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): 6/3/2021
ORM Number: NWP-2021-183
Associated JDs: N/A
Review Area Location[1]: State/Territory: Oregon City: Medford County/Parish/Borough: Jackson County
Center Coordinates of Review Area: Latitude 42.3527° Longitude -122.82455°

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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
NWP-2021-183 Drainage 1	500	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Delineation photos of the site in February 2020 observed a channel with a defined bed and bank. The drainage is also known as the North Fork of Lone Pine Creek and flows into a culvert on the east side review area, then under Foothill Road and the culvert discharges into Wetland O on the west side where it then flows west offsite downstream to Lone Pine Creek. The drainage is approximately 2 feet across in width in the review area. The duration of the flows in Drainage 1 are intermittent based upon the Oregon Streamflow duration manual and 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.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
				biological characteristics of the drainage. Downstream and outside of the review area the North Fork and South Fork discharge into Lone Pine Creek. Lone Pine Creek is an (a)(2) Perennial tributary which flows offsite into Bear Creek, an (a)(2) Perennial tributary, which flows into the Rogue River an (a)(1) waters of the U.S. Drainage 1 is shown on the East and West side of the Coker Butte Road culvert on page 9 of the drawings.
NWP-2021-183 MID Canal	27,000	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Delineation photos of the site in February 2020 observed flows within an active channel with a defined bed and bank. The Medford Irrigation District Canal (MID Canal) originates outside of the review area from Little Butte Creek, captures flows from various tributaries and returns flows directly to Bear Creek by Ashland and then it flows into the Rogue River. The MID Canal varies in width from 10 to 15 feet. The duration of the flows in the canal are perennial based upon the Oregon Streamflow duration manual and the biological characteristics of the MID Canal. MID Canal is an (a)(2) Perennial tributary which captures flows from Little Butte Creek and flows are distributed over the entire length of the canal for irrigation purposes. Remaining flows at the end of the canal in Ashland discharge directly into Bear Creek, an (a)(2) Perennial tributary which flows into the Rogue River an (a)(1) waters of the U.S. Portions of the MID Canal is shown on pages 12-17 of the drawings.
NWP-2021-183 Waters 1	0.04	acre(s)	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Delineation photos of the site in February 2020 observed flows within Waters 1, is shown in drawings and GIS drawings named Swanson Creek. Field observations determined the creek has a defined bed and bank. The creek varies in width from 10 to 15 feet with 2 to 3 feet in depth in the review area. The duration of the flows are perennial based upon the Oregon Streamflow duration manual and the biological characteristics of Swanson Creek. Swanson Creek flows into the review area from the east side and then offsite to the west where it discharges into Whetstone Creek, an (a)(2) Perennial tributary, and then directly flows into the Rogue River, an (a)(1) waters of the U.S. Waters 1/Swanson Creek is shown on page 3 of the drawings.
NWP-2021-183 Waters 2	0.03	acre(s)	(a)(2) Perennial tributary contributes	Delineation photos of the site in February 2020 observed flows within the South Fork Lone Pine Creek with a defined bed and bank. The creek flows

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	into the review area on the East side then into a culvert under Foothill Road and then offsite to the West and discharges into Bear Creek and then directly into the Rogue River. The Creek is approximately 3 to 4 feet wide with an average depth of one foot in the review area. The duration of the flows are perennial based upon the Oregon Streamflow duration manual and the biological characteristics of South Fork Lone Pine Creek. Downstream and outside of the review area the North Fork and South Fork discharge into Lone Pine Creek. Lone Pine Creek is an (a)(2) Perennial tributary which flows offsite into Bear Creek, an (a)(2) Perennial tributary, which flows into the Rogue River an (a)(1) waters of the U.S. Waters 2/South Fork Lone Pine Creek is show on page 17 of the drawings.

