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): March 15, 2012

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, Yokohl Ranch, SPK-2007-01984

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **California** County/parish/borough: **Tulare** City: **N/A**
Center coordinates of site (lat/long in degree decimal format): Lat. **36.26520°**, Long. **-119.02294°**
Universal Transverse Mercator: **11 318278 4015262**
Name of nearest waterbody: **Kaweah River**
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Kaweah River**
Name of watershed or Hydrologic Unit Code (HUC): **Upper Tule. California., 18030006**
☒ 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: **JD forms were prepared for jurisdictional waters and non jurisdictional waters requiring a significant nexus on the project site under the ID number (SPK-2007-01984)**

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☐ Office (Desk) Determination. Date:
☒ Field Determination. Date(s): **February 16-18, 2010, April 13 & 15, 2010, and May 19, 2010**

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 no** "*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: linear feet, wide, and/or acres.
      Wetlands: acres.

   c. **Limits (boundaries) of jurisdiction** based on: **Not Applicable.**
      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: **Approximately 1.79 acres of wetlands, 3.44 acres tributaries, and 1.02 acres of other waters identified within the drainage area of Yokohl Creek are isolated waters with no connection to a traditionally navigable water. The tributaries are relatively small and only have an ordinary high water mark (OHWM) for a portion of the drainage, then disappear into the surrounding uplands as the gradient decreases. The stock ponds are built within these tributaries. The wetlands are located on benches within the valley that do not have an identifiable connection to the creek. Many of these wetlands are located at the point where the drainages lose any sign of an OHWM. Wetlands**

[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.

north of Yokohl Creek Road are located in an area which does not slope towards other wetlands or waters and do not show signs of a connection to a culvert or other crossing.

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: **N/A**

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[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: **20,179 acres**
Drainage area: **43,819 acres**
Average annual rainfall: **13.63** inches
Average annual snowfall: **< 1** inches

(ii) Physical Characteristics:
(a) Relationship with TNW:
☐ Tributary flows directly into TNW.
☒ Tributary flows through **10 (or more)** tributaries before entering TNW.

Project waters are **30 (or more)** river miles from TNW.
Project waters are **1 (or less)** river miles from RPW.
Project waters are **10-15** 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: **N/A**

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

Identify flow route to TNW[5]: **Tributaries within the review area do not flow to a TNW. The tributaries and adjacent wetlands fail to reach Yokohl Creek (RPW), which flows at the base of the valley, eventually reaching the Tule River.**
Tributary stream order, if known: **2**

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

Tributary properties with respect to top of bank (estimate):
Average width: **2** feet
Average depth: **1** 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: **Most of the stream channels are relatively stable, consisting of bedrock and larg cobbles.**
Presence of run/riffle/pool complexes. Explain: **run/riffle/complexes do not exist within the review area. The tributaries are how gradient drainages along a hillside.**
Tributary geometry: **Relatively straight**
Tributary gradient (approximate average slope): **4-20** %

(c) Flow:
Tributary provides for: **Ephemeral flow**
Estimate average number of flow events in review area/year: **20 (or greater)**
Describe flow regime: **Flows vary with seasonal rainfall. The tributaries have a relatively small drainage area and do not flow more than a couple of days following a rainfall event.**
Other information on duration and volume:

Surface flow is: **Confined.** Characteristics: **The tributaries are defined by the hillsides and are confined to the lowest point between the two hill sides.**

Subsurface flow: **No**. Explain findings: **Tributaries are underlayed with bedrock formations occurring just below or on the substrate surface.**
☐ 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

[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.
[6] A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
[7] Ibid.

☐ 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 typically clear with little silt or sedimentation and water quality is generally good. There is a potential for cattle waste within the drainages, although little was observed during site visits. The cattle tended to frequent more seasonal water or the man-made cattle ponds.**

Identify specific pollutants, if known: **Cattle waste.**

(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:

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: **1.79** acres
Wetland type. Explain: **Seasonal wetlands and alkali meadows near the bases of tributaries or within the valley benches immediately below the tributaries**
Wetland quality. Explain: **Smaller wetlands tended to have higher water quality while larger wetlands were generally moderate because of disturbance by cattle.**
Project wetlands cross or serve as state boundaries. Explain: **N/A**

(b) General Flow Relationship with Non-TNW:
Flow is: **No Flow** . Explain: **The wetlands do not flow to a non-TNW**

