



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

CESPK-RDC-N

16 January 2025

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),<sup>1</sup> SPK-2012-01296

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.<sup>2</sup> 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.<sup>3</sup>

On January 18, 2023, the Environmental Protection Agency ("EPA") and the Department of the Army (collectively "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*").

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"),<sup>4</sup> the 2023 Rule as amended, as well as other applicable guidance, relevant case law, and longstanding practice in evaluating jurisdiction.

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<sup>1</sup> 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.

<sup>2</sup> 33 CFR 331.2.

<sup>3</sup> Regulatory Guidance Letter 05-02.

<sup>4</sup> 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.

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## 1. 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). None of the features within the review area are waters of the U.S. or navigable waters of the U.S.

<b>Waters Name</b>	<b>Stream/Wetland</b>	<b>CWA Jurisdiction</b>	<b>Navigable Waters of the U.S.</b>
SW-1/VP-1/SW-2	Wetland	No	No
SW-3	Wetland	No	No
SW-4	Wetland	No	No
SW-5	Wetland	No	No
SW-6	Wetland	No	No
SW-7	Wetland	No	No
SW-8	Wetland	No	No
SW-9	Wetland	No	No
SW-10	Wetland	No	No
SW-11	Wetland	No	No
SW-12	Wetland	No	No
SW-13	Wetland	No	No
SW-14	Wetland	No	No
SW-15	Wetland	No	No
SW-16	Wetland	No	No
SW-17	Wetland	No	No
SW-18	Wetland	No	No
SW-19	Wetland	No	No
SW-20	Wetland	No	No
SW-21	Wetland	No	No
SW-22	Wetland	No	No
SW-23	Wetland	No	No
SW-24	Wetland	No	No
SW-25	Wetland	No	No
SW-26	Wetland	No	No
SW-27	Wetland	No	No
SW-28	Wetland	No	No
SW-29	Wetland	No	No
SW-30	Wetland	No	No
SW-31	Wetland	No	No
SW-32/SW-33	Wetland	No	No

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SW-34	Wetland	No	No
SW-35	Wetland	No	No
SW-36	Wetland	No	No
SW-37	Wetland	No	No
SW-38	Wetland	No	No
SW-39	Wetland	No	No
SW-40/SW-41	Wetland	No	No
SW-42	Wetland	No	No
SW-43	Wetland	No	No
SW-44	Wetland	No	No
SW-45	Wetland	No	No
SW-46/SW-47	Wetland	No	No
SW-48	Wetland	No	No
SW-49	Wetland	No	No
SW-50	Wetland	No	No
SW-51	Wetland	No	No
SW-52	Wetland	No	No
SW-53	Wetland	No	No
SW-54	Wetland	No	No
SW-55	Wetland	No	No
SW-56	Wetland	No	No
SW-57	Wetland	No	No
SW-58	Wetland	No	No
SW-59	Wetland	No	No
SW-60	Wetland	No	No
SW-61	Wetland	No	No
SW-62	Wetland	No	No
SW-63	Wetland	No	No
SW-64	Wetland	No	No
SW-65	Wetland	No	No
SW-66	Wetland	No	No
SW-67	Wetland	No	No
SW-68	Wetland	No	No
SW-69	Wetland	No	No
SW-70	Wetland	No	No
SW-71	Wetland	No	No
SW-72	Wetland	No	No
SW-73	Wetland	No	No
SW-74	Wetland	No	No
SW-75	Wetland	No	No

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SW-76	Wetland	No	No
SW-77	Wetland	No	No
SW-78	Wetland	No	No
SW-79	Wetland	No	No
SW-80	Wetland	No	No
SW-81	Wetland	No	No
SW-82/SW-83	Wetland	No	No
SW-84/SW-85	Wetland	No	No
SW-86	Wetland	No	No
SW-87	Wetland	No	No
SW-88	Wetland	No	No
SW-89	Wetland	No	No
SW-90	Wetland	No	No
SW-91	Wetland	No	No
SW-92/SW-93	Wetland	No	No
SW-94-SW-95	Wetland	No	No
SW-96	Wetland	No	No
SW-97	Wetland	No	No
SW-98	Wetland	No	No
SW-99	Wetland	No	No
SW-100	Wetland	No	No
SW-101	Wetland	No	No
SW-102	Wetland	No	No
SW-103	Wetland	No	No
SW-104	Wetland	No	No
SW-105	Wetland	No	No
SW-106	Wetland	No	No
SW-107	Wetland	No	No
SW-108	Wetland	No	No
SW-109	Wetland	No	No
SW-110	Wetland	No	No
SW-111	Wetland	No	No
SW-112	Wetland	No	No
SW-113	Wetland	No	No
SW-114	Wetland	No	No
SW-115	Wetland	No	No
SW-116	Wetland	-No	No
SW-117	Wetland	No	No
SW-118	Wetland	No	No
SW-119	Wetland	No	No

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SW-120	Wetland	No	No
SW-121/SW-122	Wetland	No	No
SW-122	Wetland	No	No
SW-123	Wetland	No	No
SW-124	Wetland	No	No
SW-125	Wetland	No	No
SW-126	Wetland	No	No
SW-127	Wetland	No	No
SW-128	Wetland	No	No
SW-129	Wetland	No	No
SW-130	Wetland	No	No
SW-131	Wetland	No	No
SW-132	Wetland	No	No
SW-133	Wetland	No	No
SW-134	Wetland	No	No
SW-135	Wetland	No	No
SW-136	Wetland	No	No
SW-137	Wetland	No	No
SW-138	Wetland	No	No
SW-139	Wetland	No	No
SW-140	Wetland	No	No
SW-141	Wetland	No	No
SW-142	Wetland	No	No
SW-143	Wetland	No	No
SW-144/SWS-5/SWS-6/SW-145/SWS-7/SW-146/SWS-8/SW-147/SWS-9/SW-169/SWS-10	Wetland	No	No
SW-148/SW-149/SW-150	Wetland	No	No
SW-151	Wetland	No	No
SW-152	Wetland	No	No
SW-153	Wetland	No	No
SW-154	Wetland	No	No
SW-155	Wetland	No	No
SW-156	Wetland	No	No
SW-157	Wetland	No	No
SW-158	Wetland	No	No
SW-159	Wetland	No	No
SW-160	Wetland	No	No
SW-161	Wetland	No	No

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SW-162	Wetland	No	No
SW-163	Wetland	No	No
SW-164	Wetland	No	No
SW-165	Wetland	No	No
SW-166	Wetland	No	No
SW-167	Wetland	No	No
SW-168	Wetland	No	No
SW-170	Wetland	No	No
SW-171	Wetland	No	No
SW-172/SWS-11	Wetland	No	No
SW-173	Wetland	No	No
SW-174	Wetland	No	No
SW-175	Wetland	No	No
SW-176	Wetland	No	No
SW-177	Wetland	No	No
SW-178	Wetland	No	No
SW-179	Wetland	No	No
SW-180	Wetland	No	No
SW-181	Wetland	No	No
SW-182/SW-183/SW-184	Wetland	No	No
SW-185	Wetland	No	No
SW-186/SW-187	Wetland	No	No
SW-188	Wetland	No	No
SW-189	Wetland	No	No
SW-190	Wetland	No	No
SW-191	Wetland	No	No
SW-192	Wetland	No	No
SW-193	Wetland	No	No
SW-194	Wetland	No	No
SW-195	Wetland	No	No
SW-196	Wetland	No	No
SW-197	Wetland	No	No
SW-198	Wetland	No	No
SW-199	Wetland	No	No
SW-200	Wetland	No	No
SW-201	Wetland	No	No
SW-202/VP-17	Wetland	No	No
SW-203	Wetland	No	No
SW-204	Wetland	No	No
SW-205	Wetland	No	No

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SW-206	Wetland	No	No
SW-207	Wetland	No	No
SW-208	Wetland	No	No
SW-209	Wetland	No	No
SW-210	Wetland	No	No
SW-211	Wetland	No	No
SW-212	Wetland	No	No
SW-213	Wetland	No	No
SW-214	Wetland	No	No
SW-215	Wetland	No	No
SW-216/SW-217/SW-218	Wetland	No	No
SW-219	Wetland	No	No
SW-220	Wetland	No	No
SW-221	Wetland	No	No
SW-222	Wetland	No	No
SW-223	Wetland	No	No
SW-224	Wetland	No	No
SW-225	Wetland	No	No
SW-226	Wetland	No	No
SW-227	Wetland	No	No
SWS-1	Wetland	No	No
SWS-2	Wetland	No	No
SWS-3	Wetland	No	No
SWS-4	Wetland	No	No
VP-2	Wetland	No	No
VP-3	Wetland	No	No
VP-4	Wetland	No	No
VP-5	Wetland	No	No
VP-6	Wetland	No	No
VP-7	Wetland	No	No
VP-8	Wetland	No	No
VP-9	Wetland	No	No
VP-10	Wetland	No	No
VP-11	Wetland	No	No
VP-12	Wetland	No	No
VP-13	Wetland	No	No
VP-14	Wetland	No	No
VP-15	Wetland	No	No
VP-16	Wetland	No	No
VP-18	Wetland	No	No

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VP-19	Wetland	No	No
VP-20	Wetland	No	No
VP-21	Wetland	No	No
ED-1	Stream	No	No
ED-2	Stream	No	No
ED-3	Stream	No	No
RD-1	Stream	No	No
RD-2	Stream	No	No
RD-3	Stream	No	No
RD-4	Stream	No	No
RD-5	Stream	No	No
RD-6	Stream	No	No

## 2. 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. 651, 143 S. Ct. 1322 (2023)

3. REVIEW AREA. The review area is the approximately 877 acres “Study Area Boundary” depicted in Enclosure 1, Enclosure 2, Enclosure 5, and Enclosure 6 through Enclosure 12, located on [REDACTED], outside of the City of Red Bluff, Tehama County, California.

4. 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 (Enclosure 2). The Sacramento District identifies the 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.

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

The flow path from the subject aquatic resources within the review area was evaluated using information acquired from the National Hydrography Dataset (NHD; Enclosure 3),



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National Wetland Inventory (NWI; Enclosure 4), 3DEP Imagery (Enclosure 5), aerial imagery from Digital Globe (Enclosures 6 – 12) and Google Earth, and field observations during the Corps' site visit (Enclosure 13).

Coyote Creek runs from west to east, outside and south of the review area.

Coyote Creek is a relatively permanent tributary to the Sacramento River, a navigable water. The NHD identifies Coyote Creek as a 3rd order stream. Coyote Creek flows into Oat Creek approximately 38,815 feet down stream of the review area. Oat Creek flows into the Sacramento River, a water of the United States as defined in 33 CFR §328.3(a)(1), approximately 3,890 feet further downstream. As defined in 33 CFR §328, (a)(1) waters are: waters which are: (i) Currently used, or 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; (ii) The territorial seas; or (iii) Interstate waters. Therefore, Coyote Creek is a tributary of the Sacramento River (Lee et al. 2018). The Coyote Creek ecosystem contributes to the maintenance of the physical, chemical, and biological integrity of the Sacramento River (Lee et al. 2018).

Five years of water level monitoring along Coyote Creek (2012-2017) confirmed a continuous connection of flow in the Coyote Creek watershed to the Sacramento River during the rainy season when sufficient rainfall occurs (Lee et al. 2018). Coyote Creek is included in the NWI as a riverine feature and the NHD as an intermittent stream. On U.S. Geological Survey topographic maps Coyote Creek is identified as an intermittent stream. In 2021, the Sacramento District completed an AJD for SPK-2013-00015 which found Coyote Creek to be a 33 CFR §328.3(a)(2) intermittent tributary contributing surface water flow directly or indirectly to an (a)(1) water in a typical year under the definition of "waters of the United States" in the Navigable Waters Protection Rule<sup>5</sup>. The Navigable Waters Protection Rule defined (a)(2) waters as "[t]ributaries" which meant: a river, stream, or similar naturally occurring surface water channel that contributes surface water flow to the territorial seas or traditional navigable waters in a typical year either directly or through one or more tributaries, lakes, ponds, and impoundments of jurisdictional waters, or adjacent wetlands. The Navigable Waters Protection Rule stated that: a tributary must be perennial or intermittent in a typical year.

The mapped features labeled SW-1, VP-1, and SW-2 are a single contiguous wetland as these wetlands are abutting. SW-1/VP-1/SW-2 does not have a continuous surface connection out of the review area or to a jurisdictional water. Judging from the topography of the surrounding landscape, water from SW-1/VP-1/SW-2 flows southeast but does not flow through or into a discrete feature. SW-1/VP-1/SW-2 receives water from RD-2 and RD-3. However, the area between SW-1/VP-1/SW-2 and aquatic resources to the west is upland grassland.

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<sup>5</sup> 85 FR 22250 (April 21, 2020).

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The topographic position of SW-3 indicates that water flows north into an area excluded from the review area but does not flow through a discrete feature. In the excluded area, flow continues through a discrete feature (upland swale) for approximately 450 feet before reaching SW-06. SW-06 does not have a continuous surface connection out of the review area. See below for information regarding SW-06.

The topographic position of SW-4 indicates that water flows to northwest into an area excluded from the review area but does not flow through a discrete feature. From the excluded area, flow continues through a discrete feature (swale) for approximately 450 feet before reaching SW-06. See below for information regarding SW-06.

The topographic position of SW-5 indicates that water flows to south into an area excluded from the review area but does not flow through a discrete feature. From the excluded area, flow continues through a discrete feature (swale) for approximately 450 feet before reaching SW-06. See below for information regarding SW-06.

