

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): April 24, 2017

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, Oasis Road Site, SPK-2008-01749

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **California** County/parish/borough: **Shasta** City: **Redding**
Center coordinates of site (lat/long in degree decimal format): Lat. **40.6478°**, Long. **-122.3686°**
Universal Transverse Mercator: **10 553386.84 E 4499849.53 N**

Name of nearest waterbody: **Churn Creek**

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

Name of watershed or Hydrologic Unit Code (HUC): **Sacramento-Lower Cow-Lower Clear, California., 18020101**

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., onsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form:

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

Office (Desk) Determination. Date:

Field Determination. Date(s): **January 7 & 8, 2010, March 13, 2014, August 16, 2016.**

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 and are not** "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: linear feet, wide, and/or **5.03** acres.

Wetlands: **1.826** 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 project area contains 0.95 acres of seasonal ponds, seasonal wetlands, wet meadow, and wet swales, intrastate waters, with no interstate or foreign commerce connection, or do not have a significant nexus. 40:SP, 41:SP, 42:SP, 44:SP, 45:SP, 46:SP, 47:SP, 48:SP, 49:SP, 52:SP, 53:SP, 54:SP, 55:SP, 56:SP, 57:SP, 58:SW, 59:SW, 60:SP, 61:SW, 62:SW, 90:SP, 91:SP, 92:SP, 93:SP, 94:SP, 95:SP, 96:SP, and 97:SP are located within an area that was historically dredged for mining activity, and do not have surface connection to other waters of the United States. 9:SW, 10:SW, 11:SW, 12:SW, 43:SW, 63:SW, 64:ASW, 64:SP, 65:SW, 86:WS, 87:SW, 88:SW, 102:SW, 103:SW, 104:WS, 105:WM,**

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.

109:WS and 110:SW are depressions that that are isolated and do not have a hydrological connection to any Relatively Permanent Water (RPW). 108:SW, 107:IS, and 106:SW are not isolated, but do not have a significant nexus with a hydrological connection to a RPW.

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: **The site does not support a TNW**

Summarize rationale supporting determination:

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": **N/A**

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

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

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

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

If the 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: **311,076 acres**

Drainage area: **183 acres**

Average annual rainfall: **63.67 inches**

Average annual snowfall: **0.06 inches**

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through **2** tributaries before entering TNW.

Project waters are **15-20** river miles from TNW.

Project waters are **1 (or less)** river miles from RPW.

Project waters are **2-5** aerial (straight) miles from TNW.

Project waters are **1 (or less)** aerial (straight) miles from RPW.

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

Project waters cross or serve as state boundaries. Explain: **N/A, project waters do not cross or serve as state boundaries.**

Identify flow route to TNW⁵: **The on-site wetlands and tributaries drain to Churn Creek (4:IS). Churn Creek is an RPW that flows into the Sacramento River which is a TNW.**

Tributary stream order, if known:

(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: **1.0-97.2** feet
Average depth: **Varies** feet
Average side slopes: **2:1**.

Primary tributary substrate composition (check all that apply):

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

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: **Relatively stable**

Presence of run/riffle/pool complexes. Explain: **The on-site portion of Churn Creek contains runs and a few riffle areas.**

Tributary geometry: **Meandering**

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

(c) Flow:

Tributary provides for: **Perennial**

Estimate average number of flow events in review area/year: **20 (or greater)**

Describe flow regime: **On-site tributaries (2:IS, 3:IS, 5:IS, 6:ES, 7:IS, 8:IS, 26:IS, 29:IS, 30:IS, 35:IS, 50:IS, 66:IS, 67:IS, 68:IS, 69:ES, 71:IS, 72:IS, 76:IS, 79:IS, 80:IS, 81:IS, 82:IS, 84:IS, 100:IS, 101:IS, 107:IS, and 112:IS) are primarily comprised of intermittent streams that typically flow for several days following storm events. The site also supports one perennial stream which is Churn Creek (4:IS) and two ephemeral streams. Flow volume peaks in spring, with lower volumes during the remainder of the year. Flow in RPWs may include runoff from upslope urban areas.**

Other information on duration and volume:

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

Subsurface flow: **Unknown.** Explain findings: **It is not known if there is subsurface flow between the tributaries and the TNW. The proximity of the tributaries, Churn Creek, and the Sacramento River, it is likely that there is some subsurface flow.**

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:

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.

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.

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

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

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain: **Water quality is generally good, the tributaries within the watershed collect, retain, filter and more slowly release runoff from surrounding roads, housing, pastures, farms, and other surrounding land uses. Collection of runoff onto these wetlands and stream on the site reduces chemicals and other pollutants normally found in runoff water. (gas, oil, herbicides, pesticides, nutrients, human and animal waste, and other waste material).**

Identify specific pollutants, if known:

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

- Riparian corridor. Characteristics (type, average width): **The site supports a blue oak woodland plant community dominated by blue oak with a lesser component of gray pine. The tree canopy ranges from very open to moderately dense. The on-site vegetative community has been altered by past mining activity along Churn Creek.**
- Wetland fringe. Characteristics: **Some on-site streams support a wet swale component.**
- Habitat for:
 - Federally Listed species. Explain findings: **Churn Creek provides habitat for federally-listed Central Valley steelhead (*Oncorhynchus mykiss*).**
 - Fish/spawn areas. Explain findings: **Churn Creek supports federally-listed Central Valley steelhead (*O. mykiss*).**
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings: **Churn Creek supports amphibians during low-flow conditions.**

