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Regulatory Program

INTERIM APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in the Interim Approved Jurisdictional Determination Form User Manual.

SECTION I: BACKGROUND INFORMATION

- A. COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (AJD): 13 November 2018
- B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): SPK-2018-00833

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: California County/parish/borough: Plumas County City:

Center coordinates of site (lat/long in degree decimal format): Lat. 39.867516, Long. -121.183467.

Map(s)/diagram(s) of review area (including map identifying single point of entry (SPOE) watershed and/or potential jurisdictional areas where applicable) is/are: Attached in report/map titled Figure 2 - PG&E Bucks Lake Road, PG&E Ditch Crossing, Site 1, Figure 2A - PG&E Bucks Lake Road, PG&E Ditch Crossing, Sites 2, 3, and 4, and Figure 2B - PG&E Bucks Lake Road, PG&E Ditch Crossing, Sites 2, 3, and 4. All three maps are dated November 2018.

Other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different jurisdictional determination (JD) form. List JD form ID numbers (e.g., HQ-2015-00001-SMJ-1):

- D. REVIEW PERFORMED FOR SITE EVALUATION:
- Office (Desk) Determination Only. Date: 05 November 2018.
- Office (Desk) and Field Determination. Office/Desk Dates:

SECTION II: DATA SOURCES

Check all that were used to aid in the determination and attach data/maps to this AJD form and/or references/citations in the administrative record, as appropriate.

Field Date(s):

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant. Title/Date: Figure 2 - PG&E Bucks Lake Road, PG&E Ditch Crossing, Site 1, Figure 2A - PG&E Bucks Lake Road, PG&E Ditch Crossing, Sites 2, 3, and 4, and Figure 2B - PG&E Bucks Lake Road, PG&E Ditch Crossing, Sites 2, 3, and 4. All three maps are dated November 2018.

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☐ Data sheets/delineation report are sufficient for purposes of AJD form. Title/Date: PG&E Bucks Lake Road Ditch Crossing Area 1 – Mapping and Request for Approved Jurisdictional Determination, dated 21 September 2018, and PG&E Bucks Lake Road Ditch Crossing Areas 2, 3, and 4 – Mapping and Request for Approved Jurisdictional Determination, dated 18 September 2018.

Data sheets/delineation report are not sufficient for purposes of AJD form. Summarize rationale and include information on revised data sheets/delineation report that this AJD form has relied upon: Revised Title/Date:

Data sheets prepared by the Corps. Title/Date:

Corps navigable waters study. Title/Date:

CorpsMap ORM map layers. Title/Date: ORM Project Locations and ORM Aquatic Resources layers, accessed 05 November 2018.

- USGS Hydrologic Atlas. Title/Date:
- USGS, NHD, or WBD data/maps. Title/Date:
- USGS 8, 10 and/or 12 digit HUC maps. HUC number:

USGS maps. Scale & quad name and date: Haskins Valley 7.5 minute USGS topographic quadrangle, dated 1980.

USDA NRCS Soil Survey. Citation:

USFWS National Wetlands Inventory maps. Citation:

https://fwspublicservices.wim.usgs.gov/server/services/Wetlands/MapServer/KmlServer?Composite=false&VectorsTo Rasters=true&LayerIDs=0, metadata indicated layer is current as of October 2018.

State/Local wetland inventory maps. Citation:

FEMA/FIRM maps. Citation:

Photographs: Aerial. Citation: Available Google Earth Pro aerial imagery July 2017 to July 1993 . or Other. Citation: On-site photos of the aquatic resources, supplied by applicant's consultant. On-site photos are dated September and October 2018.

LiDAR data/maps. Citation:

- Previous JDs. File no. and date of JD letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

SECTION III: SUMMARY OF FINDINGS

Complete ORM "Aquatic Resource Upload Sheet" or Export and Print the Aquatic Resource Water Droplet Screen from ORM for All Waters and Features, Regardless of Jurisdictional Status – Required

A. RIVERS AND HARBORS ACT (RHA) SECTION 10 DETERMINATION OF JURISDICTION:

"*navigable waters of the U.S.*" within RHA jurisdiction (as defined by 33 CFR part 329) in the review area.

