

**APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers**

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 12-Jun-2008

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, SPK-2007-02191-JD1

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State : CA - California
County/parish/borough: Yolo
City:
Lat: 38.4865059922481
Long: -121.650912742883
Universal Transverse Mercator: 10L
Name of nearest waterbody: Ditch 1
Name of nearest Traditional Navigable Water (TNW): Prospect Slough
Name of watershed or Hydrologic Unit Code (HUC): 18020109

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with the action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION:

Office Determination Date: 30-Apr-2008
Field Determination Date: 16-Apr-2008
(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION

There [] "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There [] "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

1. Waters of the U.S.**a. Indicate presence of waters of U.S. in review area:¹**

Water Name	Water Type(s) Present
Ditch 3	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
Ditch 4	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
ditch 1	Relatively Permanent Waters (RPWs) that flow directly or indirectly into TNWs
ditch 2	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
seasonal wetland 1	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
seasonal wetland 2	Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
seasonal wetland 3	Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
seasonal wetland 4	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

b. Identify (estimate) size of waters of the U.S. in the review area:

Area: 24321.3 (m²)

Linear: (m)

c. Limits (boundaries) of jurisdiction:

based on: 1987 Delineation
Manual.

OHWM Elevation: (if known)

2. Non-regulated waters/wetlands:³

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain:

SECTION III: CWA ANALYSIS**A. TNWs AND WETLANDS ADJACENT TO TNWs****1. TNW**

Not Applicable.

2. Wetland Adjacent to TNW

Not Applicable.

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 1300 acres
 Drainage area: 160 acres
 Average annual rainfall: 19.8 inches
 Average annual snowfall: 0 inches

(ii) Physical Characteristics

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through [] tributaries before entering TNW.

:Number of tributaries

Project waters are 5-10 river miles from TNW.

Project waters are 1 (or less) river miles from RPW.

Project Waters are 5-10 aerial (straight) miles from TNW.

Project waters are 1 (or less) aerial(straight) miles from RPW.

Project waters cross or serve as state boundaries.

Explain:

No.

Identify flow route to TNW:⁵

Ditches 2 - 4 and Seasonal Wetlands 1 - 4 are flow into Ditch 1 which flows west to east into a series of agricultural drainage ditches which flow south and east across the Yolo Bypass until reaching the Sacramento Deep Water Ship Channel Toe Drain, which flows into Prospect Slough, a TNW. Since the site is located within the Yolo Bypass, during high water events, the entire site may flood and thus all waters on the site would be directly connected to Prospect Slough.

Tributary Stream Order, if known:

Order	Tributary Name
-	ditch 1

(b) General Tributary Characteristics:

Tributary is:

Tributary Name	Natural	Artificial	Explain	Manipulated	Explain
ditch 1	-	X	Ditch 1 was constructed for agricultural purposes to act as an irrigation and drainage ditch.	-	-

Tributary properties with respect to top of bank (estimate):

Tributary Name	Width (ft)	Depth (ft)	Side Slopes
ditch 1	7	2	Vertical (1:1 or less)

Primary tributary substrate composition:

Tributary Name	Silt	Sands	Concrete	Cobble	Gravel	Muck	Bedrock	Vegetation	Other
ditch 1	X	-	-	-	-	-	-	-	-

Other Explained:

Tributary Name	Other Explained
ditch 1	clay parent soil material

Tributary (conditions, stability, presence, geometry, gradient):

Tributary Name	Condition/Stability	Run/Riffle/Pool Complexes	Geometry	Gradient (%)
ditch 1	low gradient, vegetated and stable banks	None.	Relatively straight	2

(c) Flow:

Tributary Name	Provides for	Events Per Year	Flow Regime	Duration & Volume
ditch 1	Seasonal flow	20 (or greater)	Ditch 1 is situated and sized sufficiently enough to act as the main drainage for the site. The wetland delineation report indicates water in August and September. We observed flow in April, over 2 months since the last appreciable rainfall in Yolo County. Irrigation was not underway so this appeared to be upstream drainage, which indicates Ditch 1 is at least seasonal and possibly perennial.	

