



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

CESPK-RDC-N

2 July 2024

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Approved Jurisdictional Determination in accordance with the "Revised Definition of 'Waters of the United States'"; (88 FR 3004 (January 18, 2023) as amended by the "Revised Definition of 'Waters of the United States'; Conforming" (8 September 2023),¹ SPK-2021-00519

1. BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.² AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.³

a. On January 18, 2023, the Environmental Protection Agency (EPA) and the Department of the Army ("the agencies") published the "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule"). On September 8, 2023, the agencies published the "Revised Definition of 'Waters of the United States'; Conforming", which amended the 2023 Rule to conform to the 2023 Supreme Court decision in *Sackett v. EPA*, 598 U.S., 143 S. Ct. 1322 (2023) ("*Sackett*").

b. This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. For the purposes of this AJD, we have relied on Section 10 of the Rivers and Harbors Act of 1899 (RHA),⁴ the 2023 Rule as amended, as well as other applicable guidance, relevant case law, and longstanding practice in evaluating jurisdiction.

¹ While the Revised Definition of "Waters of the United States"; Conforming had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² 33 CFR 331.2.

³ Regulatory Guidance Letter 05-02.

⁴ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

2. SUMMARY OF CONCLUSIONS.

a. The following table lists each individual feature within the review area and the jurisdictional status of each one (i.e., identifies whether each feature is/is not a water of the United States and/or a navigable water of the United States). One features within the review area is a waters of the U.S. and none are navigable waters of the U.S.

Waters Name	Stream/Wetland	CWA Jurisdiction	Navigable Waters of the U.S.
1:IS	Stream	Yes	No
2:ES	Stream	No	No
3:ES	Stream	No	No
4:ES	Stream	No	No
6:SW	Wetland	No	No
7:SW	Wetland	No	No
8:SW	Wetland	No	No
9:SW	Wetland	No	No
10:SW	Wetland	No	No
11:SW	Wetland	No	No
12:SW	Wetland	No	No
13:SW	Wetland	No	No
14:SW	Wetland	No	No
15:SW	Wetland	No	No
16:SW	Wetland	No	No
17:SW	Wetland	No	No
18:SW	Wetland	No	No
19:SW	Wetland	No	No
20:SW	Wetland	No	No
21:SW	Wetland	No	No
22:SW	Wetland	No	No
23:SW	Wetland	No	No
24:SW	Wetland	No	No
25:SW	Wetland	No	No
26:SW	Wetland	No	No
27:SW	Wetland	No	No
28:SW	Wetland	No	No
29:SW	Wetland	No	No
30:WS	Swale	Yes	No
31:SW	Wetland	No	No
32:SW	Wetland	No	No
33:SW	Wetland	No	No
34:SW	Wetland	No	No

35:SW	Wetland	No	No
5:ES/36:IS (Reach 1)	Stream	Yes	No
36:IS (Reach 2)	Stream	Yes	No
37:IS	Stream	Yes	No

3. REFERENCES.

a. "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule")

b. "Revised Definition of 'Waters of the United States'; Conforming" 88 FR No. 173 (September 8, 2023))

c. *Sackett v. EPA*, 598 U.S. ___, 143 S. Ct. 1322 (2023)

4. REVIEW AREA. The review area is the approximately 20.5-acre "Study Area Boundary" depicted in Enclosure 1, located on Twin Tower Drive, Latitude 40.6236° and Longitude -122.3306°, within the City of Redding, Shasta County, California. The site is in Section 16, Township 32 North, Range 4 West (U.S. Geological Survey Enterprise 7.5-minute quadrangle).

5. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), THE TERRITORIAL SEAS, OR INTERSTATE WATER TO WHICH THE AQUATIC RESOURCE IS CONNECTED. The Sacramento River is the nearest downstream TNW (Enclosures 1 - 4). The Sacramento District identifies the Sacramento District's Sacramento River as a navigable water of the United States pursuant to the Rivers and Harbors Act and 33 CFR Part 329 (i.e., a Section 10 Water) from Suisun Bay, an arm of the San Francisco Bay, to Keswick Dam, at river mile 301.6.

6. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, THE TERRITORIAL SEAS, OR INTERSTATE WATER.

The feature labeled 36:IS is a stream that consists of two tributary reaches within the review area. The first reach of 36:IS, 5:ES/36:IS, is a first order stream and begins at 5:ES in the southwest part of the review area and flows for approximately 537 feet until its confluence with another first order tributary reach, 37:IS, forming the second order reach of 36:IS. The second order tributary reach of 36:IS flows approximately 805 feet northeast until it reaches the boundary of the review area. This tributary reach continues flowing approximately 435 feet outside of the review area until it enters West Fork Stillwater Creek (Enclosures 1 and 2) West Fork Stillwater Creek is a relatively permanent tributary to the Sacramento River. West Fork Stillwater Creek flows for approximately 2.18 miles before entering Stillwater Creek (Enclosure 4). West Stillwater Creek flows through several culverts before reaching Stillwater Creek (Enclosure 3). Stillwater Creek is a relatively permanent tributary to the Sacramento River. Stillwater Creek flows into the

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Sacramento River, a traditionally navigable (a)(1)(i) water, approximately 11.5 miles downstream of its confluence with West Fork Stillwater Creek (Enclosures 3 and 4).

Wetland 30:WS abuts stream 37:IS, a relatively permanent tributary reach (Enclosure 1).

