow.

12/16/2020 (site visit) - "drier than normal conditions": observations of flow.

In conclusion, the Corps has determined from the use of the APT, wetland delineation data, and other sources identified above that the flow regime of the streams is perennial.

C. Additional comments to support AJD: N/A.