



**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): 9/10/2020
 ORM Number: SPK-2020-00661
 Associated JDs: N/A
 Review Area Location¹: State/Territory: California City: None County/Parish/Borough: Butte and Sutter
 Center Coordinates of Review Area: Latitude 39.31479 Longitude -121.63533

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).

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.	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.	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.

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.

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

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

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.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Sutter Butte Canal	45.79 acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The Sutter-Butte Canal is a man-made, earth-lined, irrigation canal that was constructed in uplands. Construction of the canal began in 1904 and was originally designed to divert water from the Feather River. In 1969, with the completion of Oroville Dam, the point of diversion was moved from its original location on the Feather River to the Thermalito Afterbay

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: [Request for Aquatic Resource Delineation Verification or Jurisdictional Determination, received August 25, 2020.](#)

This information is not sufficient for purposes of this AJD.

Rationale: [The information did not include a detailed description of the portion of the canal within the review area.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Select. Title\(s\) and/or date\(s\).](#)
- 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: [Title\(s\) and/or date\(s\).](#)
- USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)
- USGS topographic maps: [Biggs Quadrangle, 7.5-Minute Series, 1912 and 2018; and Gridley Quadrangle, 7.5-Minute Series, 1912 and 2018](#)

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 Sources	US Bureau of Reclamation Final Environmental Assessment, Butte Water District Canal Automation – Thresher Weir, August 2011 (USBR 2011)

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.

