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): February 9, 2009

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento Office, Walltown Quarry, SPK-2008-444

C. PROJECT LOCATION AND BACKGROUND INFORMATION: JD form #3, Slate Creek
State: **California** County/parish/borough: **Sacramento** City: **N/A**
Center coordinates of site (lat/long in degree decimal format): **Lat. 38.59006°, Long. 121.10655°**
Universal Transverse Mercator: **10S 664906 4272987**
Name of nearest waterbody: **Deer Creek**
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Cosumnes River**
Name of watershed or Hydrologic Unit Code (HUC): **Upper Cosumnes, 18040013**
☒ 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. **SPK-2008-444, JD form #1 and #2**

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
☐ Office (Desk) Determination. Date:
☒ Field Determination. Date(s): **August 11, 2008**

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): [1]
☐ TNWs, including territorial seas
☐ Wetlands adjacent to TNWs
☐ Relatively permanent waters[2] (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: **614 linear feet by 12 wide (0.169 acre)**
Wetlands: **0.640 acre**

c. Limits (boundaries) of jurisdiction based on: **1987 Delineation Manual**
Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):[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] 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.

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:

   Summarize rationale supporting determination:

2. **Wetland adjacent to TNW**
   Summarize rationale supporting conclusion that wetland is "adjacent":

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[4] 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: **0.8 square miles**
   Drainage area: **632 square miles**
   Average annual rainfall: 19.6 inches
   Average annual snowfall: 0 inches

   (ii) Physical Characteristics:
   (a) Relationship with TNW:
   ☐ Tributary flows directly into TNW.
   ☒ Tributary flows through **2** tributaries before entering TNW.

   Project waters are **25-30** river miles from TNW.
   Project waters are **2-5** river miles from RPW.
   Project waters are **15-20** aerial (straight) miles from TNW.
   Project waters are **2-5** aerial (straight) miles from RPW.
   Project waters cross or serve as state boundaries. Explain: .

   Identify flow route to TNW[5]: **Slate Creek flows to Little Deer Creek, which is tributary to Deer Creek, a tributary to the Cosumnes River (TNW).**
   Tributary stream order, if known:

   (b) General Tributary Characteristics (check all that apply):
   Tributary is: ☒ Natural
   ☐ Artificial (man-made). Explain: .

[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.

☐ Manipulated (man-altered). Explain: .

Tributary properties with respect to top of bank (estimate):
Average width: **10 feet**
Average depth: **3 feet**
Average side slopes: **Vertical (1:1 or less).**

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: **Sloughing banks.**
Presence of run/riffle/pool complexes. Explain: **Riffles and pools are present.**
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: **2-5**
Describe flow regime: **Flow includes both short, intense periods of stormwater runoff, and longer, slower inputs of groundwater.**
Other information on duration and volume:

Surface flow is: **Confined.** Characteristics:

Subsurface flow: **Unknown**. Explain findings:
☐ Dye (or other) test performed:

Tributary has (check all that apply):
☒ Bed and banks
☒ OHWM[6] (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):	

☐ Discontinuous OHWM.[7] Explain:

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

☐ High Tide Line indicated by:	☐ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects	☐ survey to available datum;
☐ fine shell or debris deposits (foreshore)	☐ physical markings;
☐ physical markings/characteristics	☐ vegetation lines/changes in vegetation types.
☐ tidal gauges	
☐ other (list):	

(iii) Chemical Characteristics:
Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Explain: **Water is clear, quality appears to be good.**
Identify specific pollutants, if known: **Pollutants are unknown, as only a small portion of the drainage occurs on-site.**

(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: .

[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.

