DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM[1]
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): November 27, 2017

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Friedman (Jurisdictional Determination); NWP-2017-312

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Oregon County/parish/borough: Klamath County City: Chiloquin
Center coordinates of site (lat/long in degree decimal format): Lat. 42.497255°, Long. -121.924431°
Universal Transverse Mercator: N/A
Name of nearest waterbody: Williamson River
Name of watershed or Hydrologic Unit Code (HUC): HUC-12: 180102010605 (Lobert Draw-Williamson River)

- [x] Check if map/diagram of review area is available upon request.
- [ ] Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- [x] Office (Desk) Determination. Date: November 9, 2017
- [ ] Field Determination. Date(s): *Click here to enter a date.*

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **are no** "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **are no** "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- [x] Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Submitted as part of the wetland delineation report submittal packet, received by the Corps 06 July 2017.
- [x] Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - [ ] Office concurs with data sheets/delineation report.
  - [x] Office does not concur with data sheets/delineation report. [The data sheet vegetation sections were not completed correctly. The Corps completed the calculations independently (using the listed plants), and though the conclusions for hydrophytic vegetation changed for a number of the sample plots (both including and excluding hydrophytic vegetation), the overall conclusion that no wetlands were found at each location was not altered based on the overall compilation of data at the site, including site characteristics and also soils and hydrology parameters.]
- [ ] Data sheets prepared by the Corps: *Click here to enter text.*
- [x] U.S. Geological Survey Hydrologic Atlas: HUC-12: 180102010605 (Lobert Draw-Williamson River)
  - [x] USGS NHD data.
  - [x] USGS 8 and 12 digit HUC maps.
- [x] U.S. Geological Survey map(s). Cite scale & quad name: Shoalwater Bay 2017, 1:24,000
- [x] USDA Natural Resources Conservation Service Soil Survey. Citation: Custom Soil Resource Report for Klamath County, Oregon, Southern Part (dated 14 August 2017)
- [x] National wetlands inventory map(s). Cite name: USFWS NWI map, viewed 14 August 2017
- [ ] State/Local wetland inventory map(s): *Click here to enter text.*
- [ ] FEMA/FIRM maps: *Click here to enter text.*
- [ ] 100-year Floodplain Elevation is: *Click here to enter text.* (National Geodectic Vertical Datum of 1929)
- [x] Photographs: [x] Aerial (Name & Date): Submitted as part of the wetland delineation report submittal packet, received by the Corps 06 July 2017. Also, Google Earth aerials from 1994 through 2016 were reviewed.
  - [ ] or [x] Other (Name & Date): Submitted as part of the wetland delineation report submittal packet, received by the Corps 06 July 2017
- [ ] Previous determination(s). File no. and date of response letter: *Click here to enter text.*
- [ ] Applicable/supporting case law: *Click here to enter text.*

[1] This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

☐ Applicable/supporting scientific literature: *Click here to enter text.*

☑ Other information (please specify): Additional information submittal, received by the Corps 04 October 2017.

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:

No areas meeting the three criteria for wetlands were found at the site. In addition, no other waters were observed within the study area by the delineator. The study area is an irrigated pasture (since the early 1900's). Hydrology at the site is from head gate flooding irrigation or precipitation. The Williamson River is adjacent to the study area, though the site is separated from the River by a levee. The study area is approximately two (2) to three (3) feet higher in elevation than the River, and the levee separating them is approximately six (6) feet above the River. There are also irrigation ditches adjacent to the study area, though none enter the site itself. The landform at the site is a convex terrace. No depressional areas were observed during the delineation.

According to the NRCS Web Soil Survey for the area, no hydric soils are found at the site. The delineation soil sample plots did not meet any indicators for hydric soil.

No hydrology indicators were observed during the delineation. Also, aerial photographs were reviewed by the Corps, spanning various years from 1994 through 2016. No wetness signatures were found.

The vegetation, though disturbed by agricultural use, was found to be facultative, facultative upland, or upland species, with the exception of one location (sample plot 4) that also had two facultative wet species. These species were found in non-dominant numbers at that plot, though, and the plot was not found to have hydrophytic vegetation overall. Vegetation consists of native and non-native permanent pasture species. Removal of agricultural disturbance would likely still result in dominant grasses. Other un-grazed (non-agricultural) reference areas have similar species of grasses with limited to no shrub or tree cover. The onsite vegetation is not transitional in nature. Also, there has been no tilling or planting of the project site pasture for at least 60 years. Lastly, the vegetation is perennial and would not dramatically change from wet season to dry season.

The study area is only one portion of the overall tax lot. No part of the lot outside the designated study area was considered in this jurisdictional determination.