



**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): 7/27/2021

ORM Number: NWP-2019-58/2

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 42.4285 Longitude -123.3843

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

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

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1	0.04	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 is located near the western boundary of the Review Area. Wetland 1 does not meet criteria for an adjacent wetland at 33 CFR 328.3(c)(1)(ii) because there is no direct or indirect connection to an (a)(1) –(a)(3) water. Wetland 1 is recognized as an excluded water feature pursuant to (b)(1) of the Navigable Waters Protection Rule (NWPR).
Wetland 2	0.36	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2 is centered in the southern half of the Review Area. Wetland 2 does not meet the criteria for an adjacent wetland at 33 CFR 328.3 (c)(1)(ii) because there is no direct or indirect connection an (a)(1) – (a)(3) water. Wetland 2 is recognized as an excluded water feature pursuant to (b)(1) of the NWPR.
Water 1	130	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Water 1 is in the northeast quarter of the Review Area. Based on map review beginning in 1904 there is no evidence Water 1 is a converted stream channel. Water 1 does not meet the conditions of an (a)(2) water. It is not a relocated tributary nor constructed in a tributary or adjacent wetland. It is not in proximity to NHD channels nor is it found in local inventories for the area. Water 1 is entirely confined to the Review Area. Water 1 was connected to Water 2; however, the determination would not affect its (b)(5) exclusion. Water 1 is recognized as an excluded feature pursuant to (b)(5) of the NWPR.
Water 2	60	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Water 2 abuts Wetland 2. There is no indication Water 2 is a converted stream channel. Water 2 would not meet the conditions of an (a)(1) - (a)(3) water. Review of historic maps verify it is not a relocated tributary nor constructed in proximity to NHD channel nor is it identified in local inventories for the area. Water 2 is recognized as an excluded water feature pursuant to (b)(5) of the NWPR.

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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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: [Blackberry IV Grants Pass, Oregon Wetland Delineation prepared by Rabe Consulting and dated February 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [The delineator completed a wetland delineation which followed 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 waters within the review area.](#)

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

Photographs: [Select. N/A](#)

Corps site visit(s) conducted on: [N/A](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [NWP-2019-58/1, a Preliminary Jurisdictional Determination identifying 0.7 acre of wetland was issued on 28 October 2019.](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [N/A](#)

USFWS NWI maps: [N/A](#)

USGS topographic maps: [Wilderville, OR 7.5' quadrangle](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS quadrangles dated 1908, 1954 and 1989 available at https://ngmdb.usgs.gov/topoview/viewer/#4/39.98/-100.02
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	US Army Corps of Engineers GeoPortal layers for the National Hydrographic Dataset (NHD) High Resolution Flowlines, accessed on 18 June 2021.
State/Local/Tribal Sources	Oregon Department of Geology and Mineral Industries (DOGAMI) LiDAR Bare Earth Hillshade and Elevations layers available at https://www.oregongeology.org/pubs/ldq/p-LDQ.htm; Department of State Lands Local Wetland Inventory for Grants Pass dated 1 December 1999 and available at https://www.oregon.gov/dsl/ww/Pages/Inventories.aspx.
Other Sources	Grants Pass Irrigation District (GPID) Water Management Study, Canal Configuration, Figure 2.1 by David Newton Associates, Inc.; dated January 1994.

B. Typical year assessment(s): [The Corps reviewed output from the Antecedent Precipitation Tool for the review using a single point method for the dates of the delineation, 26 April 2020 and 28 April 2020 correlated with nearest available Google Earth Imagery dated 29 June 2018 and 25 October 2020 which found no surface water within the review area. The APT is a tool the Corps may use to determine and document typical year conditions. The delineation was conducted during the wet season under dryer than normal conditions in moderate drought. Based upon our review of the available information, the Corps has determined Water 1 and Water 2 are ephemeral features.](#)

[26 April 2020 Delineation field work: APT determination identified dryer than normal conditions during the](#)



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wet season during moderate drought.

28 April 2020 Delineation field work: APT determination identified dryer than normal conditions during the wet season during moderate drought.

- C. Additional comments to support AJD:** The site is a previously irrigated agricultural field serviced by the Grants Pass Irrigation District (GPID). The site was delineated in 2004 prior to GPID maintenance to its off-site system in 2019 which consisted of converting the open water canal section to a piped system to conserve water. Following the GPID activities, wetland acreage decreased on site. A Preliminary Jurisdictional Determination was issued on 30 December 2019. All features on site are isolated under NWPR as they neither abut nor are hydrologically connected to an (a)(1) – (a)(3) water in a typical year.