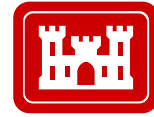


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Regulatory Program



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

This form should be completed by following the instructions provided in the Interim Approved Jurisdictional Determination Form User Manual.

SECTION I: BACKGROUND INFORMATION

A. COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (AJD): September 9, 2019

B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): SPK-2019-00599

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: California County/parish/borough: Shasta County City:

Center coordinates of site (lat/long in degree decimal format): Lat. 40.5702, Long. -122.37321.

Map(s)/diagram(s) of review area (including map identifying single point of entry (SPOE) watershed and/or potential jurisdictional areas where applicable) is/are: attached in report/map titled

Other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different jurisdictional determination (JD) form. List JD form ID numbers (e.g., HQ-2015-00001-SMJ-1):

D. REVIEW PERFORMED FOR SITE EVALUATION:

Office (Desk) Determination Only. Date: September 12, 2019.

Office (Desk) and Field Determination. Office/Desk Dates: Field Date(s):

SECTION II: DATA SOURCES

Check all that were used to aid in the determination and attach data/maps to this AJD form and/or references/citations in the administrative record, as appropriate.

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant. Title/Date: Delineation of Waters/September 9, 2019 of the U.S.

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Data sheets/delineation report are sufficient for purposes of AJD form. Title/Date:

Data sheets/delineation report are not sufficient for purposes of AJD form. Summarize rationale and include information on revised data sheets/delineation report that this AJD form has relied upon:

Revised Title/Date:

Data sheets prepared by the Corps. Title/Date:

Corps navigable waters study. Title/Date:

CorpsMap ORM map layers. Title/Date: Custom.

USGS Hydrologic Atlas. Title/Date: Custom.

USGS, NHD, or WBD data/maps. Title/Date:

USGS 8, 10 and/or 12 digit HUC maps. HUC number: 180201540304.

USGS maps. Scale & quad name and date:

USDA NRCS Soil Survey. Citation: Custom.

USFWS National Wetlands Inventory maps. Citation: Custom.

State/Local wetland inventory maps. Citation:

FEMA/FIRM maps. Citation:

Photographs: Aerial. Citation: DigitalGlobe 20FEB2019, 5MAR2019. or Other. Citation:

LiDAR data/maps. Citation:

Previous JDs. File no. and date of JD letter:

Applicable/supporting case law:

Applicable/supporting scientific literature:

Other information (please specify):

SECTION III: SUMMARY OF FINDINGS

Complete ORM "Aquatic Resource Upload Sheet" or Export and Print the Aquatic Resource Water Droplet Screen from ORM for All Waters and Features, Regardless of Jurisdictional Status – Required

A. RIVERS AND HARBORS ACT (RHA) SECTION 10 DETERMINATION OF JURISDICTION:

"navigable waters of the U.S." within RHA jurisdiction (as defined by 33 CFR part 329) in the review area.

• **Complete Table 1 - Required**

NOTE: If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Section 10 navigable waters list, DO NOT USE THIS FORM TO MAKE THE DETERMINATION. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Section 10 RHA navigability determination.

B. CLEAN WATER ACT (CWA) SECTION 404 DETERMINATION OF JURISDICTION: "waters of the U.S." within CWA jurisdiction (as defined by 33 CFR part 328.3) in the review area. Check all that apply.

(a)(1): All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (Traditional Navigable Waters (TNWs))

• **Complete Table 1 - Required**

This AJD includes a case-specific (a)(1) TNW (Section 404 navigable-in-fact) determination on a water that has not previously been designated as such. Documentation required for this case-specific (a)(1) TNW determination is attached.

(a)(2): All interstate waters, including interstate wetlands.

• **Complete Table 2 - Required**

(a)(3): The territorial seas.

• **Complete Table 3 - Required**

(a)(4): All impoundments of waters otherwise identified as waters of the U.S. under 33 CFR part 328.3.