Stream 37:IS is a relatively permanent tributary reach which flows east directly into the second order tributary reach 36:IS (Enclosure 1), a relatively permanent (a)(3) tributary to the Sacramento River.

Stream 4:ES is a non-relatively permanent tributary which flows east directly into the second order tributary reach 36:IS (Enclosure 1), a relatively permanent (a)(3) tributary to the Sacramento River.

Stream 3:ES is a non-relatively permanent tributary which flows southeast directly into the second order tributary reach 36:IS (Enclosure 1), a relatively permanent (a)(3) tributary to the Sacramento River.

Stream 2:ES is a non-relatively permanent tributary which flows southeast directly into the second order tributary reach 36:IS (Enclosure 1), a relatively permanent (a)(3) tributary to the Sacramento River.

Stream 1:IS is a relatively permanent tributary which flows northeast out of the review area for approximately 0.15 mile before converging with West Fork Stillwater Creek (Enclosures 1 and 2), a relatively permanent (a)(3) tributary to the Sacramento River.

Wetlands 6:SW, 10:SW, 11:SW, 12:SW, 13:SW, 14:SW, 15:SW, 16:SW, 17:SW, 31:SW, 32:SW, 33:SW, 34:SW, and 35:SW are separate wetlands and do not have a continuous surface connection or discrete flow out of the review area (Enclosure 1).

Water from the wetlands 7:SW and 8:SW flows north into the streams 5:ES and 36:IS (Enclosure 1).

Water from the wetland 9:SW flows north into the stream 36:IS through non-discrete overland sheet flow (Enclosure 1).

Water from the wetland 26:SW flows northeast into the stream 1:IS through non-discrete overland sheet flow (Enclosure 1).

Water from the wetlands 19:SW and 18:SW flows east into the wetland 25:SW through non-discrete overland sheet flow (Enclosure 1).

Water from the wetlands 20:SW, 21:SW, and 22:SW flows north into the wetland 23:SW through non-discrete overland sheet flow (Enclosure 1).

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Water from the wetlands 23:SW and 24:SW flows south and east into the wetland 23:SW through non-discrete overland sheet flow (Enclosure 1).

Water from the wetland 25:SW flows both to the north and south (Enclosure 1). To the south, water from 25:SW flows into the wetlands 27:SW – 29:SW through dispersed flow. To the north, the flow of water from 25:SW is too dispersed to follow to another aquatic resource and consists of non-discrete overland sheet flow.

Water from wetland 26:SW flows northeast into the stream 1:IS through non-discrete overland sheet flow (Enclosure 1).

Water from the wetlands 27:SW and 28:SW flows south into the wetland 29:SW (Enclosure 1).

Water from the wetland 29:SW flows south out of the review area (Enclosure 1). But south of the review area, the flow of water from this wetland is too dispersed, consisting of non-discrete overland sheet flow, and without a discrete feature to follow to an (a)(1), (a)(2), and(a)(3) water.

7. SECTION 10 JURISDICTIONAL WATERS⁵: There are no Section 10 Jurisdictional Waters within the review area.

8. SECTION 404 JURISDICTIONAL WATERS: The aquatic resources within the review area described below were found to meet the definition of waters of the United States in accordance with the 2023 Rule as amended, consistent with the Supreme Court’s decision in *Sackett*.

- a. Traditional Navigable Waters (TNWs) (a)(1)(i): N/A
- b. The Territorial Seas (a)(1)(ii): N/A
- c. Interstate Waters (a)(1)(iii): N/A
- d. Impoundments (a)(2): N/A
- e. Tributaries (a)(3):

The stream 1:IS is a relatively permanent tributary, and as a result, a jurisdictional water. The stream 1:IS is an approximately 332 feet long stream (Enclosures 1, 2, and 5). The stream 1:IS is a 1-order stream that starts in the review area and flows northeast out

⁵ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as “navigable in law” even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

of the review area. The stream 1:IS flows northeast out of the review area for approximately 0.15 mile before entering West Fork Stillwater Creek at the approximate latitude 40.62427°, longitude -122.32873°. West Fork Stillwater Creek flows into Stillwater Creek, which then reaches the Sacramento River, a TNW. The Requester's Agent characterizes this stream as an intermittent stream (██████████, 2019, p. 11). The Requester's Agent defines an intermittent stream as "drainage channels with apparent bed and bank features that flow for more than several days following precipitation events. Water sources may include direct precipitation and runoff from upstream channels" (██████████, 2019, p. 4). The definition suggests that 1:IS is flowing not just in direct response to precipitation and has flowing or standing water continuously during certain times of year.

The first reach of the stream 36:IS is 5:ES/36:IS, a first-order stream and is a relatively permanent water and as a result, is a jurisdictional water. The first-order stream 5:ES/36:IS begins in the southwest section of the review area and flows northeast for approximately 540 feet until it converges with 37:IS (another 1st-order stream) at approximately latitude 40.62292°, longitude -122.33371°, at which point it becomes a 2nd-order stream (Enclosures 1 and 2). The Requester's Agent characterizes 36:IS, which includes both the first and second reaches, as an intermittent stream (██████████, 2019, p. 11). 36:IS has flowing or standing water continuously during certain times of year. 5:ES as a non-relatively permanent water that flows only in short duration in direct response to precipitation. The portion of the stream 5:ES/36:IS that consists of 36:IS is approximately 476 feet long. The portion of the stream 5:ES/36:IS that consists of 5:ES is approximately 56 feet long. The first order stream 36:IS, makes up the majority of the reach of the stream 5:ES/36:IS. More specifically, the first order stream 36:IS makes up approximately 88% of the stream 5:ES/36:IS. Since the first order stream of 36:IS is relatively permanent, the entire stream reach of 5:ES/36:IS is relatively permanent. The stream 5:ES/36:IS is not included on U.S. Geological Survey topographic maps or in the National Hydrography Dataset (NHD), National Wetland Inventory (NWI), and the EPA's EnviroAtlas. Besides the Digital Globe image taken on February 23, 2017, which is taken during the wet season under wetter than normal conditions, water is not visible in the 5:ES/36:IS in the aerial imagery acquired from Google Earth or Digital Globe. During the Corps' May 14, 2024, site visit water was not observed in the first-order stream (Enclosure 11). However, the site visit was conducted in the dry season when water is not expected to be present.

