



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): May 6, 2021

ORM Number: NWP-2021-069

Associated JDs: N/A

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 42.440027 Longitude -122.82104

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)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

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U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
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NAVIGABLE WATERS PROTECTION RULE

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Ditch 1	0.08 acre	(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 not an a(1) or a(2) water, and there was no evidence found that the ditch was constructed in wetlands. Ditch 1 does not meet the flow requirements of an a(2) water. See Section III(c) below. Ditch 1 is an excluded water feature pursuant to the Navigable Waters Protection Rule (NWPR).
Wetland 1	0.02 acre	(b)(1) Non-adjacent wetland	Wetland 1 does not abut an a(1)-a(3) water and is not inundated by flooding from an a(1)-a(3) water in a typical year. Wetland 1 is not physically separated from a1-3 water by natural feature or artificial structure. See Section III(c) below. Wetland 1 is an excluded water feature pursuant to the NWPR.
Wetland 2	0.02 acre	(b)(1) Non-adjacent wetland	Wetland 2 does not abut an a(1)-a(3) water and is not inundated by flooding from an a(1)-a(3) water in a typical year. Wetland 2 is not physically separated from a1-3 water by natural feature or artificial structure. See Section III(c) below. Wetland 2 is an excluded water feature pursuant to the NWPR.
Wetland 3	0.02 acre	(b)(1) Non-adjacent wetland	Wetland 3 does not abut an a(1)-a(3) water and is not inundated by flooding from an a(1)-a(3) water in a typical year. Wetland 3 is not physically separated from a1-3 water by natural feature or artificial structure. See Section III(c) below. Wetland 3 is an excluded water feature pursuant to the NWPR.
Wetland 4	0.01 acre	(b)(1) Non-adjacent wetland	Wetland 4 does not abut an a(1)-a(3) water and is not inundated by flooding from an a(1)-a(3) water in a typical year. Wetland 4 is not physically separated from a1-3 water by natural feature or artificial structure. See Section III(c) below. Wetland 4 is an excluded water feature pursuant to the NWPR.
Wetland 5	0.02 acre	(b)(1) Non-adjacent wetland	Wetland 5 does not abut an a(1)-a(3) water and is not inundated by flooding from an a(1)-a(3) water in a typical year. Wetland 5 is not physically separated from a1-3 water by natural feature or artificial structure. See Section III(c) below. Wetland 5 is an excluded water feature pursuant to the NWPR.
Wetland 6	0.01 acre	(b)(1) Non-adjacent wetland	Wetland 6 does not abut an a(1)-a(3) water and is not inundated by flooding from an a(1)-a(3) water in a typical year. Wetland 6 is not physically separated from a1-3 water by natural feature or artificial structure. See Section III(c) below. Wetland 6 is an excluded water feature pursuant to the NWPR.
Wetland 7	0.01 acre	(b)(1) Non-adjacent wetland	Wetland 7 does not abut an a(1)-a(3) water and is not inundated by flooding from an a(1)-a(3) water in a typical year. Wetland 7 is not physically separated from a1-3 water by natural feature or artificial structure. See Section III(c) below. Wetland 7 is an excluded water

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U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

			feature pursuant to the NWPR.
Wetland 8	0.01 acre	(b)(1) Non-adjacent wetland	Wetland 8 does not abut an a(1)-a(3) water and is not inundated by flooding from an a(1)-a(3) water in a typical year. Wetland 8 is not physically separated from a1-3 water by natural feature or artificial structure. See Section III(c) below. Wetland 8 is an excluded water feature pursuant to the NWPR.
Wetland 9	0.41 acre	(b)(1) Non-adjacent wetland	Wetland 9 does not abut an a(1)-a(3) water and is not inundated by flooding from an a(1)-a(3) water in a typical year. Wetland 9 is not physically separated from a1-3 water by natural feature or artificial structure. See Section III(c) below. Wetland 9 is an excluded water feature pursuant to the NWPR.
Wetland 10	0.07 acre	(b)(1) Non-adjacent wetland	Wetland 10 does not abut an a(1)-a(3) water and is not inundated by flooding from an a(1)-a(3) water in a typical year. Wetland 10 is not physically separated from a1-3 water by natural feature or artificial structure. See Section III(c) below. Wetland 10 is an excluded water feature pursuant to the NWPR.
Wetland 11	0.04 acre	(b)(1) Non-adjacent wetland	Wetland 11 does not abut an a(1)-a(3) water and is not inundated by flooding from an a(1)-a(3) water in a typical year. Wetland 11 is not physically separated from a1-3 water by natural feature or artificial structure. See Section III(c) below. Wetland 11 is an excluded water feature pursuant to the NWPR.
Wetland 12	0.07 acre	(b)(1) Non-adjacent wetland	Wetland 12 does not abut an a(1)-a(3) water and is not inundated by flooding from an a(1)-a(3) water in a typical year. Wetland 12 is not physically separated from a1-3 water by natural feature or artificial structure. See Section III(c) below. Wetland 12 is an excluded water feature pursuant to the NWPR.
Wetland 13	0.07 acre	(b)(1) Non-adjacent wetland	Wetland 13 does not abut an a(1)-a(3) water and is not inundated by flooding from an a(1)-a(3) water in a typical year. Wetland 13 is not physically separated from a1-3 water by natural feature or artificial structure. See Section III(c) below. Wetland 13 is an excluded water feature pursuant to the NWPR.
Wetland 14	0.14 acre	(b)(1) Non-adjacent wetland	Wetland 14 does not abut an a(1)-a(3) water and is not inundated by flooding from an a(1)-a(3) water in a typical year. Wetland 14 is not physically separated from a1-3 water by natural feature or artificial structure. See Section III(c) below. Wetland 14 is an excluded water feature pursuant to the NWPR.
Wetland 15	0.01 acre	(b)(1) Non-adjacent wetland	Wetland 15 does not abut an a(1)-a(3) water and is not inundated by flooding from an a(1)-a(3) water in a typical year. Wetland 15 is not physically separated from a1-3 water by natural feature or artificial structure. See Section III(c) below. Wetland 15 is an excluded water feature pursuant to the NWPR.
Wetland 16	0.04 acre	(b)(1) Non-adjacent wetland	Wetland 16 does not abut an a(1)-a(3) water and is not inundated by flooding from an a(1)-a(3) water in a typical year. Wetland 16 is not physically separated