• **Complete Table 4 - Required**

(a)(5): All tributaries, as defined in 33 CFR part 328.3, of waters identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• **Complete Table 5 - Required**

(a)(6): All waters adjacent to a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.

• **Complete Table 6 - Required**

Bordering/Contiguous.

Neighboring:

(c)(2)(i): All waters located within 100 feet of the ordinary high water mark (OHWM) of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3.

(c)(2)(ii): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 and not more than 1,500 feet of the OHWM of such water.

(c)(2)(iii): All waters located within 1,500 feet of the high tide line of a water identified in paragraphs (a)(1) or (a)(3) of 33 CFR part 328.3, and all waters within 1,500 feet of the OHWM of the Great Lakes.

(a)(7): All waters identified in 33 CFR 328.3(a)(7)(i)-(v) where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• **Complete Table 7 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(7) waters identified in the similarly situated analysis. - Required**

Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

(a)(8): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3 not covered by (c)(2)(ii) above and all waters located within 4,000 feet of the high tide line or OHWM of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• **Complete Table 8 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(8) waters identified in the similarly situated analysis. - Required**

Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

C. NON-WATERS OF THE U.S. FINDINGS:

Check all that apply.

- The review area is comprised entirely of dry land.
- Potential-(a)(7) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(7) waters identified in the similarly situated analysis. - Required**
- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.
- Potential-(a)(8) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(8) waters identified in the similarly situated analysis. - Required**
- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.
- Excluded Waters (Non-Waters of U.S.), even where they otherwise meet the terms of paragraphs (a)(4)-(a)(8):
- **Complete Table 10 - Required**
- (b)(1): Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA.
- (b)(2): Prior converted cropland.
- (b)(3)(i): Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.
- (b)(3)(ii): Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.
- (b)(3)(iii): Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1)-(a)(3).
- (b)(4)(i): Artificially irrigated areas that would revert to dry land should application of water to that area cease.
- (b)(4)(ii): Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds.
- (b)(4)(iii): Artificial reflecting pools or swimming pools created in dry land.¹
- (b)(4)(iv): Small ornamental waters created in dry land.¹
- (b)(4)(v): Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water.
- (b)(4)(vi): Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways.¹
- (b)(4)(vii): Puddles.¹
- (b)(5): Groundwater, including groundwater drained through subsurface drainage systems.¹
- (b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.¹
- (b)(7): Wastewater recycling structures created in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.
- Other non-jurisdictional waters/features within review area that do not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
- **Complete Table 11 - Required.**

D. ADDITIONAL COMMENTS TO SUPPORT AJD:

¹ In many cases these excluded features will not be specifically identified on the AJD form, unless specifically requested. Corps Districts may, in case-by-case instances, choose to identify some or all of these features within the review area.

Jurisdictional Waters of the U.S.

Table 1. (a)(1) Traditional Navigable Waters

(a)(1) Waters Name	(a)(1) Criteria	Rationale to Support (a)(1) Designation Include High Tide Line or Ordinary High Water Mark indicators, when applicable.
N/A	Choose an item.	N/A