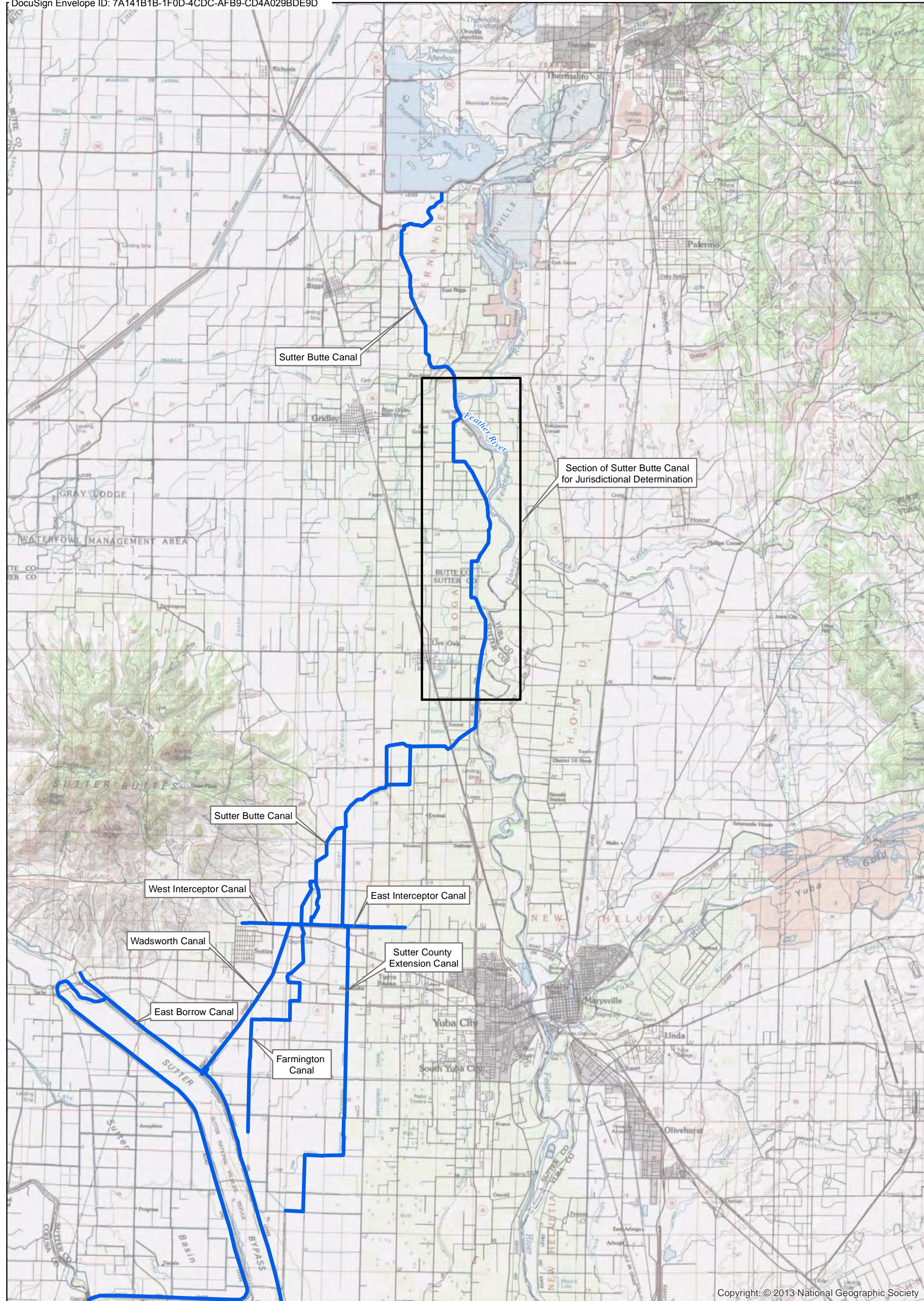


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- B. Typical year assessment(s):** Flows within the canal are artificially regulated through diversions from the Feather River through the Thermalito Afterbay. The canal flows 10 months of the year in order to deliver irrigation water during the growing season, and water for flooding fields to decompose rice stubble during late fall and early winter (USBR, 2011).
- C. Additional comments to support AJD:** Water within the canal is delivered to water costumers primarily for agricultural purposes, serving approximately 32,800 acres of agricultural land. Double screw gates are located within the review area at latitude 39.334861°, longitude -121.633783° (Figure 2) to allow spillage to be diverted into the Feather River, an (a)(2) water, when flows exceed the capacity of the canal.

Flows within the canal originate at the Thermalito Afterbay, an off-channel reservoir of the Feather River, and continue approximately 33 miles to the south west (Figure 1), reaching the Sutter Bypass through the Wadsworth Canal. Flows within the canal are reduced throughout the length of the canal from approximately 1,000 cubic feet per second (cfs) at the upstream end to approximately 100 cfs at the downstream end. Flows within the Sutter Bypass continue south through Sacramento Slough to the Sacramento River, an (a)(1) water, immediately upstream of the confluence with the Feather River.

The determination that the canal was constructed in uplands is based on a review of the historic USGS quad maps from 1912. The existing canal is shown on the maps while there is no indication that wetlands, marshes, or other waterways crossed the vicinity of the canal at that time, while wetland indications are present in other parts of the maps. The levee separating the canal from the Feather River floodplain was already constructed in the 1912 maps.



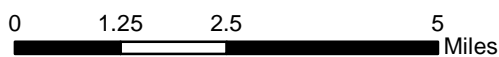
Copyright: © 2013 National Geographic Society