Surface Flow is:

Tributary Name	Surface Flow	Characteristics
ditch 1	Confined	Flows are confined during normal irrigation operations and storm events, however, during larger storms and flood events, Ditch 1 would be inundated with flood flows through the Yolo Bypass.

Subsurface Flow:

Tributary Name	Subsurface Flow	Explain Findings	Dye (or other) Test
ditch 1	Unknown	-	-

Tributary has:

Tributary Name	Bed & Banks	OHWM	Discontinuous OHWM ⁷	Explain
ditch 1	X	X	-	-

Tributaries with OHWM⁶ - (as indicated above)

Tributary Name	OHWM	Clear	Litter	Changes in Soil	Destruction Vegetation	Shelving	Wrack Line	Matted/Absent Vegetation	Sediment Sorting	Leaf Litter	Scour	Sediment Deposition	Flow Events	Water Staining	Changes Plant	Other
ditch 1	X	X	-	-	-	-	-	X	-	-	X	-	-	-	-	-

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction:

High Tide Line indicated by:

Not Applicable.

Mean High Water Mark indicated by:

Not Applicable.

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Tributary Name	Explain	Identify specific pollutants, if known
ditch 1	Water appeared to be clear or slightly brownish in color.	Specific pollutants unknown, but surrounding farming operations likely use pesticides, herbicides and fertilizers, as well as animal waste, which may occur in the water in Ditch 1.

(iv) Biological Characteristics. Channel supports:

Tributary Name	Riparian Corridor	Characteristics	Wetland Fringe	Characteristics	Habitat
ditch 1	-	-	-	-	X

Habitat for: (as indicated above)

Tributary Name	Habitat	Federally Listed Species	Explain Findings	Fish\Spawn Areas	Explain Findings	Other Environmentally Sensitive Species	Explain Findings	Aquatic Wildlife Diversity	Explain Findings
ditch 1	X	-	-	-	-	-	-	X	Several birds were observed on or near the site.

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland Name	Size (Acres)	Wetland Type	Wetland Quality	Cross or Serve as State Boundaries. Explain
Ditch 3	.02	Seasonal wetland dominated by fac wet and obligate vegetation. It contains water during winter/spring rainy season and summer/fall irrigation season.	The quality appeared to be moderate due to the constant manipulation for agriculture on the negative side but due to its location near the larger seasonal wetlands and the larger Ditch 1, it may provide some habitat value to wildlife and vegetation could provide water quality improvement functions.	No.

Ditch 4	.06	Seasonal wetland dominated by fac wet and obligate vegetation. It contains water during winter/spring rainy season and summer/fall irrigation season. It appears to function as a tailwater ditch and it flows directly into Ditch 1	The quality appeared to be moderate due to the yearly manipulation for agriculture drainage purposes, however it does contain wetland vegetation which should provide some habitat and vegetation could provide water quality improvement functions.	No.
ditch 2	.23	Seasonal wetland dominated by fac wet and obligate vegetation. It contains water during winter/spring rainy season and summer/fall irrigation season.	The quality appeared to be fairly low due to the constant manipulation for agriculture and its location parallel to the road where it probably collects surface road runoff.	No.
seasonal wetland 1	.63	seasonal wetland.	It appears somewhat low because the field is graded, leveled and plowed for alfalfa.	No.
seasonal wetland 4	.53	seasonal wetland.	It appears somewhat low quality because the field is graded, leveled and plowed for alfalfa.	No.

(b) General Flow Relationship with Non-TNW:**Flow is:**

Wetland Name	Flow	Explain
Ditch 3	Ephemeral flow.	-
Ditch 4	Intermittent flow.	-
ditch 2	Intermittent flow.	-
seasonal wetland 1	Ephemeral flow.	-
seasonal wetland 4	Ephemeral flow.	-

Surface flow is:

Wetland Name	Flow	Characteristics
Ditch 3	Confined	Flows are confined during normal irrigation operations and storm events, however, during larger storms and flood events, Ditch 3 would be inundated with flood flows through the Yolo Bypass.
Ditch 4	Confined	Flows are confined during normal irrigation operations and storm events, however, during larger storms and flood events, Ditch 4 would be inundated with flood flows through the Yolo Bypass.
ditch 2	Confined	Flows are confined during normal irrigation operations and storm events, however, during larger storms and flood events, Ditch 2 would be inundated with flood flows through the Yolo Bypass.
seasonal wetland 1	Overland sheetflow	Flows are overland and expected mostly storm events, however, during larger storms and flood events, Seasonal wetland 1 would be inundated with flood flows through the Yolo Bypass.
seasonal wetland 4	Overland sheetflow	Flows are overland and expected mostly storm events, however, during larger storms and flood events, Seasonal wetland 1 would be inundated with flood flows through the Yolo Bypass.