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U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

			from a1-3 water by natural feature or artificial structure. See Section III(c) below. Wetland 16 is an excluded water feature pursuant to the NWPR.
Wetland 17	0.02 acre	(b)(1) Non-adjacent wetland	Wetland 17 does not abut an a(1)-a(3) water and is not inundated by flooding from an a(1)-a(3) water in a typical year. Wetland 17 is not physically separated from a1-3 water by natural feature or artificial structure. See Section III(c) below. Wetland 17 is an excluded water feature pursuant to the NWPR.
Wetland 18	0.004 acre	(b)(1) Non-adjacent wetland	Wetland 18 does not abut an a(1)-a(3) water and is not inundated by flooding from an a(1)-a(3) water in a typical year. Wetland 18 is not physically separated from a1-3 water by natural feature or artificial structure. See Section III(c) below. Wetland 18 is an 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:
Jurisdictional Wetland Delineation Report for 3575 and 3775 Avenue H White City, OR, Schott & Associates, January 2020.
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, 2016, 2020.*
Corps historic aerial photographs: 1939, 1957, 1965, 1968, 1982, 1991, 2002.
- ___ Corps Site visit(s) conducted on: *Date(s).*
- ___ Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*
- ___ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *<https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>, Accessed February 18, 2020.*
- USFWS NWI maps: *<https://www.fws.gov/wetlands/data/Mapper.html>, Accessed February 18, 2020.*
- USGS topographic maps: *Eagle Point, OR 1:24k, 2020;*

Other data sources used to aid in this determination:

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REGULATORY PROGRAM
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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	https://gis.dogami.oregon.gov/maps/lidarviewer/ , accessed March 11, 2021
Other Sources	N/A.

B. Typical year assessment(s): The Corps ran a typical year analysis for August 5, 1994, May 27, 2016, and October 25, 2020 (dates of Google Earth Pro aerial imagery that demonstrate the presence and absence of surface water) as well as June 29 and June 30, 2020 (the dates wetland delineation photos were taken showing the presence of surface water) utilizing the Corps' "Antecedent Precipitation Tool (APT)" (<https://github.com/jDeters-USACE/Antecedent-Precipitation-Tool/releases/tag/v1.0.13>).

08/05/1994 (Google Earth Pro Aerial Image) – Typical year analysis using the APT showed "Normal" conditions at the location of the Review Area on this date. No surface water is visible in Ditch 1 or within the Review Area.

11/30/2003 (Google Earth Pro Aerial Image) – Typical year analysis using the APT showed "Normal" conditions at the location of the Review Area on this date. No surface water is visible in Ditch 1 or within the Review Area.

07/20/2010 (Google Earth Pro Aerial Image) – Typical year analysis using the APT showed "Normal" conditions at the location of the Review Area on this date. No surface water is visible in Ditch 1 or within the Review Area.

06/29/2020 (Wetland Delineation Site Photos) – Typical year analysis using the APT showed "Wetter than Normal" conditions at the location of the Review Area on this date. No surface water is visible in Ditch 1 or within the Review Area.

06/30/2020 (Wetland Delineation Site Photos) – Typical year analysis using the APT showed "Wetter than Normal" conditions at the location of the Review Area on this date. No surface water is visible in Ditch 1 or within the Review Area.

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U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

10/25/2020 (Google Earth Pro Aerial Image) – Typical year analysis using the APT showed “Normal” conditions at the location of the Review Area on this date. No surface water is visible in Ditch 1 or within the Review Area.

- C. Additional comments to support AJD:** The Review Area is 11.85 acres consisting of tax lots 3200 and 3300 located north of Avenue H in White City, Jackson County, Oregon. The Review Area contains Ditch 1, an artificially constructed ditch bisecting the site. Ditch 1 shows clear signs of artificial construction supported by LIDAR imagery, including uniform and linear bed and banks and the absence of topography that would imply natural drainage. No flow within the ditch was observed during wetland delineation, and no surface water is visible Google Earth Pro Aerial images taken during “Normal” conditions as determined using the Antecedent Precipitation Tool, indicating that flow within Ditch 1 does not satisfy the conditions of an a(2) tributary. The Review Area also contains 18 wetlands. Aerial photographs indicate that none of the wetlands within the Review Area are adjacent to any a(1)-a(3) waters. Soils in the Review Area are mapped as predominantly non-hydric by the NRCS.

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