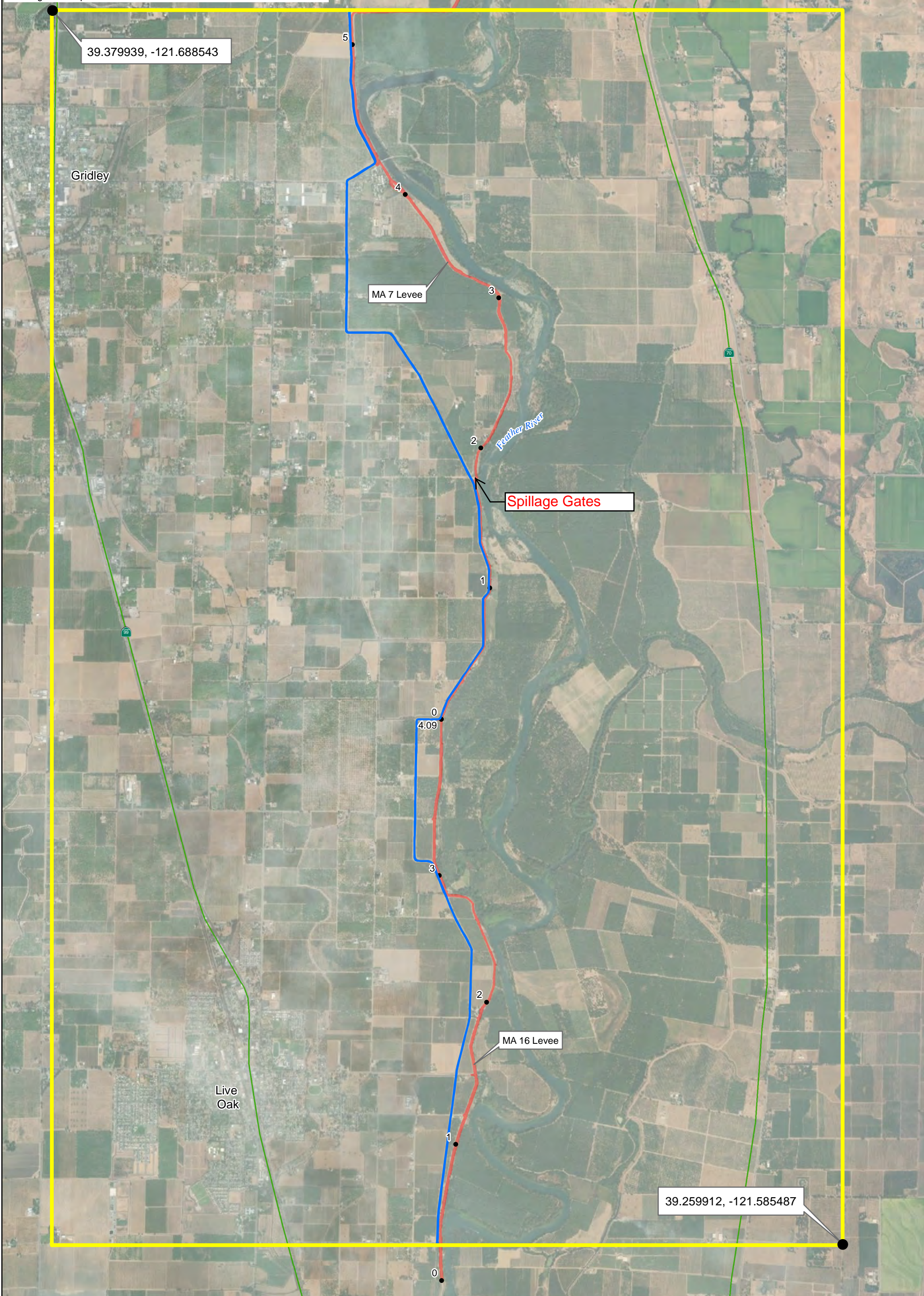
Figure 1. Location Map

Sutter Butte Canal Jurisdictional Status along DWR Maintenance Areas 7 and 16

7.5 minute quad maps - Sutter Buttes, Biggs, Yuba City, Wheatland, Gridley, Tisdale Weir, Bangor, Palermo, Nelson, Loma Rica, Gilsizer Slough, Sutter, West of Biggs, Browns Valley, Honcut, Oroville, Oroville Dam, Pennington, Olivehurst, Shippee

Created by Melanie Powers 8/21/2020





39.379939, -121.688543

Gridley

MA 7 Levee

Feather River

Spillage Gates

Live Oak

MA 16 Levee

39.259912, -121.585487



Department of Water Resources
 Division of Flood Management
 Flood Maintenance Office