Surface flow is**: Not present**
Characteristics:

Subsurface flow: **Unknown**. Explain findings: **It is unknown if subsurface flows are present. There is a potential that limited subsurface flows exist in areas of shallow bedrock during periods of high saturation.**
☐ Dye (or other) test performed: **No dye test was performed.**

(c) Wetland Adjacency Determination with Non-TNW:
☐ Directly abutting
☒ Not directly abutting
- ☐ Discrete wetland hydrologic connection. Explain:
- ☒ Ecological connection. Explain: **Multiple migratory bird species and birds of prey were observed on the site and may utilize the wetlands. There are amphibians present within many wetlands and the potential for spadefoot toads, a California species of special concern, to breed within these wetlands.**
- ☒ Separated by berm/barrier. Explain: **The wetlands are not connected to a non-TNW and are separated by uplands from the nearest non-TNW. A few wetlands are in the vicinity of potentially jurisdictional waters, but these wetlands are separated by Yokohl Valley Road and there are no culverts or other crossings present in the vicinity of the wetlands.**

(d) Proximity (Relationship) to TNW
Project wetlands are **30 (or more)** river miles from TNW.
Project waters are **10-15** aerial (straight) miles from TNW.
Flow is from: **No Flow.**
Estimate approximate location of wetland as within the **500-year or greater** 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 is typically clear with little silt or sedimentation and water quality is generally good. However, the water quality in some of the ephemeral pools becomes degraded late in the year with a lowered oxygen content as temperatures and water levels decrease and cattle utilization increases. A high organic content from cattle grazing operations in the watershed contributes to the lowered water quality.**

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: **Vegetation type is variable and consists of various wetland species within an overall landscape of upland grassland species.**

☒ Habitat for:

☒ Federally Listed species. Explain findings: **Some of the ephemeral pools may support the federally-listed vernal pool fairy shrimp (Branchinencta lynchi)**

☐ Fish/spawn areas. Explain findings:

☒ Other environmentally-sensitive species. Explain findings: **Some ephemeral pools may support the spiny-sepaled button celery (Eryngium spinosepalum) and the western spadefoot toad (Spea hammondi), both State species of concern.**

☒ Aquatic/wildlife diversity. Explain findings: **Wetlands provide habitat for a variety of sensitive and non-sensitive invertebrates, amphibians, and reptiles.**

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

All wetland(s) being considered in the cumulative analysis: **25-30**

Approximately **1.79** acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Feature ID	Directly Abuts? (Y/N)	Size (acres)	Feature ID	Directly Abuts? (Y/N)	Size (acres)
am_JV_029	N	0.446	ep751	N	0.008
am31	N	0.051	ep752	N	0.005
am53	N	0.249	ep753	N	0.008
am78	N	0.016	ep755	N	0.009
ep_JV_003	N	0.023	ep756	N	0.001
ep06b	N	0.031	ep801	N	0.096
ep13	N	0.186	ep819	N	0.009
ep130a	N	0.007	seep20	N	0.057
ep133	N	0.017	sw05	N	0.261
ep137b	N	0.020	sw49	N	0.007
ep315	N	0.023	sw57	Y	0.145
ep391	N	0.009	sw58	Y	0.048
ep630	N	0.014	sw60	Y	0.044

Summarize overall biological, chemical and physical functions being performed: **Three wetlands directly abutting a tributary are located along a single tributary segment south of Yokohl Creek. This tributary ends in uplands and does not reach the creek. The wetlands may hold water carrying pollutants from cattle waste. This water does not reach any additional water bodies or waterways, thus providing minimal filtering or water quality improvements to other waters.**

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: **N/A**

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:
N/A

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:
N/A

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, wide, 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:

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: acres.
☐ Other non-wetland waters: acres.
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: acres.
☐ 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:

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

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

[8]See Footnote # 3.

☐ 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: 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.

☐ 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: acres.
☐ 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):

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): **6.84** acres.
☐ Lakes/ponds: acres.
☒ Other non-wetland waters: **1.39** acres. List type of aquatic resource: **Stock Ponds**
☒ Wetlands: **1.79** 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): acres.
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource:
☐ Wetlands: acres.

