

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): May 5, 2009

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, Bible Baptist Church Project, SPK-2008-00764

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State:CA County/parish/borough: Sacramento City:
Center coordinates of site (lat/long in degree decimal format): Lat. 39.496640° **N**, Long. -122.493651° **W**.
Universal Transverse Mercator: MDB&M

Name of nearest waterbody: Unnamed tributary to Rio Linda Creek

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Sacramento River

Name of watershed or Hydrologic Unit Code (HUC): 18020111 Lower American

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: May 5, 2009

Field Determination. Date(s): February 10, 2009

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Pick List** "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 **Pick List** "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 waters² (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: 316 linear feet: 12 width (ft) and/or 0.109 acres.

Wetlands: 0.126 acres.

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: **The review area contains two ditches (NCS 1 and NVD 1) that were excavated wholly in and drain only uplands. Neither of the ditches carry a relatively permanent flow of water nor act as a surface hydrology connection between two (or more) waters of the U.S. These features were assessed and confirmed to be non-jurisdictional.**

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 waterbody⁴ 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: 299 square miles
Drainage area: 299 square miles
Average annual rainfall: 20 inches
Average annual snowfall: n/a inches

(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 TNW⁵: Tributary flows to Rio Linda Creek, which flows to the Natomas East Main Drainage Canal (NEMDC), which flows to the Sacramento River.

Tributary stream order, if known: Unknown.

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

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.

Tributary is: Natural
 Artificial (man-made). Explain: .
 Manipulated (man-altered). Explain: Straightened/channelized.

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

Average width: 12 feet
Average depth: 2 feet
Average side slopes: **2:1**.

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: mostly vegetated with grasses to OHWM.

Presence of run/riffle/pool complexes. Explain: n/a.

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): 0.5 %

(c) **Flow:**

Tributary provides for: **Seasonal flow**

Estimate average number of flow events in review area/year: **11-20**

Describe flow regime: Carries stormwater and other urban runoff and groundwater discharge for at least 3 months.

Other information on duration and volume: unknown.

Surface flow is: **Discrete**. Characteristics: .

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

Dye (or other) test performed: .

Tributary has (check all that apply):

Bed and banks
 OHWM⁶ (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: Appears to be a typical small urban stream - no particular obvious water quality issues/shoen noted during February 10, 2008 site visit; water appeared clear.

Identify specific pollutants, if known: unknown; pollution would likely be from urban stormwater run-off from surrounding developed lots.

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

⁶A 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.

⁷Ibid.

- Riparian corridor. Characteristics (type, average width): Disturbed grassland for at least 200 ft. both north and south of the tributary. No woody riparian vegetation.
- 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: Invertebrates, birds, and likely amphibians tolerant to an urban habitat

setting.

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: 0.126 acres

Wetland type. Explain: Palustrine Emergent seasonal wetland.

Wetland quality. Explain: typical depressional seasonal wetlands common in the region, with vernal pool topography but lack of dominance of vernal pool vegetation.

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: **Ephemeral flow**. Explain:

Surface flow is: **Discrete and confined**

Characteristics: When "pool/swale" features fill up in rain events, there is likely some amount of surface flow to the unnamed tributary to Rio Linda Creek contributed from the ten seasonal wetland features on-site, directed by gentle interconnecting swale features.

Subsurface flow: **Unknown**. Explain findings: Assumed to exist at low hydraulic rate; site topography/gradient is relatively flat but with a gentle slope northward toward the tributary to Rio Linda Creek.

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: See above, 2(i)(b).

Ecological connection. Explain: provision of aquatic habitat that supports an RPW (that flows downstream to a TNW), potential for food web support (e.g., primary productivity, invertebrate habitat support), potential for trapping and filtering pollutants and/or storing flood waters, thereby contributing to water quality maintenance of a TNW.

Separated by berm/barrier. Explain:

(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 **100 - 500-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: Unknown specifically; urban setting. Small areas of ponded water observed on-site on February 10, 2009 appeared clear.

Identify specific pollutants, if known:

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

Riparian buffer. Characteristics (type, average width):

Vegetation type/percent cover. Explain: Herbaceous/100% cover.

Habitat for:

Federally Listed species. Explain findings: vernal pool crustaceans (Branchinecta lynchi and Lepidurus packardii).

Fish/spawn areas. Explain findings:

Other environmentally-sensitive species. Explain findings:

Aquatic/wildlife diversity. Explain findings: Food web support by primary productivity, habitat for invertebrates, wildlife (birds, small mammals (e.g., jackrabbits), and likely amphibians tolerant to an urban habitat setting.