☐ Aquatic/wildlife diversity. Explain findings:

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: **0.640 acre**
Wetland type. Explain: **Vernal pool and seasonal wetland swales.**
Wetland quality. Explain: **Good**
Project wetlands cross or serve as state boundaries. Explain: **N/A**

(b) General Flow Relationship with Non-TNW:
Flow is: **Ephemeral flow**. Explain: **Flow between the wetlands on-site and Slate Creek occurs only during and immediately after rain events. Groundwater flow is negligible.**

Surface flow is**: Discrete and confined**
Characteristics: **Most surface flow is confined to seasonal wetland swales, but occasional overland sheet flow may also occur from the vernal pool into the seasonal wetland swales. Flow occurs almost exclusively during and immediately following rain events.**

Subsurface flow: **Unknown**. Explain findings:
☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:
☒ Directly abutting
☒ Not directly abutting
☒ Discrete wetland hydrologic connection. Explain: **SWS-58 and VP-16 do not directly abut Slate Creek; however they have a hydrologic connection to the Creek via ED-19.**
☐ Ecological connection. Explain:
☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW
Project wetlands are **25-30** river miles from TNW.
Project waters are **15-20** aerial (straight) miles from TNW.
Flow is from: **Wetland to navigable waters.**
Estimate approximate location of wetland as within the **500-year or greater** floodplain.

(ii) Chemical Characteristics:

Characterize wetland system. Explain: **Water is clear, and quality appears to be good, but the water quality may be reduced due to cattle waste.**
Identify specific pollutants, if known: **Cattle waste.**

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

☐ Riparian buffer. Characteristics (type, average width):
☒ Vegetation type/percent cover. Explain: **All of the wetlands are vegetated, most with 100% cover.**
☒ Habitat for:
☒ Federally Listed species. Explain findings: **The wetlands represent potential habitat for federally-listed vernal pool branchiopods and rare plants. Branchiopod surveys were conducted throughout the review area from 2003 through 2005, and no listed branchiopods were detected. Rare plant surveys were conducted throughout the review area in 2004-2005, during which no rare plants were observed.**
☐ Fish/spawn areas. Explain findings:
☐ Other environmentally-sensitive species. Explain findings:
☐ Aquatic/wildlife diversity. Explain findings:

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

All wetland(s) being considered in the cumulative analysis: **4**
Approximately **0.640 acre** in total is being considered in the cumulative analysis.

For each wetland, specify the following:

Feature ID	Directly Abuts?	Size (Acres)	Feature ID	Directly Abuts?	Size (Acres)
SWS-56	Y	0.059	SWS-57	Y	0.043
SWS-58	Y	0.532	VP-16	N	0.006

Summarize overall biological, chemical and physical functions being performed: **All functions being performed are summarized in the significant nexus summary below.**

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:

   A significant nexus can be established between the Cosumnes River (applicable TNW) and the drainages within the review area, based on the the floodwater conveyance functions that they serve. Given the vertical nature of the drainages' banks, it is not likley that they will reduce floodwaters, but they do convey them. Due to the high use of the watershed for cattle grazing, the drainages on-site have the potential to convey high levels of nitrogen from the cattle waste downstream to the River.

   A significant nexus can be established between the Cosumnes River and the wetlands within the review area that are abutting and adjacent to the non-RPWs on-site based on their potential to convey floodwaters and contribute organic carbon and nutrients to the drainage system during or shortly after rain events. The wetlands within the review area likely provide significant filtering functions and decrease the magnitude of nitrogen contributed to the system. The vernal pool may contribute a substantial amount of organic carbon to the downstream foodweb as well. Many macroinvertebrates in seasonal depressions hatch and mature in a matter of days following rain events. When these depressions fill and overflow, these macroinvertebrates get washed downstream, and are consumed by a variety of wildlife species.