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[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.*

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: **Yokohl Ranch, County of Tulare, Ca, prepared by Quad Knopf, dated February 2012**
- ☒ 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: **1:24K; CA-Rocky Hill, Chickencoop Canyon, Lindsay, and Springville**
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation:
- ☐ National wetlands inventory map(s). Cite name:
- ☐ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- ☐ Photographs: ☐ Aerial (Name & Date):
  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): **Site visits were conducted on February 16-18, 2010 and April 13 & 15, 2010, including a site visit with Rob Leidy of EPA on May 19, 2010.**

B. ADDITIONAL COMMENTS TO SUPPORT JD:

Approximately 1.79 acres of wetlands, 3.44 acres tributaries, and 1.02 acres of other waters identified within the drainage area of Yokohl Creek are isolated waters with no connection to a traditionally navigable water. The tributaries and adjacent wetlands fail to reach Yokohl Creek (RPW), which flows at the base of the valley, eventually reaching the Tule River. An additional 3.40 acres of tributaries and 0.37 acres of other waters drain south into Round Valley and are isolated waters with no connection to a traditionally navigable water. The tributaries flowing south reach the Round Valley and appear to terminate near orchards within the small valley although aerials show a potential flow path to the orchards, it has not been delineated nor determined if the tributaries actually reach or contribute to the orchards or any related drainage system. Although Lewis Creek flows at the foot of the hills along the end of Round Valley, there are no natural waterways within the valley connecting these tributaries to the creek. It is unknown if a drainage exists from the orchards or if it reaches the creek. The tributaries are relatively small and only have an ordinary high water mark (OHWM) for a portion of the drainage, then disappear into the surrounding uplands as the gradient decreases. The stock ponds are built within these tributaries. The wetlands are located on benches within the valley that do not have an identifiable connection to the creek. Many of these wetlands are located at the point where the drainages lose any sign of an OHWM. Wetlands north of Yokohl Creek Road are located in an area which does not slope towards other wetlands or waters do not show signs of a direct connection to a culvert or other crossing. Due to the close proximity to the creek, gradient of the drainage area, and proximity to other waters, it is likely that during prolonged heavy rain events these waters contribute, to a minor extent, to the creek through overland flow or through contributions to shallow ground water. These features are isolated, and do not have an effect on the flow or water quality characteristics of Yokohl Creek or a TNW. The site was visited at three separate times during the winter and spring of 2010, during and after rain events. Many of the larger tributaries outside of the review area were still flowing and the subject tributaries showed evidence of recent flows. Although the ground was saturated, there was no sign of a discernible channel or evidence of a significant overland connection between the tributaries or the wetlands and Yokohl Creek or other connected drainages. Although aerial images dated June 2011 show that the site conditions changed within Yokohl creek and along other tributaries during the 2010-2011 wet season, the waters analyzed within this form showed no significantly changes.

