



**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): 6/30/2021

ORM Number: NWP-2020-191

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 42.389302 Longitude -122.836107

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
Waterway 7	0.05	acre(s)	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Waterway 7 (Swanson Creek) flows from south to north in the Review Area through a culvert under East Vilas Road. Swanson Creek continues to flow to the northeast and contributes surface water to Whetstone Creek near West Antelope Road in Central Point, Oregon. Whetstone Creek contributes surface water flow to the Rogue River which is an (a)(1) water. The Rogue River is not subject to the U.S. Army Corps of Engineers (Corps) Approved Jurisdictional Determination (AJD) for this AJD but is an (a)(1) navigable water of the U.S. to river mile

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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(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
			<p>27.1 per the Corps Portland District's 1993 List of Navigable Riverways within the State of Oregon.</p> <p>Based on the typical year assessment, See Section III B, Waterway 7 possess perennial flow. In conclusion, Waterway 7 is an (a)(2) perennial tributary that contributes surface water flow to an (a)(1) water in a typical year.</p>
Wetland 1 Ditch	0.10	acre(s)	<p>(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.</p> <p>The Wetland 1 Ditch possesses an ordinary high water mark (OHWM). The ditch was excavated between 1983 and 1988 as shown in U.S. Army Corps of Engineers (Corps) aerial image from 1988 and a Google Earth aerial image from 1994.</p> <p>A United States Geological Survey (USGS) topographic map from 1983 shows that a blue line tributary flowed from south to north within the portion of the Review Area where the Wetland 1 ditch is now located. A Corps aerial image from 1965 and a USGS aerial image from 1974 also documents a tributary at this location.</p> <p>The historic tributary flowed outside of the Review Area to the north and entered a straightened channel that was also depicted as a blue line stream on the 1983 USGS topographic map. The straightened channel continued for roughly 350 linear feet and flowed into Waterway 7 (Swanson Creek). Historic USGS topographic maps show that Swanson Creek was an (a)(2) water that contributed surface water flow to the Rogue River, which is documented as an (a)(1) water above. In addition, a USGS historic aerial image from 1974 and Corps aerial image from 1988 show similar signatures of surface water in the historic tributary within the Review Area and in Swanson Creek.</p> <p>The Google Earth historic aerial image from 1994 shows the presence of existing ditch, but the historic tributary is no longer present within the Review Area. Surface water signatures of the historic tributary were still evident at this time upstream of the Review Area to the south.</p> <p>The Corps determined that the Wetland 1 Ditch relocated the historic tributary and therefore, the</p>



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(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination	
			<p>feature does not meet the criteria for the (b)(5) exclusion.</p> <p>The Wetland 1 Ditch continues outside of the Review Area to the north for roughly 350 linear feet and connects to Swanson Creek. This flow path is shown on a USGS topographic map from 2020 and was also described in the wetland delineation report.</p> <p>The consultant did not complete the Stream Duration Assessment Method for the Wetland 1 Ditch; however, the wetland delineation for the Review Area explains that Wetland 1 supports obligate vegetation, such as cattails (<i>Typha latifolia</i>) and that surface water was observed during site visits conducted in June 2019 and May 2020. In addition, the slope of the ditch is less than 10.5 percent. As such, the Corps determined that the ditch has an intermittent flow regime. This is consistent with the SDAM form for documenting intermittent flow.</p> <p>In conclusion, the Wetland 1 Ditch is an (a)(2) intermittent tributary that contributes surface water flow indirectly to an (a)(1) water in a typical year.</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 1	0.20	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 1 occurs above the OHWM of the Wetland 1 Ditch which is an (a)(2) water, as described above. Wetland 1 abuts the Wetland 1 Ditch. The Corps determined that Wetland 1 is an (a)(4) wetland that abuts an (a)(2) water.

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	
Waterway 1	0.03	acre(s)	(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).	<p>Waterway 1 is a roadside ditch that flows from west to east along East Vilas Road. Waterway 1 flows through several culverts under driveways in the Review Area. The time of construction of Waterway 1 is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not show blue line streams in the Review Area. USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that Waterway 1 has not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Waterway 1 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the Navigable Waters Protection Rule (NWPR).</p>
Waterway 2	0.01	acre(s)	(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).	<p>Waterway 2 is a roadside ditch that flows from west to east along East Vilas Road. Waterway 2 flows through several culverts under driveways in the Review Area. The time of construction of Waterway 2 is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not show blue line streams in the Review Area. USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that Waterway 2 has not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic</p>