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

All wetland(s) being considered in the cumulative analysis: **10**

Approximately (0.126) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N) Size (in acres) Directly abuts? (Y/N) Size (in acres)

SEE ATTACHED TABLE

Summarize overall biological, chemical and physical functions being performed: Wetlands SW 1 through 10 are located south of a seasonal RPW. One wetland, SW 2, directly abuts the RPW. The other nine wetlands are adjacent to but not abutting the RPW. Collectively, the wetlands likely perform water quality functions by filtering direct precipitation and urban runoff. The wetlands also function as wildlife habitat, including for birds and small mammals. Vernal pool fairy shrimp (*Branchinecta lynchi*) and vernal pool tadpole shrimp (*Lepidurus packardii*) are also presumed to occur in the wetlands.

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: .
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: The wetlands likely perform water quality functions by filtering direct precipitation and stormwater runoff. Organic carbon produced by the adjacent wetlands has the potential to reach the TNW (Sacramento River) via transport by the RPW. The wetlands also function as wildlife habitat, including for birds and small mammals. Vernal pool fairy shrimp (*Branchinecta lynchi*) and vernal pool tadpole shrimp (*Lepidurus packardii*) are also presumed to occur in the wetlands. SW 1 and SW 3-9 are located just south of the RPW (SW 2 abuts the RPW), in close proximity to the RPW. The review area slopes gradually toward the RPW, providing for discrete surface hydrologic connection between at least a subset of the adjacent wetlands and the RPW. The sloping topography also results in substantial likelihood of a shallow subsurface hydrologic connection between the adjacent wetlands and the RPW. One wetland, SW 10, is located in the southern portion of the site near Elkhorn Boulevard. Based on the gradual slope of

the land northward toward the RPW, feature SW 10 was also considered adjacent to the RPW, although it is not as proximately located to the RPW as the aforementioned wetland features..

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: linear feet width (ft), Or, acres.
 Wetlands adjacent to TNWs: acres.

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: The tributary to Rio Linda Creek is channelized and scoured, indicating seasonal drainage of stormwater and groundwater discharges. The consultant noted flowing water at a depth of 1-20 inches during a field visit on January 17, 2008. The Corps noted flowing water in the RPW at a depth of at least 6 inches during a field visit on February 10, 2009.

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

- Tributary waters: **316** linear feet **12** width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters: .

3. Non-RPWs⁸ 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: linear feet width (ft).
 Other non-wetland waters: acres.
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: One wetland, SW 2, directly abuts the RPW. The other nine wetlands are adjacent to but not abutting the RPW. The abutting wetland drains directly to the RPW, as noted in the field by the Corps on February 10, 2009 .

Provide acreage estimates for jurisdictional wetlands in the review area: **0.062** acres.

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: **0.064** acres.

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: acres.

7. Impoundments of jurisdictional waters.⁹

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

⁸See Footnote # 3.

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

- 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: linear feet width (ft).
- Other non-wetland waters: acres.
- Identify type(s) of waters: .
- Wetlands: acres.

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): **As noted above, two ditches occur in the review area. These ditches were wholly excavated in, and drain only uplands.**

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): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

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): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

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: .
- 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: 7.5’ Sloughhouse quadrangle *1968, Revised 1993).

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.