SW-06 does not have a continuous surface connection out of the review area or to a jurisdictional water. SW-06 flows for approximately 125 feet east across a dirt road, and into SW-8, but does not flow through a discrete feature. See below for information regarding SW-8.

SW-07 does not have a continuous surface connection out of the review area or to a jurisdictional water. SW-07 flows east across a dirt road for approximately 120 feet and into SW-8 but does not flow through a discrete feature. See below for information regarding SW-8.

The topographic position of SW-8 indicates that water flows to the north for approximately 250 feet into SW-11. The water flow from SW-8 to SW-11 does not occur through a discrete feature. See below for information regarding SW-11.

The topographic position of SW-9 indicates that water flows indirectly to the north for approximately 110 feet into SW-8 but does not flow through a discrete feature. See below for information regarding SW-11.

SW-10, SW-11, SW-12, SW-13, and SW-14, all separate wetlands, each do not have a continuous surface any jurisdictional water. Instead, these wetlands are surrounded by upland grasslands.

The topographic position of SW-15 indicates that water flows to the north for approximately 130 feet through uplands and into SW-16 but does not flow through a discrete feature. See below for information regarding SW-16.

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SW-16 does not have a continuous surface connection out of the review area or to a jurisdictional water. The wetland is approximately 170 feet from the roadside ditch RD-16; however, the aquatic resources do not share a continuous surface connection. Instead, SW-16 is surrounded by upland grasslands.

SW-17 connects through a discrete feature (upland swale) to ED-2, approximately 45 feet to the northeast. ED-2 abuts SWS-2. See below for information regarding SWS-2.

SW-18, SW-19, SW-20, SW-21, SW-22, SW-23, SW-24, SW-25, SW-26, SW-27, SW-28, SW-29, SW-30, and SW-31, all separate wetlands, each do not have a continuous surface connection to any jurisdictional water. Instead, these wetlands are surrounded by upland grasslands.

Consistent with guidance in the 2023 Rule regarding treatment of wetland mosaics<sup>6</sup>, the areas mapped as SW-32 and SW-33 are analyzed as single wetland. The wetlands generally act as a single ecological unit and function as a single wetland. SW-32 and SW-33 are less than 15 feet apart, and function as a wetland mosaic. The topographic position of SW-32/SW-33 suggests this wetland does not have a continuous surface connection to any jurisdictional water. Instead, this wetland is surrounded by upland grasslands.

SW-34, SW-35, SW-36, SW-37, SW-38, and SW-39, all separate wetlands, each do not have a continuous surface connection to any jurisdictional water. Instead, the wetlands are surrounded by upland grasslands.

Consistent with guidance in the 2023 Rule regarding treatment of wetland mosaics, the features mapped as SW-40 and SW-41 are analyzed as a single wetland. The wetlands generally act as a single ecological unit and function as a single wetland. SW-40 and SW-41 are less than 15 feet apart, and function as a wetland mosaic. SW-40/SW-41 does not have a continuous surface connection out of the review area or to a jurisdictional water. Instead, this wetland is surrounded by upland grasslands.

Wetlands SW-42 and SW-43 do not have continuous surface connections to any jurisdictional water. Instead, the wetlands are surrounded by upland grasslands.

The topographic position of SW-44 indicates that water flows to the north for approximately 590 feet, before leaving the review area but does not flow through a discrete feature. Instead, the wetland is surrounded by upland grasslands.

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<sup>6</sup> 88 FR 3004, 3093 (January 18, 2023).

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SW-45 does not have a continuous surface connection out of the review area or to a jurisdictional water. Instead, the wetland is surrounded by upland grasslands.

Consistent with guidance in the 2023 Rule regarding treatment of wetland mosaics, SW-46 and SW-47 are analyzed as a single wetland. The wetlands generally act as a single ecological unit and function as a single wetland. SW-46 and SW-47 are less than 10 feet apart, and function as a wetland mosaic. The topography of the area indicates that SW-46/SW-47 does not have a continuous surface connection out of the review area or to a jurisdictional water. Instead, this wetland is surrounded by upland grasslands.

SW-48, SW-49, SW-50, SW-51, SW-52, SW-53, SW-54, SW-55, SW-56, SW-57, SW-58, SW-59, SW-60, SW-61, SW-62, SW-63, SW-64, SW-65, SW-66, SW-67, SW-68, SW-69, SW-70, SW-71, SW-72, SW-73, SW-74, SW-75, SW-76, SW-77, and SW-78, all separate wetlands, each do not have a continuous surface connection to any jurisdictional water. Instead, the wetlands are surrounded by upland grasslands.

The topographic position of SW-79 and the surrounding landscape indicates that water could flow 445 feet to the southeast into SW-143, however there is no discrete feature connecting SW-79 and SW-143. Based on topography, water from SW-143 could flow south approximately 100 feet, across a dirt road, and then into SWS-5/SW-144/SWS-6/SW-145/SWS-7/SW-146/SWS-8/SW-147/SWS-9/SW-169/SWS-10; however, there is no discrete feature connected these two wetlands. See below for information regarding SWS-5/SW-144/SWS-6/SW-145/SWS-7/SW-146/SWS-8/SW-147/SWS-9/SW-169/SWS-10. In total, SW-79 is approximately 3,995 feet from Coyote Creek.

SW-80 does not have a continuous surface connection out of the review area or to a jurisdictional water. Instead, the wetland is surrounded by upland grasslands.

SW-81 is connected to SW-84/SW-85 by a through an approximately 280 feet long upland swale. See below for information regarding SW-84/SW-85.

Consistent with guidance in the 2023 Rule regarding treatment of wetland mosaics, SW-82 and SW-83 are analyzed as a single wetland. SW-82 and SW-83 are less than 10 feet apart, and function as a wetland mosaic. The topographic position of SW-82/SW-83 indicates that water flows southeast for approximately 130 feet through an upland swale into SW-84/SW-85.

Consistent with guidance in the 2023 Rule regarding treatment of wetland mosaics, SW-84 and SW-85 are analyzed as a single wetland. The wetlands generally act as a

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single ecological unit and function as a single wetland. SW-84 and SW-85 are less than 10 feet apart, and function as a wetland mosaic. The topography of the area indicates that water SW-84/SW-85 flow southeast through an upland swale for approximately 405 feet into SW-165, which then flows through another upland swale for approximately 50 feet to SW-166, and then through another upland swale for approximately 60 feet into SW-167. From SW-167, water flows generally to the southeast outside of the review area for approximately 360 feet through an area without a discrete feature. Water then enters a wetland swale that flows southeast for approximately 3,850 feet to Coyote Creek.

Separate wetlands SW-86, SW-87, SW-88, SW-89, SW-90, and SW-91 each do not have continuous surface connections to any jurisdictional waters. Instead, the wetlands are surrounded by upland grasslands.

Consistent with guidance in the 2023 Rule regarding treatment of wetland mosaics, SW-92 and SW-93 are analyzed as a single wetland. The wetlands generally act as a single ecological unit and function as a single wetland. SW-92 and SW-93 are less than 15 feet apart, and function as a wetland mosaic. Water from SW-92/SW-93 does not have a continuous surface connection to any jurisdictional waters or out of the review area. Instead, this wetland is surrounded by upland grasslands.

Consistent with guidance in the 2023 Rule regarding treatment of wetland mosaics, SW-94 and SW-95 are analyzed as a single wetland. The wetlands generally act as a single ecological unit and function as a single wetland. SW-94 and SW-95 are less than 10 feet apart, and function as a wetland mosaic. The topographic position of SW-94/SW-95 indicates that this wetland does not have a continuous surface connection to any jurisdictional waters or out of the review area. Instead, this wetland is surrounded by upland grasslands.

SW-96, SW-97, SW-98, and SW-99, all separate wetlands, each do not have a continuous surface connection to any jurisdictional water. Instead, these wetlands are surrounded by upland grasslands.

The topographic position of SW-100 indicates that water flows to the southeast for approximately 1,645 feet into SW-79. The water flow from SW-100 to SW-79 does not occur through a discrete feature. See above for a description of SW-79.

SW-101 and SW-102, separate wetlands, each do not have a continuous surface connection to any jurisdictional water. Instead, the wetlands are surrounded by upland grasslands.

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The topographic position of SW-103 indicates that water flows southeast for approximately 80 feet into SW-104 but does not flow through a discrete feature. See below for a description of SW-104.

The topographic position of SW-104 indicates that water flows to the east for approximately 45 feet into SW-105 but does not flow through a discrete feature. See below for a description of SW-105.

The topographic position of SW-105 indicates that water flows to the southeast for approximately 1,665 feet into SW-79. The water flow from SW-105 to SW-79 does not occur through a discrete feature. See above for a description of SW-79.

SW-106, SW-107, SW-108, SW-109, and SW-110, all separate wetlands, each lack a continuous surface connection to a jurisdictional water. In total, SW-106, SW-107, SW-108, SW-109, and SW-110 are approximately 2,090, 1,575, 1,680, 1,210, and 1,150 feet respectively from Coyote Creek. However, these wetlands are not adjacent to Coyote Creek as the aquatic resources do not share a continuous surface connection. Instead, the wetlands are surrounded by upland grasslands.

The topographic position of SW-111 indicates that water flows southeast for approximately 545 feet through an upland swale into SW-113. The topographic position of SW-113 indicates that water flows southeast for approximately 80 feet through a swale into SW-114. The topographic position of SW-114 indicates that water flows southeast for approximately 425 feet through an upland swale into SW-115. The topographic position of SW-115 indicates that water flows southeast through an upland swale approximately 230 feet into SW-116. The topographic position of SW-116 indicates that water flows southeast through an upland swale for approximately 660 feet into Coyote Creek. In total SW-111, SW-113, SW-114, SW-115, and SW-116 are approximately 2,095 feet, 1,535 feet, 1,410 feet, 920 feet, and 660 feet from Coyote Creek, respectively.

SW-112 is located between two swales, however, this wetland does not have a continuous surface connection with or to these swales. In total SW-112 is approximately 1,670 feet from Coyote Creek. The topographic position of SW-112 indicates that water flows overland or subsurface to these swales but does not flow through a discrete feature. The two swales converge just south of SW-112. The swale then continues southeast toward SW-113, SW-114, SW-115, and SW-116 before reaching Coyote Creek in approximately 1,670 feet.

SW-117, SW-118, SW-119, and SW-120, all separate wetlands, each do not have a continuous surface connection out of the review area or to a jurisdictional water. Instead, the wetlands are surrounded by upland grasslands.

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Consistent with guidance in the 2023 Rule regarding treatment of wetland mosaics, SW-121 and SW-122 are analyzed as a single wetland. The wetlands generally act as a single ecological unit and function as a single wetland. SW-121 and SW-122 are less than 10 feet apart, and function as a wetland mosaic. SW-121/SW-122 does not have a continuous surface connection out of the review area or to a jurisdictional water. Instead, the wetland is surrounded by upland grasslands.

SW-123, SW-124, SW-125, SW-126, and SW-127, all separate wetlands, each do not have a continuous surface connection out of the review area or to a jurisdictional water. Instead, the wetlands are surrounded by upland grasslands.

The topographic position of SW-128 indicates that water flows southeast towards Coyote Creek but does not flow through a discrete feature. In total Coyote Creek is approximately 880 feet away from SW-128. The area between the wetland and creek lacks a discrete surface connection or feature to provide such connection.

SW-129, SW-130, SW-131, SW-132, SW-133, SW-134, SW-135, SW-136, SW-137, SW-138, SW-139, SW-140, SW-141, and SW-142, all separate wetlands, generally flow southeast towards Coyote Creek, but does not flow through a discrete feature. These wetlands do not have a continuous surface connection out of the review area or to a jurisdictional water. Instead, the wetlands are surrounded by upland grasslands.

The topographic position of SW-143 indicates that water flows south for approximately 80 feet before reaching SW-144/SWS-5/SWS-6/SW-145/SWS-7/SW-146/SWS-8/SW-147/SWS-9/SW-169/SWS-10 but does not flow through a discrete feature. See below regarding SW-144/SWS-5/SWS-6/SW-145/SWS-7/SW-146/SWS-8/SW-147/SWS-9/SW-169/SWS-10. In total SW-143 is approximately 3,540 feet from Coyote Creek. In total SW-144/SWS-5/SWS-6/SW-145/SWS-7/SW-146/SWS-8/SW-147/SWS-9/SW-169/SWS-10 is approximately 2,430 feet from Coyote Creek.

The wetlands SW-144, SWS-5, SWS-6, SW-145, SWS-7, SW-146, SWS-8, SW-147, SWS-9, SW-169, and SWS-10 are a single wetland as these wetlands are abutting. Judging from the topography of the surrounding landscape, SW-144/SWS-5/SWS-6/SW-145/SWS-7/SW-146/SWS-8/SW-147/SWS-9/SW-169/SWS-10 flows southeast through an upland swale for approximately 60 feet into the wetland SW-172/SWS-11. SWS-11/SW-172 does not have a continuous surface connection out of the review area or to a jurisdictional water. Although water from SWS-11/SW-172 flows south towards SW-173, which is approximately 300 feet away, the area in between these wetlands is upland and without a discrete feature.

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Consistent with guidance in the 2023 Rule regarding treatment of wetland mosaics, wetlands SW-148, SW-149, and SW-150 are analyzed as a single wetland. SW-149 and SW-150 are abutting and, the wetlands generally act as a single ecological unit and function as a single wetland. SW-148 is less than 20 feet apart from SW-149/SW-150, and function as a wetland mosaic. The topographic position of SW-148/SW-149/SW-150 indicates that water flows to the southeast for approximately 60 feet into SW-151 but does not flow through a discrete feature. See below for information regarding SW-151.