Subsurface flow:

Wetland Name	Subsurface Flow	Explain Findings	Dye (or other) Test
Ditch 3	Unknown	-	-
Ditch 4	Unknown	-	-
ditch 2	Unknown	-	-
seasonal wetland 1	Unknown	-	-
seasonal wetland 4	Unknown	-	-

(c) Wetland Adjacency Determination with Non-TNW:

Wetland Name	Directly Abutting	Discrete Wetland Hydrologic Connection	Ecological Connection	Separated by Berm/Barrier
Ditch 3	Yes	-	-	-
Ditch 4	Yes	-	-	-
ditch 2	Yes	-	-	-
seasonal wetland 1	Yes	-	-	-
seasonal wetland 4	Yes	-	-	-

(d) Proximity (Relationship) to TNW:

Wetland Name	River Miles From TNW	Aerial Miles From TNW	Flow Direction	Within Floodplain
Ditch 3	5-10	5-10	Wetland to navigable waters	20 - 50-year
Ditch 4	5-10	5-10	Wetland to navigable waters	20 - 50-year
ditch 2	5-10	5-10	Wetland to navigable waters	20 - 50-year
seasonal wetland 1	5-10	5-10	Wetland to navigable waters	20 - 50-year
seasonal wetland 4	5-10	5-10	Wetland to navigable waters	20 - 50-year

(ii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Wetland Name	Explain	Identify specific pollutants, if known
Ditch 3	-	Specific pollutants unknown, but surrounding farming operations likely use pesticides, herbicides and fertilizers, as well as animal waste, which may occur in Ditch 3.
Ditch 4	-	Specific pollutants unknown, but surrounding farming operations likely use pesticides, herbicides and fertilizers, as well as animal waste, which may occur in the water in Ditch 4.
ditch 2	-	Specific pollutants unknown, but surrounding farming operations likely use pesticides, herbicides and fertilizers, as well as animal waste, which may occur in Ditch 2.
seasonal wetland 1	-	Specific pollutants unknown, but surrounding farming operations likely use pesticides, herbicides and fertilizers, as well as animal waste, which may occur in seasonal wetland 1.
seasonal wetland 4	-	Specific pollutants unknown, but surrounding farming operations likely use pesticides, herbicides and fertilizers, as well as animal waste, which may occur in seasonal wetland 4.

(iii) Biological Characteristics. Wetland supports:

Wetland Name	Riparian Buffer	Characteristics	Vegetation	Explain
Ditch 3	-	-	-	-
Ditch 4	-	-	-	-
ditch 2	-	-	-	-
seasonal wetland 1	-	-	X	fac wet and fac vegetation 90% cover
seasonal wetland 4	-	-	X	fac wet and obligate 100% cover.

Habitat for:

Wetland Name	Habitat	Federally Listed Species	Explain Findings	Spawn Area	Explain Findings	Other Environmentally Sensitive Species	Explain Findings	Aquatic\Wildlife Diversity	Explain Findings
Ditch 3	X	-	-	-	-	-	-	X	Moderate habitat due to agriculture operations but may serve as habitat when fields are out of production.
Ditch 4	X	-	-	-	-	-	-	X	Moderate habitat due to agriculture operations but may serve as habitat when fields are out of production.
ditch 2	X	-	-	-	-	-	-	X	It appeared to be poor habitat due to its location and impacts from agriculture, however, there were a few birds nearby that may utilize the ditch.
seasonal wetland 1	X	-	-	-	-	-	-	X	Moderate habitat due to agriculture operations but may serve as habitat during when fields are out of production.
seasonal wetland 4	X	-	-	-	-	-	-	X	Moderate habitat due to agriculture operations but may serve as habitat during when fields are out of production.