The second reach of the stream 36:IS is a second order stream and is a relatively permanent stream. The second reach begins where 37:IS and the first reach of 36:IS converge. The second reach of 36:IS flows approximately 805 feet northeast until it reaches the review area boundary. Water from the second reach of 36:IS then flows northeast out of the review area for approximately 435 feet before entering West Fork Stillwater Creek at the approximate Latitude 40.62461°, Longitude -122.33021°. West Fork Stillwater Creek (a relatively permanent water) flows for approximately 2.15 miles before entering Stillwater Creek (a relatively permanent water). Stillwater Creek flows into the Sacramento River, a TNW, 11.5 miles downstream. The Requester's Agent characterizes 36:IS, which includes both the first and second reaches,

as an intermittent stream (██████████, 2019, p. 11). During the Corps' site visit on May 14, 2024, water was not observed in the first approximately 150 feet of the stream (Enclosure 11). The remainder of the stream was not visible due to dense vegetation and a steep slope approaching the stream. The site visit was conducted during the dry season and water is not expected to be abundant during the time of the year. The aerial imagery and site visit, even though the stream was absent of water during that time, indicate the second reach of the stream 36:IS is a relatively permanent stream that has flowing or standing water continuously during certain times of year.

The stream 37:IS is a relatively permanent tributary reach, and as a result, is a jurisdictional water. The stream 37:IS is an approximately 382-foot-long stream. The entire length of the aquatic resource is located within the review area. The stream 37:IS is a first order stream. The wetland 30:WS abuts 37:IS from the west, and 37:IS flows northeast into the second reach of the stream 36:IS. The Requester's Agent characterizes 37:IS as an intermittent stream (██████████, 2019, p. 11). 37:IS has flowing or standing water continuously during certain times of year in accordance with the July 2019, Delineation Report. During the Corps' site visit on May 14, 2024, water was not observed within the tributary (Enclosure 11). However, the Corps site visit was conducted in the dry season.

f. Adjacent Wetlands (a)(4): The wetland 30:WS has a continuous surface connection to a relatively permanent water and is therefore jurisdictional. The wetland 30:WS is an approximately 0.07 acre (Enclosure 1). The wetland 30:WS directly abuts the stream 37:IS, a relatively permanent water; as such, there is no clear demarcation between the two waters (Enclosure 1). Topography, implying the direction of water flow out of 30:WS, can be seen on 3DEP Elevation imagery (Enclosure 5), demonstrating that these resources directly abut. The stream 37:IS is a relatively permanent tributary to the Sacramento River, as a result it provides a continuous surface connection. This wetland is not included on U.S. Geological Survey topographic maps or in the NHD, NWI, and the EPA's EnviroAtlas. However, this wetland can be clearly seen aerial imagery in particular the Digital Globe imagery dated May 5, 2017 (Enclosure 9) and May 13, 2023 (Enclosure 10), which were acquired in the dry season. The wetland 30:WS is an adjacent wetland within the meaning of 33 CFR 328.3(a)(4), as amended, because 37:IS, to which it is connected is a relatively permanent water.

g. Additional Waters (a)(5): N/A.

9. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

a. Aquatic resources and other features within the review area identified in the 2023 Rule as amended as not "waters of the United States" even where they otherwise meet the terms of paragraphs (a)(2) through (5)⁶. N/A

⁶ 88 FR 3004 (January 18, 2023)

b. Aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the 2023 Rule as amended (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water) are described here.

The streams 2:ES, 3:ES, and 4:ES are each first order tributary reaches connecting to the second order tributary reach of 36:IS. These reaches are non-relatively permanent tributaries, and as a result, are non-jurisdictional. The stream 2:ES is approximately 139 feet long (Enclosure 1). The stream 3:ES is approximately 148 feet long (Enclosure 1). The stream 4:ES is approximately 52 feet long (Enclosure 1). The streams 2:ES, 3:ES, and 4:ES are all 1-order streams that start and end in the review area. Water is not visible in these aquatic resources from the aerial imagery acquired from Digital Globe and Google Earth. In particular, water is not visible in Digital Globe Imagery dated February 23, 2017 (Enclosure 6), March 1, 2017 (Enclosure 7), and February 6, 2018 (Enclosure 8), which were acquired in the wet season, along with imagery dated May 5, 2017 (Enclosure 9) and May 13, 2023 (Enclosure 10), which were acquired in the dry season. These features are also not included on U.S. Geological Survey topographic maps or in the NHD, NWI, and the EPA's EnviroAtlas. The Requester's Agent characterizes these streams as "ephemeral" (██████████, 2019, p. 11).