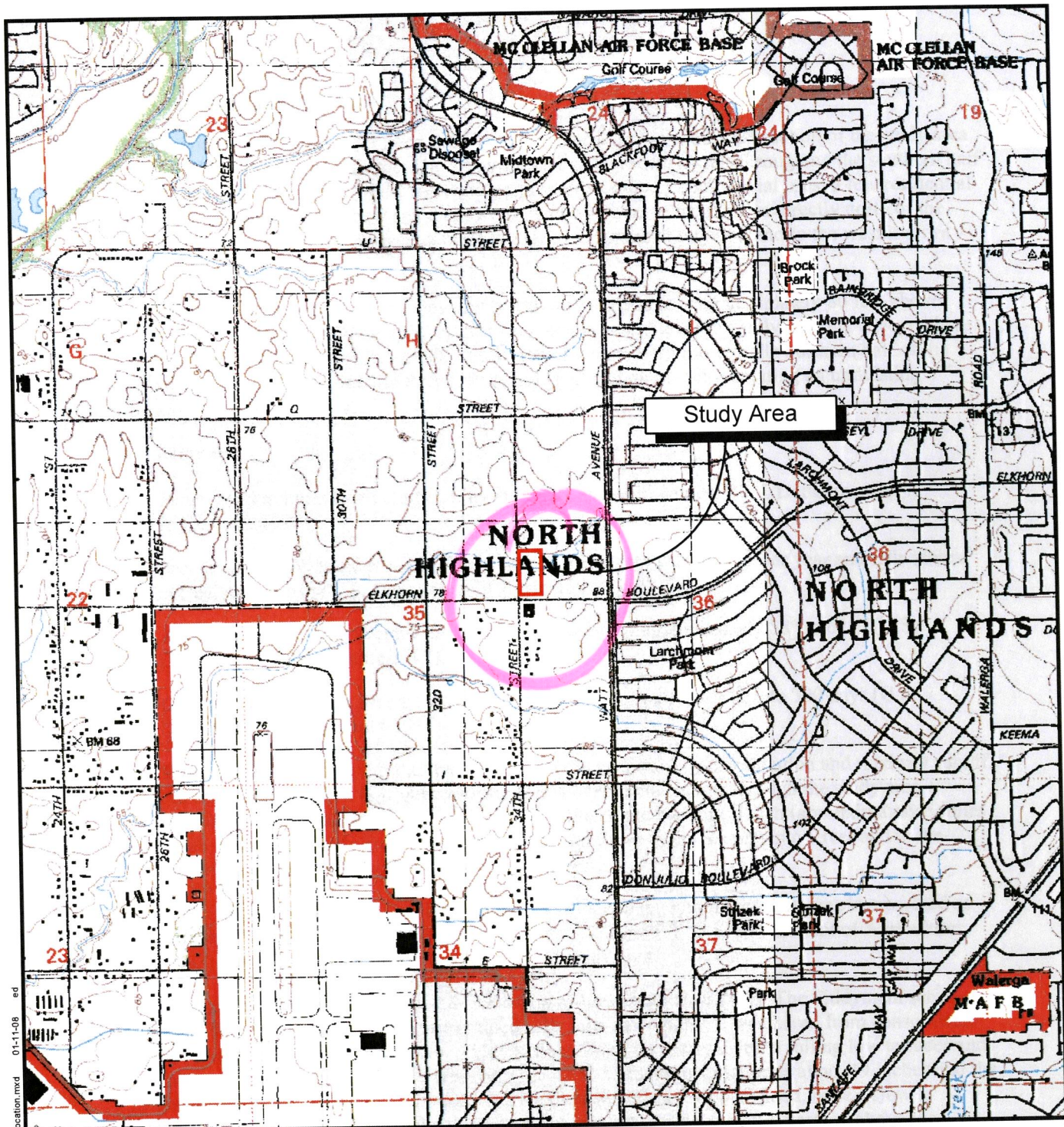
- USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey of Sacramento County, California (1993).
- National wetlands inventory map(s). Cite name: .
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): TerraServer, May 9, 2002.
or Other (Name & Date): Representative site photographs, January 2008 (in delineation report); February 2009
(Corps field visit documentation).
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD:

The review area contains two non-jurisdictional ditches (NCS 1 and NVD 1, see attached wetland delineation map) constructed wholly in and draining only uplands, an intermittent RPW (unnamed tributary to Rio Linda Creek, IS 1 on map), one wetland directly abutting the RPW (SW 2), and nine wetlands adjacent to but not directly abutting the RPW (SW 1, and SW 3-10).

The RPW and directly abutting wetland are considered jurisdictional. A fact-specific analysis of the nine wetlands adjacent to the RPW determined that they have a significant nexus to a TNW, in that the wetlands exhibit surface and shallow subsurface flow connectivity to the RPW, and provide functions (as noted above, including water quality, water storage, primary productivity/organics contribution and invertebrate/wildlife habitat) that significantly affect the chemical, physical and biological integrity of the downstream TNW, the Sacramento River.

