

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): January 27, 2022

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Cowell Ranch, SPK-2022-00040

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: California County/parish/borough: Contra Costa County City: Brentwood
Center coordinates of site (lat/long in degree decimal format): Lat. 37.89087°, Long. -121.71487°
Universal Transverse Mercator: 10 612967.16 4194525.91
Name of nearest waterbody: Marsh Creek
Name of watershed or Hydrologic Unit Code (HUC): San Joaquin Delta, 18040003

- Check if map/diagram of review area is available upon request.
- Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date: January 24, 2022
- Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: *Cowell Ranch, Figure 5. Wetland Sample Points*, Dated November 23, 2021, prepared by Johnson Marigot Consulting, LLC
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s): Brentwood 7.5-minute quadrangle
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s):
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is:
- Photographs (Aerial):
- Photographs (Other): Site photographs included in Attachment C to the December 2021 delineation report prepared by Johnson Marigot Consulting, LLC
- Previous determination(s):
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

¹ This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: A remnant drainage feature is located within the center of the review area, crossing from west to east. This feature was identified as a historic tributary to Kellogg Creek. A review of Google Earth imagery from 2002 to 2021 did not show any water in the channel in any available imagery. The delineation report found that the drainage is dominated by non-native annual grassland with scattered trees. An existing road crosses this features at the western edge of the review area. No culvert is present under the road fill, cutting off any potential flow path if water were to enter the channel. The historic drainage does not have an ordinary high-water mark and the four data points within this feature did not identify wetland conditions.