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
			maps, there is no evidence that Waterway 2 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.
Waterway 3	0.05	acre(s)	<p>(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).</p> <p>Waterway 3 is a roadside ditch that flows from east to west along East Vilas Road. Waterway 3 flows through several culverts under driveways in the Review Area. The time of construction of Waterway 3 is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not show blue line streams in the Review Area. USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that Waterway 3 has not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Waterway 3 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>
Waterway 4	0.03	acre(s)	<p>(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).</p> <p>Waterway 4 is a roadside ditch that flows from east to west along East Vilas Road. Wetland 4 (described below) is a continuation of Waterway 4. The time of construction of Waterway 4 is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not show blue line streams in the Review Area.</p> <p>USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). In the past, surface water entered Waterway 4 from in the historic tributary. However, signatures saturation and surface</p>



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			<p>water in the historic tributary are evident to the south of the Review Area in Google Earth aerial images from 1994 to 2018. The southern section of the historic tributary appears dry in Google Earth images from 2018 to 2020 following the construction of a pond that impounds surface water from entering Waterway 4. As described above, the historic tributary to the north of the Review Area was entirely relocated by the Wetland 1 Ditch. Therefore, the Corps determined that the construction of Waterway 4 did not relocate the historic tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Waterway 4 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>
Waterway 5	0.04	acre(s)	<p>(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).</p> <p>Waterway 5 is a roadside ditch that flows from east to west along East Vilas Road. Waterway 5 flows through a culvert under a driveway in the Review Area. The time of construction of Waterway 5 is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not show blue line streams in the Review Area. USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that Waterway 5 has not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Waterway 5 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>
Waterway 6	0.02	acre(s)	<p>(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and</p> <p>Waterway 6 is a roadside ditch that flows from east to west along East Vilas Road. The time of construction of Waterway 6 is unknown. East</p>



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	<p>Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not show blue line streams in the Review Area. USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that Waterway 6 has not relocated a tributary. wetland and does not relocate a water of the U.S.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Waterway 6 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>
Waterway 8	0.12	acre(s)	<p>(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).</p> <p>Waterway 8 is a roadside ditch that flows from east to west along East Vilas Road. The time of construction of Waterway 8 is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not show blue line streams in the Review Area. USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that Waterway 8 has not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Waterway 8 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>
Waterway 9	0.10	acre(s)	<p>(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of</p> <p>Waterway 9 is a roadside ditch that flows from east to west along East Vilas Road. Waterway 9 flows through several culverts under driveways in the Review Area. The time of construction of</p>



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	<p>Waterway 9 is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not show blue line streams in the Review Area. USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that Waterway 9 has not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Waterway 9 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>
Waterway 10	0.06	acre(s)	<p>(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).</p> <p>Waterway 10 (Hopkins canal) was constructed circa 1910 to divert water from Fish Lake and the headwaters of the North Fork of Little Butte Creek for irrigation purposes. The Corps reviewed a historic USGS topographic map from 1897 along the entire alignment of Hopkins Canal. While the canal diverted flow from (a)(2) waters, it did not relocate an (a)(2) water. The 1897 map does not show blue line streams within the Review Area and historic aerial images are not available prior to the canal's construction.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence Hopkins Canal is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>
Waterway 11	0.01	acre(s)	<p>(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</p> <p>Waterway 11 is a roadside ditch that flows from east to west along East Vilas Road. The time of construction of Waterway 11 is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not show blue line streams in the Review Area. USGS topographic maps from</p>



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		conditions of (c)(1).	<p>1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that Waterway 11 has not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Waterway 11 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>
Waterway 12	0.22	acre(s)	<p>(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).</p> <p>Waterway 12 is a roadside ditch that flows from east to west along East Vilas Road. Waterway 12 flows through several culverts under driveways in the Review Area. The time of construction of Waterway 12 is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not show blue line streams in the Review Area. USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that Waterway 12 has not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Waterway 12 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>
Waterway 13	0.07	acre(s)	<p>(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</p> <p>Waterway 13 is a roadside ditch that flows from east to west along East Vilas Road. Waterway 13 flows through a culvert under a driveway in the Review Area. The time of construction of Waterway 13 is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not</p>



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		conditions of (c)(1).	<p>show blue line streams in the Review Area. USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that Waterway 13 has not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Waterway 13 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>
Waterway 14	0.15	acre(s)	<p>(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).</p> <p>Waterway 14 is a roadside ditch that flows from east to west along East Vilas Road. Waterway 14 flows through a culvert under a driveway in the Review Area. The time of construction of Waterway 14 is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not show blue line streams in the Review Area. USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that Waterway 14 has not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Waterway 14 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>
Waterway 15	<0.001	acre(s)	<p>(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</p> <p>Waterway 15 is a roadside ditch that flows from west to east along East Vilas Road. Waterway 15 flows through a culvert under a driveway in the Review Area. The time of construction of Waterway 15 is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not</p>



