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):February 9, 2021.
ORM Number: SPK-2013-01078.
Associated JDs: SPK-2013-01078, Rapanos AJD 24-Jan-2014 and 05-Jun-2018.
Review Area Location[1]: State/Territory: California. City: Durham. County/Parish/Borough: Butte.
Center Coordinates of Review Area: Latitude 39.65918. Longitude -121.740923.

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 or describe rationale.
- ☐ 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.

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
N/A.	N/A.	acres	N/A	N/A.

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
N/A.	N/A.	acres	N/A	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	acres	N/A	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
WF1	0.03	acre	(b)(1) Non-adjacent wetland	This feature has a hydrological connection to OW1 from the February 23, 2017, aerial photo, OW1 is determined to be an ephemeral stream; therefore, there is no direct hydrological surface

[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.
[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.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
				connection between the subject water and an A(1)-(3) water.
WF2	0.006	acre	(b)(1) Non-adjacent wetland	This feature is in a topographical depression that temporarily holds precipitation and may intercept high ground water for short durations. There is no direct hydrological surface water connection between the wetland and a paragraph (a)(1) - (a)(3) water in a typical year. The February 23, 2017, aerial photo shows the feature stays secluded within the confines of the delineated boundary.
WF3	0.008	acre	(b)(1) Non-adjacent wetland	This feature is in a topographical depression that temporarily holds precipitation and may intercept high ground water for short durations. There is no direct hydrological surface water connection between the wetland and a paragraph (a)(1) - (a)(3) water in a typical year. The February 23, 2017, aerial photo shows the feature stays secluded within the confines of the delineated boundary.
WF4	0.002	acre	(b)(1) Non-adjacent wetland	This feature is in a topographical depression that temporarily holds precipitation and may intercept high ground water for short durations. There is no direct hydrological surface water connection between the wetland and a paragraph (a)(1) - (a)(3) water in a typical year. The February 23, 2017, aerial photo shows the feature stays secluded within the confines of the delineated boundary.
WF014	0.003	acre	(b)(1) Non-adjacent wetland	This feature is in a topographical depression that temporarily holds precipitation and may intercept high ground water for short durations. There is no direct hydrological surface water connection between the wetland and a paragraph (a)(1) - (a)(3) water in a typical year. The February 23, 2017, aerial

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
				photo shows the feature stays secluded within the confines of the delineated boundary.
WF015	0.013	acre	(b)(1) Non-adjacent wetland	This feature is in a topographical depression that temporarily holds precipitation and may intercept high ground water for short durations. There is no direct hydrological surface water connection between the wetland and a paragraph (a)(1) - (a)(3) water in a typical year. The February 23, 2017, aerial photo shows the feature stays secluded within the confines of the delineated boundary.
WF016	0.022	acre	(b)(1) Non-adjacent wetland	This feature is in a topographical depression that temporarily holds precipitation and may intercept high ground water for short durations. There is no direct hydrological surface water connection between the wetland and a paragraph (a)(1) - (a)(3) water in a typical year. The February 23, 2017, aerial photo shows the feature stays secluded within the confines of the delineated boundary.
WF089	0.034	acre	(b)(1) Non-adjacent wetland	This feature is in a topographical depression that temporarily holds precipitation and may intercept high ground water for short durations. There is no direct hydrological surface water connection between the wetland and a paragraph (a)(1) - (a)(3) water in a typical year. The February 23, 2017, aerial photo shows the feature stays secluded within the confines of the delineated boundary.
WF090	0.03	acre	(b)(1) Non-adjacent wetland	This feature is in a topographical depression that temporarily holds precipitation and may intercept high ground water for short durations. There is no direct hydrological surface water connection between the wetland and a paragraph (a)(1) - (a)(3) water in a typical