The wetlands 6:SW – 29:SW and 31:SW – 35:SW are not adjacent to an (a)(3), (a)(2), or (a)(1) water and are therefore non-jurisdictional (Enclosure 1). The Requester's Agent characterizes the wetlands 6:SW – 29:SW and 31:SW – 35:SW as seasonal wetlands (██████████, 2019, p. 11). Although several of the wetlands are in close proximity to each other the wetlands are all separated from each other by uplands. The wetlands were evaluated under the one-wetland concept. A subsurface connection was not observed in LiDAR imagery or during the Corps' site visit. During the Corps' site visit, water was observed in some of the wetlands, specifically 25:SW, and not observed in wetlands near 25:SW, suggesting no subsurface connection between the wetlands (Enclosure 11). The wetlands were man made from heavy machinery use in the area. No discrete feature that would provide a continuous surface connection from one wetland to another was observed in the field. The observation that the wetlands are separated by uplands was confirmed during the Corps' field site visit. The wetlands 6:SW – 29:SW and 31:SW – 35:SW are not included on U.S. Geological Survey topographic maps or in the NHD, NWI, and the EPA's EnviroAtlas.

The wetland 6:SW is less than 0.01 acre (Enclosure 1). The wetland 6:SW is approximately 90 feet from the nearest stream, the first order tributary reach 5:ES/36:IS. The area between 6:SW and 5:ES/36:IS is upland and without a discrete feature that would provide a continuous surface connection between the wetland and the reach of tributary.

The wetland 7:SW is less than 0.01 acre (Enclosure 1). The wetland 7:SW is approximately 18 feet from the nearest stream, the first order tributary reach 5:ES/36:IS.

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The area between 7:SW and 5:ES/36:IS is upland and without a discrete feature that would provide a continuous surface connection between the wetland and the reach of tributary.

The wetland 8:SW is less than 0.01 acre (Enclosure 1). The wetland 8:SW is approximately 10 feet from the nearest stream, the first order tributary reach 5:ES/36:IS. The area between 8:SW and 5:ES/36:IS is upland and without a discrete feature that would provide a continuous surface connection between the wetland and the reach of tributary.

The wetland 9:SW is approximately 0.01 acre (Enclosure 1). The wetland 9:SW is approximately 76 feet from the nearest stream, the first order tributary reach 5:ES/36:IS, and approximately 122 feet from the nearest wetland, 10:SW. The area between 9:SW and the closest aquatic resources is upland and without a discrete feature to convey water between the aquatic resources.

The wetland 10:SW is less than 0.01 acres (Enclosure 1). The wetland 10:SW is approximately 200 feet from the nearest stream, the first order tributary reach 5:ES/36:IS, and approximately 16 feet from the nearest wetland, 11:SW. The area between 10:SW and the closest aquatic resources is upland and without a discrete feature that would provide a continuous surface connection between the aquatic resources.

The wetland 11:SW is less than 0.01 acres (Enclosure 1). The wetland 11:SW is approximately 14 to 18 feet from other nearby wetlands, and approximately 195 feet from the nearest stream, the first order tributary reach 5:ES/36:IS. The area between 11:SW and the nearby aquatic resources is upland and without a discrete feature that would provide a continuous surface connection between the aquatic resources.

The wetland 12:SW is approximately 0.01 acre (Enclosure 1). The wetland 12:SW is approximately 15 to 20 feet from other nearby wetlands, and approximately 225 feet from the nearest stream, the first order tributary reach 5:ES/36:IS. The area between 12:SW and the nearby aquatic resources is upland and without a discrete feature that would provide a continuous surface connection between the aquatic resources.

The wetland 13:SW is approximately 0.01 acre (Enclosure 1). The wetland 13:SW is approximately 16 to 25 feet from other nearby wetlands, and approximately 258 feet from the nearest stream, the first order tributary reach 5:ES/36:IS. The area between 13:SW and the nearby aquatic resources is upland and without a discrete feature that would provide a continuous surface connection between the aquatic resources.

The wetland 14:SW is approximately 0.01 acre (Enclosure 1). The wetland 14:SW is approximately 22 to 30 feet from other nearby wetlands, and approximately 281 feet from the nearest stream, the first order tributary reach 5:ES/36:IS. The area between 14:SW and the nearby aquatic resources is upland and without a discrete feature that would provide a continuous surface connection between the aquatic resources.

The wetland 15:SW is less than 0.01 acre (Enclosure 1). The wetland 15:SW is approximately 18 to 30 feet from other nearby wetlands, and approximately 242 feet from the nearest stream, the first order tributary reach 5:ES/36:IS. The area between 15:SW and the nearby aquatic resources is upland and without a discrete feature that would provide a continuous surface connection between the aquatic resources.

The wetland 16:SW is approximately 0.01 acre (Enclosure 1). The wetland 16:SW is approximately 5 feet for the nearest wetland, and approximately 340 feet from the nearest stream, the first order tributary reach 5:ES/36:IS. Despite proximity to the nearby wetland 35:SW, the area between 16:SW and other aquatic resources is upland and without a discrete feature that would provide a continuous surface connection between the aquatic resources.

The wetland 17:SW is less than 0.01 acre (Enclosure 1). The wetland 17:SW is approximately 32 to 40 feet from other nearby wetlands, and approximately 292 feet from the nearest stream, 1:IS. The area between 17:SW and the nearby aquatic resources is upland and without a discrete feature that would provide a continuous surface connection between the aquatic resources.

