



**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): [May 25, 2021](#).

ORM Number: [SPK-2020-00615](#).

Associated JDs: [SPK-2017-00964](#).

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

Center Coordinates of Review Area: Latitude [39.74190](#). Longitude [-121.78948](#).

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](#).
- 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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
OW01	0.14	acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This feature is an intermittent stream that flows into an unnamed perennial stream which flows 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.	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	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
NJW01.	0.09	acres	(b)(1) Non-adjacent wetland.	The February 11, 2019, aerial photo shows hydrologic connection between only NJW01 and NJW02,

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
				however, these features are physically isolated within themselves and do not have a direct hydrologic surface water connection to an (a)(1)-(a)(3) water in a typical year.
NJW02.	0.02	acres	(b)(1) Non-adjacent wetland.	The February 11, 2019, aerial photo shows hydrologic connection only between NJW02 and NJW01, however, the features are physically isolated within themselves and do not have a direct hydrologic surface water connection to an (a)(1)-(a)(3) water in a typical year.
NJW03.	0.01	acres	(b)(1) Non-adjacent wetland.	This feature is a remote, physically isolated feature that does not have a direct hydrologic surface water connection to an (a)(1)-(a)(3) water in a typical year.
WF01.	0.06	acres	(b)(1) Non-adjacent wetland.	In the February 11, 2019 aerial photo, WF01 and OW01 have hydrologic connection, this feature does not have a direct hydrologic surface water connection to an (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: 1) Draft Delineation of Jurisdictional Waters of the United States, Oak Valley Development Project; dated August 2020, prepared by Gallaway Enterprises, Inc.; 2) Technical Memorandum: Request for Additional Data for SPK-2020-00615 Bruce Road and Deer Creek AJD Request, Chico, Butte County, California, dated April 2021, prepared by Gallway Enterprises.

This information is sufficient for purposes of this AJD.

Rationale: N/A.

Data sheets prepared by the Corps:

Photographs: Aerial and Other. 1) Ground photos: Draft Delineation of Jurisdictional Waters of the United States, Oak Valley Development Project, dated August 2020, prepared by Gallaway Enterprises. 2) Ground photos: Technical Memorandum: Request for Additional Data for SPK-2020-00615 Bruce Road and Deer Creek AJD Request, Chico, Butte County, California, dated April 2021, prepared by Gallway



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Enterprises. 3) Aerial Imagery: GoogleEarth 7.3.3.7692 (May 18, 2017 and August 16, 2018) Chico, California, Latitude 39.74037, Longitude -121.78884 eye alt.1948. Retrieved May 17, 2021, from <http://www.earth.google.com>; 4) Digital Globe version 2021.Q1.R1.2724:2021-03-23T03:10:32Z (April-17, 2018 and February 11, 2019) Butte County, California. Latitude 39.74037, Longitude -121.78884, Retrieved May 24, 2021, from <https://evwhs.digitalglobe.com>; 5) historicalaerials.com (1968), retrieved on May 24, 2021, Butte County, California, Latitude 39.74037, Longitude -121.78884;.

- Corps site visit(s) conducted on: .
- Previous Jurisdictional Determinations (AJDs or PJDs): [SPK-2017-00964](#).
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B](#).
- USDA NRCS Soil Survey: .
- USFWS NWI maps: [U.S. Fish and Wildlife Service](#). Publication date May 2021. National Wetlands Inventory website. U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C. <https://www.fws.gov/wetlands/data/Mapper.html>.
- USGS topographic maps: [USGS](#). (2015). Topographical Map Chico, California. 1:24,000 scale. Retrieved from <https://ngmdb.usgs.gov/topoview/viewer/#13/39.7404/-121.7888>.

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 give context to the Digital Globe images from February 11, 2019. The APT showed wetter than normal conditions for the February 11, 2019 Digital Globe image. WF01 showed heavy saturation and flows through a culvert to an ephemeral stream which then flows into a wetland and vernal pool. The APT was used to give context to the April 17, 2018 Digital Globe image. The APT showed normal conditions and was used to compare how the site looked during wetter than normal conditions.

C. Additional comments to support AJD: Based on the Digital Globe and Google Earth images and the topographic map, OW01 is an a(2) intermittent stream. The prior delineation completed for SPK-2017-00964 shows that WF01 has connectivity to OW01 by flowing through an ephemeral drainage, through a culvert, and then flowing into a wetland and vernal pool. While February 11, 2019 Digital Globe photo shows hydrologic connection to OW01, WF01 does not have direct connectivity to an (a)(1)-(a)(3) water. The February 11, 2019 Digital Globe photo, also shows there is no hydrologic connection shown between NJW01, NJW02, and NJW03 and the a(2) intermittent tributary.