Table 2. (a)(2) Interstate Waters

(a)(2) Waters Name	Rationale to Support (a)(2) Designation
N/A	N/A

Table 3. (a)(3) Territorial Seas

(a)(3) Waters Name	Rationale to Support (a)(3) Designation
N/A	N/A

Table 4. (a)(4) Impoundments

(a)(4) Waters Name	Rationale to Support (a)(4) Designation
N/A	N/A
N/A	N/A

Table 5. (a)(5)Tributaries

(a)(5) Waters Name	Flow Regime	(a)(1)-(a)(3) Water Name to which this (a)(5) Tributary Flows	Tributary Breaks	Rationale for (a)(5) Designation and Additional Discussion. Identify flowpath to (a)(1)-(a)(3) water or attach map identifying the flowpath; explain any breaks or flow through excluded/non-jurisdictional features, etc.
T01	Ephemeral	Sacramento River	N/A	T01 flows through the eastern boundary of the review area and directly into Boulder Creek, which flows into Churn Creek, which flows into the Sacramento River, an (a)(1) water. T01 had the following Ordinary High Water Mark (OHWM) indicators: bed and bank, change in vegetation density maturity, change in sediment texture, scour, and sediment deposition.
T02	Intermittent	Sacramento River	N/A	T02 flows at the Northern boundary, which flows into Churn Creek, which flows into the Sacramento River, an (a)(1) water. T02 had the following OHWM indicators: change in plant community, bed and bank, break in slope, change in character of soil, change in vegetation density maturity, change in sediment texture, scour, sediment deposition, and litter and debris present.
T03	Ephemeral	Sacramento River	N/A	T03 flows North to South on the northern boundary of the review are, which flows into Boulder Creek, which flows into Churn Creek, which flows into the Sacramento River, an (a)(1) water. T03 had the following OHWM indicators: change in plant community, bed and bank, change in vegetation density maturity, change in sediment texture, scour, and sediment deposition.
T04	Ephemeral	Sacramento River	N/A	T04 flows north to south, which flows through T08 and T09, which flows through T03, which flows into Boulder Creek, which flows into Churn Creek, which flows into the Sacramento River, an (a)(1) water. T04 had the following OHWM indicators: bed and bank, change in vegetation density maturity, change in sediment texture, scour, and sediment deposition.
T05	Ephemeral	Sacramento River	N/A	T05 flows west to east though a culvert, into T01, which flows into Boulder Creek, which flows into Churn Creek, which flows into the Sacramento River, an (a)(1) water. T05 had the following OHWM indicators: bed and bank, change in vegetation density maturity, change in sediment texture, and scour.

T06	Ephemeral	Sacramento River	N/A	T06 flows into T05, which flows through a culvert, which flows through T01, which flows into Boulder Creek, which flows into Churn Creek, which flows into the Sacramento River, an (a)(1) water. T06 had the following OHWM indicators: bed and bank, change in vegetation density maturity, change in sediment texture, and scour.
T07	Ephemeral	Sacramento River	N/A	T07 flows west to east into T05, which flows through a culvert, which flows into T01, which flows into Boulder Creek, which flows into Churn Creek, which flows into the Sacramento River, an (a)(1) water. T07 had the following OHWM indicators: bed and bank, change in vegetation density maturity, change in sediment texture, and scour.
T08	Ephemeral	Sacramento River	N/A	T08 flows north to south into T03, which flows into Boulder Creek, which flows into Churn Creek, which flows into the Sacramento River, an (a)(1) water. T08 had the following OHWM indicators: bed and bank, change in vegetation density maturity, change in sediment texture, and scour.
T09	Ephemeral	Sacramento River	N/A	T09 flows north to south into T03, which flows into Boulder Creek, which flows into Churn Creek, which flows into the Sacramento River, an (a)(1) water. T09 had the following OHWM indicators: bed and bank, change in vegetation density maturity, change in sediment texture, scour, and sediment deposition.
T10	Ephemeral	Sacramento River	N/A	T10 flows in a South eastern direction, which flows into T07, which flows into T05, which flows through a culvert, which flows into T01, which flows into Boulder Creek, which flows into Churn Creek, which flows into the Sacramento River, an (a)(1) water. T10 had the following OHWM indicators: bed and bank, change in vegetation density maturity, and change in sediment texture.
T11	Ephemeral	Sacramento River	N/A	T11 flows in a western direction into T05, which flows into a culvert, which flows into T01, which flows into Boulder Creek, which flows into Churn Creek, which flows into the Sacramento River, an (a)(1) water. T11 had the following OHWM indicators: bed and bank, change in vegetation density maturity, change in sediment texture, and scour.
T12	Ephemeral	Sacramento River	N/A	T12 flows north to south and out of the review area, which appears to flow directly into Boulder Creek based off of topographic maps, which flows into Churn Creek, which flows into the Sacramento River, an (a)(1) water. T12 had the following OHWM indicators: bed and bank, change in vegetation density maturity, change in sediment texture, scour, and sediment deposition.

