

**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**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): April 1, 2008**
- B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District – Bell Avenue Oasis Industrial Project (SPK-2007-1071) and Bell Avenue Long Industrial Project (SPK-2007-1584)**
- C. PROJECT LOCATION AND BACKGROUND INFORMATION: APN 273-0092-009 through -014, located on the north side of Bell Avenue between Marysville Boulevard and Raley Boulevard.**  
State: **California** County/parish/borough: **Sacramento** City: **Sacramento**  
Center coordinates of site (lat/long in degree decimal format): Lat. **38° 38' 54" N**, Long. **121° 25' 57" W**  
Universal Transverse Mercator: **10 0636406 4278918**  
Name of nearest waterbody: **Verano Creek**  
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Sacramento River (5.25 miles from project)**  
Name of watershed or Hydrologic Unit Code (HUC): **18020109 Lower Sacramento River**  
 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 this action and are recorded on a different JD form.
- D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**  
 Office (Desk) Determination. Date:  
 Field Determination. Date(s): **September 25, 2007 and November 8, 2007**

**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. [Required]

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

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

- TNWs, including territorial seas  
 Wetlands adjacent to TNWs  
 Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs  
 Non-RPWs that flow directly or indirectly into TNWs  
 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs  
 Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs  
 Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs  
 Impoundments of jurisdictional waters  
 Isolated (interstate or intrastate) waters, including isolated wetlands

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

Non-wetland waters: **775 linear feet, 2-5 feet wide.**  
Wetlands: **0.50 acre.**

**c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual**

Elevation of established OHWM (if known): **N/A**

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

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

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> 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).

<sup>3</sup> Supporting documentation is presented in Section III.F.

**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs**

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

**1. TNW**

Identify TNW: N/A

Summarize rationale supporting determination:

**2. Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is “adjacent”: N/A

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

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

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

**(i) General Area Conditions:**

Watershed size: 1566.0 square miles

Drainage area: 74 acres

Average annual rainfall: 17 inches

Average annual snowfall: N/A

**(ii) Physical Characteristics:**

**(a) Relationship with TNW:**

- Tributary flows directly into TNW.
- Tributary flows through 2 tributaries before entering TNW.

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:

Identify flow route to TNW<sup>5</sup>: Verano Creek flows across the project site towards the west and enters a culvert at Marysville Boulevard. The culvert discharges into a storm drain under Marysville Boulevard and passes under

<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

<sup>5</sup> 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.

roads until it reaches sump number 144 (north of Interstate 80, south of Jessie Avenue, east of Dry Creek Road, and west of Rio Linda Blvd.), and is pumped into the Magpie Drainage Canal along the north side of Interstate 80. This drainage runs west, parallel to Interstate 80, then crosses under and is pumped into the Steelhead Creek (formerly Natomas East Main Drainage Canal, NEMDC). NEMDC enters the Sacramento River at the confluence with the American River. Both the Sacramento River and the American River are navigable waters subject to Section 10 of the Rivers and Harbors Act of 1899 at their confluence.

Tributary stream order, if known: 3.

(b) General Tributary Characteristics (check all that apply):

Tributary is:  Natural  
 Artificial (man-made). Explain:  
 Manipulated (man-altered). Explain: **The historic alignment of Verano Creek has been severely truncated within the project area by the placement of gravel piles adjacent to the abandoned access road along the site's eastern boundary, as well as by piles of soils and construction debris in the north-central portion of the site. The creek has been channelized through the undeveloped parcel to the west of the project site, this channel flows due west to the City's storm drain system at Marysville Boulevard.**

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

Average width: **2-5 feet**  
 Average depth: **3 feet**  
 Average side slopes: **3:1**.

Primary tributary substrate composition (check all that apply):

Silts  Sands  Concrete  
 Cobbles  Gravel  Muck  
 Bedrock  Vegetation. Type/% cover:  
 Other. Explain: .

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: **Previous site activities, including grading and placement of spoils on the property, have resulted in a highly eroded drainage area, without defined channel or hydrology across portions of the site.**

Presence of run/riffle/pool complexes. Explain: **There is no run/riffle/pool complex within the review area.**

Tributary geometry: **Meandering**

Tributary gradient (approximate average slope): **1 %**

(c) Flow:

Tributary provides for: **Intermittent but not seasonal flow**

Estimate average number of flow events in review area/year: **6-10**

Describe flow regime: **The creek fills and occasionally flows during the rainy season and following precipitation events. Although there was water present during site delineation activities in March of 2007, the creek and wetlands were dry during site visits in September and November of 2007.**

Other information on duration and volume:

Surface flow is: **Overland sheetflow**. Characteristics: **The majority of the creek to the east and north have been disturbed and filled, flows must pass over upland areas to reach discontinuous down gradient portions of the creek. In addition, flow through portions of the site is contained within a defined channel or ditch.**

Subsurface flow: **Unknown**. Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks  
 OHWM<sup>6</sup> (check all indicators that apply):  
 clear, natural line impressed on the bank  the presence of litter and debris  
 changes in the character of soil  destruction of terrestrial vegetation  
 shelving  the presence of wrack line  
 vegetation matted down, bent, or absent  sediment sorting  
 leaf litter disturbed or washed away  scour  
 sediment deposition  multiple observed or predicted flow events  
 water staining  abrupt change in plant community  
 other (list):

<sup>6</sup>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.

Discontinuous OHWM.<sup>7</sup> Explain: **The bed and bank of the historic creek alignment have been severely altered by previous site activities resulting in a discontinuous creek channel; flows must pass over upland areas to reach discontinuous down gradient portions of the creek.**

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- |                                                                       |                                                                        |
|-----------------------------------------------------------------------|------------------------------------------------------------------------|
| <input type="checkbox"/> High Tide Line indicated by:                 | <input type="checkbox"/> Mean High Water Mark indicated by:            |
| <input type="checkbox"/> oil or scum line along shore objects         | <input type="checkbox"/> survey to available datum;                    |
| <input type="checkbox"/> fine shell or debris deposits (foreshore)    | <input checked="" type="checkbox"/> physical markings;                 |
| <input checked="" type="checkbox"/> physical markings/characteristics | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges                                 | <input type="checkbox"/> other (list):                                 |

(iii) **Chemical Characteristics:**

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

Explain: **Water color is turbid (when present), shallow, and generally characterized by organic matter in various stages of decomposition. Verano Creek no longer flows directly through the site. Portions of the creek are impounded on the site due to prior site disturbances (grading and dumping), creating wetlands and surface sheet flow between wetlands rather than a continuous creek.**

Identify specific pollutants, if known: **Urban pollutants.**

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
- Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings: **Multiple non-sensitive species were observed using the site. Although the habitat quality onsite is degraded, the immediate vicinity of the site represents a large portion of the available habitat in the area.**

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

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: **0.50 acres**

Wetland type. Explain: **Seasonal wetlands maintain hydrology during the rainy season through either direct precipitation or in association with overflow discharges conveyed along the historic gradient of Verano Creek and sheet flow from the adjacent drive-in theatre to the north.**

Wetland quality. Explain: **Degraded. While most wetlands in the study area appear to support hydrophytic vegetation, wetland hydrology, and hydric soils, the soil profiles are highly disturbed in many areas. The soils appear to be a mix of native soils and those introduced by disposal of soil and construction debris onsite.**

Project wetlands cross or serve as state boundaries. Explain: **N/A**

(b) General Flow Relationship with Non-TNW:

Flow is: **Ephemeral flow**. Explain: **During winter storm events the creek flows from the east into the wetlands. The flow then continues through the connected wetlands via overland sheetflow. The flow then reenters the creek and exits the review area through a channelized ditch to the west.**

Surface flow is: **Overland sheetflow**

Characteristics: **As described above, there is no single surface flow across the site; portions of the creek in the review area to the east and west are either confined, discrete, or both. The portions within the center of the site and within the northern portion contain impounded wetlands connected through overland sheetflow.**

Subsurface flow: **Unknown**. Explain findings: **N/A**

Dye (or other) test performed: **N/A**

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: **Two of the wetlands are directly connected to the creek and are within the creek alignment.**

Ecological connection. Explain:

<sup>7</sup>Ibid.

Separated by berm/barrier. Explain: **One of the wetlands onsite is separated from the creek by an access road created during use of the site. This wetland is connected to the creek via overland sheetflow during storm events.**

- (d) Proximity (Relationship) to TNW  
 Project wetlands are **5-10** river miles from TNW.  
 Project waters are **5-10** aerial (straight) miles from TNW.  
 Flow is from: **Wetland to navigable waters.**  
 Estimate approximate location of wetland as within the **50 - 100-year** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: **Water color is turbid (when present), shallow, and generally characterized by organic matter in various stages of decomposition.**  
 Identify specific pollutants, if known: **Urban pollutants.**

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain: **Four data points at 100%, 100%, 10% and 5% cover (average of 53.75%; see Wetlands reports [and data sheets] provided for Oasis and Long Industrial Projects). The creek alignment is largely unvegetated.**
- Habitat for:
- Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings: **Multiple non-sensitive species were observed using the site. Although the habitat quality onsite is degraded, the immediate vicinity of the site represents a large portion of the available habitat in the area.**

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **3**  
 Approximately **0.50** acre in total is being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
<b>Y</b>	<b>0.45</b>	<b>N</b>	<b>0.02</b>
<b>Y</b>	<b>0.03</b>		

Summarize overall biological, chemical and physical functions being performed: **The wetlands on the site provide wildlife habitat, flood control and water quality functions. In addition, the wetlands on the site, although relatively small, do function to retain and filter water, thereby providing some flood control and water quality functions.**

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.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?

- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

**Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:**

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: **The remnant portion of Verano Creek that is the subject of this jurisdictional determination is the only remaining above-ground drainage feature in this formerly agricultural area. The increase of ruderal, private, and commercial development has adversely impacted the water quality of the creek and waters downstream through the filling of wetlands and resulting loss of wetland water quality functions. This remaining portion of the creek and its associated wetlands serve to capture surface drainage from the surrounding area and contain the associated contaminants, contributing to improved water quality within the creek and downstream waters within the RPW and TNW.**
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

**D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):**

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

- TNWs:
- Wetlands adjacent to TNWs:

2. **RPWs that flow directly or indirectly into TNWs.**

- Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
- Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters:
  - Other non-wetland waters:
- Identify type(s) of waters:

3. **Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: **775 linear feet, 2-5 feet wide.**
  - Other non-wetland waters:
- Identify type(s) of waters:

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

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
- Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
- Wetlands directly abutting an RPW where tributaries typically flow “seasonally.” Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

<sup>8</sup>See Footnote # 3.

Provide acreage estimates for jurisdictional wetlands in the review area:

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

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area:

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

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: **0.50 acre.**

**7. Impoundments of jurisdictional waters.<sup>9</sup>**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from “waters of the U.S.,” or  
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or  
 Demonstrate that water is isolated with a nexus to commerce (see E below).

**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 (CHECK ALL THAT APPLY):<sup>10</sup>**

- which are or could be used by interstate or foreign travelers for recreational or other purposes.  
 from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  
 which are or could be used for industrial purposes by industries in interstate commerce.  
 Interstate isolated waters. Explain:  
 Other factors. Explain:

**Identify water body and summarize rationale supporting determination:**

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: **775 linear feet, 2-5 feet wide.**  
 Other non-wetland waters:  
Identify type(s) of waters:  
 Wetlands: **0.05 acre**

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- 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, if not covered above):

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

- Non-wetland waters (i.e., rivers, streams):  
 Lakes/ponds:  
 Other non-wetland waters: List type of aquatic resource:

<sup>9</sup> To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>10</sup> 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.

Wetlands:

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 (check all that apply):

- Non-wetland waters (i.e., rivers, streams):
- Lakes/ponds:
- Other non-wetland waters:                      List type of aquatic resource:
- Wetlands:

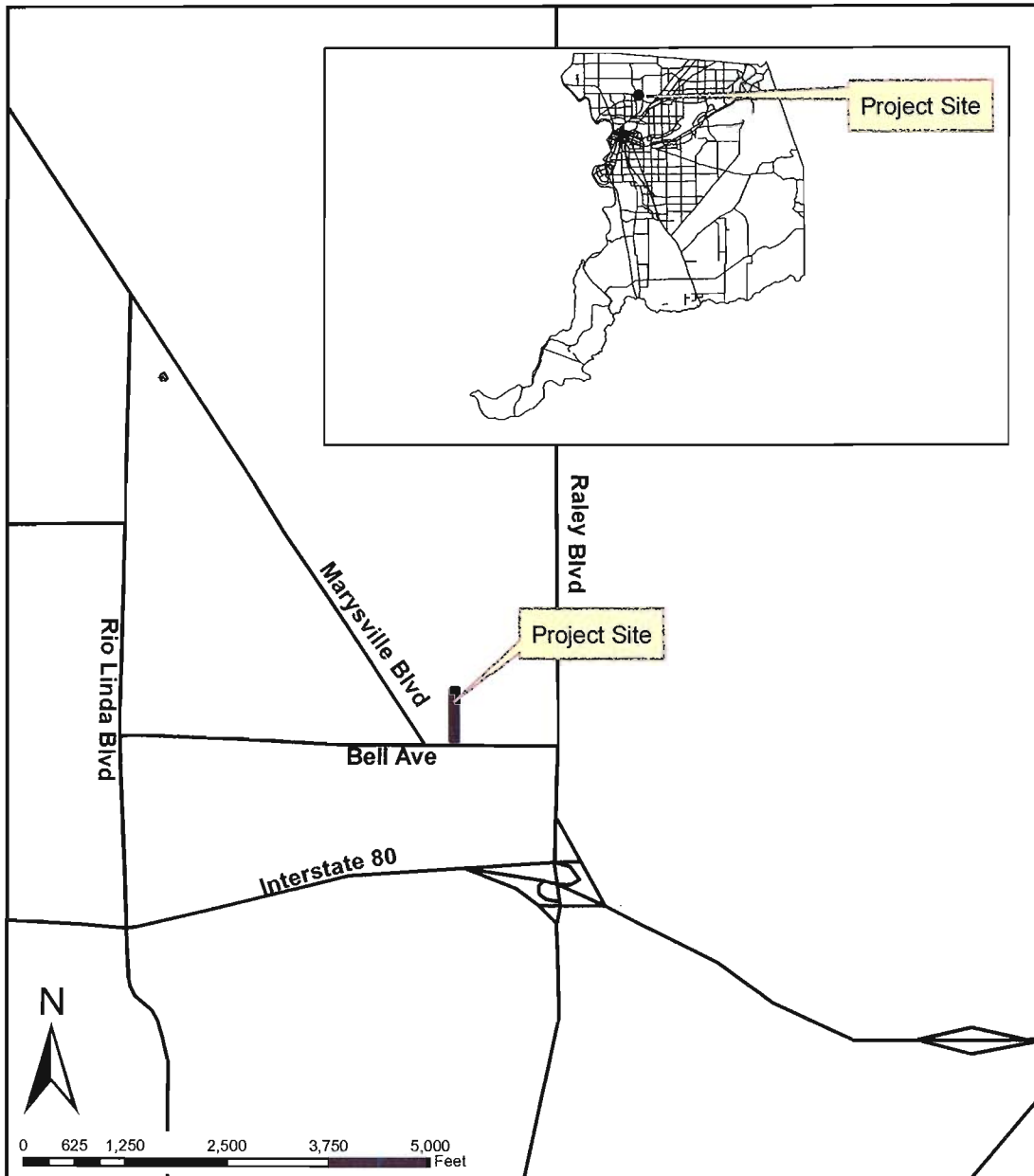
**SECTION IV: DATA SOURCES.**

**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):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: **June 3, 2006 Jurisdictional Wetland Delineation for 1417 Bell Avenue. August 2, 2007, Delineated Wetlands and/or Other Waters of the U.S. for Bell Avenue – Long Industrial. December 3, 2007 “Bell Avenue – Oasis and Long Industrial Projects Delineated Wetlands and/or Other Waters of the U.S.”.**
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters’ study:
- U.S. Geological Survey Hydrologic Atlas:
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Rio Linda 7.5 minute quadrangle.
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps: **FEMA 100 year flood plain, submitted July 30, 2007 by consultant.**
- 100-year Floodplain Elevation is:
- Photographs:  Aerial (Name & Date): **Aerial Photograph dated 5/1/2006, obtained from: <http://www.terraserver.com/view.asp>.**  
or  Other (Name & Date): **Site visit photographs, taken November 8, 2007.**
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify): **City of Sacramento October 22, 2007, Drainage/Sewer maps, P20, Q19, Q20 and R19. City of Sacramento, Department of Utilities, June 11, 1999, Sump 144 Interim Drainage Plan. Personal Correspondence with Martin Farber, Senior Engineer, Department of Utilities, on November 29, 2007.**