YOKOHL RANCH

COUNTY OF TULARE, CA

INDEX MAP

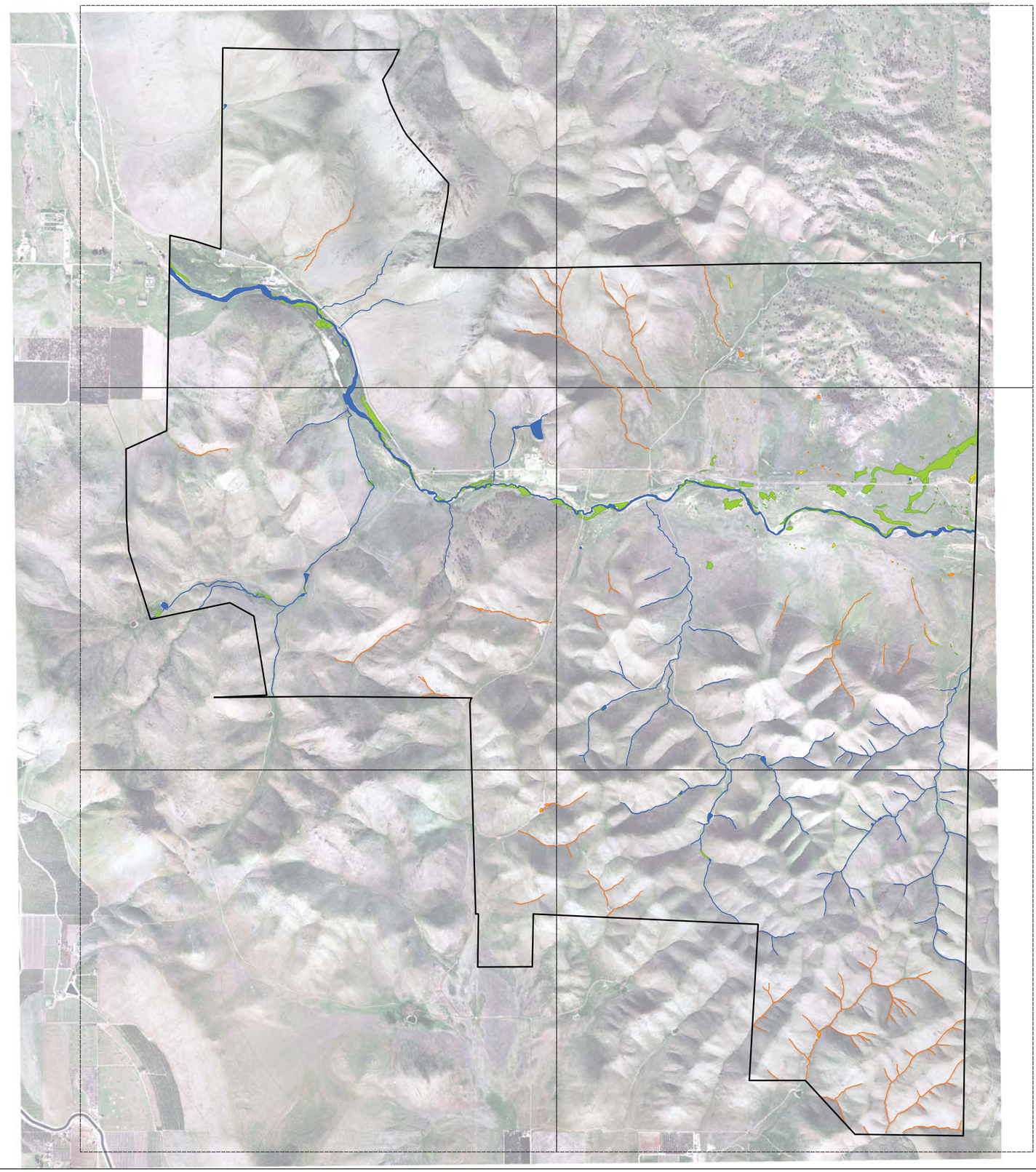
February 2012

Summary Table (acres)

JURISDICTIONAL	**85.30**
Wetlands	**45.02**
Alkali Meadow	42.13
Creek Backwater	0.56
Ephemeral Pool	1.36
Ephemeral Swale	0.15
Freshwater Seep	0.31
Spring	0.06
Seasonal Wetland	0.44
Other Waters of the U.S.	**40.28**
Cattle Pond	4.64
Ephemeral Pool	0.04
Ephemeral Swale	0.01
Tributary	35.59
NON-JURISDICTIONAL	**10.03**
Wetlands	**1.79**
Alkali Meadow	0.76
Ephemeral Pool	0.47
Ephemeral Swale	0.51
Freshwater Seep	0.06
Other Waters of the U.S.	**8.24**
Cattle Pond	1.03
Ephemeral Pool	0.30
Ephemeral Swale	0.03
Spring	0.04
Tributary	6.84

0 1,000 2,000 4,000 6,000 Feet

0 250 500 1,000 1,500 Meters



YOKOHL RANCH

COUNTY OF TULARE, CA

Map A-1

February 2012

A-1 Summary Table (acres)

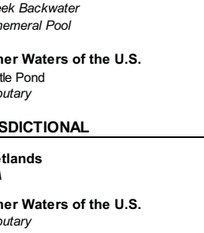
JURISDICTIONAL	**14.73**
Wetlands	**4.20**
Alkali Meadow	3.62
Creek Backwater	0.56
Ephemeral Pool	0.02
Other Waters of the U.S.	**10.52**
Cattle Pond	0.10
Tributary	10.42
NON-JURISDICTIONAL	**0.49**
Wetlands	**0.00**
N/A	
Other Waters of the U.S.	**0.49**
Tributary	0.49

