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

January 29, 2019

Regulatory Division (SPK-2018-00556)

Mr. Charles Palmer
Calaveras County Water District
P.O. Box 846
San Andreas, California 95249
(charlesp@ccwd.org)

Dear Mr. Palmer:

We are responding to your July 1, 2018, pre-construction notification for a Department of the Army (DA) Nationwide permit for the Ebbetts Pass Reach 1 Water Pipeline project. The approximately 25.0-acre project site is located along a portion of State Route 4 in Sections 24-27, Township 4 North, Range 14 East, Sections 18 an 19, Township 4 North, Range 15 East all of MDB&M, Latitude 38.20446°, Longitude -120.55466°, Calaveras County, California.

Based on the information you provided to this office, this project involves the discharge of fill material into 0.184 acres of waters of the United States for the construction of the pipeline project and is subject to Section 404 of the Clean Water Act. The specific activities that require DA authorization are the removal of the old pipeline and installation of the new pipeline within waters of the United States. These activities will result in the temporary impacts to approximately 0.184 acres of waters of the United States, including wetlands. The proposed activities would be conducted in accordance with the plans included in your application submittal identified above.

We have determined that activities in waters of the United States associated with the project are authorized by Nationwide Permit Number (NWP) 12. This project must comply with the water quality certification written for this project by the Central Valley Regional Water Quality Control Board dated January 23, 2019.

You must comply with all terms and conditions of the NWP and applicable regional conditions. Information about the NWP terms and conditions and Sacramento District regional conditions for California, excluding the Lake Tahoe Basin can be found on our website: *usace.army.mil/Missions/Regulatory/Permitting/NationwidePermits.aspx*. In addition, your work must comply with the following special conditions:

1. You shall employ a qualified biologist, who is familiar with the area to monitor all construction activities within any wetland or water feature within the project boundary. This biologist shall educate the construction workers about the sensitivities of the wetlands on-site, and the rare species of the area before work begins. The monitor shall ensure no unauthorized activities occur during project implementation, and that the project is constructed as designed. If unauthorized activities do occur into waters of the United States, the monitor shall have the authority to stop work within waters of the United States immediately and notify our office at once.

2. You shall restore all temporary impacts to waters of the United States and adjacent upland areas within 25 feet of waters of the United States to their original pre-project contour within 60 days following completion of construction activities.

Within 30 days after completion of the authorized work, you must sign the enclosed Compliance Certification and return it to this office with the information required by Sacramento District Regional Condition C(9) for California/Nevada/Utah.

This verification is valid until March 18, 2022, when the existing NWPs are scheduled to be modified, reissued, or revoked. Furthermore, if you commence or are under contract to commence this activity before the date the NWP is modified, reissued, or revoked, you will have 12 months from the date of the modification, reissuance or revocation to complete the activity under the present terms and conditions. Failure to comply with the general and regional conditions of this NWP, or the project-specific special conditions of this authorization, may result in the suspension or revocation of your authorization.

Please refer to identification number SPK-2018-00556 in any correspondence concerning this project. If you have any questions, please contact me at the letterhead address, Room 1350, by email at *Kathy.Norton@usace.army.mil*, or telephone at (916) 557-5260. For more information about our program or to complete our Regulatory Program national customer service survey, visit our website at *www.spk.usace.army.mil/Missions/Regulatory.aspx.*

Sincerely,

Kathy Norton
Sr. Project Manager
California South Section

Enclosure

cc: (w/o encl)

Ms. Alyse Yeager, ECORP Consulting, Inc., 2525 Warren Drive, Rocklin, California 95677
(ayeager@ecorpconsulting.com)

COMPLIANCE CERTIFICATION

Permit File Name: Ebbetts Pass Reach 1 Water Pipeline

Action ID: SPK-2018-00556

Nationwide Permit Number: 12

Permittee: Calaveras County Water District
Attn: Mr. Charles Palmer
P.O. Box 846
San Andreas, California 95249

County: Calaveras County

Date of Verification: January 29, 2019

Within 30 days after completion of the activity authorized by this permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers
Sacramento District
1325 J Street, Room 1350
Sacramento, California 95814-2922
DLL-CESPK-RD-Compliance@usace.army.mil

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the terms and conditions of the permit your authorization may be suspended, modified, or revoked. If you have any questions about this certification, please contact the U.S. Army Corps of Engineers.