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[8] 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: **736 linear feet by 10 wide (0.169 acre)**
- ☐ 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:

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 jurisidictional. 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: **0.640 acre**

7. Impoundments of jurisdictional waters.[9]

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):[10]
- ☐ 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:
- ☐ Other non-wetland waters:

[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.*

Identify type(s) of waters:
☐ Wetlands:

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:
- ☐ 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: **Walltown Quarry Wetland Delineation, ECORP Consulting, Inc., August 21, 2008.**
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☒ Office concurs with data sheets/delineation report as modified: **Wetland Delineation for Walltown Quarry, Sacramento County, California, September 17, 2007; revised September 17, 2008.**
  - ☐ 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:**7.5 minute / Folsom SE, California**.
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: **Soil Survey of Sacramento County, California. (USDA, SCS 1993)**
- ☒ National wetlands inventory map(s). Cite name: **U.S. Department of the Interior, Fish and Wildlife Service (USFWS). 2007. National Wetlands Inventory – Wetland Digital Data. http://wetlandsfws.er.usgs.gov/NWI/index.html.**
- ☐ State/Local wetland inventory map(s):
- ☒ FEMA/FIRM maps: **Map ID 0602620275D.**
- ☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): **Air Photo USA May 2006.**
  or ☐ Other (Name & Date):
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☒ Other information (please specify):
  - **Special-Status Plant Survey for Walltown Quarry. Dated August 25, 2005. ECORP Consulting, Inc.**
  - **Report of Findings Regarding Federally-Listed Branchiopods for Walltown Quarry. Dated November 8, 2004. ECORP Consulting, Inc.**
  - **Report of Findings Regarding Federally-Listed Branchiopods for Walltown Quarry. Dated August 25, 2005. ECORP Consulting, Inc.**
  - **2007-2008 Wet Season 90-day Report of Findings Regarding Federally-Listed Branchiopods for Walltown Quarry (Additional 275 acres). Dated June 3, 2008. ECORP Consulting, Inc.**

B. ADDITIONAL COMMENTS TO SUPPORT JD:

A significant nexus can be established between the Cosumnes River (applicable TNW) and the drainages on-site, based on the the floodwater conveyance functions that they serve, and the potential for contribution of pollutants. Given the vertical nature of the drainages' banks, it is not likley that they will reduce floodwaters, but they do convey them. Due to the high use of the watershed for cattle grazing, the drainages on-site have the potential to convey high levels of nitrogen from the cattle waste downstream to the River.

A significant nexus can be established between the Cosumnes River and the wetlands within the review area that are abutting and adjacent to the non-RPWs on-site based on their potential to convey floodwaters and contribute organic carbon and nutrients to the drainage system during or shortly after rain events. The numerous wetlands throughout the review area likely provide significant filtering functions and decrease the magnitude of nitrogen contributed to the system. The depressional wetlands within the review area may contribute a substantial amount of organic carbon to the downstream foodweb as well. Many macroinvertebrates in seasonal depressions hatch and mature in a matter of days following rain events. When these depressions fill and overflow, these macroinvertebrates get washed downstream, and are consumed by a variety of wildlife species.

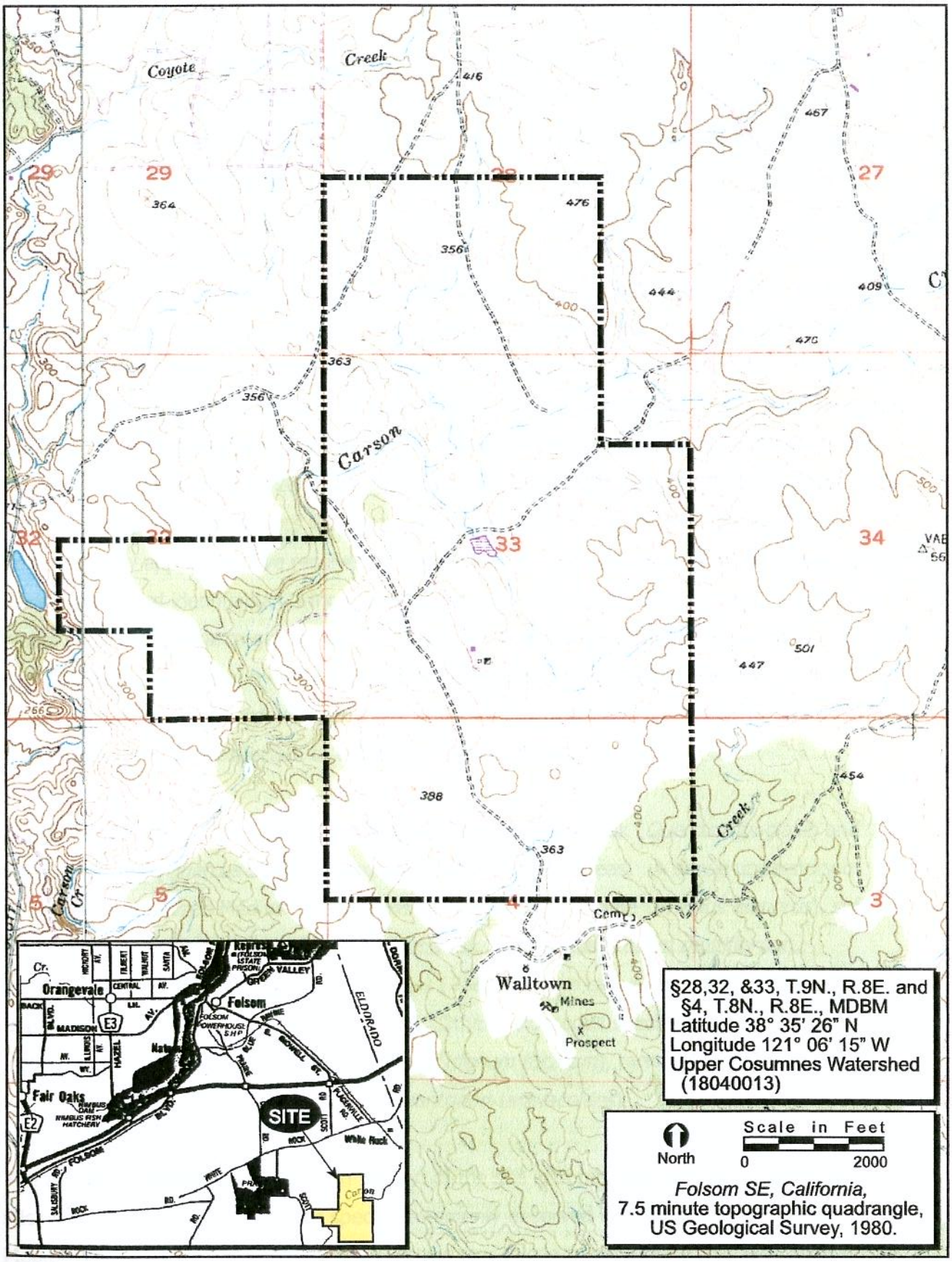


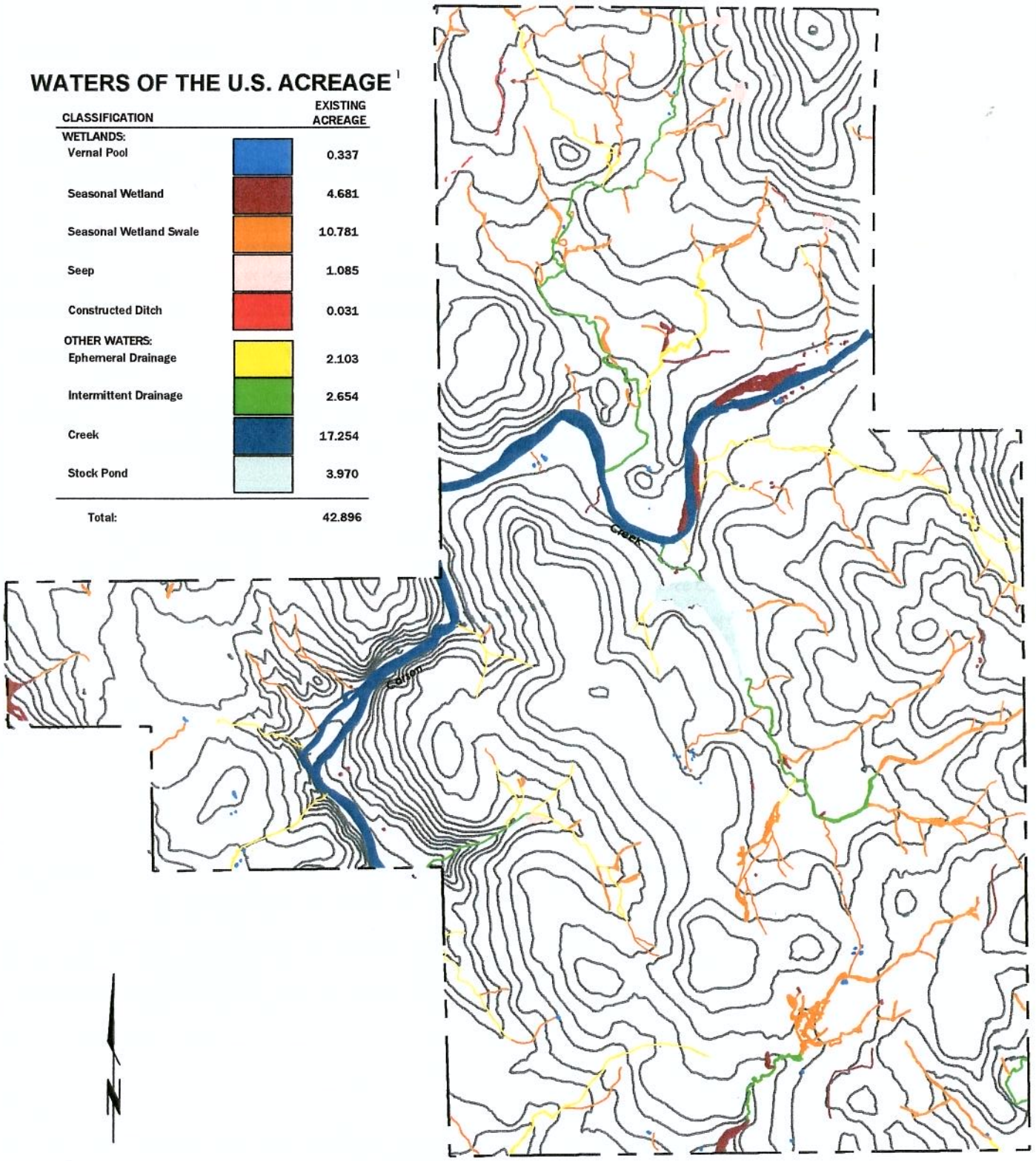
FIGURE 1. Project Site and Vicinity

2003-067 Walltown Quarry

ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

WATERS OF THE U.S. ACREAGE[1]

CLASSIFICATION	EXISTING ACREAGE
WETLANDS:	
Vernal Pool	0.337
Seasonal Wetland	4.681
Seasonal Wetland Swale	10.781
Seep	1.085
Constructed Ditch	0.031
OTHER WATERS:	
Ephemeral Drainage	2.103
Intermittent Drainage	2.654
Creek	17.254
Stock Pond	3.970
Total:	42.896



SCALE IN FEET
0 650 1300
SCALE: 1"=1300'

[1] *Subject to U.S. Army Corps of Engineer's verification. This exhibit depicts information and data produced in strict accord with the U.S. Army Corps of Engineers wetland delineation methods described in the 1987 Corps of Engineers Wetland Delineation Manual and conforms to specifications per the Corps Sacramento District. However, wetland boundaries have not been legally surveyed and may be subject to minor adjustments if exact locations are required.*

Delineators: D. Snider, D. Sykes, M. Buchalski, A. Ballard, S. Hoover

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FIGURE 4. Wetland Delineation

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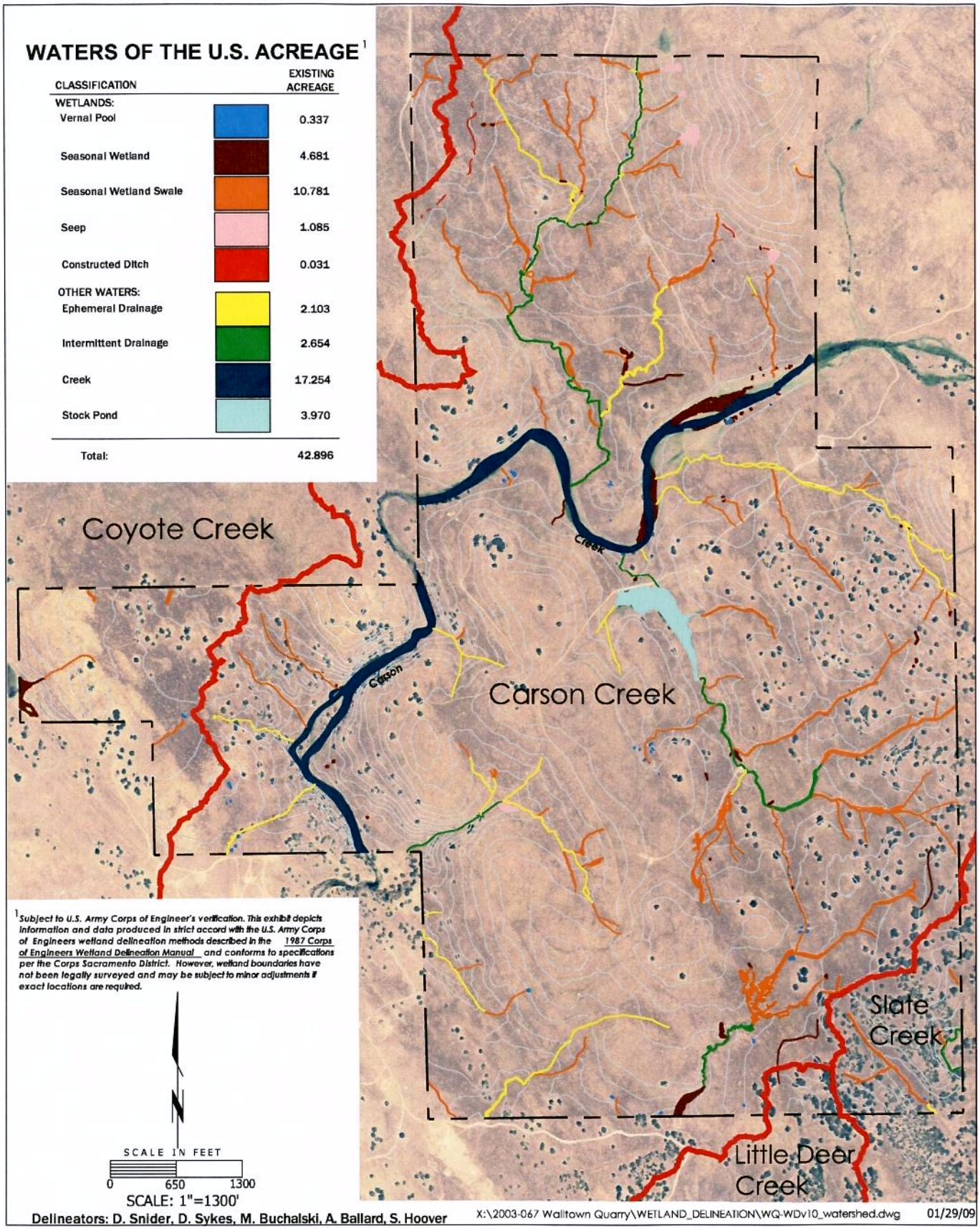

Wetland Delineation and Watersheds

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