Cowardin Classifications

PEMC - Palustrine Emergent Seasonally Flooded
PEME - Palustrine Emergent Seasonally Flooded/Saturated
PEMF - Palustrine Emergent Semi-Permanently Flooded
PUBX - Palustrine Unconsolidated Bottom Excavated
R4SB - Riverine, Intermittent, Streambed

ID Type Abbreviation

am - alkali meadow
bkwtr - creek backwater
cp - cattle pond
ep - ephemeral pool
seep - freshwater seep
sp - spring
sw - ephemeral swale
swet - seasonal wetland
trb - tributary



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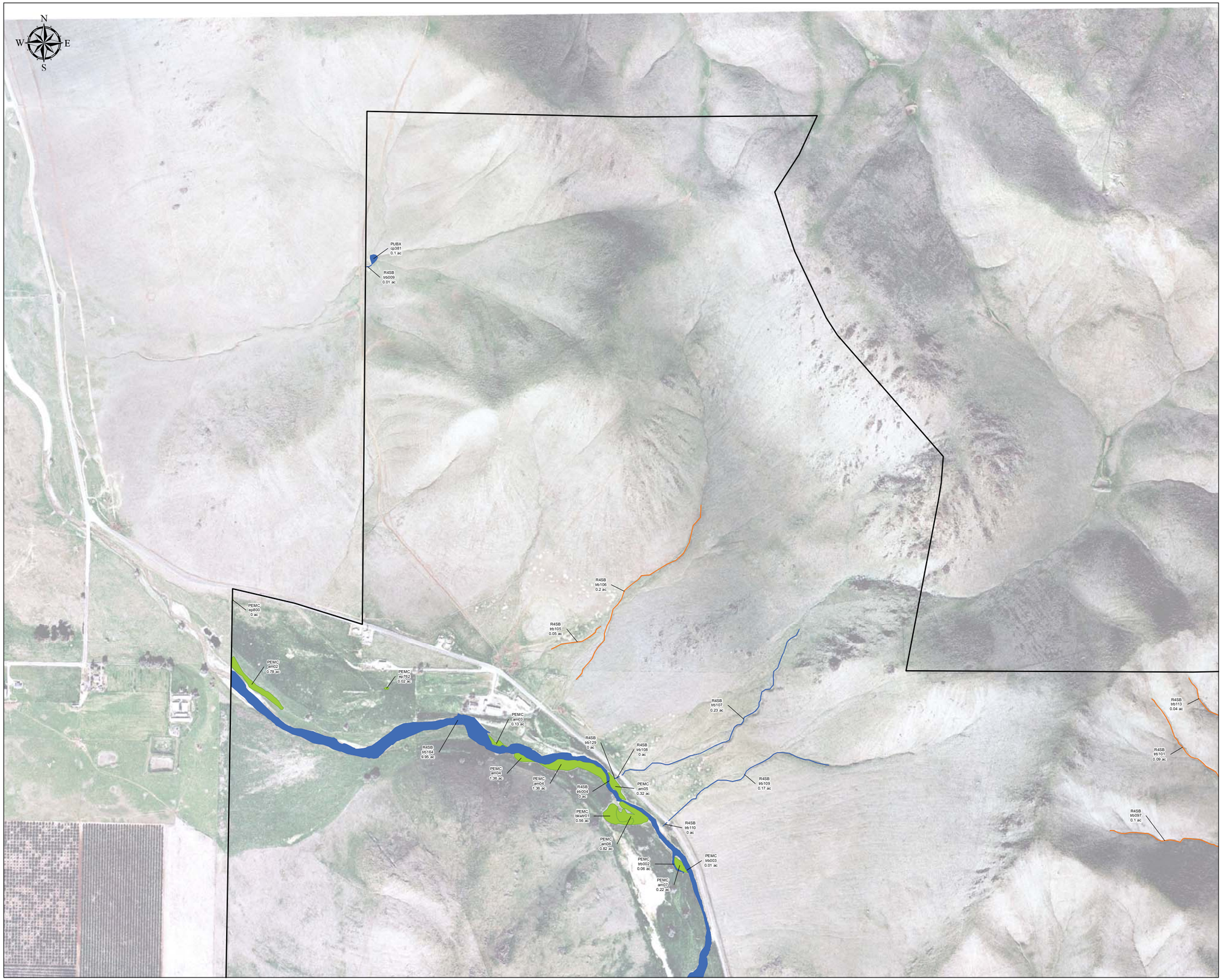
0 100 200 400 600 Meters