• Complete Table 1 - Required

NOTE: If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Section 10 navigable waters list, DO NOT USE THIS FORM TO MAKE THE DETERMINATION. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Section 10 RHA navigability determination.

B. CLEAN WATER ACT (CWA) SECTION 404 DETERMINATION OF JURISDICTION: "waters of the U.S." within CWA jurisdiction (as defined by 33 CFR part 328.3) in the review area. Check all that apply.

(a)(1): All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (Traditional Navigable Waters (TNWs))

• Complete Table 1 - Required

This AJD includes a case-specific (a)(1) TNW (Section 404 navigable-in-fact) determination on a water that has not previously been designated as such. Documentation required for this case-specific (a)(1) TNW determination is attached.

 \square (a)(2): All interstate waters, including interstate wetlands.

• Complete Table 2 - Required

 \square (a)(3): The territorial seas.

• Complete Table 3 - Required

(a)(4): All impoundments of waters otherwise identified as waters of the U.S. under 33 CFR part 328.3.

Complete Table 4 - Required

(a)(5): All tributaries, as defined in 33 CFR part 328.3, of waters identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• Complete Table 5 - Required

(a)(6): All waters adjacent to a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.

Complete Table 6 - Required

Bordering/Contiguous.

Neighboring:

- (c)(2)(i): All waters located within 100 feet of the ordinary high water mark (OHWM) of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3.
- (c)(2)(ii): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 and not more than 1,500 feet of the OHWM of such water.

(c)(2)(iii): All waters located within 1,500 feet of the high tide line of a water identified in paragraphs (a)(1) or (a)(3) of 33 CFR part 328.3, and all waters within 1,500 feet of the OHWM of the Great Lakes.

(a)(7): All waters identified in 33 CFR 328.3(a)(7)(i)-(v) where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• Complete Table 7 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(7) waters identified in the similarly situated analysis. - Required

Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

(a)(8): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3 not covered by (c)(2)(ii) above and all waters located within 4,000 feet of the high tide line or OHWM of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• Complete Table 8 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(8) waters identified in the similarly situated analysis. - Required

Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

C. NON-WATERS OF THE U.S. FINDINGS:

Check all that apply.

The review area is comprised entirely of dry land.

Potential-(a)(7) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(7) waters identified in the similarly situated analysis. - Required

Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

Potential-(a)(8) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(8) waters identified in the similarly situated analysis. - Required

Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

Excluded Waters (Non-Waters of U.S.), even where they otherwise meet the terms of paragraphs (a)(4)-(a)(8):

Complete Table 10 - Required

(b)(1): Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA.

- (b)(2): Prior converted cropland.
- (b)(3)(i): Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.
- (b)(3)(ii): Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.
- (b)(3)(iii): Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1)-(a)(3).
 - (b)(4)(i): Artificially irrigated areas that would revert to dry land should application of water to that area cease.

(b)(4)(ii): Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds.

- (b)(4)(iii): Artificial reflecting pools or swimming pools created in dry land.¹
- (b)(4)(iv): Small ornamental waters created in dry land.¹
- (b)(4)(v): Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water.
- (b)(4)(vi): Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways.¹

¹ In many cases these excluded features will not be specifically identified on the AJD form, unless specifically requested. Corps Districts may, in case-by-case instances, choose to identify some or all of these features within the review area. Page 3 of 8 Version: October 1, 2015

(b)(4)(vii): Puddles.1

(b)(5): Groundwater, including groundwater drained through subsurface drainage systems.¹

(b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.¹

(b)(7): Wastewater recycling structures created in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.

Other non-jurisdictional waters/features within review area that do not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).

• Complete Table 11 - Required.

D. ADDITIONAL COMMENTS TO SUPPORT AJD:

Jurisdictional Waters of the U.S.