The wetland 18:SW is approximately 0.06 acre (Enclosure 1). The wetland 18:SW is approximately 34 to 38 feet from other nearby wetlands. The wetland is 263 feet from the nearest stream, 1:IS. The area between 18:SW and the nearby aquatic resources is upland and without a discrete feature that would provide a continuous surface connection between the aquatic resources.

The wetland 19:SW is approximately 0.04 acre (Enclosure 1). The wetland 19:SW is approximately 20 to 32 feet from other nearby wetlands and approximately 220 feet from the nearest stream, 1:IS. The area between 19:SW and the nearby aquatic resources is upland and without a discrete feature that would provide a continuous surface connection between the aquatic resources.

The wetland 20:SW is less than 0.01 acre (Enclosure 1). The wetland 20:SW is approximately 16 to 21 feet from other nearby wetlands and approximately 230 feet from the nearest stream, 1:IS. The area between 20:SW and the nearby aquatic resources is upland and without a discrete feature that would provide a continuous surface connection between the aquatic resources.

The wetland 21:SW is less than 0.01 acre (Enclosure 1). The wetland 21:SW is approximately 4 to 15 feet from other nearby wetlands and approximately 230 feet from the nearest stream, 1:IS. Despite proximity to the nearby wetland 22:SW, the area between 21:SW and other aquatic resources is upland and without a discrete feature that would provide a continuous surface connection between the aquatic resources.

The wetland 22:SW is approximately 0.01 acre (Enclosure 1). The wetland 22:SW is approximately 4 to 10 feet from other nearby wetlands and approximately 198 feet from the nearest stream, 1:IS. Despite proximity to the nearby wetland 21:SW, the area

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between 22:SW and other aquatic resources is upland and without a discrete feature that would provide a continuous surface connection between the aquatic resources.

The wetland 23:SW is approximately 0.05 acre (Enclosure 1). The wetland 23:SW is approximately 4 to 10 feet from other nearby wetlands and approximately 156 feet from the nearest stream, 1:IS. Despite proximity to the nearby wetland 22:SW and 24:SW, the area between 23:SW and other aquatic resources is upland and without a discrete feature that would provide a continuous surface connection between the aquatic resources. No discrete feature was observed to the second order of 36:IS or to the wetlands 22:SW and 24:SW during the Corps' field site visit (Enclosure 11).

The wetland 24:SW is approximately 0.03 acre (Enclosure 1). The wetland 24:SW is approximately 4 to 8 feet from other nearby wetlands and approximately 122 feet from the nearest stream, 1:IS. Despite proximity to the nearby wetland 23:SW and 25:SW, the area between 24:SW and other aquatic resources is upland and without a discrete feature that would provide a continuous surface connection between the aquatic resources.

The wetland 25:SW is approximately 0.29 acre (Enclosure 1). The wetland 25:SW is approximately 12 feet from other nearby wetlands and approximately 70 feet from the nearest stream, 1:IS. Despite proximity to the nearby wetland 24:SW and 27:SW, the area between 25:SW and other aquatic resources is upland and without a discrete feature that would provide a continuous surface connection between the aquatic resources.

The wetland 26:SW is approximately 0.01 acre (Enclosure 1). The wetland 26:SW is approximately 15 feet from the nearest stream, 1:IS. The area between 26:SW and 1:IS is upland and without a discrete feature that would provide a continuous surface connection between the aquatic resources. No discrete feature was observed between 26:SW and 1:IS during the Corps' site visit (Enclosure 11).

The wetland 27:SW is less than 0.01 acre (Enclosure 1). The wetland 27:SW is approximately 4 to 9 feet from other nearby wetlands. The wetland is 262 feet from the nearest stream, 1:IS. Despite proximity to the nearby wetland 28:SW and 25:SW, the area between 27:SW and other aquatic resources is upland and without a discrete feature that would provide a continuous surface connection between aquatic resources.

The wetland 28:SW is less than 0.01 acre (Enclosure 1). The wetland 28:SW is approximately 2 feet from the nearby wetland 29:SW. Despite proximity to the nearby wetland 29:SW, the area between 28:SW and other aquatic resources is upland and without a discrete feature that would provide a continuous surface connection between the aquatic resources. The wetland is 262 feet from the nearest stream, 1:IS.

The wetland 29:SW is approximately 0.05 acre (Enclosure 1). The wetland 29:SW is approximately 280 feet from the nearest stream 1:IS and approximately 2 feet from the nearest wetland 28:SW. Although wetland 29:SW is relatively close to other wetlands, a continuous surface connection between the wetlands is not present, and a does not have

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a discrete feature to provide a continuous surface connection between aquatic resources. As a result, the wetlands 29:SW is not adjacent.

The wetland 31:SW is less than 0.01 acre (Enclosure 1). The wetland 31:SW is approximately 36 feet from the nearest stream, 37:IS. The area between 31:SW and 37:IS is upland and without a discrete feature that would provide a continuous surface connection between the aquatic resources.

The wetland 32:SW is less than 0.01 acre (Enclosure 1). The wetland 32:SW is approximately 60 feet from the nearest stream, 37:IS. The area between 32:SW and 37:IS is upland and without a discrete feature that would provide a continuous surface connection between the aquatic resources.

The wetland 33:SW is less than 0.01 acre (Enclosure 1). The wetland 33:SW is approximately 100 feet from the nearest stream, 37:IS. The area between 33:SW and 37:IS is upland and without a discrete feature that would provide a continuous surface connection between the aquatic resources.