YOKOHL RANCH

COUNTY OF TULARE, CA

Map A-2

February 2012

A-2 Summary Table (acres)

JURISDICTIONAL	**0.00**
Wetlands	**0.00**
N/A	
Other Waters of the U.S.	**0.00**
N/A	
NON-JURISDICTIONAL	**1.84**
Wetlands	**0.34**
Alkali Meadow	0.25
Ephemeral Pool	0.03
Freshwater Seep	0.06
Other Waters of the U.S.	**1.50**
Cattle Pond	0.32
Ephemeral Pool	0.01
Tributary	1.17

Cowardin Classifications

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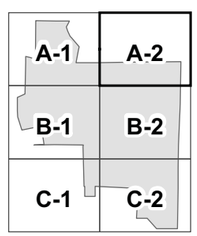

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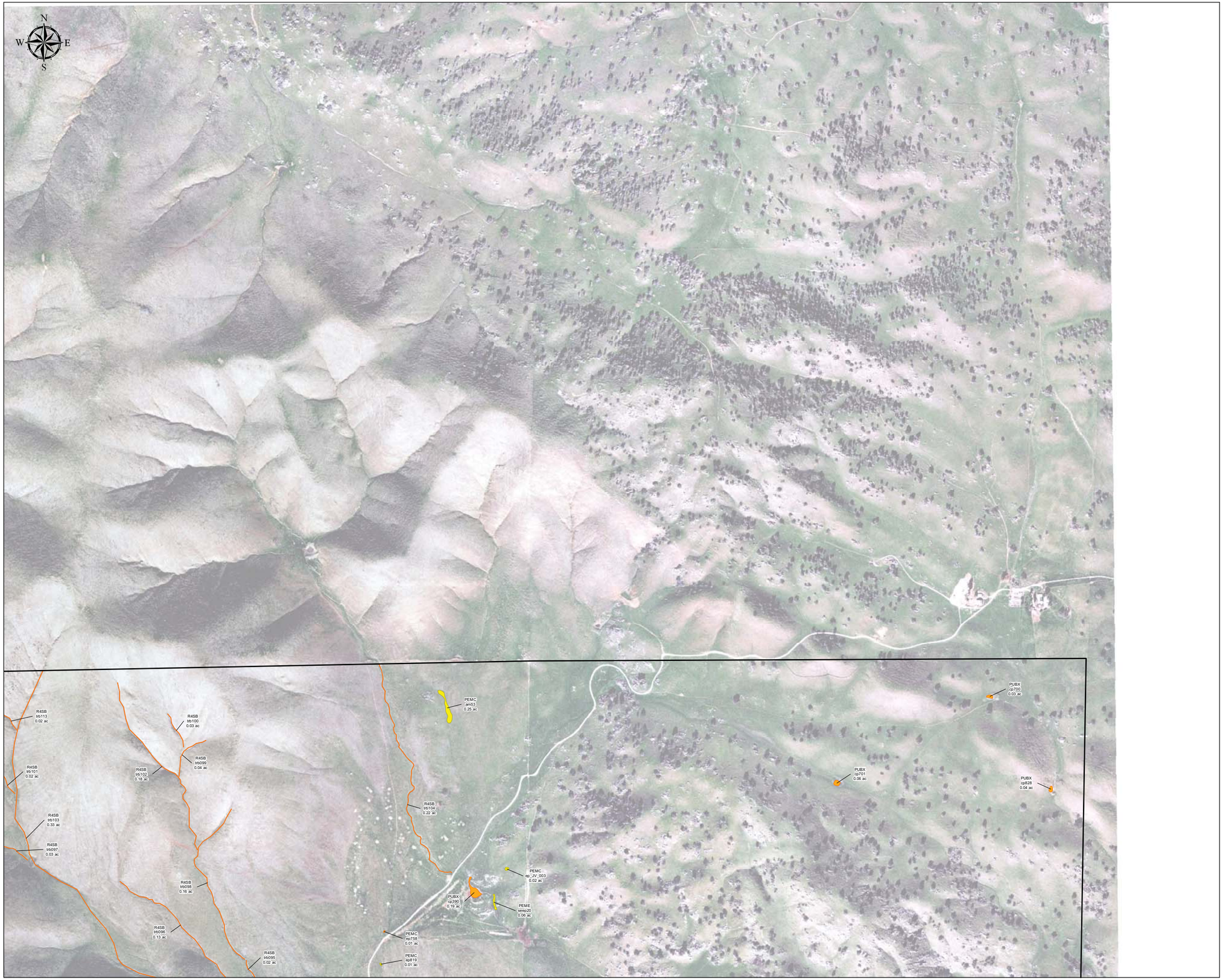
0 100 200 400 600 Meters