The topographic position of SW-151 indicates that water flows to the south for approximately 65 feet into the wetland SWS-5/SW-144/SWS-6/SW-145/SWS-7/SW-146/SWS-8/SW-147/SWS-9/SW-169/SWS-10 but does not flow through a discrete feature. See above for information regarding SWS-5/SW-144/SWS-6/SW-145/SWS-7/SW-146/SWS-8/SW-147/SWS-9/SW-169/SWS-10.

SW-152, SW-153, SW-154, SW-155, SW-156, SW-157, SW-158, SW-159, SW-160, SW-161, SW-162, SW-163, and SW-164, all separate wetlands, each do not have a continuous surface connection out of the review area or to a jurisdictional water. Instead, the wetlands are surrounded by upland grasslands.

The topographic position of SW-165 indicates that water flows southeast through a swale for approximately 50 feet into SW-166, and into another swale for approximately 65 feet before reaching SW-167. From SW-167, water flows to the southeast for approximately 360 feet through an area without a discrete feature. Water then enters a wetland swale that flows southeast for approximately 3,850 feet to Coyote Creek. In total, SW-166 is approximately 4,380 feet from Coyote Creek.

The topographic position of SW-166 indicates that water flows southeast through an upland swale for approximately 60 feet to SW-167. From SW-167, water flows to the southeast for approximately 360 through an area without a discrete feature. Water then enters a wetland swale that flows southeast for approximately 3,850 feet to Coyote Creek. In total, SW-166 is approximately 4,330 feet from Coyote Creek.

The topographic position of SW-167 indicates that water flows southeast for approximately 360 feet but does not flow through a discrete feature. Water then enters a wetland swale outside of the review area that flows southeast for approximately 3,850 feet to Coyote Creek. In total, SW-166 is approximately 4,210 feet from Coyote Creek.

The topographic position of SW-168 indicates that water flows to the southwest for approximately 50 feet into the wetland SWS-5/SW-144/SWS-6/SW-145/SWS-7/SW-146/SWS-8/SW-147/SWS-9/SW-169/SWS-10 but does not flow through a discrete feature.



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The topographic position of SW-170 indicates that water flows to the south for approximately 380 feet towards SW-173. The area between the wetlands lacks a discrete feature. See below for information regarding SW-173.

The topographic position of SW-171 indicates that water flows to the southwest for approximately 30 feet into the southern end of wetland SWS-5/SW-144/SWS-6/SW-145/SWS-7/SW-146/SWS-8/SW-147/SWS-9/SW-169/SWS-10. The area between the wetlands lacks a discrete feature. See above for information regarding SWS-5/SW-144/SWS-6/SW-145/SWS-7/SW-146/SWS-8/SW-147/SWS-9/SW-169/SWS-10.

Consistent with guidance in the 2023 Rule regarding treatment of wetland mosaics, wetlands SW-172 and SWS-11 are analyzed as a single wetland. The wetlands generally act as a single ecological unit and function as a single wetland. SW-172 and SWS-11 are less than 10 feet apart, and function as a wetland mosaic. SWS-11/SW-172 does not have a continuous surface connection out of the review area or to a jurisdictional water. Although topographic position of SWS-11/SW-172 indicates that water flows to the south towards SW-173, which is approximately 300 feet away, the area in between these wetlands is upland and without a discrete feature. In total this wetland is approximately 2,290 feet from Coyote Creek.

The topographic position of SW-173 indicates that water flows to the southwest approximately 430 feet towards SW-221, however, SW-173 does not have a continuous surface connection out of the review area or to a jurisdictional water. The area in between SW-173 and SW-211 is upland and without a discrete feature. In total this wetland is approximately 1,955 feet from Coyote Creek.

SW-174, SW-175, SW-176, SW-177, SW-178, SW-179, SW-180, and SW-181, all separate wetlands, each do not have a continuous surface connection out of the review area or to a jurisdictional water. Instead, the wetlands are surrounded by upland grasslands.

Consistent with guidance in the 2023 Rule regarding treatment of wetland mosaics, wetlands SW-182, SW-183, SW-184 are analyzed as a single wetland. The wetlands generally act as a single ecological unit and function as a single wetland. SW-182, SW-183, and SW-184 are less than 10 feet apart, and function as a wetland mosaic. SW-182/SW-183/SW-184 do not have a continuous surface connection out of the review area or to a jurisdictional water. Instead, the wetland is surrounded by upland grasslands.

SW-185 does not have a continuous surface connection out of the review area or to a jurisdictional water. Instead, the wetland is surrounded by upland grasslands.

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Consistent with guidance in the 2023 Rule regarding treatment of wetland mosaics, wetlands SW-186, and SW-187 are analyzed as a single wetland. The wetlands generally act as a single ecological unit and function as a single wetland. SW-186, and

SW-187 are less than 10 feet apart, and function as a wetland mosaic. SW-186/SW-187 do not have a continuous surface connection out of the review area or to a jurisdictional water. Instead, this wetland is surrounded by upland grasslands.

SW-188, SW-189, SW-190, SW-191, SW-192, SW-193, SW-194, SW-195, SW-196, SW-197, SW-198, SW-199, SW-200, and SW-201, all separate wetlands, generally flow southeast, but do not have a continuous surface connection out of the review area or to a jurisdictional water. Instead, these wetlands are surrounded by upland grasslands.

The wetlands SW-202 and VP-17 are a single wetland as these wetlands are abutting. SW-202/VP-17 does not have a continuous surface connection out of the review area or to a jurisdictional water. Generally, the topographic position of this wetland indicates that water flows southeast, however the wetland is surrounded by upland grasslands.

SW-203, SW-204, SW-205, and SW-206, all separate wetlands, each flow to the southeast, but do not have a continuous surface connection out of the review area or to a jurisdictional water. Instead, the wetlands are surrounded by upland grasslands.

SW-207, SW-208, SW-209, SW-210, SW-211, SW-212, SW-213, SW-214, and SW-215, all separate wetlands, each do not have a continuous surface connection out of the review area or to a jurisdictional water. Instead, these wetlands are surrounded by upland grasslands.

Consistent with guidance in the 2023 Rule regarding treatment of wetland mosaics, wetlands SW-216, SW-217, and SW-218 are analyzed as a single wetland. The wetlands generally act as a single ecological unit and function as a single wetland. SW-216, SW-217, and SW-218 are less than 15 feet apart, and function as a wetland mosaic. SW-216/SW-217/SW-218 does not have a continuous surface connection out of the review area or to a jurisdictional water. Instead, this wetland is surrounded by upland grasslands.

SW-219 and SW-220, each separate wetlands, do not have a continuous surface connection out of the review area or to a jurisdictional water. Instead, these wetlands are surrounded by upland grasslands.

The topographic position of SW-221 indicates that water flows south approximately 120 feet through an upland swale and into SW-222. The topographic position of SW-222 indicates that water flows south approximately 245 feet through an upland

swale and into SW-223. The topographic position of SW-223 indicates that water flows south less than approximately 30 feet through an upland swale into SW-224. The topographic position of SW-224 indicates that water flows another approximately 80 feet through an upland swale into SW-226. The topographic position of SW-226 indicates that water flows southwest less than approximately 75 feet through an upland swale into SW-225. In total, SW-221, SW-222, SW-223, SW-224, SW-225, and SW-226 are approximately 1,475, 1,250, 970, 915, 550, and 805 feet respectively from Coyote Creek. However, SW-225 is not adjacent to Coyote Creek as the aquatic resources do not share a continuous surface connection.

The topographic position of SW-227 indicates that water flows southwest approximately 50 feet towards SW-226, however a discrete feature connecting the wetlands is not present. Judging from the topography of the surrounding landscape, water from SW-227 also flows southeast generally towards Coyote Creek, however Coyote Creek is approximately 730 feet away, and the aquatic resources do not share a continuous surface connection. Instead, SW-227 is surrounded by upland grasslands.

The topographic position of SWS-1 indicates that water flows northeast out of review area and into a swale that flows north for approximately 1,310 feet. This swale then flows through a gravel road prism, but it is unknown if a culvert is present in this location as one is not visible in aerial imagery. After the road, the swale continues for approximately 585 feet before converging with another swale that then flows for approximately 2,495 feet to the southeast. This swale then crosses under Ohm Road through a culvert and back into the review area at ED-2 and ED-3. ED-2 and ED-3 flow directly into SWS-2.

The topographic position of SWS-2 indicates that water flows east towards the eastern boundary of the review area and then into two different upland swales, both of which are approximately 100 to 130 feet long and terminate outside of the review area. From this point, the flow of water becomes non-discrete for approximately 135 feet before reaching a larger wetland swale that flows outside the eastern boundary of the review area. The wetland swale outside of the review area flows southeast for approximately 9,450 feet into Coyote Creek.

The topographic position of SWS-3 indicates that water flows east through non discrete features towards SWS-4 for approximately 100 feet. See below regarding SWS-4.

The topographic position of SWS-4 indicates that water flows to the east for approximately 160 feet through non discrete features towards the swale that flows south outside and along the eastern side of the review area. A portion of SWS-4 extends outside of the review area.

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VP-2, VP-3, VP-4, VP-5, VP-6, VP-7, VP-8, VP-9, VP-10, VP-11, VP-12, VP-13, VP-14, and VP-15, all separate wetlands, each do not have a continuous surface connection out of the review area or to a jurisdictional water. Instead, the wetlands are surrounded by upland grasslands.

VP-16, VP-17, and VP-18, all separate wetlands, generally flow southeast, but do not flow through a discrete feature. The wetlands do not have a continuous surface connection out of the review area or to a jurisdictional water. Instead, the wetlands are surrounded by upland grasslands.

The topographic position of VP-19 indicates that water flows to the southeast; however, this wetland does not have a continuous surface connection out of the review area or to a jurisdictional water. The wetland is situated along the eastern side of the review area; however, a discrete feature does not transport water out wetland. Instead, the wetland is surrounded by uplands.

VP-20 and VP-21, each separate wetlands, do not have a continuous surface connection out of the review area or to a jurisdictional water. Instead, the wetlands are surrounded by upland grassland.

The topographic position of ED-1 indicates that water does not have a flow path out of the review area. ED-1 flows east into the review area and under the fence that surrounds the pasture in the review area. ED-1 terminates just within the fence near the western boundary of the review area. ED-1 receives water from RD-2, as the aquatic resources are abutting. However as described below RD-2 does not flow out of the review area or to a jurisdictional water.

The topographic position of ED-2 indicates that water flows into SWS-2, as the aquatic resources are abutting. Water enters ED-2 from a culvert under Ohm Road. See above for information regarding SWS-2.

The topographic position of ED-3 indicates that water flows into SWS-2, as the aquatic resources are abutting. Water enters ED-3 from a culvert under Ohm Road. See above for information regarding SWS-2.

The topographic position of RD-1 indicates that water flows along the west side of the review area. RD-1 does not flow out of the review area and is surrounded by uplands.

The topographic position of RD-2 indicates that water flows north along the west side of the review area. A culvert is present at the north and south ends of the aquatic resource. The culvert at the south end brings water into the review area, flowing east

into RD-2, RD-3, and ED-1, which are abutting. The culvert near the northern end also brings water into the review area, flowing east into SW-1 and RD-2, which are abutting. Although no water was observed during the Corps' site visit, physical indicators such as racking, and sediment patterns were used to determine flow direction. Although RD-2 abuts other aquatic resources it does not have a flow path out of the review area or to a jurisdictional water.

The topographic position of RD-3 indicates that water flows south along the west side of the review area. A culvert is present at the south end of the aquatic resource. The culvert at the south end brings water into the review area, flowing east into RD-2, RD-3, and ED-1, which are abutting. Although no water was observed during the Corps' site visit, physical indicators such as racking, and sediment patterns were used to determine flow direction. Although RD-3 abuts other aquatic resources it does not have a flow path out of the review area or to a jurisdictional water.

The topographic position of RD-4 indicates that water flows along the north side of the review area along the northern side of Ohm Road. A culvert is present at the east end of the aquatic resource which transports water into SWS-1. See above for information regarding SWS-1.

The topographic position of RD-5 indicates that water flows along north side of the review area along the southern side of Ohm Road. RD-5 does not flow out of the review area and is surrounded by uplands.

The topographic position of RD-6 indicates that water flows along the north side of the review area along the southern side of Ohm Road. A culvert is present at the east end of the aquatic resource which transports water from a swale outside of the review area south under Ohm Road and into RD-6 where RD-6 physically abuts SWS-2 and ED-2. See above of information regarding SWS-2 and ED-2.

6. SECTION 10 JURISDICTIONAL WATERS<sup>7</sup>: There are no Section 10 Jurisdictional Waters within the review area.

7. SECTION 404 JURISDICTIONAL WATERS: None of 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*.

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<sup>7</sup> 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.

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- a. Traditional Navigable Waters (TNWs) 33 CFR §328.3(a)(1)(i): N/A.
- b. The Territorial Seas 33 CFR §328.3(a)(1)(ii): N/A.
- c. Interstate Waters 33 CFR §328.3(a)(1)(iii): N/A.
- d. Impoundments 33 CFR §328.3(a)(2): N/A.
- e. Tributaries 33 CFR §328.3(a)(3): N/A.
- f. Adjacent Wetlands 33 CFR §328.3(a)(4): N/A.
- g. Additional Waters 33 CFR §328.3(a)(5): N/A.