- Canal
- Levee
- Levee Mile

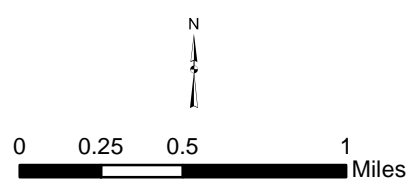
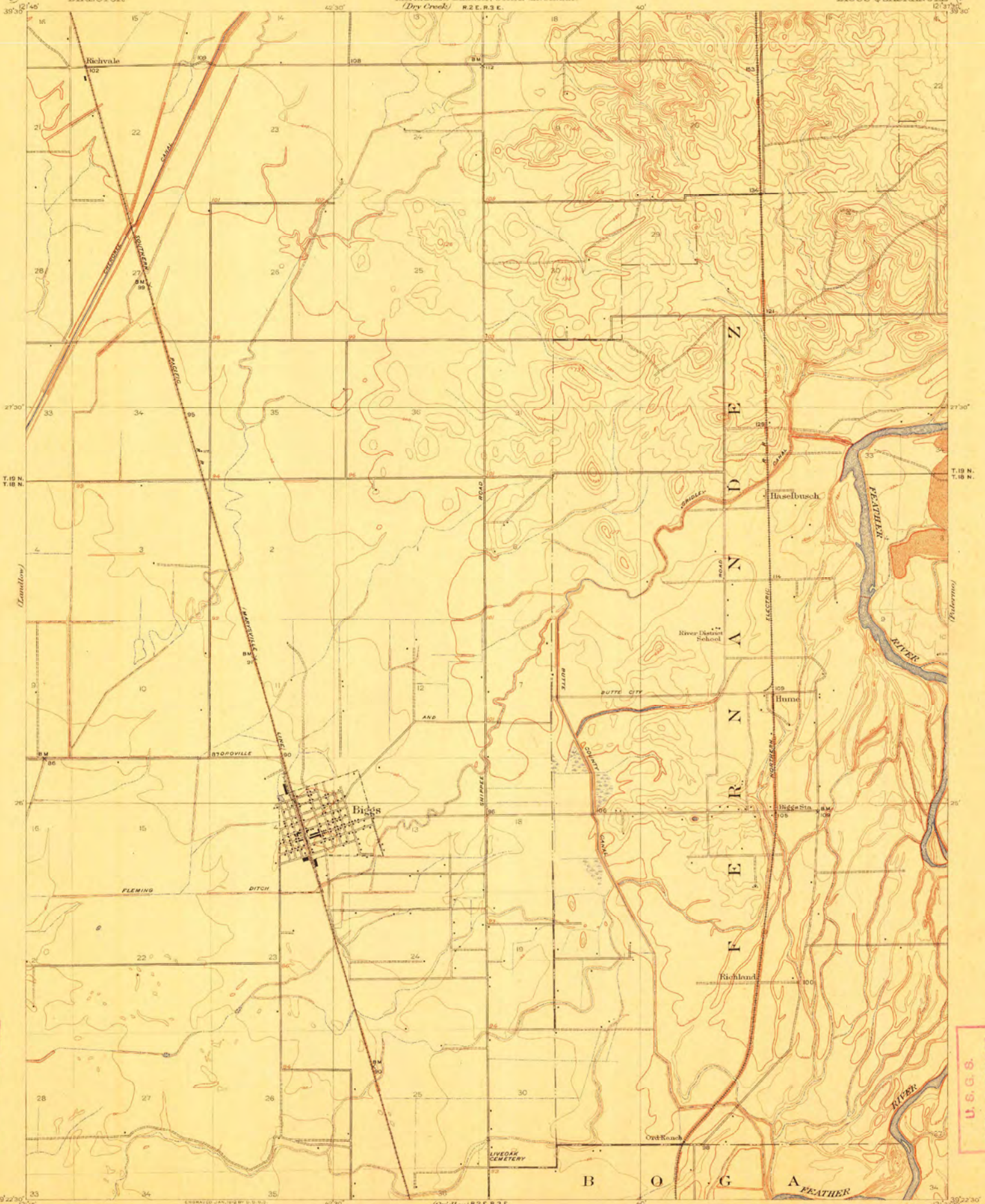


Figure 2. Jurisdictional Determination Map

Sutter Butte Canal Jurisdictional Status along DWR Maintenance Areas 7 and 16

Projection: Albers
 Coordinate System: GCS North American 1983
 Datum: North American 1983
 1 inch = 3,104 feet



(North arrow) 39° 30' 27' 30' 26' 25' 24' 23' 22' 21' 20' 19' 18' 17' 16' 15' 14' 13' 12' 11' 10' 9' 8' 7' 6' 5' 4' 3' 2' 1' 0' 1' 2' 3' 4' 5' 6' 7' 8' 9' 10' 11' 12' 13' 14' 15' 16' 17' 18' 19' 20' 21' 22' 23' 24' 25' 26' 27' 28' 29' 30' 31' 32' 33' 34' 35' 36' 37' 38' 39' 40'