* * * * * * * * *

I hereby certify that the work authorized by the above-referenced permit, including all the required mitigation, was completed in accordance with the terms and conditions of the permit verification.

Permittee Signature _____ Date _____

Final Sacramento District Nationwide Permit (NWP) Regional Conditions for California, excluding the Lake Tahoe Basin

(Effective March 19, 2017 until March 18, 2022)

A. Revoked NWPs

1. NWPs 29 and 39 are revoked for activities located in the Primary or Secondary Zone of the Legal Delta.

2. NWPs 14, 18, 23, 29, 39, 40, 42, 43 and 44 are revoked from use in vernal pools that may contain habitat for Federally-listed threatened and/or endangered vernal pool species for all activities located in the Mather Core Recovery Area in Sacramento County, as identified in the U.S. Fish and Wildlife Service's *Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon* dated December 15, 2005.

3. All NWPs except 3, 6, 20, 27, 32, and 38 are revoked for activities in histosols, fens, bogs, peatlands, and in wetlands contiguous with fens. This condition does not apply to NWPs 1, 2, 8, 9, 10, 11, 19, 24, 28, 35 or 36, as these NWPs either apply to Section 10 only activities or do not authorize impacts to wetlands and/or other special aquatic sites. For NWPs 3, 6, 20, 27, and 38, see Regional Condition B(5).

B. Regional Conditions Applicable Before Authorization

1.* When pre-construction notification (PCN) is required, the permittee shall notify the U.S. Army Corps of Engineers, Sacramento District (Corps) in accordance with General Condition 32 using either the South Pacific Division Preconstruction Notification (PCN) Checklist or an application form (ENG Form 4345) with an attachment providing information on compliance with all of the General and Regional Conditions. In addition, the PCN shall include:

a.* A written statement describing how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States (U.S.);

b.* Drawings, including plan and cross-section views, clearly depicting the location, size and dimensions of the proposed activity, as well as the location of delineated waters of the U.S. on the site. The drawings shall contain a title block, legend and scale, amount (in cubic yards) and area (in acres) of fill in Corps jurisdiction, including both permanent and temporary fills/structures. The ordinary high water mark or, if tidal waters, the mean high water mark and high tide line, should be shown (in feet), based on National Geodetic Vertical Datum (NGVD) or other appropriate referenced elevation. Unless specifically waived by the Sacramento District, all drawings shall follow the South Pacific Division February 2016, *Updated Map and Drawing Standards for the South Pacific Division Regulatory Program*, or most recent update (available on the South Pacific Division website at: http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences.aspx/);

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c.* Numbered and dated pre-project color photographs showing a representative sample of waters proposed to be impacted on the site, and all waters of the U.S. proposed to be avoided on and immediately adjacent to the project site. The compass angle and position of each photograph shall be identified on the plan-view drawing(s) required in subpart b of this Regional Condition;

d.* Delineation of aquatic resources in accordance with the Sacramento District's Minimum Standards for Acceptance of Aquatic Resources Delineation Reports (available at http://www.spk.usace.army.mil/Portals/12/documents/regulatory/jd/minimum-standards/Minimum_Standards_for_Delineation_with_Template-final.pdf), or updated standards adopted by the Sacramento District, unless specifically waived by the Sacramento District;

e. A description of proposed construction Best Management Practices (BMPs) and highly visible markers to be used during construction of the proposed activity, as required by Regional Conditions C(3) and C(4). If no BMPs or highly visible markers are proposed, the PCN shall provide a description of why their use is not practicable or necessary;

f. For all activities proposed for the purpose of temporary access and construction which would result in the placement of dredged or fill material into waters of the U.S.:

(1) The reason(s) why avoidance of temporary fill in waters of the U.S. is not practicable;

(2) A description of the proposed temporary fill, including the type and amount (in cubic yards) of material to be placed;

(3) The area (in acres) of waters of the U.S. and, for drainages (e.g. natural or relocated streams, creeks, rivers), the length (in linear feet) where the temporary fill is proposed to be placed; and

(4) A proposed plan for restoration of the temporary fill area to pre-project contours and conditions, including a plan for the re-vegetation of the temporary fill area, if vegetation would be removed or destroyed by the proposed temporary fill;

g. For all dewatering activities that propose structures or fill in waters of the U.S. that require authorization from the Corps:

(1) The proposed methods for dewatering;

(2) The equipment that would be used to conduct the dewatering;

(3) The length of time the area is proposed to be dewatered;

(4) The area (in acres) and length (in linear feet) in waters of the U.S. of the structure and/or fill;

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(5) The method for removal of the structures and/or fill; and

(6) The method for restoration of the waters of the U.S. affected by the structure or fill following construction.

h. For linear transportation crossings that propose to alter the pre-construction course, condition, capacity or location of open waters, the PCN shall include sufficient justification to determine that the proposed activity would result in a net increase in aquatic resource functions and services. Functions and services to be considered in the justification include, but are not limited to: short- or long-term surface water storage, subsurface water storage, moderation of groundwater flow or discharge, dissipation of energy, cycling of nutrients, removal of elements and compounds, retention of particulates, export of organic carbon, and maintenance of plant and animal communities.

i. For replacement linear transportation crossings that would result in a reduction in the pre-construction bankfull width and depth of open waters of the U.S. at the crossing, as compared to the upstream and downstream open waters:

(1) Information on why it is not practicable to approximate the pre-construction bankfull width of the upstream and downstream open waters, and;

(2) Sufficient justification to determine that the reduction in the pre-construction bankfull width would result in a net increase in aquatic resource functions and services. Functions and services to be considered in the justification include, but are not limited to: short- or long-term surface water storage, subsurface water storage, moderation of groundwater flow or discharge, dissipation of energy, cycling of nutrients, removal of elements and compounds, retention of particulates, export of organic carbon, and maintenance of plant and animal communities.

j.* For any requests to waive the applicable linear foot limitations for NWPs 13, 21, 29, 39, 40, 42, 43, 44, 50, 51, 52 and 54:

(1) A narrative description of the stream. This should include known information on: volume and duration of flow; the approximate length, width, and depth of the waterbody and characteristics observed associated with an Ordinary High Water Mark (e.g. bed and bank, wrack line or scour marks); a description of the adjacent vegetation community and a statement regarding the wetland status of the adjacent areas (i.e. wetland, non-wetland); surrounding land use; water quality; issues related to cumulative impacts in the watershed, and; any other relevant information;

(2) An analysis of the proposed impacts to the waterbody, in accordance with General Condition 32 and Regional Condition B(1);

(3) Measures taken to avoid and minimize losses to waters of the U.S., including other methods of constructing the proposed activity(s); and

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(4) A compensatory mitigation plan describing how the unavoidable losses are proposed to be offset, in accordance with 33 CFR 332.

k. For NWP 23: A copy of the signed Categorical Exclusion document and final agency determinations regarding compliance with Section 7 of the Endangered Species Act (ESA), Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), and Section 106 of the National Historic Preservation Act (NHPA), in accordance with General Conditions 18 and 20 and Regional Condition B(12).

l. For NWP 27: Sufficient justification to determine that the proposed activity would result in a net increase in aquatic resource functions and services. Functions and services to be considered in the justification include, but are not limited to: short- or long-term surface water storage, subsurface water storage, moderation of groundwater flow or discharge, dissipation of energy, cycling of nutrients, removal of elements and compounds, retention of particulates, export of organic carbon, and maintenance of plant and animal communities.

m. For any NWP 29 or 39 activities that propose channelization or relocation of perennial or intermittent drainages: Justification on how the proposed channelization or relocation would result in a net increase in aquatic resource functions and services. Functions and services to be considered in the justification include, but are not limited to: short- or long-term surface water storage, subsurface water storage, moderation of groundwater flow or discharge, dissipation of energy, cycling of nutrients, removal of elements and compounds, retention of particulates, export of organic carbon, and maintenance of plant and animal communities.

n. For construction activities that would occur within standing or flowing waters: Information on why it is not practicable to conduct construction activities when the area is dewatered naturally or through an approved dewatering plan.

o. For all new bank stabilization activities that would not involve the sole use of native vegetation or other bioengineered design techniques: Information on why the sole use of vegetated techniques to accomplish the bank stabilization activity is not practicable.

p. For activities located in designated critical habitat for Federally-listed threatened and/or endangered anadromous fish species where the activity would result in a reduction or alteration in the quality and availability of the Physical and Biological Features (also known as Essential Features or Primary Constituent Elements):

(1) The reasons why it is not practicable to avoid the reduction or alteration in the quality and availability of the Physical and Biological Features of the designated critical habitat.