**B. ADDITIONAL COMMENTS TO SUPPORT JD:**





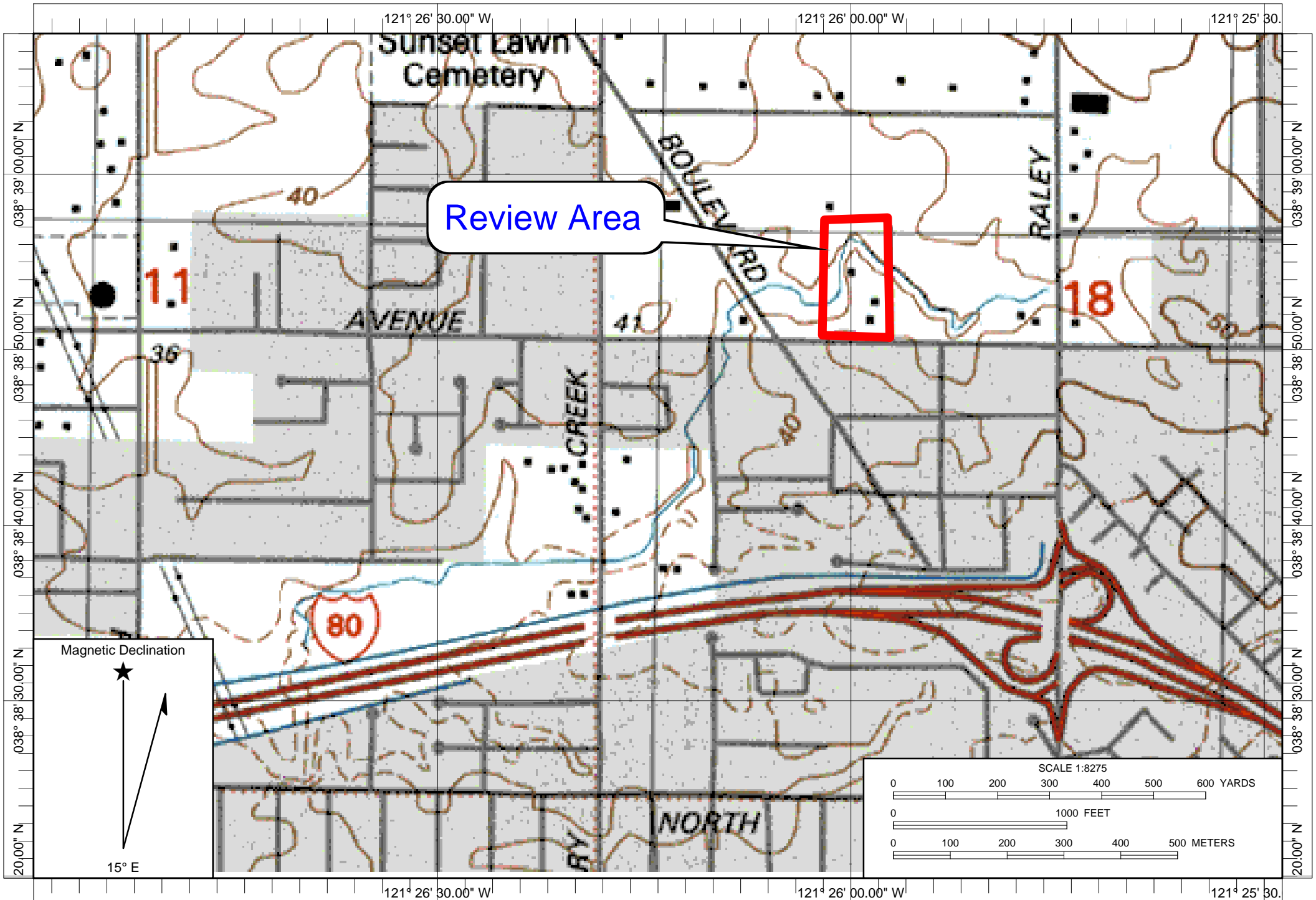
## Bell Avenue - Long Industrial

Site Vicinity  
Figure 2



Bruce D. Barnett Ph.D.  
Environmental Consulting and Regulatory Compliance Services  
5214 El Clemente Ave. Davis, CA 95618  
phone/fax: 530-758-9235  
bdbarnet@sbcglobal.net

