



**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): [June 22, 2020](#).

ORM Number: [SPK-2020-00155](#).

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

Review Area Location<sup>1</sup>: State/Territory: [CA](#). City: [Cedarville](#). County/Parish/Borough: [Modoc](#).

Center Coordinates of Review Area: Latitude [41.60294](#). Longitude [-120.19937](#).

**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: .
- 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).

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<sup>1</sup> 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)<sup>2</sup>**

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

**C. Clean Water Act Section 404**

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

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

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.	N/A.	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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Soldier Creek	0.29	acre	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	This stream is an intermittent stream that flows into upper alkali lake, which is a closed basin and does not flow into an (a)(1) water.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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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**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: [Aquatic Resource Delineation Report, dated February 10, 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale:

Data sheets prepared by the Corps:

Photographs: [Aerial and Other. Title\(1\) Ground photos: Delineation report dated February 10, 2020; 2\) Aerial Imagery: Digital Globe \(Photo date: April 17, 2019\). Cedarville, California. Retrieved February 21, 2020\).](#)

Corps site visit(s) conducted on:

Previous Jurisdictional Determinations (AJDs or PJDs):

Antecedent Precipitation Tool: provide detailed discussion in Section III.B.

USDA NRCS Soil Survey:

USFWS NWI maps:

USGS topographic maps: [USGS. \(1983\) Topographical Map Cedarville, California. 1:100,000 scale. Reston, VA, USA; U.S. Department of Interior. Retrieved from https://ngmdb.usgs.gov/topoview/viewer/#11/41.6383/-120.1084.](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS/WBD/NHD data/maps</a>	<a href="#">USGS. (2020, May 19). Custom National Hydrography Dataset Plus High Resolution (NHDPlus HR) for 4-digit hydrologic Unit - 1808.</a>
<a href="#">USDA Sources</a>	N/A.
<a href="#">NOAA Sources</a>	N/A.
<a href="#">USACE Sources</a>	N/A.
<a href="#">State/Local/Tribal Sources</a>	N/A.
<a href="#">Applicable/supporting scientific literature</a>	<a href="#">Fowler, A, Spycher, N, Zierenberg, R (2017, May 1) Identification of blind geothermal resources in Surprise Valley, CA, using publicly available groundwater well water quality data, retrieved from https://escholarship.org/uc/item/0nt9x7f1.</a>

**B. Typical year assessment(s):** [N/A.](#)

**C. Additional comments to support AJD:** [According to Fowler et. al, dated May 1, 2017, "the Surprise Valley is an endorheic basin," which includes Upper Alkali Lake and Soldier Creek. The topographical map, dated 1983, depicts the topography of the adjacent land which drains into upper Alkali Lake and has no outlet that flows into an a\(1\) water. The National Hydrography Data set shows that the downstream of Soldier creek does not have any ancillary tributaries that flow out of Upper Alkali Lake. The adjacent lake](#)



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to the south, known as Lower Lake, appears to cross the California-Nevada state line. Under the 2020 National Waters Protection Rule, interstate waters were removed as a category of waters of the United States. The surface water does not travel into an a(1) water at any time; therefore, is an excluded b(1) water. Although Upper Alkali Lake has the potential to support recreationally-based navigation (i.e., kayaks, canoes) in most years, the Corps found no evidence of such use.