



**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): 7/21/2021  
 ORM Number: NWP-2021-359  
 Associated JDs: N/A.  
 Review Area Location<sup>1</sup>: State/Territory: OR City: Medford County/Parish/Borough: Jackson  
 Center Coordinates of Review Area: Latitude 42.367956° Longitude -122.835473°

**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)<sup>2</sup>**

§ 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): <sup>3</sup>			
(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
Ditch	0.14 acre(s)	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The Ditch flows from the southwestern corner of the Review Area to the southeastern corner, then north and offsite. Based on a review of aerial imagery outside the Review Area, the Ditch immediately flows into a drainage that flows northwest along the length of the northern Review Area boundary. North of the northwestern portion of the review area, the drainage flows west, under the Hopkins Canal, and into a pond.  Based on a review of a 1974 United States Geologic

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
				<p>Survey (USGS) aerial image, the offsite portion of the Ditch and the pond are historic portions of Upton Slough, a tributary to the Rogue River. The Rogue River is an (a)(1) water located approximately 7.3 miles northwest of the Review area. The historic Upton Slough exhibited a perennial flow regime, as evidenced by the presence of surface water visible on the historic aerial photograph.</p> <p>Per information from the wetland delineation, the Ditch has an intermittent flow regime. Based on a review of aerial imagery and visible surface water, the Corps' concurs that the Ditch exhibits an intermittent flow regime. Outside of the review area, aerial images indicate the drainage exhibits a perennial flow regime.</p> <p>Because the Ditch flows into a rerouted tributary (Upton Slough) to the Rogue River, the Ditch is considered a jurisdictional intermittent tributary under the Navigable Waters Protection Rule (NWPR).</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	0.38	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 1 is located in the northwestern portion of the Review Area and flows offsite to the north. Aerial imagery indicates Wetland 1 abuts the historic Upton Slough drainage, an (a)(2) water, offsite. Wetland 1 is considered an (a)(4) water under the NWPR.
Wetland 2	1.42	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 2 is located in the northeastern portion of the Review Area and flows offsite to the north. Aerial imagery indicates Wetland 2 abuts the historic Upton Slough drainage, an (a)(2) water, offsite. Wetland 2 is considered an (a)(4) water under the NWPR.

**D. Excluded Waters or Features**



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland 3	0.10 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 3 is located in the center of the site and is surrounded on all sides by uplands. Wetland 3 is considered a non-adjacent wetland under the NWPR.

**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: [“Jurisdictional Wetland Delineation Report for North Foothill Road” prepared by Schott and Associates, Inc. dated March 2021.](#)

This information is sufficient for purposes of this AJD.

Rationale: [The requestor utilized methods described in the U.S. Army Corps of Engineers 1987 wetland delineation manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region to determine the boundaries of the water within the Review Area.](#)

Data sheets prepared by the Corps: [N/A.](#)

Photographs: [Aerial: Corps’ Regulatory eGIS WebViewer “Oregon 2018 Orthophotos” accessed 20 July 2021. Google Earth photographs dated 25 October 2020 and 8 September 2020. USGS 13 July 1974 aerial image retrieved on 20 July 2021 from <https://ngmdb.usgs.gov/topoview/viewer/#14/42.3680/-122.8355>](#)

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: [N/A.](#)

USFWS NWI maps: [United States Fish and Wildlife Service \(USFWS\) National Wetland Inventory \(NWI\) map retrieved from the Corps’ Regulatory eGIS WebViewer on 20 July 2021.](#)

USGS topographic maps: [USGS 2020 topographic map retrieved by the Corps on 20 July 2021 from <https://ngmdb.usgs.gov/topoview/viewer/#14/42.3680/-122.8355>.](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	<a href="#">USGS StreamStats Raindrop Path tool information retrieved by the Corps on 20 July 2021 from <a href="https://streamstats.usgs.gov/ss/">https://streamstats.usgs.gov/ss/</a>. USGS National Hydrography Dataset (NHD) information retrieved by the Corps on 20 July 2021 from the Corps’ Regulatory eGIS WebViewer.</a>
USDA Sources	<a href="#">N/A.</a>
NOAA Sources	<a href="#">N/A.</a>
USACE Sources	<a href="#">N/A.</a>

<sup>4</sup> 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.

<sup>5</sup> 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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Data Source (select)	Name and/or date and other relevant information
State/Local/Tribal Sources	Oregon Department of Geology and Mineral Industries (DOGAMI) lidar information retrieved by the Corps on 20 July 2021 from <a href="https://gis.dogami.oregon.gov/maps/lidarviewer/">https://gis.dogami.oregon.gov/maps/lidarviewer/</a> .
Other Sources	N/A.

**B. Typical year assessment(s):** The Corps utilized the antecedent precipitation tool (APT) on 20 July 2021 for the following dates to determine if site conditions were normal:

- 9 February 2021 (agent site visit): Mild drought during the wet season. Normal conditions.
- 13 July 1974 (USGS aerial photo): Mild drought during the dry season. Normal conditions.
- 25 October 2020 (Google Earth aerial photo): Moderate drought during the dry season. Drier than normal conditions.
- 8 September 2020 (Google Earth aerial photo): Mild drought during the dry season. Drier than normal conditions.

**C. Additional comments to support AJD:** N/A.