



**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): 8/25/2021

ORM Number: NWP-2021-346

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	0.33	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 is described as a broad, shallow swale extending from the southeast in the lower quarter to the northwest in the upper third of the 4.18-acre Review Area. Wetland 1 is adjacent to Water 5, a shallow feature which lacks connection to an (a)(1) – (a)(3) water in a typical year. Wetland 1 does not meet criteria for an adjacent water at 33 CFR 328.3(c)(1)(ii) because there is no direct or indirect hydrologic connection to a (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	0.02	acre(s)	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel.	Wetland 2, described as a pond in the original dataset, is an excavated depressional feature which is seasonally inundated due to the site's overall high-water table. Wetland 2 is located at the southeast end of Water 5, entirely in Tax Lot 2600. Wetland 2 was excavated earlier in the site's development as an agricultural property with small livestock use. Wetland 2 does not meet criteria for an adjacent water at 33 CFR (328.3)(1)(ii) because there is no direct or indirect connection to an (a)(1) – (a)(3) water. Wetland 2 is recognized as an excluded water feature pursuant to (b)(1) of the NWPR.
Water 1	0.003	acre(s)	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	Water 1 is one of four features less than 125 linear feet long located near the southwest property boundary and entirely within Tax Lot 2900. Water 1 is a 99 linear foot feature parallel with the property boundary running east and west. Water 1 is an excavated, one-foot-wide channel with a hydrology sourced directly through precipitation and indirectly through the high-water table. Water 1 does not possess a surface water connection with an (a)(1) – (a)(3) water during a typical year.
Water 2	0.003	acre(s)	(b)(1) Surface water channel that does not	Water 2 is a 114 linear foot feature, oriented north to south which is confluent with Water 1 above in Tax Lot 2900. Water 2 is an excavated

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
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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	feature with hydrology sourced directly through precipitation and indirectly through a high-water table. Water 2 does not possess a surface water connection with an (a)(1) – (a)(3) water during a typical year.
Water 3	0.002	acre(s)	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	Water 3 is a 93 linear foot feature, oriented north to south, confluent with Water 1 above in Tax Lot 2900. Water 3 is an excavated feature with hydrology sourced directly through precipitation and indirectly through a high-water table. Water 3 does not possess a surface water connection with an (a)(1) – (a)(3) water in a typical year.
Water 4	0.003	acre(s)	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	Water 4 is a 123 linear foot feature, oriented north to south, confluent with the eastern extent of Water 1 above in Tax Lot 2900. Water 4 is an excavated feature with hydrology sourced directly through precipitation and indirectly through a high-water table. Water 4 does not possess a surface water connection with an (a)(1) – (a)(3) water in a typical year.
Water 5	0.1	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Water 5 is a 400 linear foot long ephemeral feature extending northwest through Tax Lot 2900 and into the southeast quarter of Tax Lot 2600. Water 5 does not exhibit a permanent surface connection to an (a)(1) – (a)(3) water directly or to an (a)(4) water through connection to an (a)(1) – (a)(3) water indirectly during a typical year.

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 Determination Report for 2911 and 2883 Leonard Road, Grants Pass, Oregon, T36S, R6W, 23BC, TL 2900, 2600 prepared by Schott and Associates, March 2020,” and an email dated 17 August 2021 containing additional area measurements or clarified feature areas.

This information is sufficient for purposes of this AJD.

Rationale: The delineator completed a wetland delineation meeting the U.S. Army Corps of Engineers 1987 wetland delineation manual and the May 2010 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: Aerial: Google Earth Pro photos dated 8 June 1994, 20 July 2010, 27 May 2016 and 25 October 2020.



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REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

- 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: *N/A*
- USGS topographic maps: *Wilderville OR 2017*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Historic maps for the review area: Grants Pass, OR 1908; Wilderville OR 1986 and Wilderville, OR 2017 7.5' quadrangles 1:24000 as presented in the National Geologic Map Database accessed 16 August 2021 and available at ngmdb.usgs.gov/topoview/viewer/#4/39.8/-100.02
USDA Sources	<i>N/A.</i>
NOAA Sources	<i>N/A.</i>
USACE Sources	U.S. Army Corps of Engineers Geo-Portal tool accessed 17 August 2021
State/Local/Tribal Sources	Oregon Department of Geology and Minerals Industries accessed on 17 August 2021 and available at gis.dogami.oregon.gov/maps/lidarviewer/
Other Sources	Grants Pass Irrigation District (GPID) Figure 2.1 Project Management Area and Canal Configuration of the Grants Pass Irrigation District Water Management Study prepared by David J. Newton Associates, dated January 1994. Environmental Protection Agency (EPA) WATERS GeoViewer accessed by Corps staff on 17 August 2021 and available at epa.gov/waterdata/waters-geoviewer .

B. Typical year assessment(s): The Corps reviewed output from the Antecedent Precipitation Tool for the Review Area using a single point method for the date of the delineation, 27 January 2020. The APT analysis was expanded to five dates where Google Earth Pro imagery provided 26 years of conditions typical of Water 5.

27 January 2020: Normal conditions during the wet season with the Palmer Drought Severity Index (PDSI) identified this date as the Review Area being Incipient. The term “Incipient Drought” indicates the early stages of drought.

25 October 2020: Drier than normal conditions during the dry season with the PDSI rating of Moderate Drought.

27 May 2016: Normal conditions during the dry season with the PDSI rating of Incipient Drought.

20 July 2010: Normal conditions during the dry season with a PDSI rating of Moderate wetness.

8 June 1994: Normal conditions during the dry season with a PDSI of Severe Drought.

Based on our review of the available information, the Corps has determined Water 5 is an ephemeral feature.



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C. Additional comments to support AJD: All waters were reviewed using historic topography maps. LiDAR data shows a series of broken linear features extending from the project area in the vicinity of Water 5 to the Rogue River, however, review of aerial data was inconclusive or could not be verified. Historic USGS maps from 1908 to 1986 do not identify ephemeral, intermittent or perennial streams. Surface water features are not shown on the Environmental Protection Agency's surface water data geo-viewer. The Review Area was previously managed for small livestock while being converted to an urban residential area. The relict pond and ditch features on site are limited to the review area and adjacent parcels which have no connection to the only known perennial (a)(2) stream, Sand Creek, in the vicinity of the project, portions of which are used as connector channels for GPID canals and laterals.