(2) Information demonstrating that the reduction or alteration will have no more than minimal individual or cumulative adverse effects.

Information regarding the Physical and Biological Features of designated critical habitat may be found at the following websites:

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- Winter-run Chinook Salmon (Essential Features beginning on page 33218): http://www.westcoast.fisheries.noaa.gov/publications/frn/1993/58fr33212.pdf

- Steelhead and Spring-run Chinook salmon (Primary Constituent Elements beginning on page 52521): http://www.westcoast.fisheries.noaa.gov/publications/frn/2005/70fr52488.pdf

- Green Sturgeon (Primary Constituent Elements/Physical and Biological Features beginning on page 52322): http://www.westcoast.fisheries.noaa.gov/publications/protected_species/other/green_sturgeon/g_s_critical_habitat/frn_10092009_green_sturgeon_ch.pdf

2. For all NWPs, the permittee shall submit a PCN in accordance with General Condition 32 and Regional Condition B(1), in the following circumstances:

a. For all activities that would result in the discharge of fill material into any vernal pool;

b. For all activities in the Primary and Secondary Zones of the Legal Delta, the Sacramento River, the San Joaquin River, and navigable tributaries of these waters, when the Corps has not designated another Federal agency as the lead for compliance with ESA, MSFCMA, and NHPA, as specified in Regional Condition B(12);

c. For all new or replacement linear transportation crossings of perennial, intermittent, or ephemeral drainages (e.g. natural or relocated streams, creeks, rivers) or other open waters of the U.S., where the pre-construction bankfull width of waters of the U.S. at the crossing would be reduced;

d. For all activities in waters of the U.S. proposed within 100 feet of the point of discharge of a known natural spring source (i.e. which is any location where ground water emanates from a point in the ground excluding seeps or other discharges which lack a defined channel);

e.* For all activities proposed by non-Federal applicants located in areas designated as Essential Fish Habitat (EFH) by the Pacific Fishery Management Council, and that would result in an adverse effect to EFH, in which case the PCN shall include an EFH assessment and extent of proposed impacts to EFH. Examples of EFH habitat assessments can be found at: http://www.westcoast.fisheries.noaa.gov/habitat/fish_habitat/efh_consultations_go.html; or

f.* For Water Quality Certificate issuance considerations, all activities in waters of the U.S. on Tribal Lands.

3. For all utility line activities: The permittee shall submit a PCN in accordance with General Condition 32 and Regional Condition B(1) for new utility line activities when:

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a. The utility line activity would result in a discharge of dredged and/or fill material into perennial drainages (e.g. (e.g. natural or relocated streams, creeks, rivers) or other perennial open waters of the U.S., wetlands, mudflats, vegetated shallows, riffle and pool complexes, sanctuaries and refuges or coral reefs;

b. The utility line activity would result in a loss of greater than 100 linear feet of intermittent or ephemeral drainages (e.g. natural or relocated streams, creeks, rivers) or other intermittent or ephemeral open waters of the U.S.;

c. The utility line activity would include the construction of a temporary or permanent access road, substation or foundation within waters of the U.S.;

d. All utility line trenches in waters of the U.S. would not be restored to pre-project contours and conditions within 30 days following completion of construction activities in waters of the U.S; or

e. The utility line activity would involve the discharge of any excess material associated with the construction of a utility line trench into waters of the U.S.

4. All new bank stabilization activities shall involve either the sole use of native vegetation or other bioengineered design techniques (e.g. willow plantings, root wads, large woody debris, etc.), or a combination of hard-armoring (e.g. rip-rap) and native vegetation or bioengineered design techniques, unless specifically determined to be not practicable by the Corps. The permittee shall submit a PCN in accordance with General Condition 32 and Regional Condition B(1) for any new bank stabilization activity that involves any hard-armoring or the placement of any non-vegetated or non-bioengineered technique below the ordinary high water mark or, if tidal waters, the high tide line of waters of the U.S.

