



**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): [August 9, 2021](#).

ORM Number: [SPK-2020-00333](#).

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

Review Area Location¹: State/Territory: [California](#). City: [N/A](#). County/Parish/Borough: [Unincorporated Lake County](#).

Center Coordinates of Review Area: Latitude [38.733589](#). Longitude [-122.52596](#).

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. | 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 |
| Perennial Stream (PS) 9 and 14 | 1.43 | acres | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | PS 9 (Bucksnot Creek) and PS 14 (Butts Creek) are both (a)(2) waters that flow into Putah Creek which is also an (a)(2) water, which flows to Lake Berryessa an (a)(3) water, then back into Putah Creek, then into Prospect Slough, which is an (a)(2) water, and then into the Sacramento River which is an (a)(1) waters of the U.S. |
| Intermittent Stream (IS) 1, 6, 8, 12-13, 15-18, 20, 22-23, 25, 38-41, 43, 45-48, 52, 54-55 | 6.71 | acres | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | The following waters flow into Snell Creek, Butts Creek, or Putah Creek, which are (a)(2) waters that flow to Lake Berryessa an (a)(3) water, then back into Putah Creek, then into Prospect Slough, which is an (a)(2) water, and then into the Sacramento River which is an (a)(1) waters of the U.S. |

| 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 |
| Open Waters (OW) 3, 5, 7, 12 | 2.34 | acres | (a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a | OW3 flows into IS-18 which is an (a)(2) tributary, OW-5 is an impoundment of water from IS-23, an (a)(2) tributary, OW-7 receives |

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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| 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 |
| | | | typical year | and discharges flow from IS-41 which is an (a)(2) tributary, OW-12 is Detert reservoir which flows into IS-55 which is an (a)(2) tributary. The (a)(2) tributaries flow into Lake Berryessa an (a)(3) water, then back into Putah Creek, then into Prospect Slough, which is an (a)(2) water, and then into the Sacramento River which is an (a)(1) waters of the U.S. |

| Adjacent wetlands ((a)(4) waters): | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a)(4) Name | (a)(4) Size | | (a)(4) Criteria | Rationale for (a)(4) Determination |
| Stream Fringe/In Stream Wetlands (SF) - 113 Seasonal Wetland Depressions, Seasonal Wetland, Seasonal Wetland Pond Fringes, Seasonal Wetland Seeps/Swales (SW) -86, 199-200, 391, 397, 406, 411, 414, 417 | 4.58 | acres | (a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year. | The following wetlands meet the definition of paragraph of (c)(16), but are separated from an (a)(1)-(a)(3) by an artificial structure (culvert) that allows a direct hydrologic surface connection between the two in a typical year. |
| (SF) 28-34, 36-37, 53-62, 65, 68, 72, 74-79, 82-100, 120-133, 131-134, 139 | 13.89 | acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | The following wetlands meet the definition of paragraph of (c)(16), and are directly abutting an (a)(1)-(a)(3) water. |
| (SW) 30, 36, 40, 62, 75, 80, 88, 97, 112-113, 135-139, 146, 162, 209, 211-212, 215, 217-218, 225-226, 229, 233-234, 246-249, 265-266, 325, 333, 357, 375, 378-379, 416 | 34.42 | acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | The following wetlands meet the definition of paragraph of (c)(16), and are directly abutting an (a)(1)-(a)(3) water. |