3. Characteristics of all wetlands adjacent to the tributary (if any):**All wetlands being considered in the cumulative analysis:**

Wetland Name	Directly Abuts	Size (Area) (m ²)
seasonal wetland 2	No	13152.282
seasonal wetland 3	No	3156.54768
Total:		16308.82968

Summarize overall biological, chemical and physical functions being performed:

Wetland Name	Functional Summary
seasonal wetland 2	It appears somewhat low quality because the field is graded, leveled and plowed for alfalfa. Flows are overland and expected during most storm events, however, during larger storms and flood events, Seasonal wetland 2 would be inundated with flood flows through the Yolo Bypass. Seasonal wetland dominated by fac wet and obligate vegetation. It contains water during winter/spring rainy season and summer/fall irrigation season. The quality appeared to be fairly low due to the constant manipulation for agriculture. It appeared to be poor habitat due to its location and impacts from agriculture, however, there were a few birds nearby that may utilize the seasonal wetland.
seasonal wetland 3	It appears somewhat low quality because the field is graded, leveled and plowed for alfalfa. Flows are overland and expected during most storm events, however, during larger storms and flood events, Seasonal wetland 3 would be inundated with flood flows through the Yolo Bypass. Seasonal wetland dominated by fac wet and obligate vegetation. It contains water during winter/spring rainy season and summer/fall irrigation season. The quality appeared to be fairly low due to the constant manipulation for agriculture. It appeared to be poor habitat due to its location and impacts from agriculture, however, there were a few birds nearby that may utilize the seasonal wetland.

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Findings for: Ditch 3, Ditch 4, ditch 1, ditch 2, seasonal wetland 1, seasonal wetland 2, seasonal wetland 3, seasonal wetland 4
Ditches 2, 3 and 4 are seasonal wetlands. Ditch 3 connects to Ditch 4 which abuts ditch 1, an RPW. Seasonal Wetland 1 abuts Ditch 1. Seasonal Wetland 4 abuts Ditch 3. Seasonal Wetlands 2 and 3 are adjacent to Ditch 1. There is a low berm along ditch 1 which separates seasonal wetlands 2 and 3 except during storm and flood events. Water is able to flow into Ditch 1 during moderately strong storms and directly downstream into Prospect Slough during larger storm events and floods. The site is in the Yolo Bypass which is subject to flooding on average at least once in every three years. Therefore, water quality of the wetlands would effect the water quality of Ditch 1 and downstream to Prospect Slough via the Yolo Bypass.

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/ WETLANDS ARE:**1. TNWs and Adjacent Wetlands:**

Not Applicable.

2. RPWs that flow directly or indirectly into TNWs:

Wetland Name	Flow	Explain
ditch 1	SEASONAL	Ditch 1 receives water from upstream tributaries, rainfall and irrigation, except during flood events when the entire area may be inundated by overland flow through Yolo Bypass.

Provide estimates for jurisdictional waters in the review area:

Wetland Name	Type	Size (Linear) (m)	Size (Area) (m ²)
ditch 1	Relatively Permanent Waters (RPWs) that flow directly or indirectly into TNWs	-	2023.428
Total:		0	2023.428

3. Non-RPWs that flow directly or indirectly into TNWs:⁸

Not Applicable.

Provide estimates for jurisdictional waters in the review area:

Not Applicable.

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

Wetland Name	Flow	Explain
Ditch 3	SEASONAL	Ditch 3 receives water from upstream tributaries, rainfall and irrigation, except during flood events when the entire area may be inundated by overland flow through Yolo Bypass.
Ditch 4	SEASONAL	Ditch 4 receives water from upstream tributaries, rainfall and irrigation, except during flood events when the entire area may be inundated by overland flow through Yolo Bypass.
ditch 2	SEASONAL	Ditch 2 receives water from upstream tributaries, rainfall and irrigation, except during flood events when the entire area may be inundated by overland flow through Yolo Bypass
seasonal wetland 1	SEASONAL	Seasonal wetland 1 mostly receives water from rainfall and irrigation, except during storm events when Ditches 1 and 4 may overflow into the seasonal wetland 1 and flood events when the entire area may be inundated by overland flow through Yolo Bypass.
seasonal wetland 4	SEASONAL	Seasonal wetland 4 mostly receives water from rainfall and irrigation, except during storm events when Ditches 1, 3 and 4 may overflow into seasonal wetland 4 and flood events when the entire area may be inundated by overland flow through Yolo Bypass.