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
NWP-2021-183 Site A	0.027	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This wetland extends outside of the review area. Flows move east and then north around the fill for the electrical station. Wetland A abuts Waters 1 (Swanson Creek) outside of the review area along the east side of the electrical station. Swanson Creek is an (a)(2) waters of the U.S. The size of Wetland A and abutting connection to Swanson Creek was confirmed in a site visit in March 2020 by the Project Manager. Wetland A meets the (a)(4) definition of an abutting wetland pursuant to the NWPR. Wetland A is shown on page 3 of the drawings
NWP-2021-183 Site F	0.513	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the	This wetland extends outside of the review area. Flows move north west and follow Foothill Road before flowing through a culvert to Wetland G. Wetland G directly abuts Swanson Creek. Swanson Creek is an (a)(2) waters of the U.S. The wetland size and flows from the wetland to Swanson Creek were confirmed in a site visit in March 2020 by the Project Manager. Wetland F meets the (a)(4) definition of a wetland separated by an artificial structure pursuant to the NWPR. Wetland F is shown on pages 3-5 of the drawings.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
			(a)(1)-(a)(3) water, in a typical year.	
NWP-2021-183 Site G	0.004	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This wetland extends outside of the review area. Flows from Wetland F come through a culvert under Coker Butte Road and combine with Wetland G to move north west to Swanson Creek. Wetland G directly abuts Swanson Creek. Swanson Creek is an (a)(2) waters of the U.S. The wetland size and flows from the wetland to Swanson Creek were confirmed in a site visit in March 2020 by the Project Manager. Wetland G meets the (a)(4) definition of an abutting wetland pursuant to the NWPR. Wetland G is shown on page 3 of the drawings.
NWP-2021-183 Site O	0.0078	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This wetland extends outside of the review area. Wetland O abuts Drainage 1, an (a)(2) waters of the U.S., and surrounds the West end of a culvert located under Foothill Road. Flows generally move from the East to the West along Drainage 1. Wetland O meets the (a)(4) definition of an abutting wetland pursuant to the NWPR. Wetland O is shown on page 9 of the drawings.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
NWP-2021-183 Drainage 2	50	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Flows typically observed in this feature are during winter storm events and flows for up to 1 day after the storm event before going dry. This drainage has ephemeral flow based upon the wetland delineation and the Oregon Streamflow duration manual which indicates the flows are ephemeral. There are no relatively permanent flows in this drainage. Drainage 2 does not meet the definition of an (a)(2) water pursuant to the NWPR. Drainage 2 is shown on page 6 of the drawings.
NWP-2021-183 Drainage 3	50	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Flows typically observed in this feature are during winter storm events and flows for up to 1 day after the storm event before going dry. This drainage has ephemeral flow based upon the wetland delineation and the Oregon Streamflow duration manual which indicates the flows are

[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.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
				ephemeral. There are no relatively permanent flows in this drainage. Drainage 3 does not meet the definition of an (a)(2) water pursuant to the NWPR. Drainage 3 is shown on page 10 of the drawings.
NWP-2021-183 Site B	0.039	acre(s)	(b)(1) Non-adjacent wetland.	There are no (a)(1)-(3) waters near this wetland and it is isolated. Wetland B is surrounded by uplands that are higher in elevation and does not meet the definition of an adjacent wetland pursuant to the NWPR. No culverts under Foothill Road were observed connecting Wetland B to Wetland F. Wetland B is shown on page 3 of the drawings.
NWP-2021-183 Site C	0.013	acre(s)	(b)(1) Non-adjacent wetland.	There are no (a)(1)-(3) waters near this wetland and it is isolated. Wetland C is surrounded by uplands that are higher in elevation and does not meet the definition of an adjacent wetland pursuant to the NWPR. No culverts under Foothill Road were observed connecting Wetland C to Wetland F. Wetland C is shown on page 4 of the drawings.
NWP-2021-183 Site D	0.074	acre(s)	(b)(1) Non-adjacent wetland.	There are no (a)(1)-(3) waters near this wetland and it is isolated. Wetland D is surrounded by uplands that are higher in elevation and does not meet the definition of an adjacent wetland pursuant to the NWPR. No culverts under Foothill Road were observed connecting Wetland D to Wetland F. Wetland D is shown on page 5 of the drawings.
NWP-2021-183 Site E	0.006	acre(s)	(b)(1) Non-adjacent wetland.	There are no (a)(1)-(3) waters near this wetland and it is isolated. Wetland E is surrounded by uplands that are higher in elevation and does not meet the definition of an adjacent wetland pursuant to the NWPR. Wetland E is shown on page 5 of the drawings.
NWP-2021-183 Site H	0.328	acre(s)	(b)(1) Non-adjacent wetland.	There are no (a)(1)-(3) waters near this wetland and it is isolated. Wetland H is surrounded by uplands that are higher in elevation and does not meet the definition of an adjacent wetland pursuant to the NWPR. The vegetation seen in aerial imagery reflects the side slope of a hill with vegetation. Wetland H is a remnant stormwater collection site. Wetland H is shown on page 11 of the drawings.
NWP-2021-183 Site I	0.009	acre(s)	(b)(1) Non-adjacent wetland.	There are no (a)(1)-(3) waters near this wetland and it is isolated. Wetland I is surrounded by uplands that are higher in elevation and does not meet the definition of an adjacent wetland

