

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers
Sacramento District

File Number: SPK-2006-458

PROJECT LOCATION INFORMATION:

State: California
County: Shasta
Center Coordinates of Site: Latitude 40.1583, Longitude -122.2180
Approximate size of area (parcel) reviewed, including uplands: 49.20 acres
Name of nearest waterway: Sacramento River
Name of watershed: Lower Sacramento River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: March 13, 2008
Site visit Date: [Date]

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, *there appear to be* (or) *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area.
Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area.
Approximate size of jurisdictional area: 6.094 acres

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the U.S.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the U.S., except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands and streams on-site are tributary or adjacent to the Sacramento River, a Traditionally Navigable Water of the U.S.*

Lateral Extent of Jurisdiction: (Reference 33 CFR parts 328 and 329)

- Ordinary High Water Mark indicated by:
 - clear, natural line impressed on the bank
 - the presence of litter and debris
 - changes in the character of soil
 - destruction of terrestrial vegetation
 - shelving
 - other:
- High Tide Line indicated by:
 - oil or scum line along shore objects
 - fine shell or debris deposits (foreshore)
 - physical markings/characteristics
 - tidal gages
 - other:
- Mean High Water Mark indicated by:
 - survey to available datum;
 - physical markings;
 - vegetation lines/changes in vegetation types.
- Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Northstate Resources Inc.

Basis For Not Asserting Jurisdiction:

- The reviewed area consists entirely of uplands.
- Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
 - Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
 - Artificially irrigated areas, which would revert to upland if the irrigation ceased.
 - Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
 - Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
 - Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
 - Isolated, intrastate wetland with no nexus to interstate commerce.
 - Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
 - Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
 - Other (explain):

DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply)

- Maps, plans, plots or plat submitted by or on behalf of the applicant.
- Data sheets prepared/submitted by or on behalf of the applicant.
 - This office concurs with the delineation report
 - This office does not concur with the delineation report, dated , prepared by .
- Data sheets prepared by the Corps.
- Corps' navigable waters' studies:
 - U.S. Geological Survey Hydrologic Atlas:
 - U.S. Geological Survey 7.5 Minute Topographic maps:
 - U.S. Geological Survey 7.5 Minute Historic quadrangles:
 - U.S. Geological Survey 15 Minute Historic quadrangles:
 - USDA Natural Resources Conservation Service Soil Survey:
 - National wetlands inventory maps:
 - State/Local wetland inventory maps:
 - FEMA/FIRM maps (Map Name & Date):
 - 100-year Floodplain Elevation is: (NGVD)
 - Aerial Photographs (Name & Date):
 - Other Photographs (Date):
 - Advanced Identification Wetland maps:
 - Site visit/determination conducted on: December 12, 2006
 - Applicable/supporting case law:
 - Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

50677 - Tehama College Environmental Services\GIS\50677 Figure 1 Project Area.mxd Source: NSR, Inc., USGS 7.5-Minute Topographic Quadrangle(s) (Red Bluff East, CA) 10-06-06