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: **2.720** acres

Wetland type. Explain: **Seasonal Wetlands, wetland swales, vernal pool, and wet meadows.**

Wetland quality. Explain: **Quality varies from high quality, undisturbed features to poor quality, man-induced features (e.g., illegal 4-wheel drive vehicle activity)**

Project wetlands cross or serve as state boundaries. Explain: **No**

(b) General Flow Relationship with Non-TNW:

Flow is: **Intermittent flow**. Explain: **Water flows from the wetlands to tributaries and then to the TNW**

Surface flow is: **Discrete and confined**

Characteristics: **Discernable on aerial photography**

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: **Based on topographic maps, most on-site waters have apparent hydrologic connection to downstream waters.**

Ecological connection. Explain: **Wetlands with an apparent surface connection to Churn Creek and/or 72:IS have the potential to support amphibians and crustaceans during some part of their life cycle.**

Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **15-20** 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: **Water quality is generally good.**
Identify specific pollutants, if known: **On-site water quality varies from high quality, undisturbed features to poor quality, man-induced features (e.g., illegal 4-wheel drive vehicle activity) subject to pollutants associated with on-going off-road vehicle activity (i.e., sediment and hydrocarbons).**

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

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain: **Wetlands typically support herbaceous annual vegetation. Percent cover varies wetland to wetland.**
- Habitat for:
 - Federally Listed species. Explain findings: **The project area contains suitable habitat for Federally-listed vernal pool fairy shrimp (*Branchinecta lynchi*), and vernal pool tadpole shrimp (*Lepridius packardii*)**
 - Fish/spawn areas. Explain findings: **Provides support for RPW downstream**
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings: **Wetlands with an apparent surface connection to Churn Creek and/or 72:IS have the potential to support amphibians during some part of their life cycle.**

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

All wetland(s) being considered in the cumulative analysis: **20-25**
Approximately **1.612** acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
See Table 1			

Summarize overall biological, chemical and physical functions being performed: **The wetlands onsite have the potential to support amphibians. The on-site waters that have a hydrologic connection to RPWs help to support aquatic habitat downstream.**

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: **All tributaries with an apparent hydrologic connection could serve to: carry pollutants or flood waters to TNWs, provide habitat and lifecycle support for wildlife, and/or transfer nutrients and organic carbon to downstream foodwebs.**
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: **All tributaries and their adjacent wetlands with an apparent hydrologic connection could serve to: carry pollutants or flood waters to TNWs, provide habitat and lifecycle support for wildlife, and/or transfer nutrients and organic carbon to downstream foodwebs.**
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: **Adjacent wetlands with an apparent hydrologic connection could serve to: carry pollutants or flood waters to TNWs, provide habitat and lifecycle support for wildlife, and/or transfer nutrients and organic carbon to downstream foodwebs.**

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: **The on-site portion (4:IS) of Churn Creek is commonly known to exhibit perennial flow.**
 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: **Based on field observations from multiple site visits, features 7:IS, 5:IS, 30:IS, 50:IS, 51:IS, and 72:IS supports seasonal flow and is considered an RPW. This is supported by the presence of freshwater emergent vegetation immediately west of Cascade Boulevard, which is an indicator of seasonal flow.**

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

- Tributary waters: **7,525** linear feet **Varies, see map** wide.
 Other non-wetland waters: acres.
Identify type(s) of waters:

3. **Non-RPW⁸ 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: **4,372** linear feet, **Varies, see map** wide.
 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: **Feature 72:IS is an RPW and supports an abutting wetland (72IS Freshwater emergent component). The abutting freshwater emergent wetland receives direct surface**

⁸See Footnote # 3.

flow from the intermittent stream and is readily apparent in the field. 51:IS is an RPW that supports an abutting wetland (51:IS wet swale component). 50:IS is a RPW and supports two abutting wetlands (50:IS wet swale component and 50:IS wet meadow component). 30:IS is a RPW and supports an abutting wetland (30:IS wet swale component). 112:IS is a RPW in the lower reach of 72:IS. 112:IS supports an abutting wetland (112:IS wet swale component). 5:IS is a RPW and supports an abutting wetland (5:IS

Provide acreage estimates for jurisdictional wetlands in the review area: **1.353** 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: **0.483** 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: **0.472** 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: linear feet, wide.
- 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: **108:SW, 107:IS, 106:SW were not isolated, but lacked a significant nexus.**
- Other: (explain, if not covered above):

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.

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): **131** linear feet, **2 feet** wide.
- Lakes/ponds: **0.728** acres.
- Other non-wetland waters: _____ acres. List type of aquatic resource:
- Wetlands: **0.310** 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): **131** linear feet, **2 feet** wide.
- Lakes/ponds: _____ acres.
- Other non-wetland waters: _____ acres. List type of aquatic resource:
- Wetlands: **0.01** 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: **Figure 3 Waters of the U.S. and Non-Jurisdictional Waters**
- 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-SHASTA DAM**
- 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 Geodetic 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): **Lidar map provided by ENPLAN**

B. ADDITIONAL COMMENTS TO SUPPORT JD: