

APPROVED JURISDICTIONAL DETERMINATION FORM
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): August 20, 2013

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, Gibson Crossing, SPK-2005-00595

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **California** County/parish/borough: **Sacramento** City: **N/A (outside of city limits)**
Center coordinates of site (lat/long in degree decimal format): Lat. **38.7161710446911°**, Long. **-121.396386640768°**
Universal Transverse Mercator: **10 639416.76 4286501.02**

Name of nearest waterbody: **Unnamed Tributary to Dry Creek (in close proximity to the north of the site's boundary)**

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **American River**

Name of watershed or Hydrologic Unit Code (HUC): **Lower American, California, 18020111**

Check if map/diagram of review area and/or potential jurisdictional areas is/are 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:

Field Determination. Date(s): **August 8, 2013**

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. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet, wide, and/or acres.

Wetlands: **0.11** acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain: **A water feature consisting of a former stock pond, which currently meets wetland factors, approximately 1.89 acres in size. Please find attached to this JD form a prior JD letter (dated March 29, 2006) and JD form (dated March 21 & 22, 2006) that determined the stock pond feature to be an intrastate, isolated water. The 2006 JD expired on March 29, 2011, thus the applicant resubmitted the JD for verification.**

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW:

Summarize rationale supporting determination:

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”:

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: **36 acres**

Drainage area: **36 acres**

Average annual rainfall: **18.3 inches**

Average annual snowfall: **0 inches**

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through **3** tributaries before entering TNW.

Project waters are **10-15** river miles from TNW.

Project waters are **1 (or less)** river miles from RPW.

Project waters are **5-10** aerial (straight) miles from TNW.

Project waters are **1 (or less)** aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: **N/A**

Identify flow route to TNW⁵: **Unnamed first-order tributary flows into Dry Creek, which flows into Steelhead Creek, which flows into the American River.**

Tributary stream order, if known: **First.**

(b) General Tributary Characteristics (check all that apply):

Tributary is: Natural

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

- Artificial (man-made). Explain:
- Manipulated (man-altered). Explain: **The stream's hydrology is manipulated. Residential development east of site modified and reduced watershed. Tributary flows through public golf course and has been subject to modification in past years. Tributary has summer flows resulting from residential run-off and golf course irrigation.**

Tributary properties with respect to top of bank (estimate):

Average width: **25** feet
 Average depth: **4** feet
 Average side slopes: **2:1**.

Primary tributary substrate composition (check all that apply):

- | | | |
|---|---|-----------------------------------|
| <input checked="" type="checkbox"/> Silts | <input checked="" type="checkbox"/> Sands | <input type="checkbox"/> Concrete |
| <input type="checkbox"/> Cobbles | <input type="checkbox"/> Gravel | <input type="checkbox"/> Muck |
| <input type="checkbox"/> Bedrock | <input checked="" type="checkbox"/> Vegetation. Type/% cover: 30 | |
| <input type="checkbox"/> Other. Explain: | | |

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: **Stable**

Presence of run/riffle/pool complexes. Explain: **None**

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): **0-1** %

(c) **Flow:**

Tributary provides for: **Perennial**

Estimate average number of flow events in review area/year: **11-20**

Describe flow regime: **Tributary receives summer water from residential runoff and golf course irrigation.**

Other information on duration and volume: **Summer volume was fairly low, e.g., 1 ft. deep observed during a site visit on August 8, 2013. Winter flow assumed to be substantially more, after rain events.**

Surface flow is: **Discrete**. Characteristics: **Flow fully within banks.**

Subsurface flow: **Unknown**. Explain findings: **Unlikely; tributary is very low gradient.**

Dye (or other) test performed:

Tributary has (check all that apply):

- | | |
|--|--|
| <input checked="" type="checkbox"/> Bed and banks | |
| <input checked="" type="checkbox"/> OHWM ⁶ (check all indicators that apply): | |
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> the presence of litter and debris |
| <input type="checkbox"/> changes in the character of soil | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input checked="" type="checkbox"/> shelving | <input type="checkbox"/> the presence of wrack line |
| <input type="checkbox"/> vegetation matted down, bent, or absent | <input type="checkbox"/> sediment sorting |
| <input type="checkbox"/> leaf litter disturbed or washed away | <input type="checkbox"/> scour |
| <input type="checkbox"/> sediment deposition | <input type="checkbox"/> multiple observed or predicted flow events |
| <input type="checkbox"/> water staining | <input checked="" type="checkbox"/> abrupt change in plant community |
| <input type="checkbox"/> other (list): | |
| <input type="checkbox"/> Discontinuous OHWM. ⁷ Explain: | |

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> High Tide Line indicated by: | <input type="checkbox"/> Mean High Water Mark indicated by: |
| <input type="checkbox"/> oil or scum line along shore objects | <input type="checkbox"/> survey to available datum; |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings; |
| <input type="checkbox"/> physical markings/characteristics | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges | |
| <input type="checkbox"/> other (list): | |

(iii) **Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: **Clear with very slight yellow discoloration from stagnant conditions.**

Identify specific pollutants, if known: **Unknown; likely to represent typical urban and greenscape runoff constituents.**

(iv) **Biological Characteristics. Channel supports (check all that apply):**

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

- Riparian corridor. Characteristics (type, average width): **Cottonwood dominated on north bank approximately 10-15 feet in width. More sparse cover on south bank approximately 10 feet in width with cottonwoods and valley oaks.**
- Wetland fringe. Characteristics: **Fringe or "mosaic" of wetland vegetation within OHWM. Tributary in location of project site is heavily vegetated in Cyperus sp. and Polygonum sp.**
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings: **Aquatic insects, small fish, tree frogs.**

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: **0.11** acres

Wetland type. Explain: **Palustrine emergent seasonal wetland that appears to have been created as a result of excavation for a the sewer pipeline segment. The wetland is separated by a small man-made berm from an adjacent "mitigation wetland" that is just north of the project site. The "mitigation wetland," which is approximately 0.1-ac in size, abuts the un-named tributary to Dry Creek, which is also off the project site to the north of the "mitigation wetland" (please see attached Figure 3).**

Wetland quality. Explain: **Low to moderate; typical small, urban wetland dominated by introduced grasses.**

Project wetlands cross or serve as state boundaries. Explain: **N/A**

(b) General Flow Relationship with Non-TNW:

Flow is: **No Flow**. Explain: **No surface or groundwater connection with non-TNW. Wetland likely acts as a localized natural "retention" basin for overland and shallow subsurface flow from a 6.9-acre catchment area.**

Surface flow is: **Not present**

Characteristics: **The wetland is a closed basin, separated from the RPW by two berms with no intervening swales or ditches to convey surface flow to (or from) the RPW. High water event (e.g., out of bank flooding) that might reach the wetland is also unlikely given the channel's incision.**

Subsurface flow: **Unknown**. Explain findings: **It is possible that there is some subsurface flow connection between the wetland, the wetland abutting the RPW to the north, and the RPW, on a seasonal basis during the rainy season (e.g., November to April).**

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain: **Separated by a berm from the "mitigation wetland" that is just north of the project and directly abuts the RPW. Please see the labeled photograph, attached, that describes the spatial relationship of the subject wetland, the offsite "mitigation wetland," and the RPW.**

(d) Proximity (Relationship) to TNW

Project wetlands are **10-15** river miles from TNW.

Project waters are **5-10** aerial (straight) miles from TNW.

Flow is from: **No Flow**.

Estimate approximate location of wetland as within the **2 - 5-year** floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: **No observed pollutants. The wetland likely serves as a localized catchment area for the 6.9-acre area of fallow fields, therefore chemical characteristics are likely minimally compromised in terms of quality.**

Identify specific pollutants, if known: **Unknown**

(iii) Biological Characteristics. Wetland supports (check all that apply):

Riparian buffer. Characteristics (type, average width):

Vegetation type/percent cover. Explain: **80%**

Habitat for:

- Federally Listed species. Explain findings: **Unknown; unlikely based on a NWP-39 previously authorized (since expired) for the same project site (July 24, 2006; same SPK # as this file).**
- Fish/spawn areas. Explain findings: **Not likely; silty urban creek carrying residential, commercial and golf course runoff.**
- Other environmentally-sensitive species. Explain findings: **Unlikely; see above rationale.**
- Aquatic/wildlife diversity. Explain findings: **Habitat for common species in the area such as songbirds, tree frogs, insects.**

