



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): [November 12, 2020](#).

ORM Number: [SPK-2020-00386](#).

Associated JDs: [N/A](#).

Review Area Location¹: State/Territory: [California](#). City: [Proberta](#). County/Parish/Borough: [Tehama](#).

Center Coordinates of Review Area: Latitude [40.0722](#). Longitude [-122.1747](#).

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: [N/A or describe rationale](#).
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.



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B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	acres	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³				
(a)(1) Name	(a)(1) Size		(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	acres	N/A.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
W1	1.095	acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The feature known as W1 flows East, directly into the Sacramento River, which is an (a)(1) water

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size		(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	acres	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	acres	N/A.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
W7	0.01	Acres	(b)(1) Non-adjacent wetland.	This feature is in a topographical depression that may temporarily hold precipitation and may intercept high ground water for short

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				durations. There is no hydrologic surface water connection between the wetland and a paragraph (a)(1) - (a)(3) water in a typical year.
W8	0.03	acres	(b)(1) Non-adjacent wetland.	This feature is in a topographical depression that may temporarily hold precipitation and may intercept high ground water for short durations. There is no hydrologic surface water connection between the wetland and a paragraph (a)(1) - (a)(3) water in a typical year.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: [Draft Aquatic Resource Delineation Report, dated April 2020, prepared by VESTRA Resources Inc.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A.](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Aerial and Other. 1\) Ground Photos: Delineation Report dated April 2020. 2\) Aerial Imagery: GoogleEarth 7.3.3.7692. \(2011 July 27, 2015 April 15, 2017 May 24, 2018, September 14\). Tehama County, California. Latitude 40.0722°N, longitude 122.1747°W, Retrieved June 20, 2020, from <http://www.earth.google.com>. 2\) Historicaerials.com \(1935-1983\). 3\) Digital Globe version 2020.Q3.R2.2582 \(2016 May 01, 2017 May 05, 2018 April 01\) Tehama County, California. Latitude 40.0722°N, longitude 122.1747°W, Retrieved October 29-30, 2020, from <https://evwhs.digitalglobe.com>.](#)

Corps site visit(s) conducted on: [Date\(s\).](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [U.S. Department of Agriculture Natural Resources Conservation Service \(NRCS\). 2020. Web Soil Survey. Available online at: <http://websoilsurvey.sc.egov.usda.gov/>.](#)

USFWS NWI maps: [USFWS. \(n.d.\). National Wetland Inventory. Project area: Tehama County, California. Source imagery date: 1983. Washington, D.C.: U.S. Fish and Wildlife Service, Dept. of the Interior. Retrieved June 20,, 2020, from Wetland Mapper: <https://www.fws.gov/wetlands/data/mapper.html>.](#)

USGS topographic maps: [Scale: 1:24K; Quad name: Gerber .](#)



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Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Issues	N/A.

B. Typical year assessment(s): The Antecedent Precipitation Tool (APT) was used to determine the typical year assessment for this site based on the consultant's site visit dates on March 8-9, 2020. At the time of the field evaluation, the conditions observed within the survey area were typical of a low-rainfall spring in the region; 0.25 inches of rainfall occurred one day prior to the survey. The APT indicates that rainfall conditions were drier than normal during that time period, within the wet season, and during a moderate drought. The APT was also used during examination of aerial imagery on the following dates: May 1, 2016; May 5, 2017; April 1, 2018, and July 2, 2018. The conditions observed on the APT for May 1, 2016, were normal conditions, in a typical normal year and during the dry season. The conditions observed on the APT for May 5, 2017, were wetter than normal conditions, during the beginning of a drought, in the dry season. The conditions observed on the APT for April 1, 2018, were normal conditions, during a mild drought, in the dry season.

C. Additional comments to support AJD: The 140 acre study area located near lower reaches of the Tehama West Watershed, a subset of the Sacramento River Watershed. The study area is surrounded by agricultural and residential developments to the north, west, and south. The natural hydrology of the site has been significantly impacted from past agricultural activities. An irrigation pond on the property adjacent to the western boundary of the study area created runoff that caused the erosion that formed what is now wetland B. When the pond was backfilled in 2015, the remaining runoff was diverted to Channel A. Wetland B, W6, W7, and W8 have no direct hydrolic surface connection to an (a)(1) - (a)(3) water in a typical year. Channel A, known as W1 is an intermittent stream that was determined by late ponding on google earth aerial images upstream showing long durations of inundation throughout the channel. On the aerial imagery there was physical evidence of algal matting, and bryophytes within the stream which are indicators of longterm inundation.