## 8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

a. Aquatic resources and other features within the review area determined not to be “waters of the United States” even where they otherwise meet the terms of paragraphs 33 CFR §328.3(a)(2) through (5)<sup>8</sup> as identified in the 2023 Rule, as amended. N/A.

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.

SW-1/VP-1/SW-2 is a single contiguous non-jurisdictional wetland that is approximately 0.03 acre. This wetland abuts RD-2 and RD-3 but is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the area and physical indicators observed during the Corps’ site visit indicate that water from RD-2 and RD-3 flows east into SW-1/VP-1/SW-2. This wetland then flows to the southeast but there is no discrete physical feature that could be a continuous surface connection to a jurisdictional water. SW-1/VP-1/SW-2 is approximately 345 feet from the nearest wetland, however the areas between SW-1/VP-1/SW-2 and the other wetlands is upland. In total SW-1/VP-1/SW-2 3,630 feet from Coyote Creek, the nearest relatively permanent tributary. However, topography indicates that water from SW-1/VP-1/SW-2 does not flow towards Coyote Creek. See below for information regarding RD-2 and RD-3.

SW-3 is non-jurisdictional wetland that is less than 0.01 acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or

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<sup>8</sup> 88 FR 3004 (January 18, 2023)

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(a)(3). The topography of the surrounding landscape indicates that water from SW-3 flows to the northeast but there is no discrete feature that could be a continuous surface connection to a jurisdictional water. SW-3 is approximately 70 feet from the nearest wetland SW-3, and approximately 4,115 feet from Coyote Creek. However, the area between SW-3 and other aquatic resources is upland and without a discrete feature.

SW-4 is non-jurisdictional wetland that is approximately 0.03 acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the surrounding landscape indicates that water from SW-4 flows to the northwest but does not have a continuous surface connection to another aquatic resource. SW-4 approximately 70 feet from the nearest wetland and approximately 4,060 feet from Coyote Creek. However, the area between SW-4 and other aquatic resources is upland and without a discrete feature.

SW-5 is non-jurisdictional wetland that is approximately 0.01 acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the surrounding landscape indicates that water from SW-5 flows to the to south but there is no discrete feature that could be a continuous surface connection to a jurisdictional water. SW-5 is approximately 130 feet from the nearest wetland. However, the area between SW-5 and other aquatic resources is upland and without a discrete feature.

SW-6 is non-jurisdictional wetland that is approximately 0.02 acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the surrounding landscape indicates that water from water SW-6 flows to the northeast but there is no discrete feature that could be a continuous surface connection to a jurisdictional water. SW-6 is approximately 20 feet from the nearest wetland. However, the area between SW-6 and other aquatic resources is upland and without a discrete feature.

SW-7 is non-jurisdictional wetland that is less than 0.01 acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the surrounding landscape indicates that water from water SW-7 flows to the east but there is no discrete feature that could be a continuous surface connection to a jurisdictional water. SW-7 is approximately 100 feet from the nearest wetland to the east. However, the area between SW-7 and other aquatic resources is upland and without a discrete feature.

SW-8 is non-jurisdictional wetland that is SW-8 is approximately 0.02 acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the area indicates that water from SW-8 flows to the north but there is no discrete feature that could be a continuous surface connection to a

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jurisdictional water. SW-8 is approximately 260 feet from the nearest wetland to the north. However, the area between SW-8 and other aquatic resources is upland and without a discrete feature.

SW-9 is non-jurisdictional wetland that is less than 0.01 acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the area indicates that water from SW-9 flows to the north but there is no discrete feature that could be a continuous surface connection to a jurisdictional water. SW-9 is approximately 110 feet from the nearest wetland to the north. However, the area between SW-9 and other aquatic resources is upland grassland and without a discrete feature.

The wetlands SW-10, SW-11, SW-12, SW-13, and SW-14 are each non-jurisdictional. The wetland SW-10 is less than 0.01 acre, SW-11 is approximately 0.03 acre, SW-12 is less than 0.01 acre, SW-13 is approximately 0.02 acre, and SW-14 is approximately 0.02 acre. These aquatic resources do not share a continuous surface connection to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). No discrete features that could connect these wetlands to jurisdictional waters is present. Instead, these wetlands are surrounded by upland grassland and without a discrete feature. These wetlands are not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3).

SW-15 is a non-jurisdictional wetland that is approximately 0.01 acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the area indicates that water from SW-15 flows to the north but there is no discrete feature that could be a continuous surface connection to a jurisdictional water. SW-15 is approximately 130 feet from the nearest wetland, SW-16. However, the area between these wetlands is upland grassland and without a discrete feature.

SW-16 is a non-jurisdictional wetland that is less than 0.01 acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the area indicates that water from SW-16 flows to the north but there is no discrete feature that could be a continuous surface connection to a jurisdictional water. SW-16 is approximately 170 feet from the nearest aquatic resource, roadside ditch RD-6. However, the area between SW-16 and other aquatic resources is upland grassland and without a discrete feature.

SW-17 is a non-jurisdictional wetland that is less than 0.01 acre (Enclosures 1 and 6). The wetland SW-17 is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). SW-17 does not have a continuous surface



connection to a jurisdictional water. The topography of the area indicates that water from SW-17 flows to the northeast approximately 45 feet through an upland swale into ED-2 which abuts SWS-2. However, SWS-2 does not have a continuous surface connection, as the upland swales that carry water from SWS-2 terminates approximately 135 and 160 feet prior to reaching the larger swale that flows south along the eastern boundary of the review area toward Coyote Creek.

The wetlands SW-18, SW-19, SW-20, SW-21, SW-22, SW-23, SW-24, SW-25, SW-26, SW-27, SW-28, SW-29, SW-30, SW-31, SW-32/SW-33, SW-34, SW-35, SW-36, SW-37, SW-38, and SW-39 are each non-jurisdictional. These wetlands are not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The wetland SW-18 is less than 0.01 acre, SW-19 is approximately 0.02 acre, W-20 is approximately 0.02 acre, SW-21 is approximately 0.01 acre, SW-22 is approximately 0.01 acre, SW-23 is approximately 0.01 acre, SW-24 approximately 0.03 acre, SW-25 is less than 0.01 acre, SW-26 is less than 0.01 acre, SW-27 is approximately 0.01 acre, SW-28 is approximately 0.01 acre, SW-29 is approximately 0.01 acre, SW-30 is less than 0.01 acre, SW-31 is less than 0.01 acre, SW-32/SW-33 is approximately 0.04 acre, SW-34 is approximately 0.04 acre, SW-35 is approximately 0.01 acre, SW-36 is approximately 0.02 acre, SW-37 is less than 0.01 acre, SW-38 is less than 0.01 acre, and SW-39 is approximately 0.07 acre. These aquatic resources do not share a continuous surface connection to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). Instead, the wetlands are surrounded by upland grassland and without a discrete feature.

The wetland SW-40/SW-41, SW-42, SW-43, and S44 are each non-jurisdictional wetlands. These wetlands are not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The wetland SW-40/SW-41 is approximately 0.03 acre, SW-42 is approximately 0.02 acre, SW-43 is approximately 0.01 acre, and SW-44 is approximately 0.03 acre. These wetlands do not have a continuous surface connection to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). No discrete features that could connect these wetlands to jurisdictional waters is present. Instead, the wetlands are surrounded by upland grassland and without a discrete feature.

The wetlands SW-45, SW-46/SW-47, SW-48, SW-49, SW-50, SW-51, SW-52, SW-53, SW-54, SW-55, SW-56, SW-57, SW-58, SW-59, SW-60, SW-61, SW-62, SW-63, SW-64, SW-65, SW-66, SW-67, SW-68, SW-69, SW-70, SW-71, SW-72, SW-73, SW-74 SW-75, SW-76, SW-77, and SW-78 are each non-jurisdictional. The wetland SW-45 is approximately 0.08 acre, SW-46/SW-47 is approximately 0.03 acre, SW-48 is approximately 0.01 acre, SW-49 is approximately 0.01 acre, SW-50 is less than 0.01 acre, SW-51 is less than 0.01 acre, SW-52 is less than 0.01 acre, SW-53 is less than 0.01 acre, SW-54 is approximately 0.01 acre, SW-55 is less than 0.01 acre, SW-56

is approximately 0.01 acre, SW-57 is approximately 0.01 acre, SW-58 is less than 0.01 acre, SW-59 is less than 0.01 acre, SW-60 is approximately 0.01 acre, SW-61 is less than 0.01 acre, SW-62 is approximately 0.02 acre, SW-63 is approximately 0.01 acre, SW-64 is approximately 0.01 acre, SW-65 is approximately 0.02 acre, SW-66 is approximately 0.02 acre, SW-67 is less than 0.01 acre, SW-68 is less than 0.01 acre, SW-69 is less than 0.01 acre, SW-70 is less than 0.01 acre, SW-71 is approximately 0.02 acre, SW-72 is approximately 0.01 acre, SW-73 is approximately 0.02 acre, SW-74 is less than 0.01 acre, SW-75 is less than 0.01 acre, SW-76 is less than 0.01 acre, SW-77 is less than 0.01 acre, and SW-78 is less than 0.01 acre. These wetlands are not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3), since they do not share a continuous surface connection to such waters. No discrete features that could connect these wetlands to jurisdictional waters is present. Instead, the wetlands are surrounded by upland grassland and without a discrete feature.

SW-79 is a non-jurisdictional wetland that is approximately 0.03 acre (Enclosures 1 and 11). SW-79 is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the area indicates that water from SW-79 flows to the south but there is no discrete feature that could be a continuous surface connection to a jurisdictional water. SW-79 is approximately 445 feet from the nearest wetland, SW-143, approximately 555 feet from the wetland SWS-5/SW-144/SWS-6/SW-145/SWS-7/SW-146/SWS-8/SW-147/SWS-9/SW-169/SWS-10, and approximately 3,995 feet from Coyote Creek. However, the area between these wetlands includes areas of upland grasslands and without a discrete feature.

SW-80 is a non-jurisdictional wetland that is less than 0.01 acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3) water, as it does not have a continuous surface connection to such waters. No discrete features that could connect these wetlands to jurisdictional waters is present. Instead, the wetland is surrounded by upland grassland and without a discrete feature.

SW-81 is a non-jurisdictional wetland that is approximately 0.04 acre (Enclosures 1 and 7). This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). Although a discrete feature connects SW-81 to another wetland (SW-84/SW-85), SW-81 does not have a continuous surface connection to a jurisdictional water. The topography of the area indicates that water from SW-81 flows southeast through an upland swale for approximately 280 feet into SW-84/SW-85. The topography of the area indicates that from SW-84/SW-85 flow southeast through an upland swale for approximately 405 feet into SW-165, which then flows through another upland swale for approximately 50 feet to SW-166, and then

through another upland swale for approximately 60 feet into SW-167. From SW-167, water flows generally to the southeast leaving the review area, however, this flow does not occur in a discrete feature which would constitute a continuous surface connection with Coyote Creek. In total, SW-81 is approximately 5,175 feet from Coyote Creek.

SW-82/SW-83 is a non-jurisdictional wetland that is approximately 0.02 acre (Enclosures 1 and 7). This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). Although a discrete feature connects SW-82/SW-83 to another wetland (SW-84/SW-85), SW-82/SW-83 does not have a continuous surface connection to a jurisdictional water. The topography of the area indicates that water from SW-82/SW-83 flows southeast through an upland swale for approximately 130 feet into SW-84/SW-85. Water from SW-84/SW-85 flow southeast through an upland swale for approximately 405 feet into SW-165, which then flows through another upland swale for approximately 50 feet to SW-166, and then through another upland swale for approximately 60 feet into SW-167. From SW-167, water flows generally to the southeast leaving the review area, however, this flow does not occur in a discrete feature which would constitute a continuous surface connection with Coyote Creek. In total, SW-82/SW-83 is approximately 5,170 feet from Coyote Creek.

SW-84/SW-85 is a non-jurisdictional wetland that is less than 0.01 acre (Enclosures 1 and 7). This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). Although a discrete feature connects SW-84/SW-85 to another wetland (SW-165), SW-84/SW-85 does not have a continuous surface connection to a jurisdictional water. The topography of the area indicates that water from SW-84/SW-85 flow southeast through an upland swale for approximately 405 feet into SW-165, which then flows through another upland swale for approximately 50 feet to SW-166, and then through another upland swale for approximately 60 feet into SW-167. From SW-167, the general topography of the landscape indicates that water flows generally to the southeast leaving the review area. In total, SW-84/SW-85 is approximately 4,860 feet from Coyote Creek. However, there is no discrete feature present to serve as a continuous surface connection between SW-167 and the offsite swale that starts approximately 360 feet away from SW-167.

The wetland SW-86, SW-87, SW-88, SW-89, SW-90, SW-91, SW-92/SW-93, SW-94/SW-95, SW-96, SW-97, SW-98, and SW-99 are each non-jurisdictional. The wetland SW-86 is less than 0.01 acre, SW-87 is approximately 0.01 acre, SW-88 is less than 0.01 acre, SW-89 is less than 0.01 acre, SW-90 is less than 0.01 acre, SW-91 is approximately 0.01 acre, SW-92/SW-93 is approximately 0.03 acre, SW-94/SW-95 is less than 0.01 acre, SW-96 is less than 0.01 acre, SW-97 is approximately 0.01 acre, SW-98 is approximately 0.01 acre, and SW-99 is less than 0.01 acre. These wetlands are not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3) since they do not have a continuous surface connection to such waters.

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No discrete features that could connect these wetlands to jurisdictional waters are present and they are surrounded by upland grassland.

SW-100 is a non-jurisdictional wetland that is less than 0.01 acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the area indicates that water from SW-100 flows to southeast but there is no discrete feature that could be a continuous surface connection to a jurisdictional water. SW-100 is approximately 1,645 feet from the wetland SW-79, and approximately 5,730 feet from Coyote Creek. However, the area between these wetlands is upland and without a discrete feature.

The wetlands SW-101 and SW-102 are each non-jurisdictional. The wetland SW-101 is less than 0.01 acre and SW-102 is approximately 0.01 acre. These wetlands are not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3) water, since they do not share a continuous surface connection to such waters. No discrete features that could connect these wetlands to jurisdictional waters is present. Instead, they are surrounded by upland grassland.

The wetland SW-103 a non-jurisdictional wetland that is approximately 0.02 acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the area indicates that water from SW-103 flows to southeast but there is no discrete feature that could be a continuous surface connection to a jurisdictional water. SW-103 is approximately 90 feet from the wetland SW-104, and approximately 6,020 feet from Coyote Creek. However, the area between these wetlands is upland and without a discrete feature.

The wetland SW-104 a non-jurisdictional wetland that is approximately 0.01 acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the area indicates that water from SW-104 flows to east but there is no discrete feature that could be a continuous surface connection to a jurisdictional water. SW-104 is approximately 45 feet from the wetland SW-105, and approximately 5,910 feet from Coyote Creek. However, the area between these wetlands is upland grassland and without a discrete feature.

The wetland SW-105 a non-jurisdictional wetland that is approximately 0.05 acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the area indicates that water from SW-105 flows to southeast but there is no discrete feature that could be a continuous surface connection to a jurisdictional water. SW-105 is approximately 1,665 feet from the wetland SW-79, and approximately 5,755 feet from Coyote Creek. However, the area between SW-105 and other aquatic resources is upland grasslands and without a discrete feature.

The wetlands SW-106, SW-107, SW-108, SW-109, and SW-110 are each non-jurisdictional. The wetland SW-106 is less than 0.01 acre, SW-107 is less than 0.01 acre, SW-108 is approximately 0.03 acre, SW-109 is less than 0.01 acre, and SW-110 is approximately 0.01 acre. These wetlands are not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). No discrete features that could connect these wetlands to jurisdictional waters is present. Instead, they are surrounded by upland grassland.

The wetland SW-111 is a non-jurisdictional wetland that is less than 0.01-acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). In total SW-111 is approximately 2,095 feet from Coyote Creek and flows through five sections of upland swale that are intercepted by four wetlands (see Section 5 for more details). The topography of the area indicates that water from SW-111 flows to southeast through an upland swale towards SW-113, then through SW-114, SW-115, and SW-116 before reaching Coyote Creek. The sections of swale that provides a physical connection between SW-111 and Coyote Creek do not have a bed and bank, however this swale is evident in aerial imagery (Enclosure 8), LiDAR Imagery (Enclosure 5), and during the Corps' 2024 site visit (Enclosure 13). The swale also had physical indicators of flow including matted vegetation and algal matting in several sections, but surface water was not present during the Corps 2024 site visit (Enclosure 13). After consideration of flow, the number, the types, and the length of connection, the 2,095-foot distance between SW-111 and Coyote Creek is not physically close enough to meet the continuous surface connection requirement. Thus, SW-111 is not considered "adjacent." This evaluation of adjacency was conducted in accordance with EPA and Department of Army guidance in Memorandum on NWK-2024-00392 issued on November 21, 2024 ("NWK-2024-00392").

The wetland SW-112 a non-jurisdictional wetland that is approximately 0.02 acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the area indicates that water from SW-112 flows to southeast, but there is no discrete feature that could be a continuous surface connection to a jurisdictional water. In total SW-112 is approximately 1,670 feet from Coyote Creek. However, the area between SW-112 and other aquatic resources is upland and without a discrete feature.

The wetland SW-113 is a non-jurisdictional wetland that is less than 0.01-acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). In total SW-113 is approximately 1,535 feet from Coyote Creek and flows through four sections of upland swale that are intercepted by three wetlands (see Section 5 for more details). The topography of the area indicates that water from SW-113 flows to southeast through an upland swale towards SW-114,

then through SW-115 and SW-116 before reaching Coyote Creek. The sections of upland swale that provides a physical connection between SW-113 and Coyote Creek do not have a bed and bank, however this swale is evident in aerial imagery (Enclosure 8), LiDAR Imagery (Enclosure 5), and during the Corps' 2024 site visit (Enclosure 13). The upland swale also had physical indicators of flow including matted vegetation and algal matting in several sections, but surface water was not present during the Corps 2024 site visit (Enclosure 13). After consideration of flow, the number, the types, and the length of connection, the 1,535-foot distance between SW-113 and Coyote Creek is not physically close enough to meet the continuous surface connection requirement. Thus, SW-113 is not considered "adjacent." This evaluation of adjacency was conducted in accordance with EPA and Department of Army guidance in NWK-2024-00392.

The wetland SW-114 is a non-jurisdictional wetland that is less than 0.01-acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). In total SW-114 is approximately 1,410 feet from Coyote Creek and flows through three sections of upland swale that are intercepted by two wetlands (see Section 5 for more details). The topography of the area indicates that water from SW-114 flows to southeast through an upland swale towards SW-115, then through SW-116 before reaching Coyote Creek. The sections of upland swale that provides a physical connection between SW-114 and Coyote Creek do not have a bed and bank, however this swale is evident in aerial imagery (Enclosure 8), LiDAR Imagery (Enclosure 5), and during the Corps' 2024 site visit (Enclosure 13). The upland swale also had physical indicators of flow including matted vegetation and algal matting in several sections, but surface water was not present during the Corps 2024 site visit (Enclosure 13). After consideration of flow, the number, the types, and the length of connection, the 1,410-foot distance between SW-114 and Coyote Creek is not physically close enough to meet the continuous surface connection requirement. Thus, SW-114 is not considered "adjacent." This evaluation of adjacency was conducted in accordance with EPA and Department of Army guidance in NWK-2024-00392.

The wetland SW-115 is a non-jurisdictional wetland that is less than 0.01-acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). In total SW-115 is approximately 920 feet from Coyote Creek and flows through two sections of upland swale that are intercepted by a wetland (see Section 5 for more details). The topography of the area indicates that water from SW-115 flows to southeast through an upland swale towards SW-116 before reaching Coyote Creek. The sections of upland swale that provides a physical connection between SW-115 and Coyote Creek do not have a bed and bank, however this swale is evident in aerial imagery (Enclosure 8), LiDAR Imagery (Enclosure 5), and during the Corps' 2024 site visit (Enclosure 13). The swale also had physical indicators

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of flow including matted vegetation and algal matting in several sections, but surface water was not present during the Corps 2024 site visit (Enclosure 13). After consideration of flow, the number, the types, and the length of connection, the 920-foot distance between SW-115 and Coyote Creek is not physically close enough to meet the continuous surface connection requirement. Thus, SW-115 is not considered “adjacent.” This evaluation of adjacency was conducted in accordance with EPA and Department of Army guidance in NWK-2024-00392.

The wetland SW-116 is a non-jurisdictional wetland that is less than 0.01-acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3) water. In total SW-116 is approximately 660 feet from Coyote Creek (see Section 5 for more details). The topography of the area indicates that water from SW-116 flows to southeast through an upland swale towards Coyote Creek. The upland swale that provides a physical connection between SW-116 and Coyote Creek does not have a bed and bank, however this upland swale is evident in aerial imagery (Enclosure 8), LiDAR Imagery (Enclosure 5), and during the Corps’ 2024 site visit (Enclosure 13). The swale also had physical indicators of flow including matted vegetation and algal matting in several sections, but surface water was not present during the Corps 2024 site visit (Enclosure 13). After consideration of flow, the number, the types, and the length of connection, the 660-foot distance between SW-116 and Coyote Creek is not physically close enough to meet the continuous surface connection requirement. Thus, SW-116 is not considered “adjacent.” This evaluation of adjacency was conducted in accordance with EPA and Department of Army guidance in NWK-2024-00392.

Regarding the wetlands SW-111, SW-113, SW-114, SW-115, and SW-116, the NHD includes an ephemeral feature in the area where the sections of upland swale and the wetlands are located (Enclosure 3). The NWI does not show any features in this location (Enclosure 4).

The wetlands SW-117, SW-118, SW-119, SW-120, SW-121/SW-122, SW-123, SW-124, SW-125, SW-126, and SW-127 are each non-jurisdictional. The wetland SW-117 is less than 0.01 acre, SW-118 is approximately 0.04 acre, SW-119 is approximately 0.01 acre, SW-120 is less than 0.01 acre, SW-121/SW-122 is approximately 0.01 acre, SW-123 is less than 0.01 acre, SW-124 is less than 0.01 acre, SW-125 is less than 0.01 acre, SW-126 is approximately 0.02 acre, and SW-127 is approximately 0.06 acre. These wetlands are not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3), because they do not share a continuous surface connection to such waters. No discrete features that could connect these wetlands to jurisdictional water is present. Instead, they are surrounded by upland grassland.

SW-128 is non-jurisdictional wetland that is approximately 0.01 acre (Enclosures 1 and 10). This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the area indicates that water from SW-128 flows to the southeast towards Coyote Creek but there is no discrete feature that could be a continuous surface connection to a jurisdictional water. Coyote Creek is approximately 880 feet away from SW-128, and the area between the aquatic resources lacks a discrete surface connection or feature to provide such connection. Instead, the area surrounding SW-128 consists of upland grasslands.

The wetlands SW-129, SW-130, SW-131, SW-132, SW-133, SW-134, SW-135, SW-136, SW-137, SW-138, SW-139, SW-140, SW-141, and SW-142 are each non-jurisdictional. The wetland SW-129 is less than 0.01 acre, SW-130 is approximately 0.02 acre, SW-131 is less than 0.01 acre, SW-132 is approximately 0.01 acre, SW-133 is less than 0.01 acre, SW-134 is approximately 0.03 acre, SW-135 is less than

0.01 acre, SW-136 is approximately 0.13 acre, SW-137 is approximately 0.01 acre, SW-138 is less than 0.01 acre, SW-139 is approximately 0.01 acre, SW-140 is less than 0.01 acre, SW-141 is approximately 0.01 acre, and SW-142 is less than 0.01 acre. These wetlands are not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3) and they do not share a continuous surface connection to such waters. No discrete features that could connect these wetlands to jurisdictional waters is present. Instead, upland grassland without a discrete feature.

SW-143 is a non-jurisdictional wetland that is less than 0.01 acre (Enclosures 1 and 11). This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the area indicates that water from SW-143 flows to south but there is no discrete feature that could be a continuous surface connection to a jurisdictional water. SW-143 is approximately 85 feet from the wetland SWS-5/SW-144/SWS-6/SW-145/SWS-7/SW-146/SWS-8/SW-147/SWS-9/SW-169/SWS-10, and approximately 3,520 feet from Coyote Creek. However, the area between these wetlands is upland grassland and without a discrete feature.

SWS-5/SW-144/SWS-6/SW-145/SWS-7/SW-146/SWS-8/SW-147/SWS-9/SW-169/SWS-10 is a non-jurisdictional wetland that is approximately 0.56 acre (Enclosures 1 and 11). This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The NHD shows an ephemeral feature and the NWI shows a riverine feature in the area where this wetland is located. The NHD and NWI map these features continuing south and reaching Coyote Creek outside of the review area. However, during the Corps' site visit it was determined that the between SW-172/SWS-11 and SW-221, in addition to the area south of SW-226 and SW-225, lacks a discrete feature that would provide a continuous surface connection. The topography of the area indicates that water from SWS-5/SW-144/SWS-6/SW-145/SWS-7/SW-146/SWS-8/SW-147/SWS-9/SW-169/SWS-10 flows to the



southeast through a discrete upland swale for approximately 70 feet into SWS-11/SW-172. However, the long swale which the wetlands SWS-5/SW-144/SWS-6/SW-145/SWS-7/SW-146/SWS-8/SW-147/SWS-9/SW-169/SWS-10 and SWS-11/SW-172 are located along terminates at the southern end of SWS-11/SW-172. Instead, SWS-11/SW-172 is surrounded to the south by uplands and is not connected to other waterbodies via a discrete feature.

SW-148/SW-149/SW-150 is a non-jurisdictional wetland that is approximately 0.11 acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the area indicates that water from SW-148/SW-149/SW-150 flows to south towards the wetland SW-151 which is approximately 50 feet away and SWS-5/SW-144/SWS-6/SW-145/SWS-7/SW-146/SWS-8/SW-147/SWS-9/SW-169/SWS-10 which is approximately 205 feet away. However, the area between these wetlands is upland grassland and without a discrete feature. In total this wetland, is approximately 3,215 feet from Coyote Creek. But there is no discrete feature that could provide a continuous surface connection to a jurisdictional water.

SW-151 is a non-jurisdictional wetland that is approximately 0.06 acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the area indicates that water from SWS-151 flows to south towards the wetland SWS-5/SW-144/SWS-6/SW-145/SWS-7/SW-146/SWS-8/SW-147/SWS-9/SW-169/SWS-10 which is approximately 90 feet away. However, the area between these wetlands is upland grassland and without a discrete feature. In total this wetland, is approximately 3,125 feet from Coyote Creek. But there is no discrete feature that could provide a continuous surface connection to a jurisdictional water.