Table 6. (a)(6) Adjacent Waters

(a)(6) Waters Name	(a)(1)-(a)(5) Water Name to which this Water is Adjacent	Rationale for (a)(6) Designation and Additional Discussion. Identify the type of water and how the limits of jurisdiction were established (e.g., wetland, 87 Manual/Regional Supplement); explain how the 100-year floodplain and/or the distance threshold was determined; whether this water extends beyond a threshold; explain if the water is part of a mosaic, etc.
WF01	T02	WF01 is within the 100-year floodplaiin, and is less than 1,500 linear feet away from Boulder creek, an (a)(5) water. It is approximately 213 linear feet away, which is shown on the attached map. The measurement tool in arcmap was used to find the linear foot distance.
WF02	T02	WF02 is within the 100-year floodplain, and is less than 1,500 linear feet away from boulder creek, an (a)(5) water. It is approximately 305 linear feet away, which is shown on the attached map. The measurement tool in arcmap was used to find the linear foot distance.

Table 7. (a)(7) Waters

SPOE Name	(a)(7) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; discuss whether any similarly situated waters were present and aggregated for SND; discuss data, provide analysis, and summarize how the waters have more than speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Table 8. (a)(8) Waters

SPOE Name	(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to subject water and aggregated for SND; discuss data, provide analysis, and then summarize how the waters have more than speculative or insubstantial effect the on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Non-Jurisdictional Waters

