

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): July 12, 2022

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: 5399 CA-32, SPK-2022-00328

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: California County/parish/borough: Butte County City: Chico
Center coordinates of site (lat/long in degree decimal format): Lat. 39.74340°, Long. -121.98738°
Universal Transverse Mercator: 10 586889.59 4400774
Name of nearest waterbody: Sacramento River
Name of watershed or Hydrologic Unit Code (HUC): Big Chico Creek-Sacramento River, 18020157

- 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: July 12, 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: Aquatic Resources Assessment of the 5399 Highway 32 Property, Butte County, CA, dated May 4, 2022, prepared by Gallaway Enterprises.
- 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): USGS. (2021). Topographical Map Ord Ferry, California. 1:24,000 scale. Retrieved from <https://ngmdb.usgs.gov/topoview/viewer/#14/39.7434/-121.9873>
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s): National Wetlands Inventory, 5399 CA-32, dated July 12, 2022, retrieved from <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>
- State/Local wetland inventory map(s):
- FEMA/FIRM maps: Firm Map 06007C0480E, Revised January 6, 2011, retrieved from <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html>
- 100-year Floodplain Elevation is:
- Photographs (Aerial): 1) GoogleEarth 7.3.3.7692 (April 14, 2015) Chico, California, Latitude 39.74340, Longitude -121.98738, eye alt 1214, Retrieved July 12, 2022, from <http://www.earth.google.com> 2) GoogleEarth 7.3.3.7692 (May 18, 2017) Chico, California, Latitude 39.74340, Longitude -121.98738, eye alt 1448, Retrieved July 12, 2022, from <http://www.earth.google.com>.
- Photographs (Other): Ground photos: Aquatic Resources Assessment of the 5399 Highway 32 Property, Butte County, CA, dated May 4, 2022, prepared by Gallaway Enterprises. LiDAR: "LiDAR: 5399 Hwy 32", Latitude 39.75245, Longitude -121.98574, Retrieved July 22, 2022, from [National Regulatory Viewer - South Pacific Division Viewers \(army.mil\)](http://NationalRegulatoryViewer-SouthPacificDivisionViewers.army.mil)
- 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 delineation of the Survey Area was completed by Elena Gregg, Gallaway Enterprises. Ms. Gregg found no evidence of aquatic resources within the Survey Area. There is a large depression that occurs within the Survey Area. A test pit was taken approximately in the center of the depression. The vegetation located within the depression includes mostly facultative and facultative upland species within one obligate species. The vegetation did not meet the dominance test and did not have a prevalence index of less than or equal to 3.0. Therefore, there is no hydrophytic vegetation present. No hydric soil indicators were observed. Therefore, there is no hydric soil present. There were surface soil cracks within the depression, but no surface water or saturation was present. Therefore, wetland hydrology is present. There is only one indicator met and at least two indicators are required to be considered a wetland. Also, 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 an atypical situation due the one hydrologic indicator being present with no soil or hydric vegetation indicators. LiDAR was also used to evaluate the site. The LiDAR shows the depression where the test pit was taken; however, the depression is isolated and does not have an inlet or outlet to connect to any aquatic resources.