SW-152, SW-153, SW-154, SW-155, SW-156, SW-157, SW-158, SW-159, SW-160, SW-161, SW-162, SW-163, and SW-164 are non-jurisdictional wetlands. The wetland SW-152 is approximately 0.01 acre, SW-153 is approximately 0.01 acre, SW-154 is approximately 0.01 acre, SW-155 is less than 0.01 acre, SW-156 is less than 0.01 acre, SW-157 is less than 0.01 acre, SW-158 is less than 0.01 acre, SW-159 is approximately 0.07 acre, SW-160 is approximately 0.01 acre, SW-161 is approximately 0.03 acre, SW-162 is less than 0.01 acre, SW-163 is less than 0.01 acre, and SW-164 is less than 0.01 acre. These wetlands are not adjacent to, and they do not have a continuous surface connection to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). No discrete features that could connect these wetlands to jurisdictional water is present. Instead, the wetlands are surrounded by upland grassland and without a discrete feature to convey water.

SW-165 is a non-jurisdictional wetland that is approximately 0.01 acre (Enclosure 1 and 7). This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). Although discrete features connect SW-165 to

several other wetlands (SW-166 and SW-167), this wetland does not have a contours surface connection to an (a)(1), (a)(2), or (a)(3) water. The topography of the area indicates that water from SW-165 flows southeast through a swale for approximately 50 feet into SW-166, and into another swale for approximately 65 feet before reaching SW-167. Although water flows to the southeast from SW-167 and eventually reaches an offsite swale and Coyote Creek, a discrete feature does not transport water out of SW-167 and this flow is overland. The NHD shows an ephemeral feature where this wetland is located, and this feature is mapped continuing east, reaching the swale that flows south towards Coyote Creek outside of the review area. However, during the Corps' site visit and utilizing aerial imagery, it was determined that there is an approximately 360 feet long area east of SW-167 that lacks a discrete feature that would provide a continuous surface connection to the swale that reaches Coyote Creek.

SW-166 is a non-jurisdictional wetland that is approximately 0.01 acre (Enclosures 1 and 7). Although a discrete upland swale feature connects SW-166 to another wetland (SW-167), this wetland does not have a contours surface connection to waters of the United States as defined in 33 CFR §328.3 (a)(1), (a)(2), or (a)(3) water. The topography of the area indicates that water from SW-166 flows southeast through a swale for approximately 65 feet into SW-167. However as discussed above, SW-167 does not have a continuous surface connection to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3).

SW-167 is a non-jurisdictional wetland that is approximately 0.01 acre (Enclosures 1 and 7). Although the topography of the area indicates that water from SW-167 flows towards the southeast, this wetland does not have a continuous surface connection to the offsite swale that goes south to Coyote Creek. The distance between SW-167 and the offsite swale that flows into Coyote Creek is approximately 360 feet. Flow in this area does not occur within a discrete feature. Although SW-167, along with SW-165 and SW-166, occurs in an area where the NHD shows an ephemeral feature, as discussed above, SW-167 does not have a continuous surface connection to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3).

SW-168 a non-jurisdictional wetland that is approximately 0.01 acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the area indicates that water from SW-168 flows to southwest but there is no discrete feature that could be a continuous surface connection to a jurisdictional water. The wetland is relatively close to several wetland including SWS-5/SW-144/SWS-6/SW-145/SWS-7/SW-146/SWS-8/SW-147/SWS-9/SW-169/SWS-10 which is approximately 30 feet away and SW-170 which is approximately 80 feet away, however the area between these wetlands is upland grassland and without a discrete feature to convey water between the aquatic resources.

SW-170 a non-jurisdictional wetland that is less than 0.01 acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the area indicates that SW-170 flows to southwest but there is no discrete feature that could be a continuous surface connection to a jurisdictional water. SW-170 is approximately 110 feet from SWS-5/SW-144/SWS-6/SW-145/SWS-7/SW-146/SWS-8/SW-147/SWS-9/SW-169/SWS-10, approximately 60 feet from SW-172/SWS-11, and approximately 2,475 feet from Coyote Creek. However, the area between these wetlands is upland grassland and without a discrete feature between the aquatic resources.

SW-171 a non-jurisdictional wetland that is approximately 0.01 acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3 (a)(1), (a)(2), or (a)(3). The topography of the area indicates that SW-171 flows to south but there is no discrete feature that could be a continuous surface connection to a jurisdictional water. SW-171 is approximately 75 feet from SW-70, approximately 60 feet from SW-172/SWS-11, approximately 380 feet from SW-173, and approximately 2,340 feet from Coyote Creek. However, the area between these wetlands is upland grassland and without a discrete feature between the aquatic resources.

SW-172/SWS-11 is a non-jurisdictional wetland that is approximately 0.05 acre (Enclosures 1 and 11). This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the area indicates that water from SWS-11/SW-172 flows to southwest but there is no discrete feature that could be a continuous surface connection to a jurisdictional water. SW-172/SWS-11 is approximately 310 feet from SW-173, approximately 765 feet from SW-173, and approximately 2,270 feet from Coyote Creek. However, the area between these wetlands is upland grassland and without a discrete feature. The NHD shows an ephemeral feature and the NWI shows a riverine feature in the area where this wetland is located. The NHD and NWI map these features continuing south and reaching Coyote Creek outside of the review area. However, during the Corps' site visit it was determined that the between SW-172/SWS-11 and SW-173 lacks a discrete feature that would provide a continuous surface connection.

SW-173 is a non-jurisdictional wetland that is less than 0.01 acre (Enclosures 1 and 11). This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the area indicates that water from SW-173 flows to southwest but there is no discrete feature that could be a continuous surface connection to a jurisdictional water. SW-173 is approximately 430 feet from SW-221, and approximately 1,955 feet from Coyote Creek. However, the area SW-173 and SW-221 is upland grassland and without a discrete feature. The NHD shows an ephemeral feature and the NWI shows a riverine feature in the area where this wetland is located. The NHD and NWI map these features continuing south and

reaching Coyote Creek outside of the review area. However, during the Corps' site visit it was determined that the between SW-173 and SW-221 lacks a discrete feature that would provide a continuous surface connection.

The wetlands SW-174, SW-175, SW-176, SW-177, SW-178, SW-179, SW-180, and SW-181 are each non-jurisdictional. The wetland SW-174 is less than 0.01 acre, SW-175 is approximately 0.05 acre, SW-176 is less than 0.01 acre, SW-177 is approximately 0.02 acre, SW-178 is less than 0.01 acre, SW-179 is less than 0.01 acre, SW-180 is approximately 0.01 acre, and SW-181 is less than 0.01 acre. These wetlands are not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3) water and they do not share a continuous surface connection to such waters. No discrete features that could connect these wetlands to jurisdictional water is present and they are surrounded by upland grassland, without a discrete feature to convey water.

The wetland SW-182/SW-183/SW-184 is a non-jurisdictional wetland that is approximately 0.01 acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3) since it does not share a continuous surface connection to one of these waters. No discrete features that could connect this wetland to jurisdictional water is present and it is surrounded by upland grasslands.

The wetland SW-185 is a non-jurisdictional wetland that is less than 0.01 acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3) since it does not share a continuous surface connection to one of these waters. No discrete features that could connect this wetland to jurisdictional water is present and it is surrounded by uplands.

The wetland SW-186/SW-187 is a non-jurisdictional wetland that is approximately 0.02 acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3) since it does not share a continuous surface connection to one of these waters. No discrete features that could connect this wetland to jurisdictional water is present and instead it is surrounded by uplands.

The wetlands SW-188, SW-189, SW-190, SW-191, SW-192, SW-193, SW-194, SW\_195, SW-196, SW-197, SW-198, SW-199, SW-200, and SW-201 are each non-jurisdictional. The wetland SW-188 is approximately 0.01 acre, SW-189 is approximately 0.04 acre, SW-190 is approximately 0.01 acre, SW-191 is approximately 0.03 acre, SW-192 is approximately 0.02 acre, SW-193 is approximately 0.03 acre, SW-194 is approximately 0.01 acre, SW-195 is less than 0.01 acre, SW-196 is less than 0.01 acre, SW-197 is less than 0.01 acre, SW-198 is less than 0.01 acre, SW-199 is less than 0.01 acre, SW-200 is less than 0.01 acre, and SW-201 is approximately 0.09 acre. These wetlands are not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3) since they do not share a continuous surface

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connection to one of these waters. No discrete features that could connect these wetlands to jurisdictional water is present. Instead, the area surrounding the wetlands is upland grassland and without a discrete feature to convey water.

The wetland SW-202/VP-17 is a non-jurisdictional wetland that is approximately 0.04 acre. This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the area indicates that water from SW-202/VP-17 flows to southeast but there is no discrete feature that could be a continuous surface connection to a jurisdictional water. SW-202/VP-17 is relatively close to several wetland including VP-16 which is approximately 15 feet away and VP-18 which is approximately 30 feet away, however the area between these wetlands is upland grassland and without a discrete feature to convey water between the aquatic resources.

The wetlands SW-203, SW-204, SW-205, and SW-206 are each non-jurisdictional. The wetlands SW-203 is approximately 0.01 acre, SW-204 is less than 0.01 acre, SW-205 is approximately 0.01 acre, and SW-206 is less than 0.01 acre. These wetlands are not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the area indicates that water from these wetlands generally flow to southeast, however they do not have a continuous surface connection out of the review area. These aquatic resources do not share a continuous surface connection to waters of the United States as defined in 33 CFR §328.3(a)(1) (a)(2), or (a)(3). No discrete features that could connect these wetlands to jurisdictional water is present. Instead, the wetlands are surrounded by upland grassland and without a discrete feature to convey water.

The wetlands SW-207, SW-208, SW-209, SW-210, SW-211, SW-212, SW-213, SW-214, and SW-215 are each non-jurisdictional (Enclosure s1 and 12). The wetland SW-207 is approximately 0.01 acre, SW-208 is approximately 0.01 acre, SW-209 is approximately 0.01 acre, SW-210 is less than 0.01 acre, SW-211 is approximately 0.01 acre, SW-212 is less than 0.01 acre, SW-213 is less than 0.01 acre, SW-214 is approximately 0.01 acre, and SW-215 is approximately 0.01 acre. These wetlands are not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3) and they do not share a continuous surface connection to such waters. No discrete features that could connect these wetlands to jurisdictional water is present. Instead, the area surrounded the wetlands is upland grassland and without a discrete feature to convey water.

The wetland SW-216/SW-217/SW-218 is non-jurisdictional that is approximately 0.01 acre (Enclosures 1 and 12). This wetland is not adjacent to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3) since it does not share a continuous surface connection to one of these waters. No discrete features that could connect this wetland to jurisdictional water is present and it is surrounded by uplands.

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The wetlands SW-219, and SW-220 are each non-jurisdictional (Enclosures 1 and 12). SW-219 is less than 0.01 acre, and SW-220 is less than 0.01 acre. These wetlands are not adjacent to waters of the United States as defined in 33 CFR §328.3 (a)(1), (a)(2), or (a)(3) and they do not share a continuous surface connection to such waters. No discrete features that could connect these wetlands to jurisdictional water is present. Instead, the area surrounded the wetlands is upland grassland and without a discrete feature to convey water.

The wetlands SW-221, SW-222, SW-223, SW-224, SW-225, and SW-226 are a non-jurisdictional (Enclosures 1 and 9). The wetland SW-221 is less than 0.01 acre, SW-222 is approximately 0.02 acre, SW-223 is approximately 0.01 acre, SW-224 is less than 0.01 acre, SW-225 is approximately 0.08 acre, and SW-226 is less than 0.01 acre.

These wetlands are not adjacent to jurisdictional waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). Although SW-221 has a continuous surface connection to SW-222 through an approximately 120 feet long upland swale, SW-222 has a continuous surface connection to SW-223 through an approximately 245 feet long upland swale, SW-223 has a continuous surface connection to SW-224 through an approximately 30 feet long upland swale, SW-224 has a continuous surface connection to SW-226 through an approximately 80 feet long upland swale, and SW-226 has a continuous surface connection to SW-225 through an approximately 75 feet long upland swale. However, this is where the continuous surface connection terminates. The Corps' site visit confirmed that SW-225, SW-226, and SW-227 are not adjacent to Coyote Creek and the area between these wetlands and Coyote Creek is upland. The NHD shows an ephemeral feature and the NWI shows a riverine feature in the area where these wetlands and upland swales are located. The NHD and NWI show their respective aquatic resources in this area flowing south into Coyote Creek. Despite proximity to the Coyote Creek, a discrete feature was not observed connecting these wetlands to Coyote Creek during the Corps' site visit and is also not visible in aerial imagery or LiDAR.

SW-227 is a non-jurisdictional wetland that is approximately 0.04 acre (Enclosures 1 and 9). This wetland is not adjacent to jurisdictional waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the area indicates that water from SW-227 flows to southeast but there is no discrete feature that could be a continuous surface connection to a jurisdictional water. SW-227 relatively close to SW-226, which is approximately 50 feet away, however the area between these wetlands is upland grassland and without a discrete feature to convey water between the aquatic resources.