Table 9. Non-Waters/No Significant Nexus

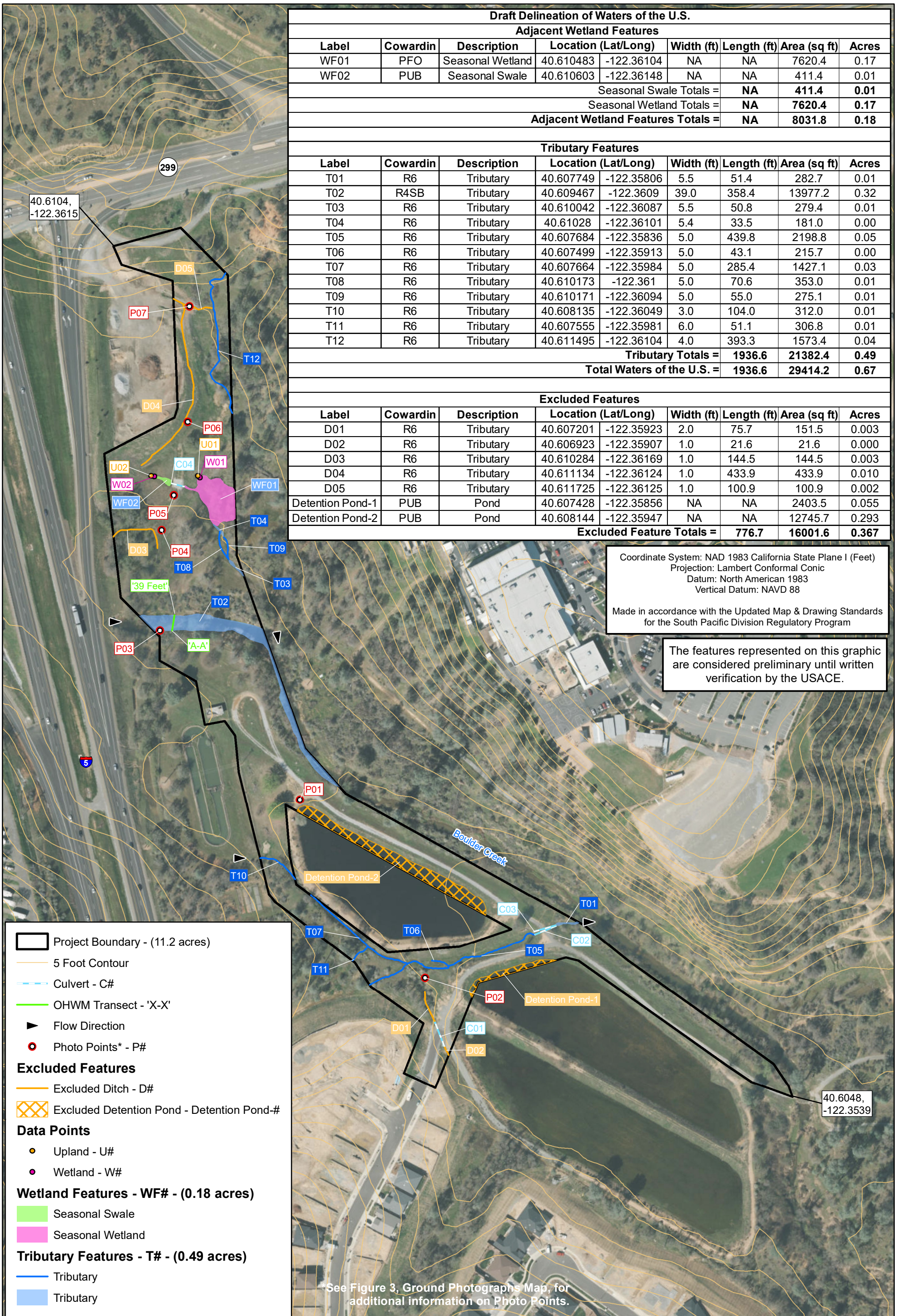
SPOE Name	Non-(a)(7)/(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water DOES NOT have a Significant Nexus	Basis for Determination that the Functions DO NOT Contribute Significantly to the Chemical, Physical, or Biological Integrity of the (a)(1)-(a)(3) Water. Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to the subject water; discuss data, provide analysis, and summarize how the waters did not have more than a speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Table 10. Non-Waters/Excluded Waters and Features

Paragraph (b) Excluded Feature/Water Name	Rationale for Paragraph (b) Excluded Feature/Water and Additional Discussion.
D01	D01 is a ditch that appears to dissipate and not flow directly or indirectly into an (a)(1)-(a)(3) water. This feature is a (b)(3)(iii) water, which is an excluded water.
D02	D02 is a ditch that flows into a culvert and then into D01, which then appears to dissipate and not flow directly or indirectly into an (a)(1)-(a)(3) water. This feature is a (b)(3)(iii) water, which is an excluded water.
D03	D03 is a ditch that appears to dissipate and not flow directly or indirectly into an (a)(1)-(a)(3) water. This feature is a (b)(3)(iii) water, which is an excluded water.
D04	D04 is a ditch that has ephemeral flow, and is not a relocated tributary or excavated in a tributary, therefore it is a (b)(3)(i) water, which is an excluded water.
D05	D05 is a ditch that has ephemeral flow, and is not a relocated tributary or excavated in a tributary, therefore it is a (b)(3)(i) water, which is an excluded water.
Detention Pond-1	Detention Pond-1 is an artificial stormwater control feature designed to collect stormwater and slowly release it at a controlled rate so that downstream areas are not flooded. This feature is (b)(6) water, which is an excluded water.
Detention Pond-2	Detention Pond-2 is an artificial stormwater control feature designed to collect stormwater and slowly release it at a controlled rate so that downstream areas are not flooded. This feature is (b)(6) water, which is an excluded water.