The wetland 34:SW is less than 0.01 acre (Enclosure 1). The wetland 34:SW is approximately 104 feet from the nearest stream, 3:ES. The area between 34:SW and 3:ES is upland and without a discrete feature that would provide a continuous surface connection between the aquatic resources.

The wetland 35:SW is less than 0.01 acre (Enclosure 1). The wetland 35:SW is approximately 5 feet from the nearest wetland, and approximately 340 feet from the nearest stream, the first order tributary reach 5:ES/36:IS. Despite proximity to the nearby wetland 16:SW, the area between 35:SW and other aquatic resources is upland and without a discrete feature that would provide a continuous surface connection between the aquatic resources.

10. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

a. U.S. Army Corps of Engineers. December 21, 2023, and February 15, 2024. Office Evaluation.

b. U.S Army Corps of Engineers. May 14, 2024. Field Visit.

c. [REDACTED]. 2019. *Aquatic Resources Delineation Report Shasta Views Site Shasta County, CA*.

d. U.S. Fish and Wildlife Service. 1983. National Wetland Inventory. Project area: Shasta View Site 2021-00519. Washington, D.C.: U.S. Fish and Wildlife Service, Dept. of the Interior. Retrieved January 4, 2023, from Wetland Mapper: <https://www.fws.gov/wetlands/data/mapper.html>.

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e. Natural Resources Conservation Service. 2020. Custom Soil Resource Report for Shasta County Area, California Shasta View Site 2021-00519. Natural Resources Conservation Service, U.S. Dept. of Agriculture. Retrieved from <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.html>.

f. U.S. Environmental Protection Agency. 2023. EnviroAtlas. Watershed Index Online Water Mask for the Conterminous United States. Retrieved: January 2, 2024, from <https://enviroatlas.epa.gov/enviroatlas/interactivemap/>.

g. U.S. Geological Survey. 2024. National Geospatial Program, USGS National Hydrography Dataset Best Resolution (NHD). National Map.

h. U.S. Geological Survey. 2023. USGS 1:24000-scale Quadrangle for Enterprise, CA 2023: U.S. Geological Survey.

i. U.S. Geological Survey. 1984. USGS 1:100000-scale Quadrangle for Redding, California 1984: U.S. Geological Survey.

j. *SPK-2021-00519 (Shasta View Site) NHD Map*. [map]. 1:0.2. Generated by Army Corps of Engineers, December 14, 2023. National Regulatory Viewer.

k. *SPK-2021-00519 (Shasta View Site) NHD Map -1* [map]. 1:2. Generated by Army Corps of Engineers, December 14, 2023. National Regulatory Viewer.

l. Flow Path to Sacramento River (2021-00519) [map]. 1:12,000. Generated by Army Corps of Engineers, February 14, 2024. Using ArcGIS Pro.

m. Flow Path to Sacramento River – 1 (2021-00519) [map]. 1:2,000. Generated by Army Corps of Engineers, February 14, 2024. Using ArcGIS Pro.

n. Digital Globe: February 23, 2017, Imagery (2021-00519) [map]. 1:400. Generated by Army Corps of Engineers, March 12, 2024. Using ArcGIS Pro.

o. Digital Globe: March 1, 2017, Imagery (2021-00519) [map]. 1:400. Generated by Army Corps of Engineers, March 12, 2024. Using ArcGIS Pro.

p. Digital Globe: May 5, 2017, Imagery (2021-00519) [map]. 1:400. Generated by Army Corps of Engineers, March 12, 2024. Using ArcGIS Pro.

q. Digital Globe: February 6, 2018, Imagery (2021-00519) [map]. 1:400. Generated by Army Corps of Engineers, March 12, 2024. Using ArcGIS Pro.

r. Digital Globe: March 5, 2018, Imagery (2021-00519) [map]. 1:400. Generated by Army Corps of Engineers, February 16, 2024. Using ArcGIS Pro.

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s. Digital Globe: April 17, 2018, Imagery (2021-00519) [map]. 1:400. Generated by Army Corps of Engineers, February 16, 2024. Using ArcGIS Pro.

t. Digital Globe: December 7, 2020, Imagery (2021-00519) [map]. 1:400. Generated by Army Corps of Engineers, February 16, 2024. Using ArcGIS Pro.

u. Digital Globe: May 24, 2021, Imagery (2021-00519) [map]. 1:400. Generated by Army Corps of Engineers, February 16, 2024. Using ArcGIS Pro.

v. Digital Globe: May 13, 2023, Imagery (2021-00519) [map]. 1:320. Generated by Army Corps of Engineers, March 12, 2024. Using ArcGIS Pro.

w. 3DEP: 3DEP Elevation (2021-00519) [map]. 1:460. Generated by Army Corps of Engineers, February 15, 2024. Using ArcGIS Pro.

x. Ground photos: [REDACTED]. 2019. Aquatic Resources Delineation Report Shasta Views Site Shasta County, CA.

11. OTHER SUPPORTING INFORMATION.

There are five jurisdictional waters within the 20.5-acre review area. The streams 2:ES – 4:ES within the review area are non-relatively permanent, and as a result are not jurisdictional tributaries. The streams 2:ES – 4:ES are non-relatively permanent waters because they do not have flowing or standing water year-round or continuously during certain times of year. This determination is supported by the absence of water in aerial imagery, in particular those dated February 23, 2017, March 1, 2017, February 6, 2018, May 5, 2017, and May 13, 2023, NHD, NWI, EPA's EnviroAtlas, and the Agent's determination of the streams as "ephemeral."

