



**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): 6/8/2021

ORM Number: NWP-2021-119

Associated JDs: N/A

Review Area Location¹: State/Territory: Oregon City: Oakland County/Parish/Borough: Douglas County

Center Coordinates of Review Area: Latitude 43.427222° Longitude -123.306111°

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
NWP-2021-119 Site F – Calapooya Creek	1.38 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 January 2021 observed surface water within Site F – Calapooya Creek, as shown in drawings and GIS drawings. Field observations determined the Calapooya Creek has a defined bed and bank. The duration of the flows are perennial based upon the Oregon Streamflow Duration Assessment Method (SDAM). Calapooya Creek enters into the review area from the north flowing to the southwest where it discharges into Umpqua River. The Umpqua River is not subject to the U.S. Army Corps of Engineers

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.



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

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
			(Corps) Approved Jurisdictional Determination (AJD) for this AJD but is an (a)(1) navigable water of the U.S. per the Corps Portland District's 1993 List of Navigable Riverways within the State of Oregon.

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
NWP-2021-119 Site A – Wetland A	0.156 acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	This wetland is adjacent to and flooded by Site F in a typical year – Calapooya Creek as it flows through the review area. Calapooya Creek is an a(2) water with perennial flows to the Umpqua River.
NWP-2021-119 Site B – Wetland B	0.01 acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	This wetland is adjacent to and flooded by Site F in a typical year – Calapooya Creek as it flows through the review area. Calapooya Creek is an a(2) water with perennial flows to the Umpqua River.
NWP-2021-119 Site D – Wetland D	0.007 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This wetland directly abuts and is flooded by Site F in a typical year – Calapooya Creek south of the review area. Calapooya Creek is an a(2) water with perennial flows to the Umpqua River.
NWP-2021-119 Site E – Wetland E	0.005 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This wetland is hydrologically and directly connected to Wetland D by a culvert under Highway 99N and the railroad. Wetland D abuts Site F – Calapooya Creek south of the review area. Calapooya Creek is an a(2) water with perennial flows to the Umpqua River.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
NWP-2021-119 Site C – Wetland C	0.022 acre(s)	(b)(1) Non-adjacent wetland.	Wetland C is surrounded by uplands along three sides and a railroad on the fourth side which are higher in elevation. Wetland C does not meet the definition of an adjacent wetland pursuant to the NWPR. The wetland is not physically separated

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.



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

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			from an a(1)-(3) water by a natural or artificial feature and it is not inundated by flooding from an a(1)-(3) water.

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/Waters Delineation, Old Highway 99N: Oakland Bridge Project, Douglas County, Oregon dated 4 March 2021.](#)

This information is sufficient for purposes of this AJD.

Rationale: [The delineator completed a wetland delineation which followed the routine method described in the Corps of Engineers Wetlands Delineation Manual \(Environmental Laboratory 1987\) in conjunction with the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valley, and Coast Region \(Version 2.0\).](#)

- Data sheets prepared by the Corps: [N/A](#)
- Photographs: [Other: Delineation site photos dated May 2020, October 2020, December 2020, and January 2021.](#)
- 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: [WebSoil Survey retrieved for OR 99N Delineation Soil Maps and dated January 2021.](#)
- USFWS NWI maps: [U.S. Fish and Wildlife Service National Wetland Inventory Map provided in delineation and dated January 2021.](#)
- USGS topographic maps: [U.S. Geologic Survey Newport North Quadrangle Map in delineation and dated January 2021.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS/WBD/NHD data/maps	National Hydrography Dataset information obtained by USACE staff on 26 May 2021 from the USACE Regulatory WebViewer.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory 1987) in conjunction with the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valley, and Coast Region (Version 2.0).
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 7 May 2020, 1 October 2020, 29 December 2020, and 20 January 2021 \(dates of the wetland delineation field work\) and 10 May 2019, 1 August 2011, 29 July 2000, and 6 May 1994 \(dates of Google Earth imagery that show the presence and absence of surface waters\) utilizing the USACE's "Antecedent](#)



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

Precipitation Tool (APT)" (<https://github.comjDeters-USACE/Antecedent-Precipitation-Tool/releases/tag/v1.0.19>).

05/07/2020 (Delineation Field Work) - "Drier Than Normal Conditions." A portion of the delineation was performed during drier than normal conditions. Hydrology indicators on the data sheets reflect water indicators for wetlands and none were found in upland areas. Timing of this part of the delineation was during the dry season with a moderate drought.

10/01/2020 (Delineation Field Work) - "Normal Conditions." Another portion of the delineation was performed during normal conditions. Hydrology indicators were observed in the review area although the timing of this visit was during the dry season with a moderate drought.

12/29/2020 (Delineation Field Work) - "Normal Conditions." Another portion of the delineation was performed during normal conditions. Hydrology indicators were observed in the review area although the timing of this visit was during the wet season with a moderate drought.

01/20/2021 (Delineation Field Work) - "Normal Conditions." Another portion of the delineation was performed during normal conditions. Hydrology indicators were observed in the review area although the timing of this visit was during the wet season with a mild drought.

05/10/2019 (Google Earth Image) - "Normal Conditions." Aerial photography from Google Earth reflect the site conditions have not changed prior to the wetland delineation. Calapooya Creek is present with observed flows and the riparian corridor has no observed changes. This aerial photograph was during the dry season under normal conditions.

08/01/2011 (Google Earth Image) - "Wetter Than Normal Conditions." Aerial photography from Google Earth reflect the site conditions have not changed prior to the 2019 aerial photo. Calapooya Creek is present with observed flows and the riparian corridor has no observed changes. There is a slight change of the alignment of Calapooya Creek to the west towards Wetland A on the north side of the OR 99N bridge. This aerial photograph was during the dry season with severe wetness conditions.

07/29/2000 (Google Earth Image) - "Normal Conditions." Aerial photography from Google Earth reflect the site conditions have not changed prior to the 2011 aerial photo. Calapooya Creek is present with observed flows and the riparian corridor has no observed changes. There is another slight change of the alignment of Calapooya Creek to the west towards Wetland A on the north side of the OR 99N bridge. This aerial photograph was during the dry season with incipient drought conditions.

05/06/1994 (Google Earth Image) - "Normal Conditions." Aerial photography from Google Earth reflect the site conditions have not changed prior to the 2000 aerial photo. Calapooya Creek is present with observed flows and the riparian corridor has no observed changes. There is yet another slight change of the alignment of Calapooya Creek to the west towards the location of Wetland A on the north side of the OR 99N bridge. This aerial photograph was during the dry season with severe drought conditions.

Based upon the Oregon Streamflow Duration Assessment Manual and surface water presence of Calapooya Creek, which extends to the Umpqua River during the dry season, under normal conditions, drought conditions, and wetter than normal conditions, the USACE has determined Calapooya Creek to



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

have perennial flow. The locations of the Calapooya River on the north side of the OR 99N bridge reflect Wetland A and B have been part of the creek, abutting the creek, and are now adjacent to the creek as it meanders in its corridor area.

C. Additional comments to support AJD: N/A