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			conditions of (c)(1).	<p>show blue line streams in the Review Area. USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that Waterway 15 has not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Waterway 15 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>
Waterway 16	0.03 acre	acre(s)	(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).	<p>Waterway 16 is a roadside ditch that flows from west to east along East Vilas Road. Waterway 16 flows through a culvert under a driveway in the Review Area. The time of construction of Waterway 16 is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not show blue line streams in the Review Area. USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that Waterway 16 has not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Waterway 16 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>
Waterway 17	0.04 acre	acre(s)	(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	<p>Waterway 17 is a roadside ditch that flows from west to east along East Vilas Road. Waterway 17 flows through a culvert under a driveway in the Review Area. The time of construction of Waterway 17 is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not</p>



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Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		conditions of (c)(1).	<p>show blue line streams in the Review Area. USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that Waterway 17 has not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Waterway 17 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>
Wetland 2	0.002	acre(s)	<p>(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).</p> <p>Wetland 2 abuts Wetland 1 and the Wetland 1 Ditch. However, it occurs within below the OHWM of a roadside ditch along East Vilas Road, whereas Wetland 1 and the Wetland 1 Ditch occur outside of the OHWM of the roadside ditch.</p> <p>The time of construction of the roadside ditch is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not show blue line streams in the Review Area. USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that the roadside ditch has not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Wetland 2 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>
Wetland 3	0.07	acre(s)	<p>(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch</p> <p>Wetland 3 occurs within Waterway 4 which meets the criteria for the (b)(5) exclusion as described above. The time of construction of the ditch is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a</p>



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	<p>Corps aerial image from 1939. A USGS topographic map from 1897 does not show blue line streams in the Review Area. USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that the ditch has not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Wetland 3 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>
Wetland 4	0.02	acre(s)	<p>(b)(1) Non-adjacent wetland.</p> <p>Wetland 4 occurs above the OHWM of a roadside ditch along East Vilas Road. It abuts Wetland 3 which, as described above, meets the criteria for the (b)(5) exclusion.</p> <p>The Corps determined that Wetland 4 does not meet the definitions of (a)(1)-(a)(3) waters and does not meet the definition for an adjacent wetland.</p>
Wetland 5	0.06	acre(s)	<p>(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).</p> <p>Wetland 5 occurs within a roadside ditch along East Vilas Road. The time of construction of the ditch is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not show blue line streams in the Review Area. USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that the ditch has not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Wetland 5 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland 6	0.01 acre(s)	(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).	<p>Wetland 6 occurs within a roadside ditch along East Vilas Road. The time of construction of the ditch is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not show blue line streams in the Review Area. USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that the ditch has not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Wetland 6 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>
Wetland 7	0.09 acre(s)	(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).	<p>Wetland 7 occurs within a roadside ditch along East Vilas Road. The time of construction of the ditch is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not show blue line streams in the Review Area. USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that the ditch has not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Wetland 7 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>
Wetland 8	0.13 acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland 8 occurs above the OHWM of a roadside ditch along East Vilas Road. It abuts Wetland 7 and Waterway 5 which, as described above, meets the criteria for the (b)(5) exclusion.</p> <p>The Corps determined that Wetland 8 does not</p>



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			meet the definitions of (a)(1)-(a)(3) waters and does not meet the definition for an adjacent wetland.
Wetland 9	0.05	acre(s)	<p>(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).</p> <p>Wetland 9 occurs within a roadside ditch along East Vilas Road. The time of construction of the ditch is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not show blue line streams in the Review Area. USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that the ditch has not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Wetland 9 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>
Wetland 10	0.02	acre(s)	<p>(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).</p> <p>Wetland 10 occurs within a roadside ditch along East Vilas Road and is intersected by a driveway and culvert. The time of construction of the ditch is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not show blue line streams in the Review Area. USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that the ditch has not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Wetland 10 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>
Wetland 11	0.02	acre(s)	<p>(b)(5) Ditch that is not an (a)(1) or</p> <p>Wetland 11 occurs within a roadside ditch along East Vilas Road. The time of construction of the</p>



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		(a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	<p>ditch is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not show blue line streams in the Review Area. USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that the ditch has not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Wetland 11 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>
Wetland 12	0.04	acre(s)	<p>(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).</p> <p>Wetland 12 occurs within a roadside ditch along East Vilas Road. The time of construction of the ditch is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not show blue line streams in the Review Area. USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that the ditch has not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Wetland 12 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>
Wetland 13	<0.001	acre(s)	<p>(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</p> <p>Wetland 13 occurs within a roadside ditch along East Vilas Road. The time of construction of the ditch is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not show blue line streams in the Review Area. USGS topographic maps from 1938 to the present</p>