The wetlands 6:SW – 29:SW and 31:SW – 35:SW, are not adjacent wetlands as they do not share a continuous surface connection to an (a)(1), (a)(2), or (a)(3) water. Lack of a continuous surface connection to an (a)(1), (a)(2), and (a)(3) water can be seen on the aerial imagery and 3DEP Elevation imagery. The wetlands 6:SW – 29:SW and 31:SW – 35:SW do not share a surface connections and are separated by uplands. Discrete features providing continuous surface connections between the wetlands and the streams or the wetlands and themselves were not observed during the Corps' field site visit on May 14, 2024.

Digital Globe images from February 23, 2017, March 1, 2017, February 6, 2018, April 17, 2018, and December 7, 2020, were particularly useful in determining the flow path, flow direction, and duration of the aquatic resources as they were acquired in the wet season. The Corps' Antecedent Precipitation Tool (APT) shows that the February 23, 2017, imagery was acquired in wetter than normal conditions, during the wet season, and with an extreme wetness Palmer Drought Severity Index. The Corps' Antecedent Precipitation Tool (APT) shows that the March 1, 2017, imagery was acquired in normal conditions, during the wet season, and with a severe wetness Palmer Drought

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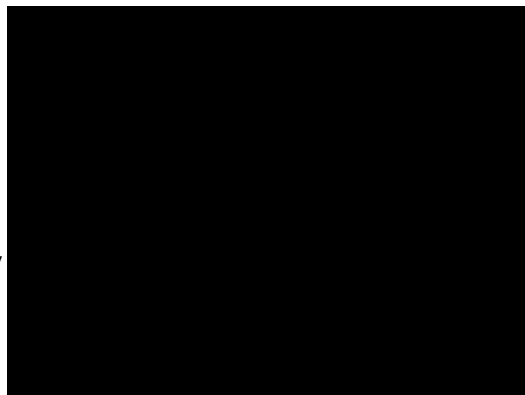
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Severity Index. The Corps' Antecedent Precipitation Tool (APT) shows that the February 6, 2018, imagery was acquired in normal conditions, during the wet season, and with a severe drought Palmer Drought Severity Index. The Corps' Antecedent Precipitation Tool (APT) shows that the April 17, 2018, imagery was acquired in normal conditions, during the wet season, and with a mild drought Palmer Drought Severity Index. The Corps' Antecedent Precipitation Tool (APT) shows that the December 7, 2020, imagery was acquired in drier than normal conditions, during the wet season, and with a severe drought Palmer Drought Severity Index. The May 24, 2021, and May 13, 2023, digital globe photos were taken during the dry season, when we would not expect to see seasonal tributary reaches to contain water in aerial imagery. Google Earth images from April 28, 2021, and April 22, 2023, were acquired in the wet season and proved useful for this review. The Corps' field site visit was conducted on May 14, 2024, during the dry season, when the three-month antecedent precipitation was within the range of normal and the Palmer Drought Severity Index indicating the region was not in drought. Climatic conditions were determined using the Corps Antecedent Precipitation Tool (APT).

12. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.

11 Encls:

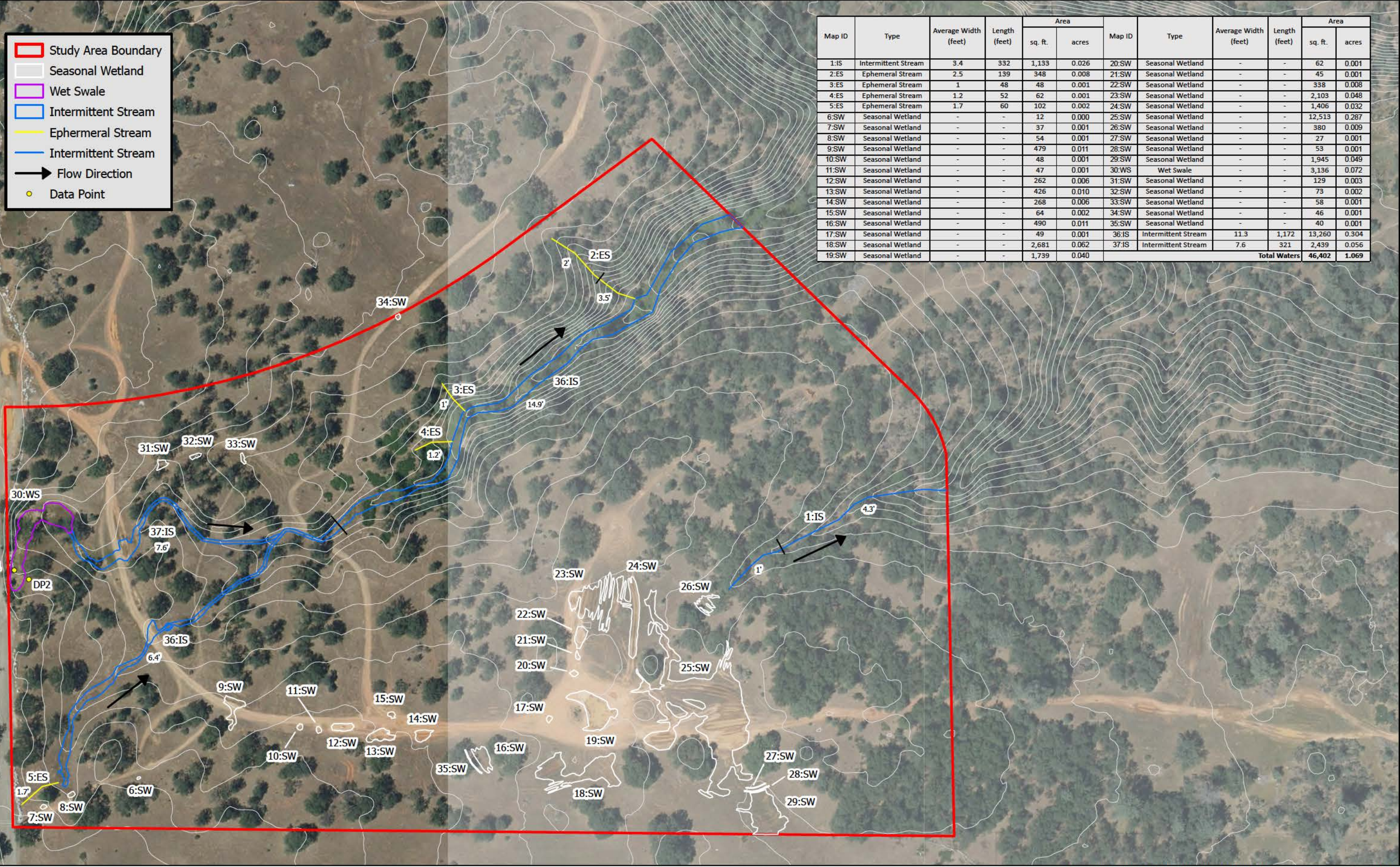
1. Collyer Drive Site - Aquatic Resources Delineation Results
2. Flow Path Map Feb 6, 2018, Imagery (2021-0059)
3. Flow Path to Sacramento River (2021-0059)
4. Flow Path to Sacramento River - 1 (2021-0059)
5. 3DEP Elevation (2021-00519)
6. February 23, 2017, Imagery (2021-00519)
7. March 1, 2017, Imagery (2021-00519)
8. February 6, 2018, Imagery (2021-00519)
9. May 5, 2017, Imagery (2021-00519)
10. May 13, 2023, Imagery (2021-00519)
11. Site Visit Photolog and Map