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
				year. The February 23, 2017, aerial photo shows the feature stays secluded within the confines of the delineated boundary.
WF091	0.012	acre	(b)(1) Non-adjacent wetland	This feature is in a topographical depression that temporarily holds precipitation and may intercept high ground water for short durations. There is no direct hydrological surface water connection between the wetland and a paragraph (a)(1) - (a)(3) water in a typical year. The February 23, 2017, aerial photo shows the feature stays secluded within the confines of the delineated boundary.
WF097	0.013	acre	(b)(1) Non-adjacent wetland	This feature is in a topographical depression that temporarily holds precipitation and may intercept high ground water for short durations. There is no direct hydrological surface water connection between the wetland and a paragraph (a)(1) - (a)(3) water in a typical year. The February 23, 2017, aerial photo shows the feature stays secluded within the confines of the delineated boundary.
WF098	0.034	acre	(b)(1) Non-adjacent wetland	This feature is in a topographical depression that temporarily holds precipitation and may intercept high ground water for short durations. There is no direct hydrological surface water connection between the wetland and a paragraph (a)(1) - (a)(3) water in a typical year. The February 23, 2017, aerial photo shows the feature stays secluded within the confines of the delineated boundary.
WF099	0.014	acre	(b)(1) Non-adjacent wetland	This feature is in a topographical depression that temporarily holds precipitation and may intercept high ground water for short durations. There is no direct hydrological surface water connection between the wetland and a paragraph

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. The February 23, 2017, aerial photo shows the feature stays secluded within the confines of the delineated boundary.
WF100	0.011	acre	(b)(1) Non-adjacent wetland	This feature is in a topographical depression that temporarily holds precipitation and may intercept high ground water for short durations. There is no direct hydrological surface water connection between the wetland and a paragraph (a)(1) - (a)(3) water in a typical year. The February 23, 2017, aerial photo shows the feature stays secluded within the confines of the delineated boundary.
WF101	0.10	acre	(b)(1) Non-adjacent wetland	This feature is in a topographical depression that temporarily holds precipitation and may intercept high ground water for short durations. There is no direct hydrological surface water connection between the wetland and a paragraph (a)(1) - (a)(3) water in a typical year. The February 23, 2017, aerial photo shows the feature stays secluded within the confines of the delineated boundary.
WF102	0.007	acre	(b)(1) Non-adjacent wetland	This feature is in a topographical depression that temporarily holds precipitation and may intercept high ground water for short durations. There is no direct hydrological surface water connection between the wetland and a paragraph (a)(1) - (a)(3) water in a typical year. The February 23, 2017, aerial photo shows the feature stays secluded within the confines of the delineated boundary.
WF103	0.012	acre	(b)(1) Non-adjacent wetland	This feature is in a topographical depression that temporarily holds precipitation and may intercept high ground water for short durations. There is no direct hydrological surface water connection between

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
				the wetland and a paragraph (a)(1) - (a)(3) water in a typical year. The February 23, 2017, aerial photo shows the feature stays secluded within the confines of the delineated boundary.
WF104	0.016	acre	(b)(1) Non-adjacent wetland	This feature is in a topographical depression that temporarily holds precipitation and may intercept high ground water for short durations. There is no direct hydrological surface water connection between the wetland and a paragraph (a)(1) - (a)(3) water in a typical year. The February 23, 2017, aerial photo shows the feature stays secluded within the confines of the delineated boundary.
WF105	0.02	acre	(b)(1) Non-adjacent wetland	This feature is in a topographical depression that temporarily holds precipitation and may intercept high ground water for short durations. There is no direct hydrological surface water connection between the wetland and a paragraph (a)(1) - (a)(3) water in a typical year. The February 23, 2017, aerial photo shows the feature stays secluded within the confines of the delineated boundary.
WF106	0.008	acre	(b)(1) Non-adjacent wetland	This feature is in a topographical depression that temporarily holds precipitation and may intercept high ground water for short durations. There is no direct hydrological surface water connection between the wetland and a paragraph (a)(1) - (a)(3) water in a typical year. The February 23, 2017, aerial photo shows the feature stays secluded within the confines of the delineated boundary.
WF107	0.008	acre	(b)(1) Non-adjacent wetland	This feature is in a topographical depression that temporarily holds precipitation and may intercept high ground water for short durations. There is no direct hydrological

