



**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): 5/6/2021

ORM Number: NWP-2021-169

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 42.283953° Longitude -123.213261°

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
1 (Applegate River)	0.200 acre(s)	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The Applegate River possesses a bed, bank, and ordinary high water mark. Based on the Corps’ review of aerial imagery, the Applegate River displays a perennial flow regime (See Section IIIB). The Applegate River contributes surface water flow in a typical year directly to the Rogue River. The Rogue River is not subject to this U.S. Army Corps of Engineers (Corps) Approved Jurisdictional Determination (AJD) but is recognized by the Corps as an (a)(1) navigable water of the U.S. up to river mile 27.1 per Portland District’s 1993 list of

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
				Navigable Riverways within the State of Oregon. The Applegate River is an (a)(2) perennial tributary under the Navigable Waters Protection Rule (NWPR).
3 (West Spring Channel)	0.007	acre(s)	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	<p>Feature 3, identified as the West Spring Channel within the wetland delineation materials, possesses a bed, bank, and ordinary high water mark. The West Spring Channel flows from the north western portion of the Spring Channel Review Area offsite to the north until it meets the Applegate River approximately 250 feet northwest of the Review Area boundary.</p> <p>Based on the Corps' review of aerial imagery and the wetland delineation materials, the West Spring Channel displays a perennial flow regime (See Section IIIB) and contributes surface water flow in a typical year via the Applegate River to the Rogue River documented as an (a)(1) navigable waterway above. The West Spring Channel is an (a)(2) perennial tributary under 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
Wetland 4-15	1.746	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland system consists of wetlands 4-15. While there are several different Cowardian Classifications of wetland types within this system, they are all hydrologically connected with no upland breaks between the wetlands, therefore the wetlands are considered a single wetland. In the northwest portion of the Spring Channel Review Area, Wetland 8 directly abuts the West Spring Channel, which is documented as an (a)(2) tributary above. Therefore, all the wetlands located within the Spring Channel Study Area (as identified on the project maps) are considered (a)(4) wetlands under the NWPR.
Wetland 2	0.04	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 2 directly abuts the Applegate River. The Applegate River is documented as an (a)(2) tributary above. Wetland 2 meets the definition of an adjacent wetland 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	
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: [“TYK Vineyard Wetland Delineation Report” dated March 2021 by Snow Peak Consultants, LLC and received by the Corps on 2 April 2021.](#)

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

Rationale: [On 9 April 2021, the Corps requested additional information. On 16 April 2021, the project agent provided the necessary information. 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 to determine the boundaries of the wetlands.](#)

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

Photographs: [Aerial and Other: Aerial photographs dated 31 July 2005, 27 May 2016, and 25 October 2020 obtained from Google Earth by Corps staff on 21 April 2021. Ground level photographs submitted with the wetland delineation.](#)

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: [United States Department of Agriculture \(USDA\) Natural Resource Conservation Service \(NRCS\) Soil Survey information obtained by Corps staff on 21 April 2021 from <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>.](#)

USFWS NWI maps: [United States Fish and Wildlife Service \(USFWS\) National Wetland Inventory \(NWI\) maps obtained by Corps staff on 21 April 2021 from the Corps’ Regulatory eGIS WebViewer.](#)

USGS topographic maps: [United States Geologic Survey \(USGS\) topographic map dated 2020 retrieved by Corps staff on 21 April 2021 from <https://ngmdb.usgs.gov/topoview/viewer/#14/42.2840/-123.2133>.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS National Hydrography Dataset (NHD) information obtained by Corps staff on 21 April 2021 from the Corps’ 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 information obtained by Corps staff on 21 April 2021 from https://gis.dogami.oregon.gov/maps/lidarviewer/.
Other Sources	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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B. Typical year assessment(s): On 21 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 and of aerial imagery. 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:

5 May 2020 (Agent Site Visit) - "drier than normal conditions:" observations of surface water.

22 June 2020 (Agent Site Visit) - "normal conditions:" observations of surface water.

23 July 2020 (Agent Site Visit) - "normal conditions:" observations of surface water.

17 November 2020 (Agent Site Visit) - "normal conditions:" observations of surface water.

31 July 2005 (aerial photograph) – “normal conditions:” observations of surface water

27 May 2016 (aerial photograph) – “normal conditions:” observations of surface water

25 October 2020 (aerial photograph) – “drier than normal conditions:” observations of surface water.

In conclusion, the Corps has determined from the use of the APT, wetland delineation data, aerial imagery, and other sources identified above that the flow of the Applegate River and West Spring Channel are perennial.

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