Table 1. (a)(1) Traditional Navigable Waters

(a)(1) Waters Name	(a)(1) Criteria	Rationale to Support (a)(1) Designation Include High Tide Line or Ordinary High Water Mark indicators, when applicable.
N/A	N/A	N/A

Table 2. (a)(2) Interstate Waters

(a)(2) Waters Name	Rationale to Support (a)(2) Designation
N/A	N/A

Table 3. (a)(3) Territorial Seas

(a)(3) Waters Name	Rationale to Support (a)(3) Designation
N/A	N/A

Table 4. (a)(4) Impoundments

(a)(4) Waters Name	Rationale to Support (a)(4) Designation
N/A	N/A

Table 5. (a)(5)Tributaries

(a)(5) Waters Name	Flow Regime	(a)(1)-(a)(3) Water Name to which this (a)(5) Tributary Flows	Tributary Breaks	Rationale for (a)(5) Designation and Additional Discussion. Identify flowpath to (a)(1)-(a)(3) water or attach map identifying the flowpath; explain any breaks or flow through excluded/non-jurisdictional features, etc.
SPK-2018-00833, D2	Intermittent	Feather River	Yes	The evaluated segment of engineered roadside ditch has intermittent hydrology and drains a wet meadow (wetland) sited at its western terminus. The ditch flows west to east along the south side of Bucks Lake Road and flows into a willow wetland which drains north through a culvert under

				Bucks Lake Road. The wetland continues north of Bucks Lake Road, and has a direct hydrologic connection to Bucks Lake. Bucks Lake flows to Bucks Creek, which flows to the Feather River, an (a)(1) TNW subject to Section 10 of the RHA.
SPK-2018-00833, D8	Ephemeral	Feather River	Yes	The evaluated segment of engineered roadside ditch begins at the point where another water identified as meeting the definition of tributary enters the ditch (SPK- 2018-00833, EC-02). The ditch has ephemeral hydrology, and relocates the flow of EC-02. The ditch flows west to east along the south side of Bucks Lake Road, flows through a culvert under Bucks Lake Road and drains directly into Bucks Lake. Bucks Lake flows to Bucks Creek, which flows to the Feather River, an (a)(1) TNW subject to Section 10 of the RHA.
SPK-2018-00833, EC- 02	Ephemeral	Feather River	Yes	Natural ephemeral channel with ohwm and bed/banks that flows directly into roadside ditch SPK-2018-00833, D8. The roadside ditch flows west to east along the south side of Bucks Lake Road, flows through a culvert under Bucks Lake Road and drains directly into Bucks Lake. Bucks Lake flows to Bucks Creek, which flows to the Feather River, an (a)(1) TNW subject to Section 10 of the RHA.
SPK-2018-00833, EC- 03	Ephemeral	Feather River	Yes	Natural ephemeral channel with ohwm and bed/banks that flows directly into roadside ditch SPK-2018-00833, D8. The roadside ditch flows west to east along the south side of Bucks Lake Road, flows through a culvert under Bucks Lake Road and drains directly into Bucks Lake. Bucks Lake flows to Bucks Creek, which flows to the Feather River, an (a)(1) TNW subject to Section 10 of the RHA.
SPK-2018-00833, EC- 04	Ephemeral	Feather River	Yes	Natural ephemeral channel with ohwm and bed/banks that flows directly into roadside ditch SPK-2018-00833, D8. The roadside ditch flows west to east along the south side of Bucks Lake Road, flows through a culvert under Bucks Lake Road and drains directly into Bucks Lake. Bucks Lake flows to Bucks Creek, which flows to the Feather River, an (a)(1) TNW subject to Section 10 of the RHA.

Table 6. (a)(6) Adjacent Waters

(a)(6) Waters Name	(a)(1)-(a)(5) Water Name to which this Water is Adjacent	Rationale for (a)(6) Designation and Additional Discussion. Identify the type of water and how the limits of jurisdiction were established (e.g., wetland, 87 Manual/Regional Supplement); explain how the 100-year floodplain and/or the distance threshold was determined; whether this water extends beyond
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		a threshold; explain if the water is part of a mosaic, etc.
N/A	N/A	N/A

Table 7. (a)(7) Waters

SPOE Name	(a)(7) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; discuss whether any similarly situated waters were present and aggregated for SND; discuss data, provide analysis, and summarize how the waters have more than speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A

Table 8. (a)(8) Waters

SPOE Name	(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to subject water and aggregated for SND; discuss data, provide analysis, and then summarize how the waters have more than speculative or insubstantial effect the on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A