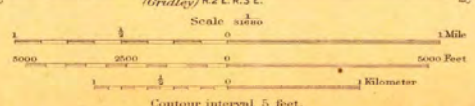
(Orville) 121° 30' 120° 30' 119° 30' 118° 30' 117° 30' 116° 30' 115° 30' 114° 30' 113° 30' 112° 30' 111° 30' 110° 30' 109° 30' 108° 30' 107° 30' 106° 30' 105° 30' 104° 30' 103° 30' 102° 30' 101° 30' 100° 30' 99° 30' 98° 30' 97° 30' 96° 30' 95° 30' 94° 30' 93° 30' 92° 30' 91° 30' 90° 30'

FILE COPY
Ed. Div. Topographic Maps

U. S. G. S.
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39° 22' 30" 121° 30' 120° 30' 119° 30' 118° 30' 117° 30' 116° 30' 115° 30' 114° 30' 113° 30' 112° 30' 111° 30' 110° 30' 109° 30' 108° 30' 107° 30' 106° 30' 105° 30' 104° 30' 103° 30' 102° 30' 101° 30' 100° 30' 99° 30' 98° 30' 97° 30' 96° 30' 95° 30' 94° 30' 93° 30' 92° 30' 91° 30' 90° 30'

K	C
RM	O
TM	O



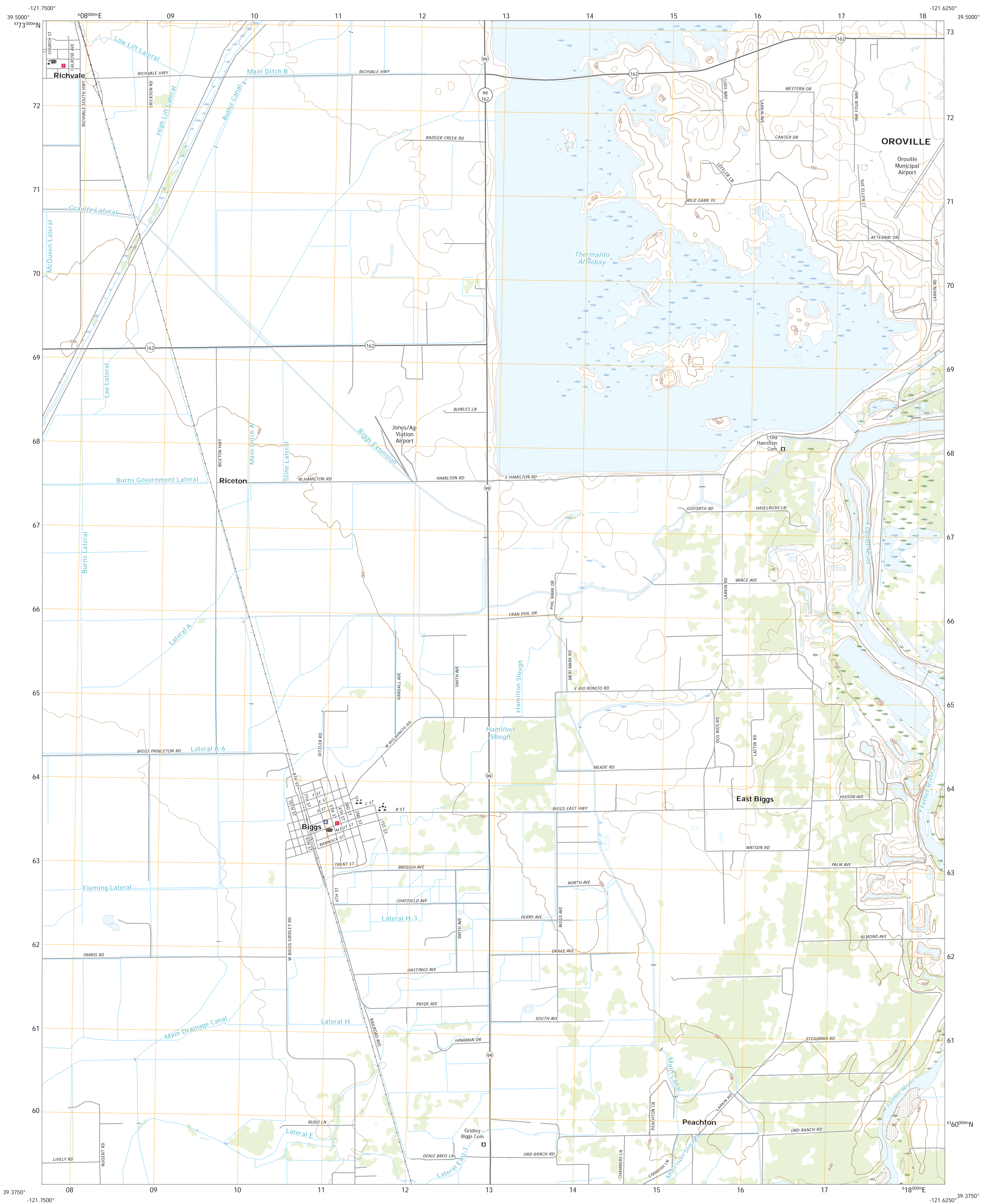
Scale 1:50,000
1 Mile
5000 2500 0 2500 5000 Feet
1 0 1 Kilometers
Contour interval 5 Feet.
Datum is mean sea level.
Edition of April 1912.
APR 30 1912 3614
USGS
Historical File
Topographic Division
BIGGS, CALIF.



U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY

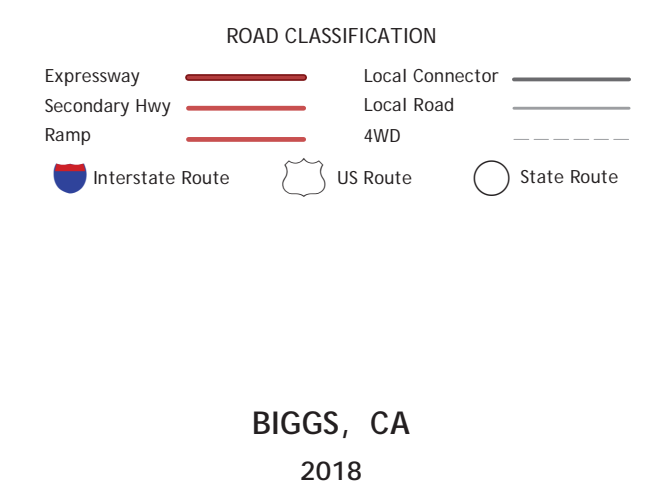
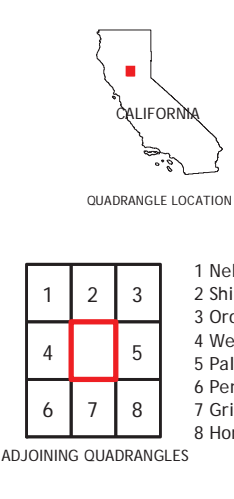
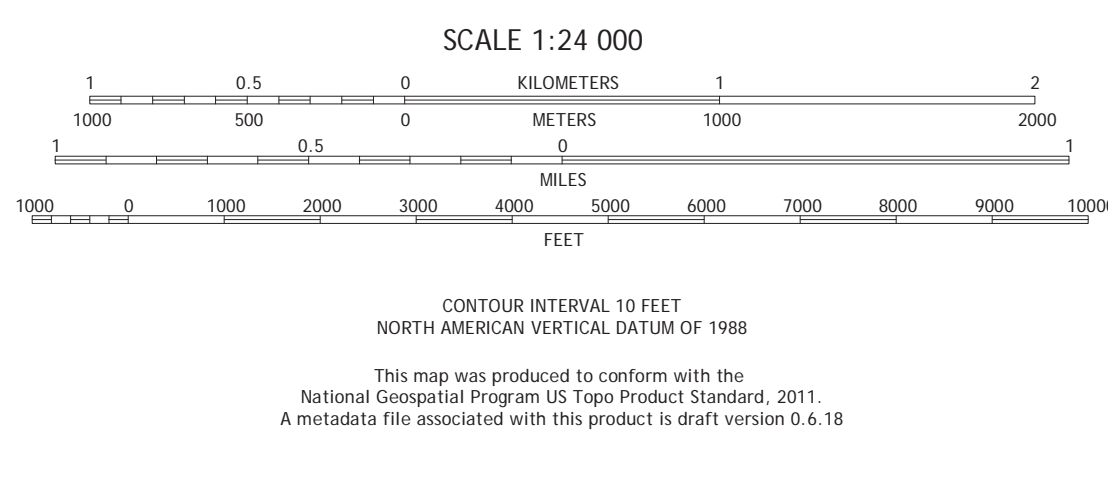
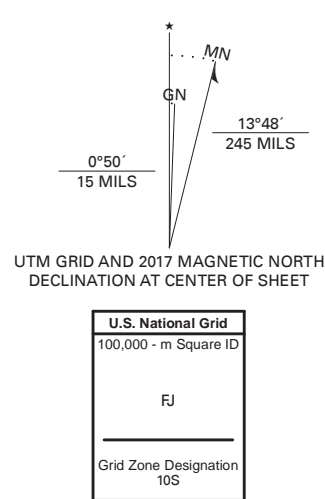


BIGGS QUADRANGLE
CALIFORNIA - BUTTE COUNTY
7.5-MINUTE SERIES



Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and
1,000-meter grid Universal Transverse Mercator, Zone 10S
This map is not a legal document. Boundaries may be
generalized for this map scale. Private lands within government
reservations may not be shown. Obtain permission before
entering private lands.

Imagery: NAIP, July 2016 - October 2016
Roads: U.S. Census Bureau, 2016
Names: GNIS, 1981 - 2018
Hydrography: National Hydrography Dataset, 2004 - 2018
Contours: National Elevation Dataset, 1999 - 2005
Boundaries: Multiple sources; see metadata file 2016 - 2017
Public Land Survey System: BLM, 2018
Wetlands: FWS National Wetlands Inventory 1976 - 2010

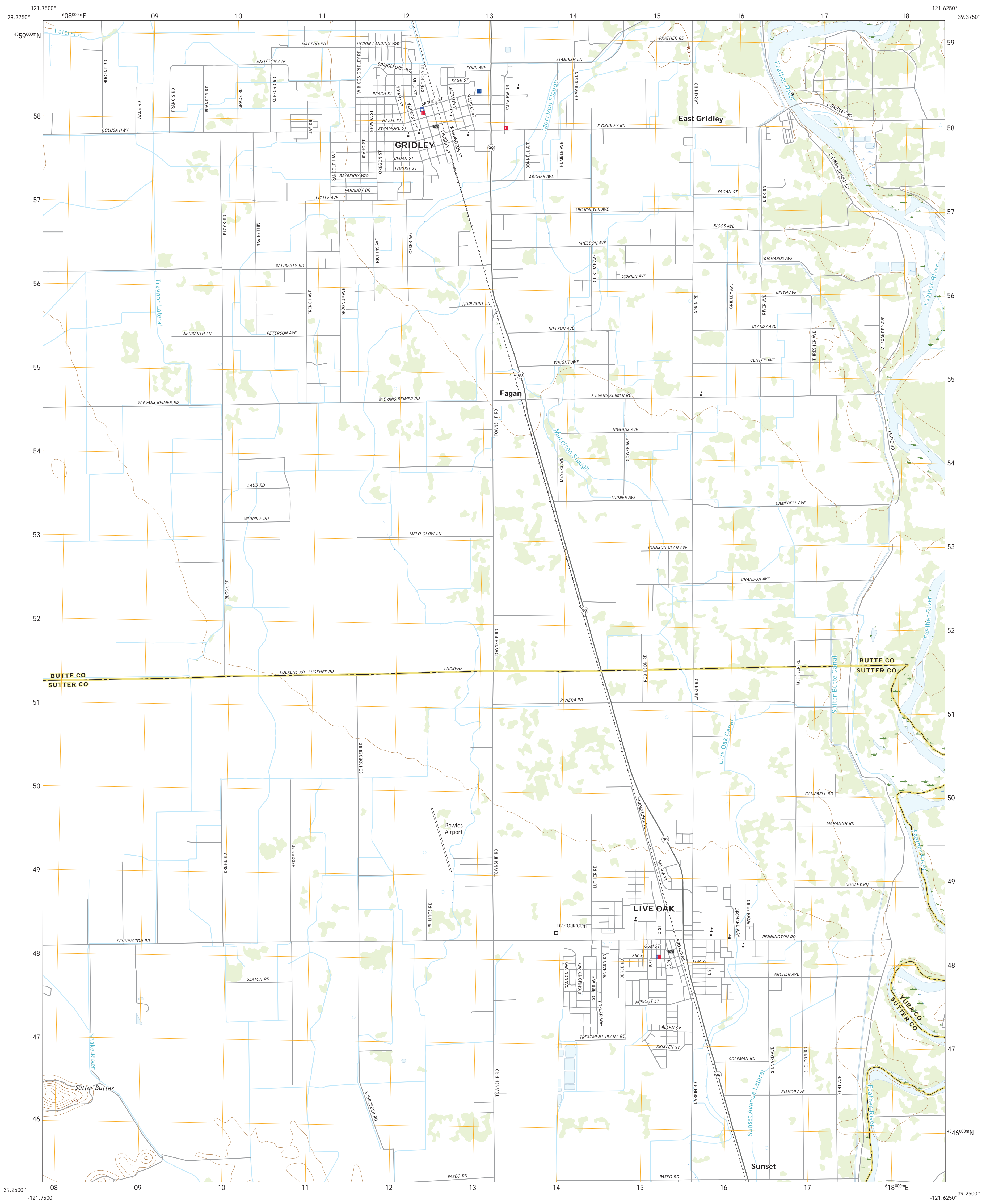




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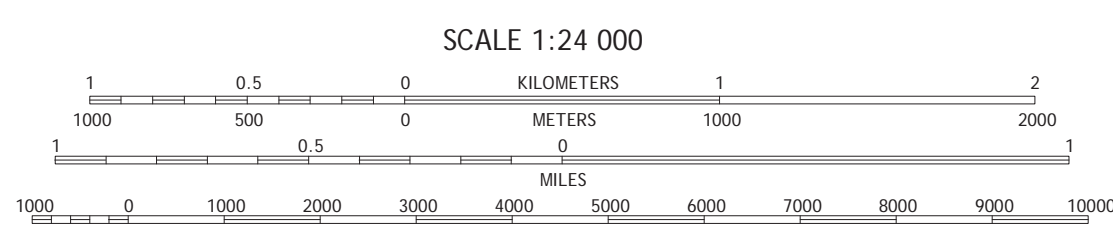