SWS-1 is a non-jurisdictional wetland that is approximately 0.03 acre. This wetland is not adjacent to jurisdictional waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the area indicates that water

from SWS-1 flows out of the review area and then back into the review area via several swales and culverts. However, once the flow path from SWS-1 enters back into the review area it enters SWS-2 which does not have a continuous surface connection to a jurisdictional water. Water from SWS-1 flows northeast out of review area and into a swale that flows north for approximately 1,310 feet. A portion of this swale is shown in the NHD as an ephemeral feature and in the NWI as freshwater emergent wetland. This swale then flows through a gravel road prism, it is unknown if a culvert is present in this location as one is not visible in aerial imagery and the location is outside of the review area. After the road, the swale continues for approximately 585 feet before converging with another swale that then flows for approximately 2,495 feet to the southeast. This swale then crosses under Ohm Road through a culvert and back into the review area at ED-2 and ED-3. ED-2 and ED-3 flow directly into SWS-2. SWS-2 does is not adjacent to a jurisdictional water as it does share a continuous surface connection to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). See the paragraph below for additional information regarding SWS-2.

SWS-2 is a non-jurisdictional wetland that is approximately 0.84 acre (Enclosures 1 and 6). These wetlands are not adjacent to jurisdictional waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). SWS-2 is included in the NHD as an ephemeral feature and in the NWI as freshwater emergent wetlands. The NHD and NWI show this feature reaching the swale that flows south towards Coyote Creek outside of the review area. However, during the Corps' site visit it was determined that water from SWS-2 flows out the review area but does not have a continuous surface connection to any jurisdictional waters of the United States. The topography of the area indicates that water from SWS-2 flows east towards the eastern boundary of the review area and then flows into two different upland swales, both of which are approximately 100 to 130 feet long and terminate outside of the review area. From this point, the flow of water becomes non-discrete for approximately 135 feet before reaching a larger wetland swale that flows outside the eastern boundary of the review area towards Coyote Creek. In total SWS-2 is approximately 235 to 265 feet from the swale that flows south outside of the review area. Despite proximity to the swale that flows south outside of the review area into Coyote Creek, a discrete feature was not observed connecting SWS-2 during the Corps' site visit and is also not visible in aerial imagery or LiDAR. In total this wetland is approximately 9,395 feet from Coyote Creek.

The wetland SWS-3 and SWS-4 are each non-jurisdictional (Enclosures 1 and 6). SWS-3 is approximately 0.01 acre and SWS-4 is approximately 0.02 acre. SWS-3 and SWS-4 are not included in the NHD or NWI. These wetlands are not adjacent to jurisdictional waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). SWS-3 flows east into SWS-4 although this flow does not occur in a discrete feature. SWS-4 also flows east towards the large swale that flows south along the eastern side of the review area, however, water flow between SWS-4 and this larger

offsite swale does not occur in a discrete feature. A discrete feature that could provide a continuous surface connection was not observed connecting SWS-3 and SWS-4 to another aquatic resource during the Corps' site visit and is also not visible in aerial imagery or LiDAR.

The wetlands, VP-2, VP-3, VP-4, VP-5, VP-6, VP-7, VP-8, VP-9, VP-10, VP-11, VP-12, VP-13, VP-14, and VP-15 are each non-jurisdictional. The wetland VP-2 is less than 0.01 acre, VP-3 is approximately 0.01 acre, VP-4 is less than 0.01 acre, VP-5 is less than 0.01 acre, VP-6 is less than 0.01 acre, VP-7 is less than 0.01 acre, VP-8 is less than 0.01 acre, VP-9 is less than 0.01 acre, VP-10 is approximately 0.01 acre, VP-11 is less than 0.01 acre, VP-12 is approximately 0.01 acre, VP-13 is approximately 0.02 acre, VP-14 is approximately 0.01 acre, and VP-15 is approximately 0.01 acre.

These wetlands are not adjacent to jurisdictional waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3) water and they do not share a continuous surface connection to another aquatic resource. No discrete features that could connect these wetlands to jurisdictional water is present. Instead, they are surrounded by upland grassland and without a discrete feature to convey water.

The wetlands VP-16 and VP-18 are each non-jurisdictional. The wetland VP-16 is approximately 0.01 acre and VP-18 is approximately 0.01 acre. These vernal pools that are not adjacent to a jurisdictional water. These wetlands are not adjacent to jurisdictional waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3) and they do not share a continuous surface connection to another aquatic resource. No discrete features that could connect these wetlands to jurisdictional water is present. Instead, they are surrounded by upland grassland and without a discrete feature to convey water.

VP-19 is a non-jurisdictional wetland that is approximately 0.02 acre (Enclosures 1 and 12). This wetland is not adjacent to jurisdictional waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). The topography of the area indicates that water from VP-19 flows southeast out of the review area in the general direction of Coyote Creek but there is no discrete feature that could be a continuous surface connection to a jurisdictional water. A discrete upland swale starts approximately 785 feet southeast of VP-19. This swale flows southeast towards Coyote Creek, however the area between VP-19 and this swale is upland grassland and without a discrete feature to convey water. Lack of a surface connection can be seen in LiDAR and aerial imagery and was observed during the Corps' site visit. Instead, water flow in this area occurs overland and subsurface. In total this wetland is approximately 2,500 feet from Coyote Creek.

The wetlands VP-20 and VP-21 are each non-jurisdictional. The wetland VP-20 is approximately 0.01 acre and VP-21 is less than 0.01 acre. These wetlands are not



adjacent to jurisdictional waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3) and they do not share a continuous surface connection another aquatic resource. No discrete features that could connect these wetlands to jurisdictional water is present. Instead, these wetlands are surrounded by upland grassland and without a discrete feature to convey water.

The ephemeral drainage ED-1, ED-2, and ED-3 are each non-jurisdictional and non-relatively permanent tributaries (Enclosure s1 and 6). ED-1 is approximately 13 linear feet long, ED-2 is approximately 36 linear feet long, and ED-3 is approximately 14 linear feet long. Water has not been observed in these aquatic resources in aerial imagery. In particular, water is not visible in Digital Globe Imagery dated May 11, 2023, May 14, 2018, or April 1, 2018. Additionally, water is not visible in Google Earth imagery dated May 16, 2023, April 28, 2021, May 24, 2017, or April 15, 2015. ED-2 and ED-3 are included in the NHD as an ephemeral feature and in the NWI as freshwater emergent wetlands. ED-1 is not included in the NHD or NWI. The three drainages are also not included on U.S. Geological Survey topographic maps. The topography of the area indicates that water from ED-1 also does not have a flow path out of the review area. Although water from ED-2 and ED-3 flows out of the review area through SWS-2 (see above for information regarding SWS-2), these drainages are not tributaries of waters of the United States as defined in 33 CFR §328.3(a)(1) or (a)(2). In addition, these drainages are not relatively permanent.

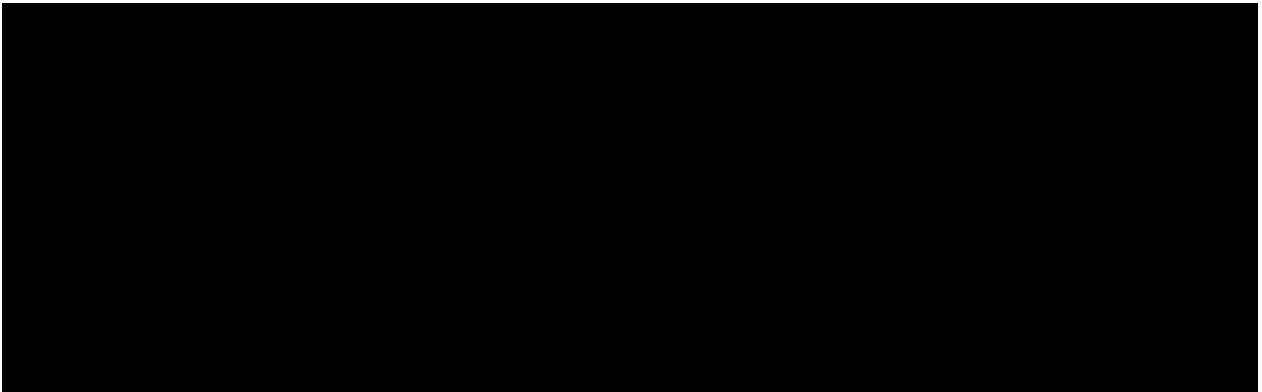
The ditches RD-1, RD-2, RD-3, RD-4, RD-5, and RD-6 are each non-jurisdictional and non-relatively permanent ditches. RD-1 is approximately 0.01 acre, RD-2 is approximately 0.03 acre, RD-3 is less than 0.01 acre, RD-4 is approximately 0.04 acre, RD-5 is approximately 0.01 acre, and RD-6 is approximately 0.05 acre. Water has not been observed in these aquatic resources in aerial imagery. In particular, water is not visible in Digital Globe Imagery dated May 11, 2023, May 14, 2018, or April 1, 2018. Additionally, water is not visible in Google Earth imagery dated May 16, 2023, April 28, 2021, May 24, 2017, or April 15, 2015. The ditches are also not included on U.S. Geological Survey topographic maps or in the NHD or NWI. Additionally, RD-1, RD-2, RD-3, and RD-5 do not flow out of the review area. Although RD-4 and RD-6 have flow paths that leave the review area, these flow paths do not reach waters of the United States as defined in 33 CFR §328.3(a)(1) or (a)(2), in addition to not being relatively permanent.

9. DATA SOURCES. List of sources of data/information used in making determination.

- a. U.S. Army Corps of Engineers. April 29, and April 30, 2024. Field Site Evaluation.
- b. U.S. Army Corps of Engineers. May 2, May 3, May 6, May 10, May 13-17, 2024. Office Evaluation.

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f. U.S. Fish and Wildlife Service. 2010. National Wetland Inventory. Project area: NWI 2012-01296. Washington, D.C.: U.S. Fish and Wildlife Service, Dept. of the Interior. Retrieved April 9, 2024, from Wetland Mapper: <https://www.fws.gov/wetlands/data/mapper.html>.

g. Natural Resources Conservation Service (NRCS). 2020. *Custom Soil Resource Report for Tehama County, California 2012-01296*. Natural Resources Conservation Service, U.S. Dept. of Agriculture. Retrieved April 9, 2024, from <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.html>.

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

i. U.S. Geological Survey. 1951. USGS 1:24000-scale Quadrangle for West of Gerber, CA 1951: U.S. Geological Survey.

j. U.S. Geological Survey. 2012. USGS 1:24000-scale Quadrangle for West of Gerber, CA 2012: U.S. Geological Survey.

k. U.S. Geological Survey. 2015. USGS 1:24000-scale Quadrangle for West of Gerber, CA 2015: U.S. Geological Survey.

l. U.S. Geological Survey. 2021. USGS 1:24000-scale Quadrangle for West of Gerber, CA 1951: U.S. Geological Survey.

m. NHD Map 1 (SPK-2012-01296). [map]. 1:1.1. Generated by Army Corps of Engineers, April 9, 2024. National Regulatory Viewer.

n. NHD Map 2 (SPK-2012-01296). [map]. 1:1.1. Generated by Army Corps of Engineers, April 9, 2024. National Regulatory Viewer.

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o. Federal Emergency Management Agency. n.d. FEMA Flood Map Service Center. FEMA Firm Map: 06103C1125H and 06103C1150H, Effective on September 29, 2011. FEMA, Dept. of Homeland Security. Retrieved April 9, 2024, from <https://msc.fema.gov/portal/home>.

p. Pickard, B. R., Daniel, J., Mehaffey, M., Jackson, L. E., and Neale, A. 2015. EnviroAtlas: A new geospatial tool to foster ecosystem services science and resource management. *Ecosystem Services*, 14, 45-55.

q. LiDAR: *3DEP Map 1 (SPK-2012-01296)* [map]. 1:2,000. Generated by Army Corps of Engineers, April 9, 2024. Using ArcGIS Pro.

r. LiDAR: *3DEP Map - Closeup 1 (SPK-2012-001296)* [map]. 1:1,480. Generated by Army Corps of Engineers, April 19, 2024. Using ArcGIS Pro.

s. LiDAR: *3DEP Map - Closeup 2 (SPK-2012-001296)* [map]. 1:1,480. Generated by Army Corps of Engineers, April 19, 2024. Using ArcGIS Pro.

t. LiDAR: *3DEP Map - Closeup 3 (SPK-2012-001296)* [map]. 1:1,480. Generated by Army Corps of Engineers, April 19, 2024. Using ArcGIS Pro.

u. LiDAR: *3DEP Map - Closeup 4 (SPK-2012-001296)* [map]. 1:1,480. Generated by Army Corps of Engineers, April 19, 2024. Using ArcGIS Pro.

v. Digital Globe: *Nov 2, 2010, Imagery Digital Globe (SPK-2012-001296)* [map]. 1:2,000. Generated by Army Corps of Engineers, April 12, 2024. Using ArcGIS Pro.

w. Digital Globe: *Oct 8, 2011, Imagery Digital Globe (SPK-2012-001296)* [map]. 1:2,000. Generated by Army Corps of Engineers, April 12, 2024. Using ArcGIS Pro.

x. Digital Globe: *July 1, 2012, Imagery Digital Globe (SPK-2012-001296)* [map]. 1:2,000. Generated by Army Corps of Engineers, April 12, 2024. Using ArcGIS Pro.

y. Digital Globe: *Feb 17, 2013, Imagery Digital Globe (SPK-2012-001296)* [map]. 1:2,000. Generated by Army Corps of Engineers, April 12, 2024. Using ArcGIS Pro.

z. Digital Globe: *June 19, 2014, Imagery Digital Globe (SPK-2012-001296)* [map]. 1:2,000. Generated by Army Corps of Engineers, April 12, 2024. Using ArcGIS Pro.

aa. Digital Globe: *July 11, 2016, Imagery Digital Globe (SPK-2012-001296)* [map]. 1:2,000. Generated by Army Corps of Engineers, April 12, 2024. Using ArcGIS Pro.

bb. Digital Globe: *April 1, 2018, Imagery Digital Globe (SPK-2012-001296)* [map]. 1:2,000. Generated by Army Corps of Engineers, April 12, 2024. Using ArcGIS Pro.