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
				surface water connection between the wetland and a paragraph
WF108	0.008	acre	(b)(1) Non-adjacent wetland	This feature is in a topographical depression that temporarily holds precipitation and may intercept high ground water for short durations. There is no direct hydrological surface water connection between the wetland and a paragraph (a)(1) - (a)(3) water in a typical year. The February 23, 2017, aerial photo shows the feature stays secluded within the confines of the delineated boundary.
OW1	0.044	acre	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Feature has bed and bank but no observable flows or sustained water within the channel from observed google earth image on May 2012, within wetter than normal conditions.
OW2	0.015	acre	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Feature has bed and bank but no observable flows or sustained water within the channel from observed google earth image on May 2012, within wetter than normal conditions.
OW3	0.058	acre	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Feature has bed and bank but no observable flows or sustained water within the channel from observed google earth image on May 2012, within wetter than normal conditions.
OW01	0.01	acre	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Feature has bed and bank but no observable flows or sustained water within the channel from observed from the February 23, 2017, aerial photo. This feature only receives flow from direct precipitation events. The feature also has a topographical break and does not have a direct surface hydrological connection to the A(2) water to the East.

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: Request for Corps-Approved Jurisdictional Determination (Revised), Old Durham Wood Expansion, Durham, California AND December 9, 2020, Draft Determination of Waters of the United States, Old Durham Wood (SPK-2013-01078) Expansion Area, Durham, California. May, 7 2020.
This information is. sufficient for purposes of this AJD.
Rationale: N/A.

☐ Data sheets prepared by the Corps: N/A.

☒ Photographs: Aerial and Other. 1) GoogleEarth 7.3.3.7692. (2018, December 11; 2012 May). Durham, CA. Latitude 39.660421°N, longitude 121.743221°W, eye alt 1500 ft. Retrieved December 9, 2020, from http://www.earth.google.com. Google Street View, May 2012, Durham, CA, 39.657439, -121.747022. 2) Digital Globe version 2020.Q4.R1.l2693 (2017 Febuary 23) Butte County, California Latitude 39.6623°N, Longitude 121.74259°W, Retrieved January 21, 2021, from https://evwhs.digitalglobe.com.

☐ Corps site visit(s) conducted on: N/A.

☒ Previous Jurisdictional Determinations (AJDs or PJDs): SPK-2013-01078 PJD, dated January 24, 2014, and AJD dated, June 5, 2018.

☒ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B*.

☒ USDA NRCS Soil Survey: http://casoilresource.lawr.ucdavis.edu/soil_web/kml/mapunits.kml Retreived December 9, 2020.

☒ USFWS NWI maps: USFWS. (n.d.). National Wetland Inventory. Project ID: R06Y16P01. Project title and area: Durham, CA. Source imagery date: July 1, 2014. Washington, D.C.: U.S. Fish and Wildlife Service, Dept. of the Interior. Retrieved December 9, 2020, from Wetlands Mapper: https://www.fws.gov/wetlands/data/mapper.htm.

☐ USGS topographic maps: N/A.

Other data sources used to aid in this determination:

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

B. Typical year assessment(s): The February 23, 2017, Digital globe aerial photo that was used to assess connectivity of the aquatic features was during the wet season, with an extreme wetness. At the time of the aerial photo the site was wetter than normal. The street view in google earth was used to look at the flow regime of the ephemeral features within the study area. The Antecedent Precipitation Tool was used to determine the conditions of the site at the time of the street view photo. The photo was taken at the

beginning of the dry season, however it was wetter than normal conditions and over four inches of rainfall was observed in the past 30 days.

C. **Additional comments to support AJD:** The wetlands, vernal pools in the review area are not adjacent to any other water of the US. The topography, soils and geology in the area support vernal pool type wetland formation which has a hummock type topography created isolated pools that lack any surface connection to other waters. The swales within the review area are longer features but ultimately due to the hummocky topography they lack complete connection. Similary these waters do not meet the defenition of adjacency to any other Waters of the US. The ephemeral features only flow due to direct precipitation events. Looking over the Google Earth street view photo to the North and South, it is clear and evident of no observable flow during this time frame.