Sacramento County, California  
Date: July 31, 2007

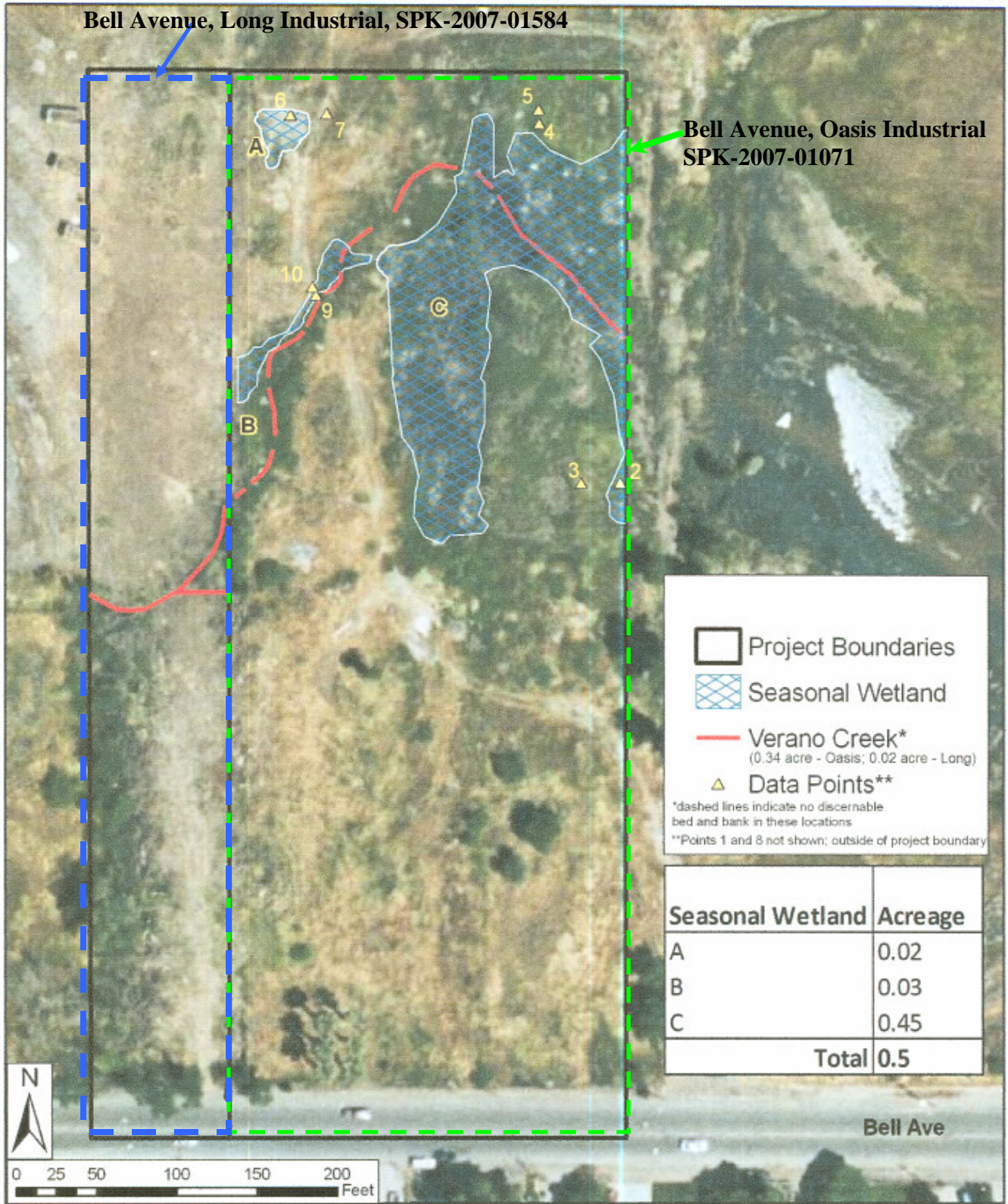


Name: RIO LINDA  
 Date: 11/29/2007  
 Scale: 1 inch equals 690 feet

Location: 038° 38' 43.95" N 121° 26' 14.01" W NAD 83  
 Caption: Verano Creek Jurisdictional Determination - Review Area

Bell Avenue, Long Industrial, SPK-2007-01584

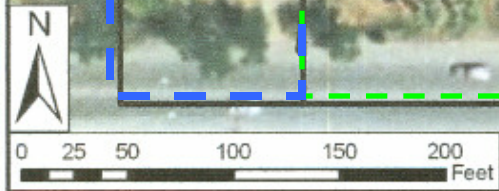
Bell Avenue, Oasis Industrial  
SPK-2007-01071



Project Boundaries  
 Seasonal Wetland  
 Verano Creek\*  
(0.34 acre - Oasis; 0.02 acre - Long)  
▲ Data Points\*\*

\*dashed lines indicate no discernible bed and bank in these locations  
 \*\*Points 1 and 8 not shown; outside of project boundary