D. Excluded Waters or Features



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| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Exclusion Name | Exclusion Size | | Exclusion ⁵ | Rationale for Exclusion Determination |
| SF-80-81, 123, 125-126, 130, 135-137 | 0.16 | acre | (b)(1) Non-adjacent wetland. | The following features meet the definition of paragraph (c)(16); however, they do not abut, nor are they inundated by flooding from, an (a)(1) – (a)(3) water in a typical year, nor are they physically separated from an (a)(1) – (a)(3) water by a natural or artificial barrier. Furthermore, there is no hydrologic surface water connection between the seasonal fringe wetland features and a paragraph (a)(1) – (a)(3) water in a typical year. |
| SW 13, 19, 22, 25-29, 31, 34, 38, 41, 59-61, 63-64, 66, 74, 76, 83, 85, 87, 89-91, 94-96, 98, 101-106, 109-111, 114-115, 121-123, 125-126, 128-129, 133-134, 140, 145, 147, 149-151, 154-155, 163-165, 201-202, 204-208, 210, 213-214, 216, 219-224, 227-228, 230-232, 237-244, 250, 264, 270-282, 286-324, 326-332, 334-350, 358-362, 367, 369-371, 373-374, 376-377, 380-390, 392-396, 398-405, 407-410, 412-413, 415, 418-427 | 46.77 | acres | (b)(1) Non-adjacent wetland. | The following features meet the definition of paragraph (c)(16); however, they do not abut, nor are they inundated by flooding from, an (a)(1) – (a)(3) water in a typical year, nor are they physically separated from an (a)(1) – (a)(3) water by a natural or artificial barrier. Furthermore, there is no hydrologic surface water connection between the seasonal wetland features and a paragraph (a)(1) – (a)(3) water in a typical year. |
| OW-2, 4, 10,13-15 | 21.97 | acres | (b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an | The following open waters are impoundments of ephemeral (b)(1) waters only and do contribute surface flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a |

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 |
| | | | (a)(1)-(a)(3) water in a typical year. | typical year. |
| Ephemeral Stream (ES)-76-77, 79-95, 104-109, 116, 134-135, 154, 156-157, 161, 163, 206-215, 220, 223-225, 227, 231-233, 236-246, 248-253, 255, 302-305, 318-319, 321-327, 329-331, 335-336, 341-342, 344-345, 363, 365-390, 392, 394-417, 439, 441-442, 445-446, 448-466, 469-471, 475, 479, 488, 491-493, 496, 499-514, 517-533, 535-537, 543-545, 557-558, 563-565, 567-578, 618, 626, 628-632, 635, 637-641, 645-646, 649-652, 655, 660-665, 669-676, 678-689, 730, 733, 766-772, 774, 776-777, 829-830, 833-834, 836-838, 844-850, 852-861, 865-879, 881-894, 898-899, 903, 906-907, 910-913, 915-917, 948-956, 961, 964-966, 968-980, 983-984, 987-1019 | 6.53 | acres | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | These Ephemeral drainage features flow only in direct response to precipitation (e.g., rain or snowfall). Specifically, they drain surface water from adjacent upland and wetland complexes, and flow only in response to localized storm events. These ephemeral drainage features do not convey seasonal or perennial flows. |
| ED 1-12, 14, 16-17 | 0.33 | acre | (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 Ephemeral ditches are infrequent and scattered within the Study Area. The ditches are man-made and do not carry re-located tributaries. These features convey flows during and immediately after precipitation events but remain dry otherwise. |

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: [July 2020 \(revised February 2021\) Aquatic Resources Delineation Report, prepared by WRA, Inc](#) The applicant submitted clarifying hydrologic information on July 15, 2021.

This information is sufficient for purposes of this AJD.



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Rationale: *N/A.*

- Data sheets prepared by the Corps: *N/A.*
- Photographs: *Select. Title(s) and/or date(s).*
- Corps site visit(s) conducted on: *Date(s).*
- Previous Jurisdictional Determinations (AJDs or PJDs): *August 20, 2021, Aquatic Resource Delineation verification.*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *CSRL 2018; USDA 1989.*
- USFWS NWI maps: *Title(s) and/or date(s).*
- USGS topographic maps: *Title(s) and/or date(s).*

Other data sources used to aid in this determination:

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

B. Typical year assessment(s): According to the WETS historic data from Middletown and Clear Lake, CA climate stations: May 2016, June 2016, July 2016, August 2016, April 2017, June 2017, July 2017 period, early May 2018, late August 2018, September 2018 have been normal, May 2017, August 2017, late May 2018, May-June 2018, April 2019, early May 2019, mid June 2019 prior period have been wetter than normal. April 2020 period has been drier than normal.

C. Additional comments to support AJD: *N/A.*