5. For NWP 3, 6, 20, and 27: The permittee shall submit a PCN in accordance with General Condition 32 and Regional Condition B(1) for activities in histosols, fens, bogs, peatlands, and in wetlands contiguous with fens.

6. For NWP 23: The permittee shall submit a PCN for all activities proposed under this NWP, in accordance with General Condition 32 and Regional Condition B(1).

7. For NWP 27: The permittee shall submit a PCN in accordance with General Condition 32 and Regional Condition B(1) for aquatic habitat restoration, establishment, and enhancement activities in the following circumstances:

a. The activity would result in a discharge of dredged and/or fill material into perennial drainages (e.g. natural or relocated streams, creeks, rivers) or other perennial open waters of the U.S., wetlands, mudflats, vegetated shallows, riffle and pool complexes, sanctuaries and refuges, or coral reefs; or

b. The activity would result in a discharge of dredged and/or fill material into greater than 0.10 acre or 100 linear feet of intermittent or ephemeral drainages (e.g. natural or relocated streams, creeks, rivers) or other intermittent or ephemeral open waters of the U.S.

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8. For NWPs 29 and 39: The channelization or relocation of perennial or intermittent drainages (e.g. natural or relocated streams, creeks, rivers) is not authorized, except when, as determined by the Corps, the proposed channelization or relocation would result in a net increase in aquatic resource functions and services. This Regional Condition does not apply to man-made ditches, unless, as determined by the Corps, the ditch (1) was constructed through an aquatic resource or is a relocated drainage; (2) the ditch receives water from an area determined to be a water of the U.S.; and (3) the ditch diverts water to an area determined to be a water of the U.S.

9. For NWP 46: The discharge shall not cause the loss of greater than 0.5 acre or 300 linear feet of waters of the U.S., unless specifically waived in writing by the Corps.

10. In addition to the requirements of General Conditions 2 and 9, the following criteria shall apply to linear transportation crossings (e.g. roads, highways, railways, trails, bridges, culverts):

a.* For all activities in waters of the U.S. that are suitable habitat for Federally-listed fish species, including designated critical habitat for such species, the permittee shall design all new or substantially reconstructed linear transportation crossings to ensure that the passage and/or spawning of fish is not hindered. In these areas, the permittee shall employ bridge designs that span the stream or river, including pier- or pile-supported spans, or designs that use a bottomless arch culvert with a natural stream bed;

b. Linear transportation crossings shall be constructed to maintain the pre-construction course, condition, capacity, and location of open waters, unless it can be demonstrated by the permittee, and the Corps' concurs, that the activity would result in a net increase in aquatic resource functions and services. For areas containing existing linear transportation crossings, the pre-construction course, condition, capacity, and location of open waters shall be determined based on the upstream and downstream portions of the open waters.

c. Unless determined to be not practicable by the Corps, all linear transportation crossings proposed to be replaced shall be designed to approximate the bankfull width and depth of upstream and downstream open waters.

11. Unless determined to be not practicable by the Corps, no dredged and/or fill material shall be discharged within standing or flowing waters. For ephemeral or intermittent drainages (e.g. natural or relocated streams, creeks, rivers), this may be accomplished through construction during the dry season. In perennial drainages, this may be accomplished through dewatering of the work area. All dewatering shall be conducted to allow fish and wildlife passage during construction. All dewatering structures and/or fills shall be removed within 30 days following completion of construction activities in waters of the U.S.

12.* For activities in which the Corps designates another Federal agency as the lead for compliance with Section 7 of the ESA of 1973 as amended, pursuant to 50 CFR Part 402.07; Section 305(b)(4)(B) of the MSFCMA, pursuant to 50 CFR 600.920(b); and/or Section 106 of

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the NHPA of 1966, as amended, pursuant to 36 CFR 800.2(a)(2), the prospective permittee shall provide all relevant documentation to the Corps demonstrating any previous consultation efforts as it pertains to the Corps Regulatory permit area (for ESA and MSFCMA compliance) and the Corps Regulatory area of potential effect (APE) (for Section 106 compliance). For activities requiring a PCN, this information shall be submitted with the PCN. If the Corps does not designate another Federal agency as the lead for ESA, EFH and/or NHPA, the Corps will initiate consultation for compliance, as appropriate.