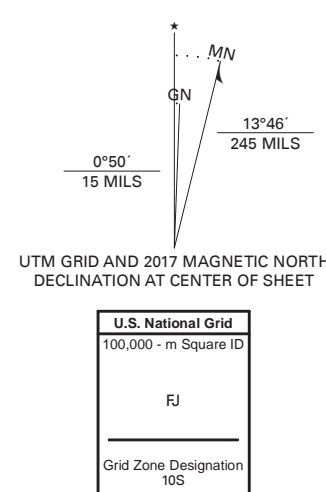


GRIDLEY QUADRANGLE
CALIFORNIA
7.5-MINUTE SERIES



Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and
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Public Land Survey System: BLM, 2018
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SCALE 1:24 000
CONTOUR INTERVAL 10 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988

This map was produced to conform with the
National Geospatial Program US Topo Product Standard, 2011.
A metadata file associated with this product is draft version 0.6.18



1	2	3	1 West of Biggs
4	5	6	2 Biggs
7	8	9	3 Paterson
			4 Pennington
			5 Henshaw
			6 Sutter Buttes
			7 Sunset
			8 Yuba City

ROAD CLASSIFICATION	
Expressway	Local Connector
Secondary Hwy	Local Road
Ramp	4WD
Interstate Route	US Route
	State Route

GRIDLEY, CA
2018