Provide acreage estimates for jurisdictional wetlands in the review area:

Wetland Name	Type	Size (Linear) (m)	Size (Area) (m ²)
Ditch 3	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	-	80.93712
Ditch 4	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	-	258.998784
ditch 2	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	-	930.77688
seasonal wetland 1	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	-	2549.51928
seasonal wetland 4	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	-	2144.83368
Total:		0	5965.065744

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs:

Not Applicable.

Provide acreage estimates for jurisdictional wetlands in the review area:

Wetland Name	Type	Size (Linear) (m)	Size (Area) (m ²)
seasonal wetland 2	Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs	-	13152.282
seasonal wetland 3	Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs	-	3156.54768
Total:		0	16308.82968

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs:

Not Applicable.

Provide estimates for jurisdictional wetlands in the review area:

Not Applicable.

7. Impoundments of jurisdictional waters:⁹

Not Applicable.

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS:¹⁰

Not Applicable.

Identify water body and summarize rationale supporting determination:

Not Applicable.

Provide estimates for jurisdictional waters in the review area:

Not Applicable.

F. NON-JURISDICTIONAL WATERS. INCLUDING WETLANDS

If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements:

Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce:

Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR):

Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (Explain):

Other (Explain):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (ie., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment:

Not Applicable.

Provide acreage estimates for non-jurisdictional waters in the review area, that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction.

Not Applicable.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD

(listed items shall be included in case file and, where checked and requested, appropriately reference below):

Data Reviewed	Source Label	Source Description
--Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant	LSA Associates, Inc.	-
--Data sheets prepared/submitted by or on behalf of the applicant/consultant	-	-
--Data sheets prepared/submitted by or on behalf of the applicant/consultant	LSA Associates	29 data sheets
----Office concurs with data sheets/delineation report	29 data sheets	-
--U.S. Geological Survey map(s).	Clarksburg, Saxon, Sacramento West, Liberty Island, Courtland, 1:24,000	Terrain Navigator Pro Network computer software.
--USDA Natural Resources Conservation Service Soil Survey.	Yolo County Soil Survey, Issued 1972.	-
--National wetlands inventory map(s).	Saxon, 1:24,000	data layer on Corps GIS software.
--Photographs	-	-
----Aerial	USDA 2005	-

B. ADDITIONAL COMMENTS TO SUPPORT JD:

Description
<p>The approximately 429-acre study area is located on within and along the western edge of the Yolo Bypass; waters were identified on this site. 4 ditches, 3 of which function and have been classified as seasonal wetlands and 4 additional wetlands classified as seasonal wetlands, for a total of 1 other water and 7 seasonal wetlands. Ditch 1 is the main drainage feature on site. It enters from the west under County Road 36, flows north along the road, to the northwest corner of the study area, then east across the northern edge of the study area and off the property, joining with other ditches which flow south in the Yolo Bypass to join the Sacramento Ship Channel western levee Toe Drain which joins the ship channel further south. The wetlands identified as ditches 2, 3 and 4 and seasonal wetlands 1 and 4 abut Ditch 1, while seasonal wetlands 2 and 3 are adjacent, separated from Ditch 1 by a low berm. The Yolo Bypass is subject to flooding on average at least once in every three years. The study site has been used and is currently used for agricultural purposes which entail irrigation water through and over the entire site, particularly during the dry summer and fall seasons. Water quality within the seasonal wetlands would directly and/or indirectly affect the water quality of Ditch 1 which then would affect navigable waters directly downstream.</p>

- 1-Boxes checked below shall be supported by completing the appropriate sections in Section III below.
- 2-For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
- 3-Supporting documentation is presented in Section III.F.
- 4-Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.
- 5-Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.
- 6-A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
- 7-Ibid.
- 8-See Footnote #3.
- 9 -To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
- 10-Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.