Table 11. Non-Waters/Other

Other Non-Waters of U.S. Feature/Water Name	Rationale for Non-Waters of U.S. Feature/Water and Additional Discussion.
N/A	N/A



Draft Delineation of Waters of the U.S.								
Adjacent Wetland Features								
Label	Cowardin	Description	Location (Lat/Long)		Width (ft)	Length (ft)	Area (sq ft)	Acres
WF01	PFO	Seasonal Wetland	40.610483	-122.36104	NA	NA	7620.4	0.17
WF02	PUB	Seasonal Swale	40.610603	-122.36148	NA	NA	411.4	0.01
Seasonal Swale Totals =						NA	411.4	0.01
Seasonal Wetland Totals =						NA	7620.4	0.17
Adjacent Wetland Features Totals =						NA	8031.8	0.18

Tributary Features								
Label	Cowardin	Description	Location (Lat/Long)		Width (ft)	Length (ft)	Area (sq ft)	Acres
T01	R6	Tributary	40.607749	-122.35806	5.5	51.4	282.7	0.01
T02	R4SB	Tributary	40.609467	-122.3609	39.0	358.4	13977.2	0.32
T03	R6	Tributary	40.610042	-122.36087	5.5	50.8	279.4	0.01
T04	R6	Tributary	40.61028	-122.36101	5.4	33.5	181.0	0.00
T05	R6	Tributary	40.607684	-122.35836	5.0	439.8	2198.8	0.05
T06	R6	Tributary	40.607499	-122.35913	5.0	43.1	215.7	0.00
T07	R6	Tributary	40.607664	-122.35984	5.0	285.4	1427.1	0.03
T08	R6	Tributary	40.610173	-122.361	5.0	70.6	353.0	0.01
T09	R6	Tributary	40.610171	-122.36094	5.0	55.0	275.1	0.01
T10	R6	Tributary	40.608135	-122.36049	3.0	104.0	312.0	0.01
T11	R6	Tributary	40.607555	-122.35981	6.0	51.1	306.8	0.01
T12	R6	Tributary	40.611495	-122.36104	4.0	393.3	1573.4	0.04
Tributary Totals =						1936.6	21382.4	0.49
Total Waters of the U.S. =						1936.6	29414.2	0.67

Excluded Features								
Label	Cowardin	Description	Location (Lat/Long)		Width (ft)	Length (ft)	Area (sq ft)	Acres
D01	R6	Tributary	40.607201	-122.35923	2.0	75.7	151.5	0.003
D02	R6	Tributary	40.606923	-122.35907	1.0	21.6	21.6	0.000
D03	R6	Tributary	40.610284	-122.36169	1.0	144.5	144.5	0.003
D04	R6	Tributary	40.611134	-122.36124	1.0	433.9	433.9	0.010
D05	R6	Tributary	40.611725	-122.36125	1.0	100.9	100.9	0.002
Detention Pond-1	PUB	Pond	40.607428	-122.35856	NA	NA	2403.5	0.055
Detention Pond-2	PUB	Pond	40.608144	-122.35947	NA	NA	12745.7	0.293
Excluded Feature Totals =						776.7	16001.6	0.367

Coordinate System: NAD 1983 California State Plane I (Feet)
 Projection: Lambert Conformal Conic
 Datum: North American 1983
 Vertical Datum: NAVD 88

Made in accordance with the Updated Map & Drawing Standards for the South Pacific Division Regulatory Program

The features represented on this graphic are considered preliminary until written verification by the USACE.

- Project Boundary - (11.2 acres)
 - 5 Foot Contour
 - Culvert - C#
 - OHWM Transect - 'X-X'
 - Flow Direction
 - Photo Points* - P#
- Excluded Features**
- Excluded Ditch - D#
 - Excluded Detention Pond - Detention Pond#
- Data Points**
- Upland - U#
 - Wetland - W#
- Wetland Features - WF# - (0.18 acres)**
- Seasonal Swale
 - Seasonal Wetland
- Tributary Features - T# - (0.49 acres)**
- Tributary
 - Tributary

*See Figure 3, Ground Photographs Map, for additional information on Photo Points.