2000 2/7/04

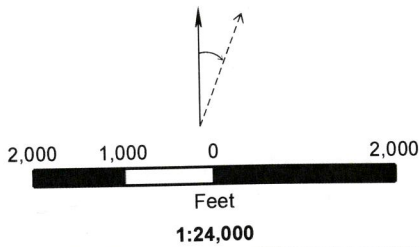


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Legend

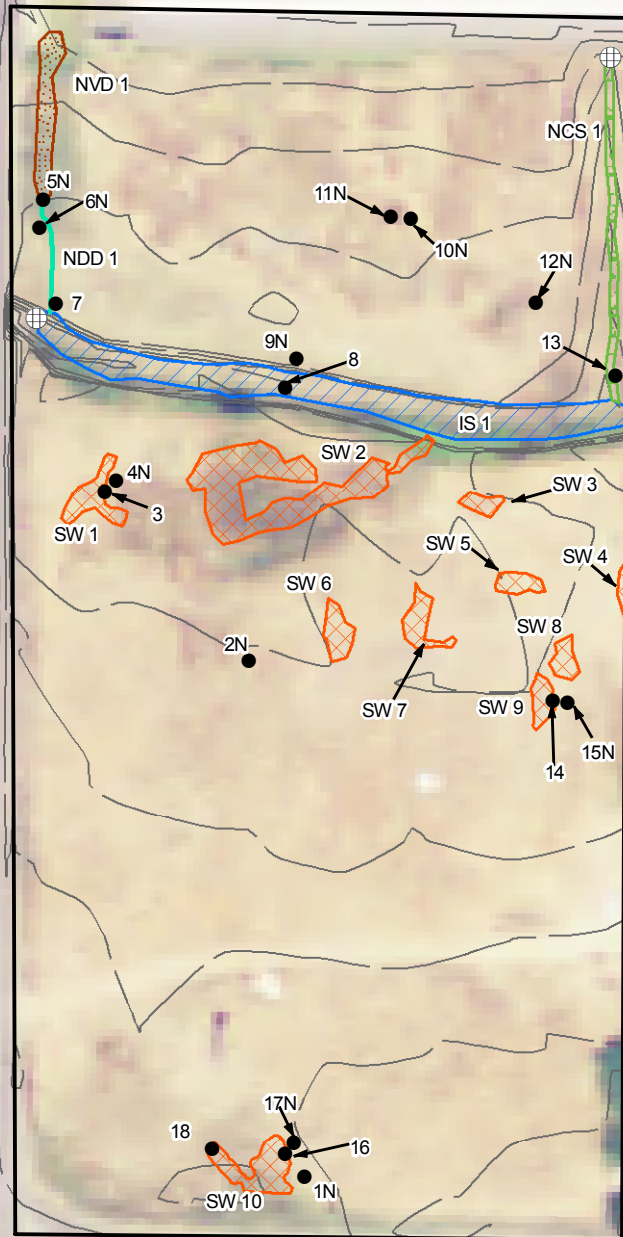
Public Land Survey:
Del Paso Land Grant

USGS 7.5 Quad:
Sloughhouse - 1968, Revised 1993



Bible Baptist Church Project

Figure 1
Study Area Location and Vicinity Map



Waters of the United States			
Label	Waters Type	Acreage	Length (ft)
IS 1	Intermittent Stream	0.109	316
SW 1	Seasonal Wetland	0.011	
SW 2	Seasonal Wetland	0.062	
SW 3	Seasonal Wetland	0.004	
SW 4	Seasonal Wetland	0.002	
SW 5	Seasonal Wetland	0.005	
SW 6	Seasonal Wetland	0.008	
SW 7	Seasonal Wetland	0.008	
SW 8	Seasonal Wetland	0.005	
SW 9	Seasonal Wetland	0.005	
SW 10	Seasonal Wetland	0.016	
TOTAL		0.235	316

Non-Jurisdictional Features			
Label	Waters Type	Acreage	Length (ft)
NCS 1	Constructed Swale	0.016	186
NVD 1	Vegetated Ditch	0.018	88
NDD 1	Drainage Ditch	0.001	61
TOTAL		0.035	335

Elkhorn Blvd.

34th St.

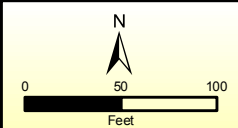
Legend		
Culvert	Waters of the U.S.	Non-Jurisdictional Features
Study Area (4.59 Acres)	Intermittent Stream (0.109 Acre)	Constructed Swale (0.016 Acre)
Data Points	Seasonal Wetland (0.126 Acre)	Drainage Ditch (0.001 Acre)
Contour (1 ft. Intervals)		Vegetated Ditch (0.018 Acre)

This delineation of waters of the U.S., including wetlands, is subject to verification by the U.S. Army Corps of Engineers (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.

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Notes:
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 on January 17, 2008 and
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 Source: NSR, Inc



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Bible Baptist Church Project
Waters of the U.S., Including Wetlands