Seasonal Wetland	Acreage
A	0.02
B	0.03
C	0.45
<b>Total</b>	<b>0.5</b>



**Bell Avenue - Oasis and Long Industrial Projects**

Delineated Wetlands and/or Other Waters of the US

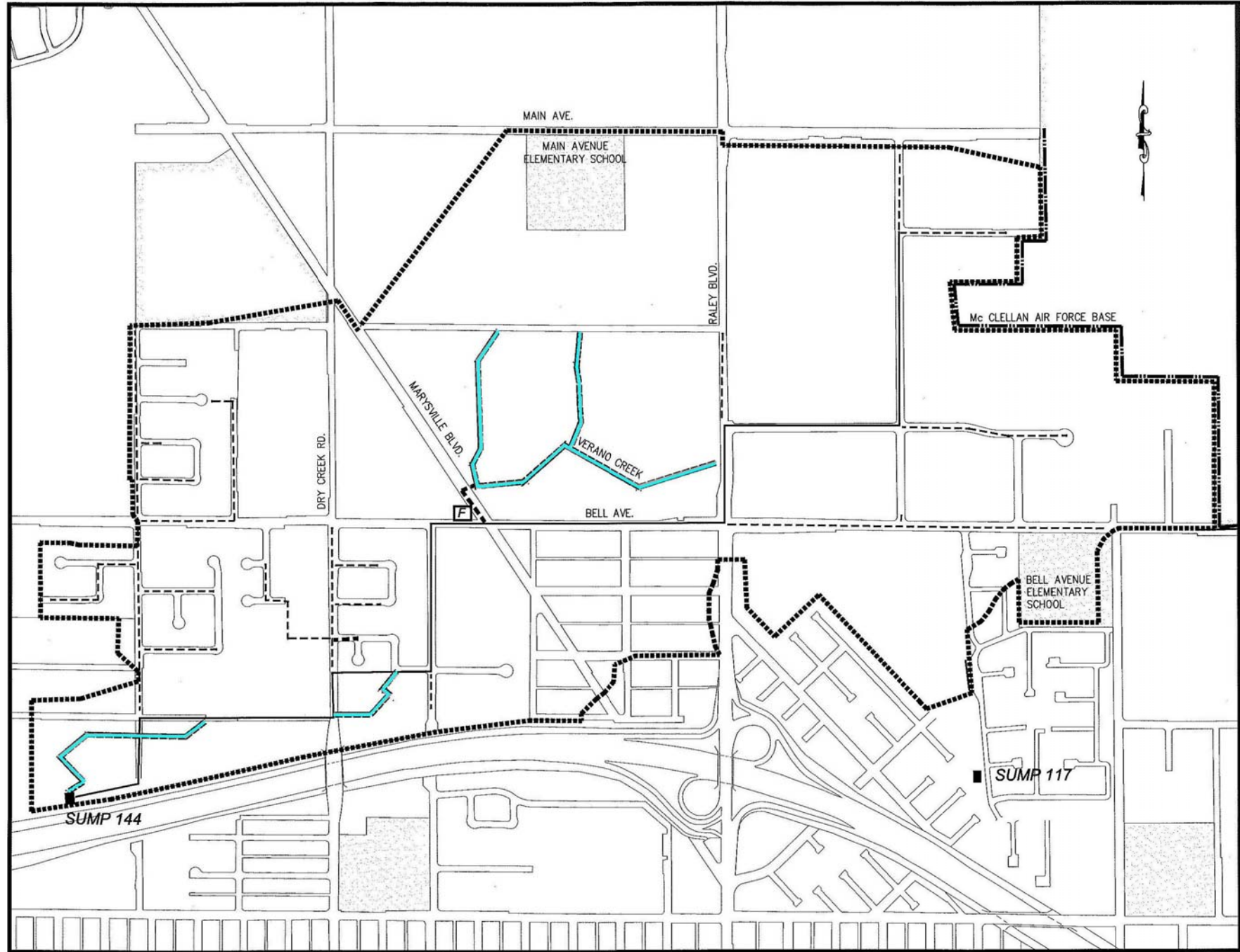
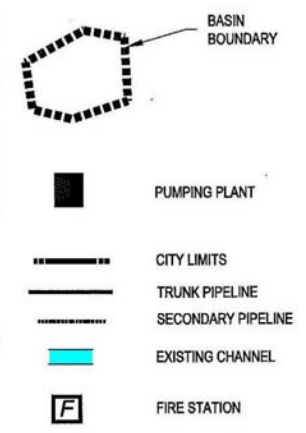
Sheet 4 of 12