YOKOHL RANCH

COUNTY OF TULARE, CA

Map B-1

February 2012

B-1 Summary Table (acres)

JURISDICTIONAL	**19.23**
Wetlands	**7.62**
Alkali Meadow	6.76
Ephemeral Pool	0.29
Ephemeral Swale	0.09
Freshwater Seep	0.31
Seasonal Wetland	0.16
Other Waters of the U.S.	**11.61**
Cattle Pond	3.21
Ephemeral Pool	0.04
Ephemeral Swale	0.01
Tributary	8.36
NON-JURISDICTIONAL	**0.75**
Wetlands	**0.00**
N/A	
Other Waters of the U.S.	**0.75**
Cattle Pond	0.10
Spring	0.00
Tributary	0.65

Cowardin Classifications

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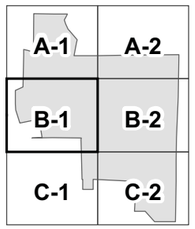

0 250 500 1,000 1,500 2,000 Feet

0 100 200 400 600 Meters

YOKOHL RANCH

COUNTY OF TULARE, CA

Map B-2

February 2012

B-2 Summary Table (acres)

JURISDICTIONAL	**47.37**
Wetlands	**32.94**
Alkali Meadow	31.75
Ephemeral Pool	1.05
Ephemeral Swale	0.06
Spring	0.03
Seasonal Wetland	0.05
Other Waters of the U.S.	**14.43**
Cattle Pond	0.72
Tributary	13.71
NON-JURISDICTIONAL	**3.18**
Wetlands	**1.45**
Alkali Meadow	0.51
Ephemeral Pool	0.44
Ephemeral Swale	0.51
Other Waters of the U.S.	**1.73**
Cattle Pond	0.28
Ephemeral Pool	0.29
Ephemeral Swale	0.03
Spring	0.00
Tributary	1.13

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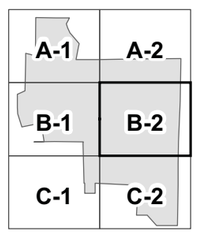

0 250 500 1,000 1,500 2,000 Feet

0 100 200 400 600 Meters

YOKOHL RANCH

COUNTY OF TULARE, CA

Map C-1

February 2012

C-1 Summary Table (acres)

JURISDICTIONAL	**0.00**
Wetlands	**0.00**
N/A	
Other Waters of the U.S.	**0.00**
N/A	
NON-JURISDICTIONAL	**0.40**
Wetlands	**0.00**
N/A	
Other Waters of the U.S.	**0.40**
Cattle Pond	0.17
Spring	0.03
Tributary	0.20

Cowardin Classifications

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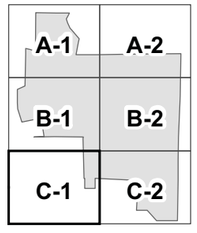

0 250 500 1,000 1,500 2,000 Feet

0 100 200 400 600 Meters

YOKOHL RANCH

COUNTY OF TULARE, CA

Map C-2

February 2012

C-2 Summary Table (acres)

JURISDICTIONAL	**3.97**
Wetlands	**0.26**
Spring	0.03
Seasonal Wetland	0.23
Other Waters of the U.S.	**3.71**
Cattle Pond	0.62
Tributary	3.09
NON-JURISDICTIONAL	**3.36**
Wetlands	**0.00**
N/A	
Other Waters of the U.S.	**3.36**
Cattle Pond	0.16
Tributary	3.20

Cowardin Classifications

PEMC - Palustrine Emergent Seasonally Flooded
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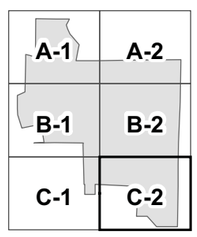

0 250 500 1,000 1,500 2,000 Feet

0 100 200 400 600 Meters