Non-Jurisdictional Waters

Table 9. Non-Waters/No Significant Nexus

SPOE Name	Non-(a)(7)/(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water DOES NOT have a Significant Nexus	Basis for Determination that the Functions DO NOT Contribute Significantly to the Chemical, Physical, or Biological Integrity of the (a)(1)-(a)(3) Water. Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to the subject water; discuss data, provide analysis, and summarize how the waters did not have more than a speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water.
N/A	N/A	N/A	N/A

Table 10. Non-Waters/Excluded Waters and Features

Paragraph (b) Excluded Feature/Water Name	Rationale for Paragraph (b) Excluded Feature/Water and Additional Discussion.
SPK-2018-00833, D3	The evaluated segment is an engineered ephemeral roadside ditch that is not constructed in or relocating a tributary. There is a topographic high point at approximately 39.86782° N, 121.18436° W that delineates the eastern terminus of the evaluated segment. The ditch flows from east to west.
SPK-2018-00833, D4	The evaluated segment is an engineered ephemeral roadside ditch that is not constructed in or relocating a tributary. There is a topographic high point at approximately 39.86782° N, 121.18436° W that delineates the western terminus of the evaluated segment. The ditch flows from west to east.
SPK-2018-00833, D5	The evaluated segment is an engineered ephemeral roadside ditch that is not constructed in or relocating a tributary. The evaluated segment flows west to east, and its western terminus is delineated by where it receives input from a linear feature that was determined by this office to not be an aquatic resource. The intersecting feature appears to be the result of a mechanical scar/tire rut on the landscape directing precipitation into a topographic swale that then flows to ditch D5. The intersecting feature does not have an ohwm, defined bed or banks, does not meet the definition of tributary, and is not a wetland. The intersecting feature has some some erosional characteristics, but it is more precisely defined as an upland water conveyance.
SPK-2018-00833, D7	The evaluated segment is an engineered ephemeral roadside ditch that is not constructed in or relocating a tributary. The evaluated segment flows west to east, and its eastern terminus is delineated by where it receives input from a linear feature that was determined to meet the definition of tributary (See EC-02, in Table 5).

Table 11. Non-Waters/Other

Other Non-Waters of U.S. Feature/Water Name	Rationale for Non-Waters of U.S. Feature/Water and Additional Discussion.			
N/A	N/A			



121°11'20"W

Pacific Gas and PGSF Electric Company®



121°11'25"W

Ditch feature has intermittent hydrology

PG&E Bucks Lake Road, PG&E Ditch Crossing, Site 1 November 2018 Delineation Area (1.684 ac.) Proposed Crossing Area K Direction Of Flow Coordinate Marker Feature Terminus Bucks Lake Rd Transect 10-foot Contour Aquatic Features (shown to OHWM) (0.013 ac. and 197 ft.) Ditch (0.013 ac. and 197 ft.) 150 37.5 75 0 Feet 1 inch = 90 feet Notes: 1. Acreage shown for each class refers to the entire delineation area. Peature label key provided below. ESRI Bing Maps Hybrid Projection: UTM Nad 83 Z10N 5. PG&E vertical datum 6. Topographic elevation in feet USGS 7.5' Quad: HASKINS VALLEY (1994) PLSS: T23N, R07E, SEC 10 Contact: Jesus Viscarra/530-896-4263 Prepared by: Garcia and Associates/530-823-3151 Delineated by: Samantha Hillaire Delineation Survey Date: 09-13-2018 Drawn By: Emma Kikuyama

121°11'15"W

Figure 2 PG&E Bucks Lake Road, PG&E Ditch Crossing, Site 1 Aquatic Resources Map

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39.86771 -121.1864 Transect 2		6200					Transect 3
				5210			





Ditches have ephemeral hydrology.



PG&E Bucks Lake Road, PG&E Ditch Crossing, Sites 2, 3, and 4 Aquatic Resources Map

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System: EC = ephemeral channel, ditches also have ephemeral hydrology

121°10'40"W



PG&E Bucks Lake Road, PG&E Ditch Crossing, Sites 2, 3, and 4 Aquatic Resources Map