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cc. Digital Globe: *May 14, 2018, Imagery Digital Globe (SPK-2012-001296)* [map]. 1:2,000. Generated by Army Corps of Engineers, April 12, 2024. Using ArcGIS Pro.

dd. Digital Globe: *Sept 11, 2019, Imagery Digital Globe (SPK-2012-001296)* [map]. 1:2,000. Generated by Army Corps of Engineers, April 12, 2024. Using ArcGIS Pro.

ee. Digital Globe: *May 11, 2023, Imagery Digital Globe (SPK-2012-001296)* [map]. 1:2,000. Generated by Army Corps of Engineers, April 12, 2024. Using ArcGIS Pro.

ff. Google Earth. 7.3.3.7692. 2024, February 2. Red Bluff, California. 40.101188° latitude, -122.256101° longitude, eye alt 1294 ft. Retrieved May 3, 2024, from <http://www.earth.google.com>

gg. Google Earth. 7.3.3.7692. 2021, April 28. Red Bluff, California. 40.101188° latitude, -122.256101° longitude, eye alt 1294 ft. Retrieved May 3, 2024, from <http://www.earth.google.com>

hh. Google Earth. 7.3.3.7692. 2015, April 15. Red Bluff, California. 40.101188° latitude, -122.256101° longitude, eye alt 1294 ft. Retrieved May 3, 2024, from <http://www.earth.google.com>

ii. *Flow Path (SPK-2012-01296)* [map]. 1:10,000. Generated by Army Corps of Engineers, May 3, 2024. Using ArcGIS Pro.

## 10. OTHER SUPPORTING INFORMATION.

No jurisdictional waters are present within the 877 acres review area. None of the wetlands within the review area are waters of the United States. The wetlands within the review area are not adjacent wetlands as they do not share a continuous surface connection to waters of the United States as defined in 33 CFR §328.3(a)(1), (a)(2), or (a)(3). Lack of a connection to such waters can be seen on the aerial imagery, LiDAR elevation imagery, and was observed during the Corps' site visit. Although SW-111, SW-113, SW-114, SW-115, and SW-116 connect to Coyote Creek, after considering flow, the number, the types, and the length of connection, the distance between these wetlands and Coyote Creek is not physically close enough to meet the continuous surface connection requirement.

The drainages ED-1, ED-2, and ED-3 along with the ditches, RD-1, RD-2, RD-3, RD-4, RD-5, and RD-6 within the review area are not tributaries as they do not reach jurisdictional waters of the United States as defined in 33 CFR §328.3 (a)(1) or (a)(2).

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The Corps' site visit on April 29 and April 30, 2024, was conducted in the dry season during wetter than normal conditions. Although the Digital Globe Images from April 1, 2018, May 14, 2018, and May 11, 2023, were acquired in the dry season they were useful in determining flow direction and duration as the field conditions during these dates were wetter than normal or normal conditions. The February 17, 2013, Digital Globe Image was acquired in the wet season and was useful in in better understanding past site conditions. The June 19, 2014, and July 11, 2016, Digital Globe images were acquired in the dry season and proved not useful for this analysis. Although the May 1, 2010, November 2, 2010, October 8, 2011, and July 1, 2012, images were acquired in the dry season, they were proved useful to understand past site conditions. The Google Earth images dated April 15, 2015, May 24, 2017, June 27, 2018, November 1, 2019, and May 16, 2023, are from the dry season, however the May 16, 2023, image, was acquired in wetter than normal or normal conditions and proved useful for this review. Digital Globe Images Climatic conditions were determined using the Corps Antecedent Precipitation Tool (APT). Wetlands within the review area were evaluated to determine if they functioned as a single wetland consistent with guidance in the 2023 Rule relating to treatment of wetland mosaics. Wetlands that were mapped separately but were abutting were considered and evaluated as a single wetland. The wetlands that were mapped separately but were relatively close to one another were also considered to function as a single wetland.

The following memoranda were used to inform this review, including the analysis of "continuous surface connection" and "adjacency":

- a. Memorandum on NWK-2024-00392. November 21, 2024. U.S. Environmental Protection Agency and Office of the Assistant Secretary of the Army (Civil Works) U.S. Department of the Army.
- b. Memorandum on POH-2023-00187. November 20, 2024. U.S. Environmental Protection Agency and Office of the Assistant Secretary of the Army (Civil Works) U.S. Department of the Army.
- c. Memorandum on LRB-2023-00451. September 3, 2024. U.S. Environmental Protection Agency and Office of the Assistant Secretary of the Army (Civil Works) U.S. Department of the Army.
- d. Memorandum on NAP-2023-01223. June 25, 2024. U.S. Environmental Protection Agency and Office of the Assistant Secretary of the Army (Civil Works) U.S. Department of the Army.

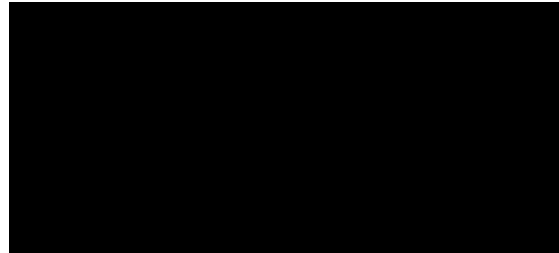
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e. Memorandum on NWK-2022-00809. June 25, 2024. U.S. Environmental Protection Agency and Office of the Assistant Secretary of the Army (Civil Works) U.S. Department of the Army.

f. Memorandum on SWG-2023-00284. June 25, 2024. U.S. Environmental Protection Agency and Office of the Assistant Secretary of the Army (Civil Works) U.S. Department of the Army.

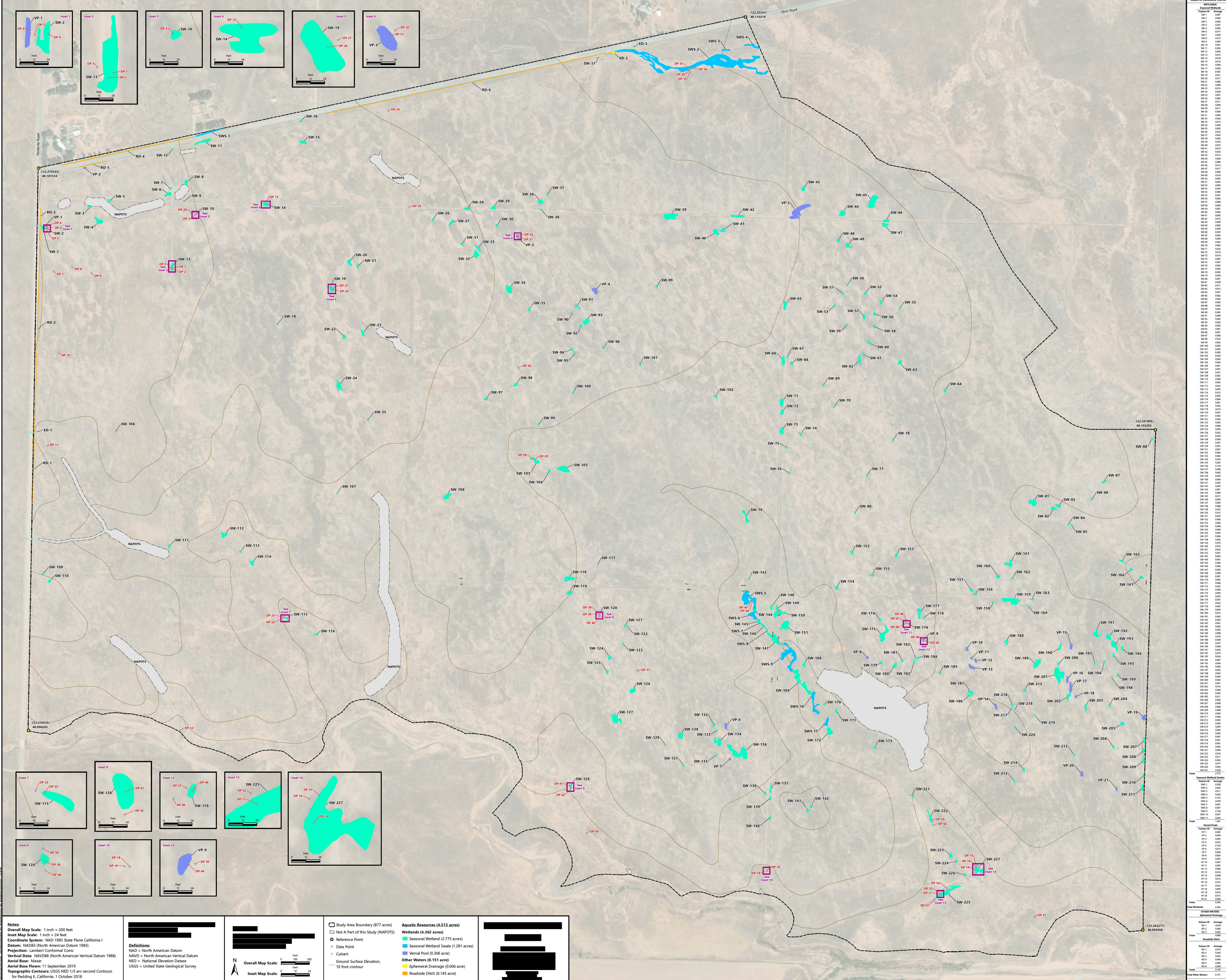
11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional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



#### Enclosures

1. Aquatic Resources Delineation
2. Flow Path (SPK-2012-01296)
3. NHD Map 1 SPK-2012-01296
4. NWI SPK-2012-01296
5. 3DEP Map - Closeup 1 to 5 (SPK-2012-001296)
6. Adjacency Evaluation Map: SW-17, ED-2, ED-3, and SWS-2 to SWS-4, May 11, 2023 Imagery (SPK-2012-01296)
7. Adjacency Evaluation Map: SW-81 to SW-85 and SW-165 to SW-167, May 11, 2023 Imagery (SPK-2012-01296)
8. Adjacency Evaluation Map: SW-111 to SW-116 May 11, 2023 Imagery (SPK-2012-01296)
9. Adjacency Evaluation Map: SW-221 to SW-227, May 11, 2023 Imagery (SPK-2012-01296)
10. Adjacency Evaluation Map: SW-128, May 11, 2023 Imagery (SPK-2012-01296)
11. Adjacency Evaluation Map: SW-79, SW-143 to SW-151, SW-168 to SW-173, SWS-5 to SWS-11, May 11, 2023 Imagery (SPK-2012-01296)
12. Adjacency Evaluation Map: SW-207 to SW-211 and VP-19, May 11, 2023 Imagery (SPK-2012-01296)
13. Mapped Photolog – Southwest (SPK-2012-01296)





**Notes:**

Overall Map Scale: 1 inch = 200 feet

Inset Map Scale: 1 inch = 24 feet

Coordinate System: NAD 1983 State Plane California I

Datum: NAD83 (North American Datum 1983)

Projection: Lambert Conformal Conic

Vertical Data: NAVD88 (North American Vertical Datum 1988)

Aerial Base: Mosaic

Aerial Base Flown: 11 September 2019

Topographic Contours: USGS NED 1/3 arc-second Contours for Redding, California, 1 October 2018

**Legend:**

- Study Area Boundary (877 acres)
- Not A Part of this Study (NAPOTS)
- Reference Point
- Data Point
- Culvert
- Ground Surface Elevation
- 10 foot contour

**Aquatic Resources (4,513 acres)**

**Wetlands (4,362 acres)**

- Seasonal Wetland (2,775 acres)
- Seasonal Wetland Swale (1,281 acres)
- Vernal Pool (0.306 acre)

**Other Waters (0.151 acre)**

- Ephemeral Drainage (0.006 acre)
- Roadside Ditch (0.145 acre)

**Definitions:**

NAD = North American Datum

NAVD = North American Vertical Datum

NED = National Elevation Database

USGS = United States Geological Survey

Wetlands		
Feature ID	Area	Volume
SW-1	0.007	
SW-2	0.004	
SW-3	0.003	
SW-4	0.007	
SW-5	0.005	
SW-6	0.011	
SW-7	0.003	
SW-8	0.003	
SW-9	0.001	
SW-10	0.001	
SW-11	0.001	
SW-12	0.002	
SW-13	0.002	
SW-14	0.004	
SW-15	0.004	
SW-16	0.004	
SW-17	0.003	
SW-18	0.002	
SW-19	0.001	
SW-20	0.007	
SW-21	0.006	
SW-22	0.006	
SW-23	0.002	
SW-24	0.003	
SW-25	0.001	
SW-26	0.004	
SW-27	0.001	
SW-28	0.004	
SW-29	0.001	
SW-30	0.004	
SW-31	0.004	
SW-32	0.004	
SW-33	0.003	
SW-34	0.003	
SW-35	0.003	
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SW-41	0.003	
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SW-45	0.003	
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SW-52	0.004	
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SW-364	0.003	
SW-365	0.003	
SW		

Seasonal Wetland Features		
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SW-77	0.001	
SW-78	0.001	
SW-79	0.001	
SW-80	0.001	
SW-81	0.001</	