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **2**

Approximately **0.21** acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
Yes	0.1 (the offsite "mitigation wetland")		
No	0.11 (the onsite wetland)		

Summarize overall biological, chemical and physical functions being performed: **Potential floodwater detention storage during high rainfall events, contributing to desynchronizing high water flows and improving downstream water quality. Biological habitat functions are low to moderate given seasonality of saturation, weedy vegetation, small wetland size and surrounding development.**

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: **The 0.11-acre adjacent wetland to the RPW, in combination with a second (offsite) wetland that directly abuts the RPW, has a significant nexus based on its close proximity to the RPW and more than speculative chemical, physical and biological functions. For example, the proximity of the wetlands to the RPW likely results in flood water storage during high water flow events in the RPW. Also, species that utilize wetlands and streams for part of their life cycle (such as insects in various stages of metamorphosis, and amphibians) are an example of a more than speculative lifecycle/food web**

connection between the adjacent wetlands and the tributary to Dry Creek. The tributary has the capacity to then transfer these biological (and above-mentioned physical flow) functions downstream, ultimately to a TNW, the American River.

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:

- TNWs: linear feet, wide, Or acres.
 Wetlands adjacent to TNWs: acres.

2. RPWs that flow directly or indirectly into TNWs.

- Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet wide.
 Other non-wetland waters: acres.

Identify type(s) of waters:

3. Non-RPWs⁸ that flow directly or indirectly into TNWs.

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet, wide.
 Other non-wetland waters: acres.

Identify type(s) of waters:

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

 Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: **0.11** acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
 Demonstrate that water is isolated with a nexus to commerce (see E below).

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain:
- Other factors. Explain:

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet, wide.
- Other non-wetland waters: acres.
- Identify type(s) of waters:
- Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:
- Other: (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, wide.
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: **1.89** acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, wide.
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: acres.

SECTION IV: 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:
- 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:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: **1:24K; CA-RIO LINDA**
- USDA Natural Resources Conservation Service Soil Survey. Citation: **Sacramento County, CA**
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

- Photographs: Aerial (Name & Date): **Series of seven, from 1937 - 1993 (in delineation report)**
or Other (Name & Date): **Photographs 1 - 5 of stock pond, 2004 - 2005 (in delineation report)**
- Previous determination(s). File no. and date of response letter: **SPK-2005-00595, dated March 29, 2006**
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD:

Two water features occur on-site. This JD is consistent with the JD verified on March 29, 2006 in terms of both acreage and jurisdictional status of the two water features, which are summarized below. The only difference is that the current JD classifies the abandoned stockpond as a seasonal wetland. Please refer to "Figure 3: Preliminary Wetland Delineation Map" (attached), for depiction of water features.

1) The first water feature is a 0.11-acre wetland that is adjacent to (but not abutting) an RPW (a first-order tributary to Dry Creek) that is located just north of the site, but outside of the site's boundaries (both the wetland and RPW are shown on Figure 3, attached). Water was observed in the tributary channel during a field visit on August 8, 2013, confirming the tributary's status as an RPW. An off-site wetland occurs between the subject 0.11-acre feature and the RPW; this feature is also depicted on the referenced figure. The 0.11-acre wetland on-site is considered to be adjacent to the RPW based on geographic proximity, as it is separated from the RPW by two narrow berms (one of which is the south bank of the Dry Creek tributary). A fact-specific analysis of the adjacent wetland to the off-site RPW determined that it has a significant nexus to a TNW, in that the wetland likely provides functions (including water quality, water storage, primary productivity/organics contribution and invertebrate/wildlife habitat) that significantly affect the chemical, physical and biological integrity of the downstream TNW.

2) The second water feature is a 1.89-acre abandoned stock pond that now functions as a seasonal wetland. The feature was excavated around 1950, based on historical aeriels and maps. The feature collects overland flow from approximately 1/2 of the 22-acre study area. There are no known intake or outfall structures along the feature's perimeter. It is not hydrologically connected to the unnamed tributary to Dry Creek, nor is it connected to the above-described 0.11-acre wetland that is adjacent to the tributary. The wetland feature is an intrastate, isolated water with no apparent connection to interstate (or foreign) commerce.