December 3, 2007

  
 Delineated by: Chris Bronny  
 February 11, 2007

Sacramento County, California





CITY OF SACRAMENTO  
DEPARTMENT OF UTILITIES

SUMP 144  
INTERIM DRAINAGE PLAN

FIGURE 1-2  
DRAINAGE SYSTEM MAP

DESIGNED BY: M. FARBER    DRAWN BY: J. CAMPOURIS

DATE: 6/11/99    SCALE: NTS

DWG FILE S:\jocoe\114SUB BASIN1-2\_5-99.DWG





Bell Avenue, Long Industrial

Bell Avenue, Oasis Industrial

Verano Creek

Drainage/Sewer System

sheet 7 of 12

To Sheet 2





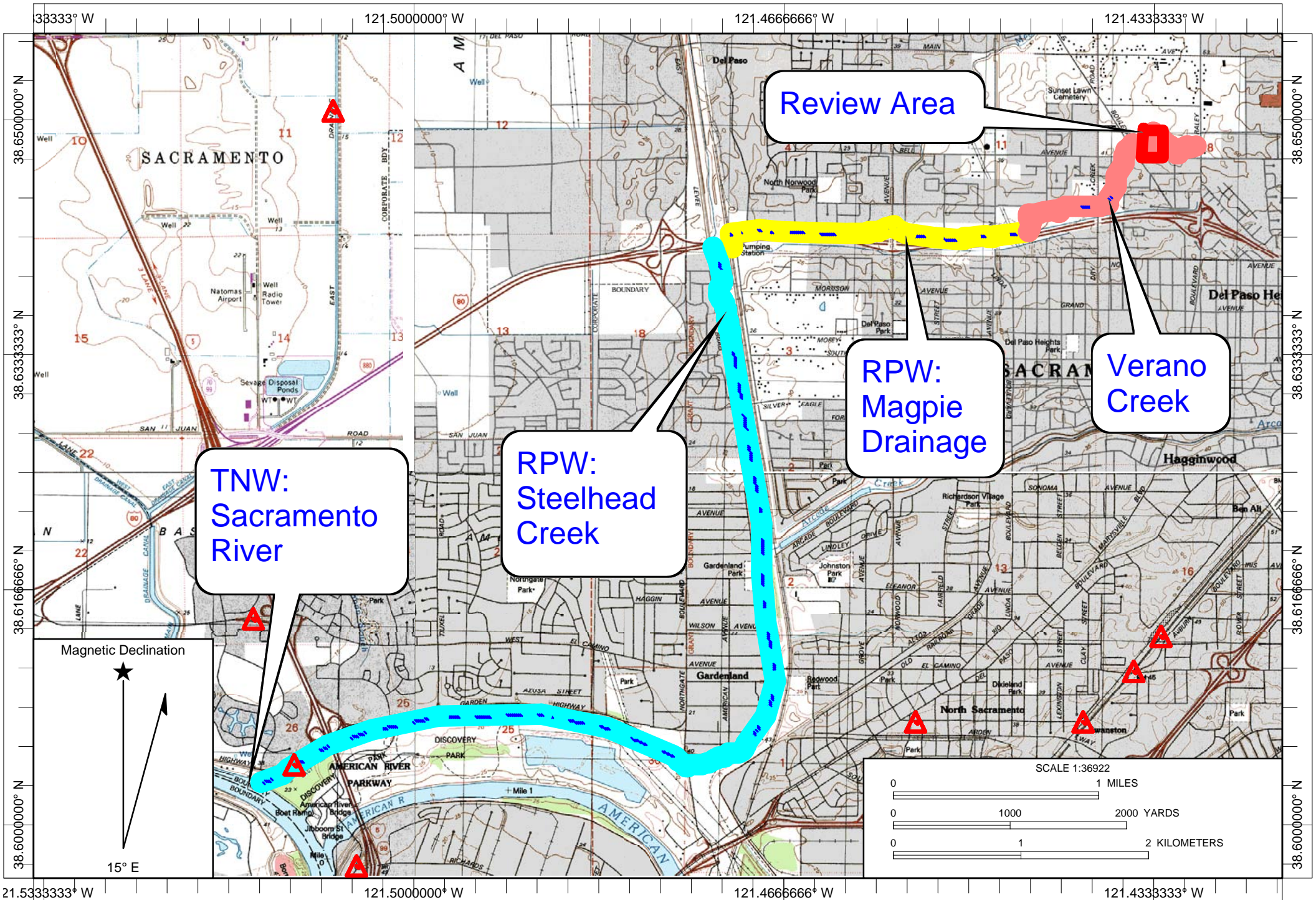


Drainage/Sewer System

Magpie Creek Drainage Canal

Sheet 8 of 12





Name: RIO LINDA  
 Date: 4/7/2008  
 Scale: 1 inch equals 3077 feet

Location: 038.6261796° N 121.4781407° W NAD83  
 Caption: Verano Creek Jurisdictional Determination - Map of Waterway



Appendix C – Site Photos



Photo 1



Photo 2



Appendix C – Site Photos



Photo 3



Photo 4