Path: N:\companyfiles\01_jobs Active\430-13 Omni-Means - Collyer Drive Campus Development\3-Project GIS\3-Map Documents\20ac_north_2022\Wetland Delineation\Wetland_delin_map_06102022.aprx

- ▭ Study Area Boundary
- Seasonal Wetland
- Wet Swale
- Intermittent Stream
- Ephemeral Stream
- Intermittent Stream
- ➔ Flow Direction
- Data Point

Map ID	Type	Average Width (feet)	Length (feet)	Area		Map ID	Type	Average Width (feet)	Length (feet)	Area	
				sq. ft.	acres					sq. ft.	acres
1:IS	Intermittent Stream	3.4	332	1,133	0.026	20:SW	Seasonal Wetland	-	-	62	0.001
2:ES	Ephemeral Stream	2.5	139	348	0.008	21:SW	Seasonal Wetland	-	-	45	0.001
3:ES	Ephemeral Stream	1	48	48	0.001	22:SW	Seasonal Wetland	-	-	338	0.008
4:ES	Ephemeral Stream	1.2	52	62	0.001	23:SW	Seasonal Wetland	-	-	2,103	0.048
5:ES	Ephemeral Stream	1.7	60	102	0.002	24:SW	Seasonal Wetland	-	-	1,406	0.032
6:SW	Seasonal Wetland	-	-	12	0.000	25:SW	Seasonal Wetland	-	-	12,513	0.287
7:SW	Seasonal Wetland	-	-	37	0.001	26:SW	Seasonal Wetland	-	-	380	0.009
8:SW	Seasonal Wetland	-	-	54	0.001	27:SW	Seasonal Wetland	-	-	27	0.001
9:SW	Seasonal Wetland	-	-	479	0.011	28:SW	Seasonal Wetland	-	-	53	0.001
10:SW	Seasonal Wetland	-	-	48	0.001	29:SW	Seasonal Wetland	-	-	1,945	0.049
11:SW	Seasonal Wetland	-	-	47	0.001	30:WS	Wet Swale	-	-	3,136	0.072
12:SW	Seasonal Wetland	-	-	262	0.006	31:SW	Seasonal Wetland	-	-	129	0.003
13:SW	Seasonal Wetland	-	-	426	0.010	32:SW	Seasonal Wetland	-	-	73	0.002
14:SW	Seasonal Wetland	-	-	268	0.006	33:SW	Seasonal Wetland	-	-	58	0.001
15:SW	Seasonal Wetland	-	-	64	0.002	34:SW	Seasonal Wetland	-	-	46	0.001
16:SW	Seasonal Wetland	-	-	490	0.011	35:SW	Seasonal Wetland	-	-	40	0.001
17:SW	Seasonal Wetland	-	-	49	0.001	36:IS	Intermittent Stream	11.3	1,172	13,260	0.304
18:SW	Seasonal Wetland	-	-	2,681	0.062	37:IS	Intermittent Stream	7.6	321	2,439	0.056
19:SW	Seasonal Wetland	-	-	1,739	0.040						
Total Waters										46,402	1.069



Collyer Drive Site - Aquatic Resources Delineation Results

Feature and boundary locations depicted are approximate only.
This is not a survey product.

06.10.22