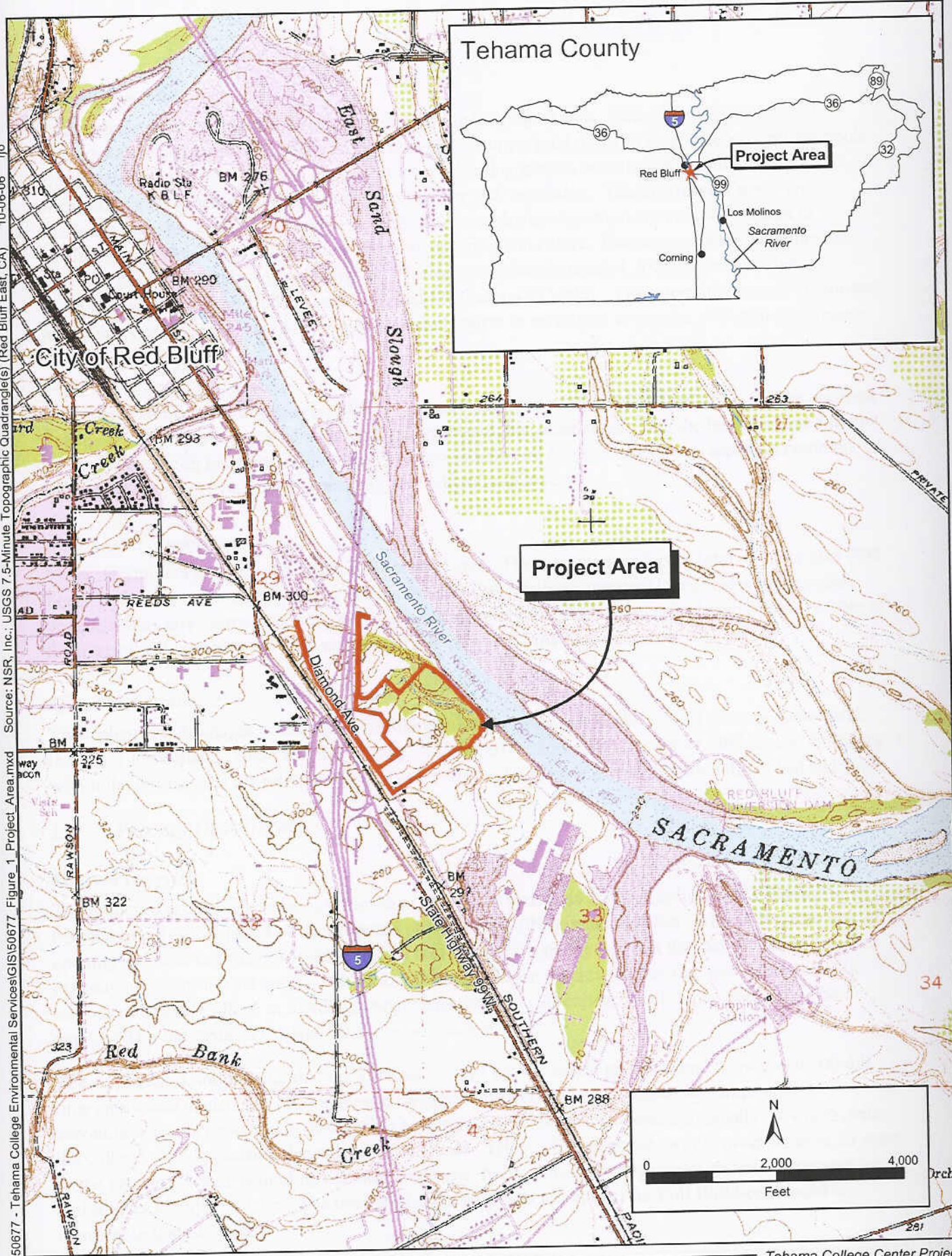



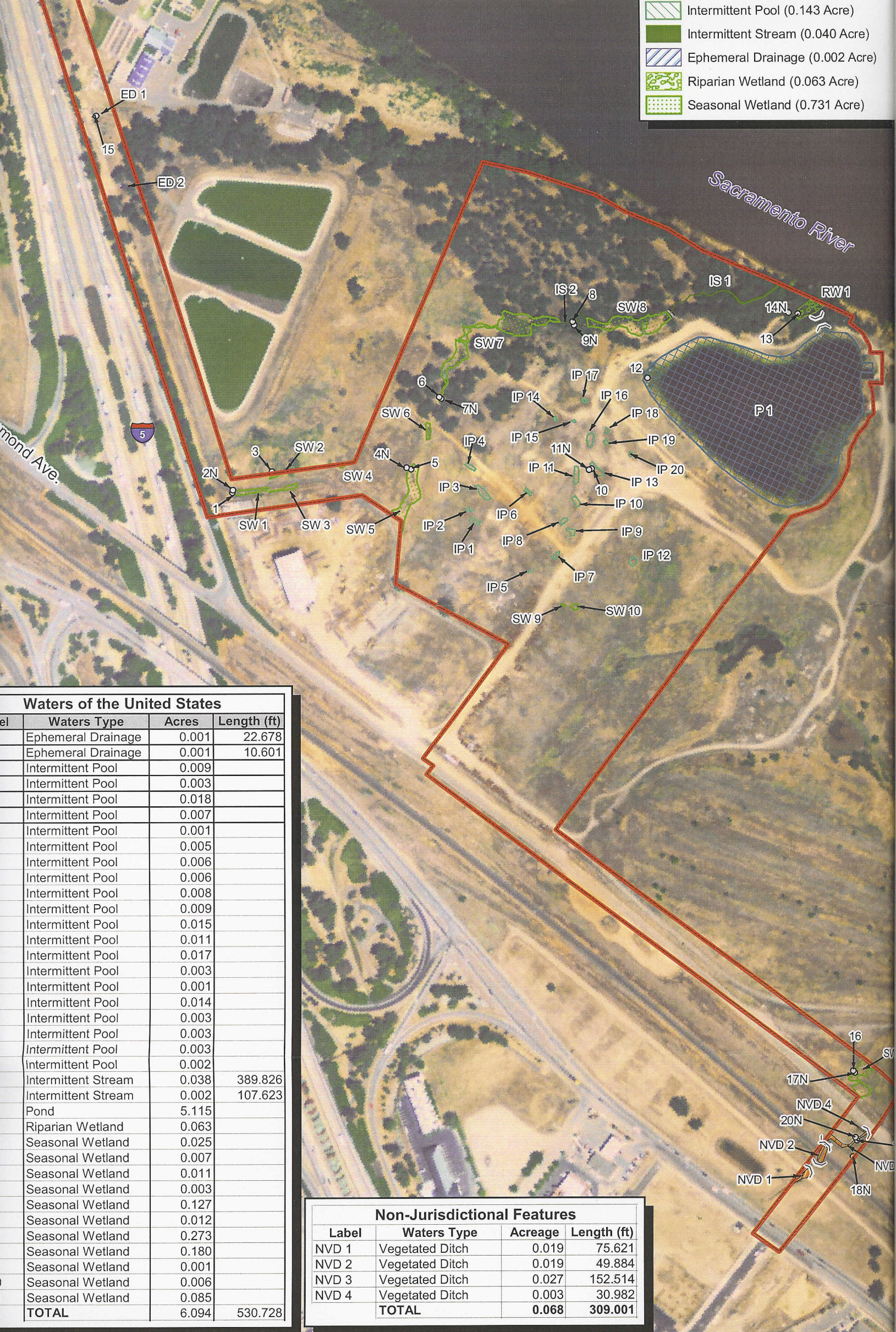


Figure 1
Location of Project Area

-  Intermittent Pool (0.143 Acre)
-  Intermittent Stream (0.040 Acre)
-  Ephemeral Drainage (0.002 Acre)
-  Riparian Wetland (0.063 Acre)
-  Seasonal Wetland (0.731 Acre)



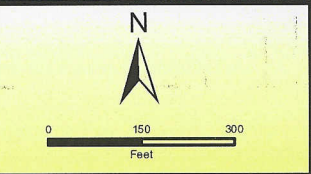
Waters of the United States			
Label	Waters Type	Acres	Length (ft)
	Ephemeral Drainage	0.001	22.678
	Ephemeral Drainage	0.001	10.601
	Intermittent Pool	0.009	
	Intermittent Pool	0.003	
	Intermittent Pool	0.018	
	Intermittent Pool	0.007	
	Intermittent Pool	0.001	
	Intermittent Pool	0.005	
	Intermittent Pool	0.006	
	Intermittent Pool	0.006	
	Intermittent Pool	0.008	
	Intermittent Pool	0.009	
	Intermittent Pool	0.015	
	Intermittent Pool	0.011	
	Intermittent Pool	0.017	
	Intermittent Pool	0.003	
	Intermittent Pool	0.001	
	Intermittent Pool	0.014	
	Intermittent Pool	0.003	
	Intermittent Pool	0.003	
	Intermittent Pool	0.003	
	Intermittent Pool	0.002	
	Intermittent Stream	0.038	389.826
	Intermittent Stream	0.002	107.623
	Pond	5.115	
	Riparian Wetland	0.063	
	Seasonal Wetland	0.025	
	Seasonal Wetland	0.007	
	Seasonal Wetland	0.011	
	Seasonal Wetland	0.003	
	Seasonal Wetland	0.127	
	Seasonal Wetland	0.012	
	Seasonal Wetland	0.273	
	Seasonal Wetland	0.180	
	Seasonal Wetland	0.001	
	Seasonal Wetland	0.006	
	Seasonal Wetland	0.085	
	TOTAL	6.094	530.728

Non-Jurisdictional Features			
Label	Waters Type	Acreege	Length (ft)
NVD 1	Vegetated Ditch	0.019	75.621
NVD 2	Vegetated Ditch	0.019	49.884
NVD 3	Vegetated Ditch	0.027	152.514
NVD 4	Vegetated Ditch	0.003	30.982
TOTAL		0.068	309.001

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Prepared for:
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 Joint Community College District**
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Notes:
 This delineation of waters of the U. S., including wetlands, is subject to verification by the ACOE. NSR advises all parties to treat the information contained herein as preliminary until the ACOE provides written verification of the boundaries of their jurisdiction.
 Imagery Source: USDA 2005 NAIP Imagery



Waters of the United States, Including Wetlands
 Revised August 3, 2007
 Tehama College Center Project