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		conditions of (c)(1).	<p>show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that the ditch has not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Wetland 13 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>
Wetland 14	0.17	acre(s)	<p>(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).</p> <p>Wetland 14 occurs within a roadside ditch along East Vilas Road and is intersected by two culverts under driveways. The time of construction of the ditch is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not show blue line streams in the Review Area. USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that the ditch has not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Wetland 14 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>
Wetland 15	0.003	acre(s)	<p>(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).</p> <p>Wetland 15 occurs within a roadside ditch along East Vilas Road. The time of construction of the ditch is unknown. East Vilas Road is shown on a USGS historic topographic map from 1938 and a Corps aerial image from 1939. A USGS topographic map from 1897 does not show blue line streams in the Review Area. USGS topographic maps from 1938 to the present show two or three blueline streams, these include the historic tributary described above under the rationale for Wetland 1, Waterway 7 (Swanson Creek), and Waterway 10 (Hopkins canal). The Corps determined that the ditch has</p>



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			<p>not relocated a tributary.</p> <p>Based on historic aerial imagery and topographic maps, there is no evidence that Wetland 15 is a relocated tributary, was constructed in a tributary, or was constructed in an adjacent wetland; therefore, the ditch meets the (b)(5) exclusion pursuant to the NWPR.</p>

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: [DOWL. July 2020. Vilas Road: Foothills to Crater Lake Avenue Wetland Delineation Report.](#)
This information is sufficient for purposes of this AJD.
Rationale: [The consultant prepared the wetland delineation report in accordance with the U.S. Army Corps of Engineers \(USACE\) 1987 Wetland Delineation Manual and the USACE 2010 Regional Supplement for the Western Mountains, Valleys, and Coast Region.](#)
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: 1\) DOWL. July 2020. Vilas Road: Foothills to Crater Lake Avenue Wetland Delineation Report. 2\) Google Earth Pro, software version 7.3.3.7692. June 2021. Historical Aerial Images from 1994 to 2020.](#)
- 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: [DOWL. July 2020. Vilas Road: Foothills to Crater Lake Avenue Wetland Delineation Report. Figures 4.1-4.3.](#)
- USFWS NWI maps: [DOWL. July 2020. Vilas Road: Foothills to Crater Lake Avenue Wetland Delineation Report. Figures 3.1-3.3.](#)
- USGS topographic maps: [1\) USGS Topoview. June 2021. Topographic Map: 1897. Ashland, 1:250k. Online: <https://ngmdb.usgs.gov/topoview/viewer/>. 2\) USGS Topoview. June 2021. Topographic Map: 1938. Medford, 1:125k. Online: <https://ngmdb.usgs.gov/topoview/viewer/>. 3\) USGS Topoview. June 2021. Topographic Map: 1974, 1983, and 2020. Eagle Point, 1:24k. Online: <https://ngmdb.usgs.gov/topoview/viewer/>.](#)

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 Database (NHD) Plus High Resolution. June 2021. Online: https://www.usgs.gov/core-science-systems/ngp/national-hydrography/nhdplus-high-resolution
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Corps Engineering Division. May 2021. Historic Aerial Images: 1939 and 1988.
State/Local/Tribal Sources	N/A.



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Data Source (select)	Name and/or date and other relevant information
Other Sources	N/A.

B. Typical year assessment(s): The USACE ran a typical year analysis for the Review Area vicinity for June 26, 2019 (date of consultant site visit to the Wetland 1 ditch) and September 8, 2018 (date of Google Earth imagery that shows the presence of surface water in Swanson Creek) utilizing the Corps’ “Antecedent Precipitation Tool (APT)” (<https://github.com/jDeters-USACE/Antecedent-Precipitation-Tool/releases/tag/v1.0.13>).

The APT identified drier than normal conditions during the 30 days prior to the site visit. The consultant identified surface water in the Wetland 1 Ditch and in the section of ditch downstream (and outside) of the Review Area that connects the Wetland 1 Ditch to Swanson Creek. The USACE determined that the Wetland 1 Ditch has an intermittent flow regime.

The APT identified drier than normal conditions during the 30 days prior to the Google Earth aerial image. The USACE determined that Swanson Creek has a perennial flow regime because surface water is evident in the channel in the Google Earth aerial image and the consultant identified surface water in the channel during multiple visits to the site.

C. Additional comments to support AJD: The NHD has mapped Waterway 7 (Swanson Creek) and the historic tributary that is described under the rationale for Wetland 1. The alignment of the historic tributary was included in the Review Area for the wetland delineation survey and the consultant installed two sample points within the historic tributary’s alignment. Both sample points were located in a depression that supported facultative and upland vegetation. Both sample points lacked hydric soil characteristics and wetland hydrology indicators and were classified as upland habitat. The National Resource Conservation Service has mapped Padigan Clay and Coker Clay soils along the historic tributary’s alignment. Both of these soil types are poorly drained. Padigan Clay is classified as hydric, and Coker Clay contains hydric inclusions.