



**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): 5/14/2021

ORM Number: NWP-2019-544

Associated JDs: N/A

Review Area Location¹: State/Territory: Oregon City: Grants Pass County/Parish/Borough: Josephine

Center Coordinates of Review Area: Latitude 42.557663 Longitude -123.388901

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
Bannister Creek	916	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
			Bannister Creek is an (a)(2) tributary to Jumpoff Joe Creek, an (a)(2) water which flows into the Rogue River, an (a)(2) water until becoming an (a)(1) water at river mile 27.1. Drainage patterns (B10) and drift deposits (B3) are identified in a six to 20-foot channel at depths four to six feet deep. The channel is defined as rocky cobble substrate (R4USBC).

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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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
N/A.	N/A.	N/A.	N/A.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Ditch 1	500	linear feet	(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 a three-foot wide by two-foot deep by 500 linear foot (LF) constructed water covering 1,500 square feet (sf) separated from Bannister Creek by a berm or former roadway overgrown with vegetation. Ditch 1 is separated from Bannister Creek at its northern, upstream end and abuts Bannister Creek at its southern, downstream location. The delineation found no physical evidence of flow. Dominant vegetation within the feature was non-hydric. Review of the 1904 Merlin, Oregon quadrangle map did not reveal evidence of adjacent streams or side channels. Review of the National Wetland Inventory did not reveal adjacent wetland. Ditch 1 was not constructed in a tributary, does not relocate a tributary and was not constructed in a wetland. Ditch 1 is recognized as an excluded water feature pursuant to (b)(5) of the NWPR.
Remnant Channel 1	480	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Remnant Channel 1 is a relict ephemeral channel running north to south along the slope gradient until it meets Anderson Creek (also known as Corliss Creek) to the west of the Review Area. Remnant Channel 1 covers 960 square feet (SF) and is from 200 to 400 feet distant from Bannister Creek. The channel is described as braided, less than one foot deep by two feet wide by 480 LF long. Remnant Channel 1 would not have a surface water connection to an (a)(1) through (a)(3) water in a typical year.
Remnant Channel 2	140	linear feet	(b)(3) Ephemeral feature, including an ephemeral	Remnant Channel 2 is a relict 140 LF by two ft wide ephemeral channel covering 280 LF. The feature is not physically connected to Remnant

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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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		stream, swale, gully, rill, or pool.	Channel 1, Bannister Creek or Anderson Creek under typical conditions. Remnant Channel 2 would not establish a surface water connection with an (a)(1) through (a)(3) water during a typical year.

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 for 9300 Monument Drive, T35S, R6W, Section 3 Tax Lots 80 & 900 Grants Pass, Josephine County, Oregon dated December 2018 and prepared by Schott and Associated with map revisions received 18 March 2021. All data was collected according to methods described in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region \(Version 2.0\) dated May 2010.](#)

This information is sufficient for purposes of this AJD.

Rationale: [The revised map includes data received on 18 March 2021 addressing channel features within the Review Area supplemental to the original delineation received on 16 December 2019.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Select. Title\(s\) and/or date\(s\).](#)
- 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: [Title\(s\) and/or date\(s\).](#)
- USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)
- USGS topographic maps: [Merlin, Oregon 1:24000 1904 USGS 7.5' quadrangle](#)

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	U.S. Army Corps of Engineers GeoPortal tool review on 31 January 2021
State/Local/Tribal Sources	N/A.
Other Sources	Riddle, Oregon 1:125000 1904 7.5' USGS quadrangle.

B. Typical year assessment(s): [The delineation was conducted during an appropriate season. The Palmer Drought Severity Index, which integrates precipitation, evapotranspiration and soil moisture data indicates a period of extreme drought at the HUC 12 scale. The delineation acknowledges drier than average conditions in the Review Area. Under normal conditions the Ordinary High Water mark would be expected to be higher than described in the delineation, however, the roadway at Exclusion \(b\)\(5\) is elevated about the top of an incised stream channel and no connection to the \(a\)\(2\) water would occur.](#)



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C. Additional comments to support AJD: The delineators utilized wetland hydrology indicators to describe channel hydrology conditions found on the U.S. Army Corps of Engineers Wetland Determination data form and National Wetland Inventory (Cowardin) classifications. Indicators of Ordinary High Water within the Review Area were visually determined using physical indicators: top of bank, wrack and/or scour lines and changes in vegetation communities.

GeoPortal review of National Hydrographic Dataset, National Wetland Inventory and DOGAMI LiDAR were utilized.