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
				pursuant to the NWPR. Wetland I is shown on page 7 of the drawings.
NWP-2021-183 Site J	0.0015	acre(s)	(b)(1) Non-adjacent wetland.	There are no (a)(1)-(3) waters near this wetland and it is isolated. Wetland J is surrounded by uplands that are higher in elevation and does not meet the definition of an adjacent wetland pursuant to the NWPR. Wetland J is shown on page 8 of the drawings.
NWP-2021-183 Site K	0.07	acre(s)	(b)(1) Non-adjacent wetland.	There are no (a)(1)-(3) waters near this wetland and it is isolated. Wetland K is surrounded by uplands that are higher in elevation and does not meet the definition of an adjacent wetland pursuant to the NWPR. Wetland K is shown on page 11 of the drawings.
NWP-2021-183 Site L	0.013	acre(s)	(b)(1) Non-adjacent wetland.	There are no (a)(1)-(3) waters near this wetland and it is isolated. Wetland L is surrounded by uplands that are higher in elevation and does not meet the definition of an adjacent wetland pursuant to the NWPR. Wetland L is shown on page 6 of the drawings.
NWP-2021-183 Site M	0.106	acre(s)	(b)(1) Non-adjacent wetland.	The MID Canal is an (a)(1)-(3) water near this wetland. The topography of the site includes a berm built around the canal with an access road on the top of the berm. No culverts or structures connect the wetland to the MID Canal. Any potential flow movement in the area would come from the MID Canal based upon the elevation of the canal above the wetland. The topography of the site would not allow flows to move from the wetland to the MID Canal and it is therefore isolated. Wetland M may flow downhill to the west and into a ditch before flowing north. There is no evidence of flow in the ditch or any sign of a relatively permanent water. Wetland M is surrounded on the other 3 sides (North, South, and East side) by uplands which are higher in elevation. Wetland M does not meet the definition of an adjacent wetland pursuant to the NWPR. Wetland M is shown on page 15 of the drawings.
NWP-2021-183 Site N	0.046	acre(s)	(b)(1) Non-adjacent wetland.	There are no (a)(1)-(3) waters near this wetland and it is isolated. Wetland N is surrounded by uplands that are higher in elevation and does not meet the definition of an adjacent wetland pursuant to the NWPR. Wetland N is shown on page 7 of the drawings.
NWP-2021-183 Site P	0.037	acre(s)	(b)(1) Non-adjacent wetland.	There are no (a)(1)-(3) waters near this wetland and it is isolated. Wetland P is surrounded by

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
				uplands that are higher in elevation and does not meet the definition of an adjacent wetland pursuant to the NWPR. Wetland P is shown on page 8 of the drawings.

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: Wetland and Waters Delineation Report Medford Build Grant, Foothill Road: Dry Creek Road to Hillcrest Road, Key# 21029, Jackson County, April 2021.

This information is sufficient for purposes of this AJD.

Rationale: The wetland delineation was conducted in accordance with the US Army Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory, 1987), the Arid West Region Supplement to the Manual V2.0 (ERDC 2008). The delineation identified several wetlands and waters within the review area.

☐ Data sheets prepared by the Corps: N/A

☒ Photographs: Other: Delineation site photos dated February 2020 and January 2021.

☒ Corps site visit(s) conducted on: 16 March 2020

☐ Previous Jurisdictional Determinations (AJDs or PJDs): N/A

☒ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B*.

☒ USDA NRCS Soil Survey: WebSoil Survey retrieved for Medford Build Grant delineation report and dated April 2021.

☒ USFWS NWI maps: U.S. Fish and Wildlife Service National Wetland Inventory Map provided in delineation and dated April 2021.

☒ USGS topographic maps: U.S. Geologic Survey Newport North Quadrangle Map in delineation dated April 2021.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	National Hydrography Dataset information obtained by USACE staff on 29 April 2021 from the USACE Regulatory WebViewer.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	US Army Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory, 1987), the Arid West Region Supplement to the Manual V2.0 (ERDC 2008)
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): The USACE ran a typical year analysis for the Review Area vicinity for 26 February 2020 and 11 January 2021 (date of the wetland delineation field work) and 16 March 2021 (date of field visit and observations) utilizing the USACE's "Antecedent Precipitation Tool (APT)" (https://github.comjDeters-USACE/Antecedent-Precipitation-Tool/releases/tag/v1.0.13).

02/26/2020 (Delineation Field Work) - "Normal Conditions." Normal conditions were present during the delineation field work.

03/16/2020 (Site Visit) - "Drier than Normal Conditions." Drier than normal conditions were present during the site visit. The region was in a moderate drought.

01/26/2020 (Delineation Field Work) - "Drier than Normal Conditions." Drier than normal conditions were present during this part of the delineation field work. The region was in an incipient drought.

Based upon the Streamflow Duration Assessment Method for Oregon and the surface water presence within Medford Irrigation District (MID) Canal, Waters 1 (Swanson Creek), Waters 2 (South Fork Lone Pine Creek) during drought conditions and under normal conditions the USACE has determined MID Canal, Waters 1, and Waters 2 to have perennial flows. Based on the Streamflow Duration Assessment Method for Oregon Drainage 1 (North Fork Lone Pine Creek) under normal conditions would have intermittent flows. Wetlands A, F, G, and O were determined to provide flows and connectivity to downstream (a)(2) waters and ultimately the Rogue River, an (a)(1) waters of the U.S. The USACE has determined Drainages 2 and 3 do not provide flows to any (a)(2) waterway and are not (a)(1-3) waters. The USACE has also determined Wetlands B, C, D, E, H, I, J, K, L, M, N, and P are not adjacent or abutting an (a)(1-3) waters. Therefore Drainages 2 and 3 and Wetlands B, C, D, E, H, I, J, K, L, M, N, and P are non-jurisdictional waters of the U.S.

C. **Additional comments to support AJD:** Roadside ditches were observed within the review area. None of the ditches had any sign of relatively permanent flows to meet any of the (a)(1-3) waters or jurisdictional ditch findings.