



**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): [February 24, 2021](#).

ORM Number: [SPK-2009-00820](#).

Associated JDs: [SPK-2009-00820 PJD](#), dated [January 28, 2016](#).

Review Area Location<sup>1</sup>: State/Territory: [California](#). City: [Willows](#). County/Parish/Borough: [Glenn County](#).

Center Coordinates of Review Area: Latitude [39.505](#). Longitude [-122.199](#).

**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: [The subject water only met one of the three parameters \(hydric soils\). The subject water did not meet the parameter for hydrology or for vegetation.](#)
- 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.	N/A	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
N/A.	N/A.	N/A	N/A	N/A

<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: [2020 Wetland Delineation Re-Assessment South Willows Commercial Development dated October 15, 2020, prepared by Gallaway Enterprises.](#)

This information is sufficient for purposes of this AJD.  
Rationale: [N/A.](#)

Data sheets prepared by the Corps: .

Photographs: [Aerial and Other.](#) 1) [Historic aerials and ground photos: 2020 Wetland Delineation Re-Assessment South Willows Commercial Development dated October 15, 2020, prepared by Gallaway Enterprises.](#) 2) [Digital Globe Aerials: WorldView. \(2017, March 03\). Basin Street Properties, 17MAR31190144-S3DS\\_R1C1-013765154010\\_01\\_P001. Westminster, CO, USA: DigitalGlobe, Inc. and WorldView. \(2017, June 5\). Basin Street Properties, 17JUN05221211-P3DS\\_R1C1-013765155010\\_01\\_P001. Westminster, CO, USA: DigitalGlobe, Inc.](#)

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: .

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

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Issues</a>	<a href="#">N/A.</a>

**B. Typical year assessment(s):** [The Antecedent Precipitation Tool was used to look for inundation/saturation for hydrology indicators where data points were taken in a March 3, 2017, aerial photo. In accordance with the Antecedent Precipitation Tool at the time of the aerial photo \(March 3, 2017\), the photo was taken during the wet season, it was wetter than normal, and the drought index concluded that the time period was during extreme wetness.](#)

**C. Additional comments to support AJD:** [A prior PJD was completed in 2016; however, the applicant requested an updated AJD under NWPR to be determined. The applicant performed test pits across the area that was previously delineated and found only hydric soils present. Hydrology was absent from the](#)



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data points, and the aerial image to analyze the hydrology did not show any indicators of hydrology. The data points also concluded that vegetation was predominantly upland species and failed to meet the dominance test and prevalence test for hydric vegetation. According to Chapter 5 of the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, the area does not fall under atypical situations due to the hydric soil being present or problematic wetlands due to there only being hydric soils present with no hydrology or vegetation. The applicant provided aerial photos demonstrating that the area has been consistently utilized for agricultural purposes since 1973, and there were no observed indicators of wetlands within the study area. The referenced digital globe photos did not display any saturation or hydrology during wet or dry periods.