C. Regional Conditions Applicable After Authorization

1. The permittee shall record the NWP verification letter with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property for areas (a) required to be preserved as a special condition of the NWP verification letter, including any associated covenants or restrictions, or (b) where boat ramps, docks, marinas, piers, or permanently moored vessels will be constructed or placed in or adjacent to navigable waters. The recordation shall also include a map showing the surveyed location of the required preserve area or authorized structure. Evidence of the recordation of the NWP verification shall be provided to the Corps with the compliance certification required in General Condition 30 and Regional Condition C(9).

2. Compensatory Mitigation Requirements:

a. For all activities requiring permittee responsible compensatory mitigation, the permittee shall develop and submit to the Corps for review and approval, a final comprehensive mitigation and monitoring plan prior to commencement of construction activities within waters of the U.S. The plan shall include the mitigation location and design drawings, vegetation plans, including target species to be planted, and final success criteria, presented in the format of the *Final 2015 Regional Compensatory Mitigation and Monitoring Guidelines for South Pacific Division USACE*, or most recent update (available on the South Pacific Division website at: whttp://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences.aspx/);

b.* The permittee shall complete the construction of any compensatory mitigation required by special condition(s) of the NWP verification before or concurrent with commencement of construction of the authorized activity, except when specifically determined to be not practicable by the Corps. When compensatory mitigation involves use of a mitigation bank or in-lieu fee program, the permittee shall submit proof of purchase of required credits to the Corps prior to commencement of construction of the authorized activity in waters of the U.S.; and

c. For all activities within the Secondary Zone of the Legal Delta, the permittee shall conduct compensatory mitigation for unavoidable impacts within the Secondary Zone of the Legal Delta.

3. Unless determined to be not practicable or appropriate by the Corps, for activities that result in the discharge of dredged and/or fill material into waters of the U.S., the permittee shall employ construction BMPs on-site prior to the initiation of construction activities in

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waters of the U.S., to prevent degradation to on-site and off-site waters of the U.S. Methods shall include the use of appropriate measures to intercept and capture sediment prior to entering waters of the U.S., as well as erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. All BMPs shall be in place prior to initiation of any construction activities and shall remain until construction activities are completed. The permittee shall maintain all BMPs until construction activities are completed and site soils are stabilized.

4. Unless determined to be not practicable or appropriate by the Corps, for activities that result in the discharge of dredged and/or fill material into waters of the U.S., the permittee shall clearly identify the limits of the authorized activity in the field with highly visible markers (e.g. construction fencing, flagging, silt barriers, etc.) prior to commencement of construction activities within waters of the U.S. The permittee shall maintain such identification properly until construction is completed and the soils have been stabilized. The permittee is prohibited from any activity (e.g. equipment usage or materials storage) that impacts waters of the U.S. outside of the permit limits (as shown on the permit drawings).

5. For all temporary access and construction activities resulting in temporary fill within waters of the U.S., the permittee shall:

a. Utilize spawning quality gravel, where appropriate as determined by the Corps after consultation with appropriate Federal and state fish and wildlife agencies, for all temporary fills within waters of the U.S. supporting fisheries;

b. Install a horizontal marker (e.g. fabric, certified weed free straw, etc.) to delineate the existing bottom elevation of the waters temporarily filled during construction prior to the placement of temporary fill in waters of the U.S.; and

c. Remove all temporary fill and restore the area to pre-project contours and conditions within 30 days following completion of construction activities in waters of the U.S.

6. For all utility line activities:

a. The permittee shall ensure the construction of utility lines does not result in the draining of any water of the U.S., including wetlands. This may be accomplished through the use of clay blocks, bentonite, or other suitable material (as approved by the Corps) to seal the trench;

b. Unless determined to be not practicable or appropriate by the Corps, during construction of utility line trenches, the permittee shall remove and separately stockpile the top 6 – 12 inches of topsoil. Following installation of the utility line(s), the permittee shall replace the stockpiled topsoil on top and seed the area with native vegetation; and

c. Unless determined to be not practicable by the Corps, the permittee shall ensure that any excess material associated with the construction of a utility line trench is disposed of in an upland location outside of waters of the U.S.

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7. The permittee is responsible for all authorized work and ensuring that all contractors and workers are made aware of and adhere to the terms and conditions of the permit authorization. The permittee shall ensure that a copy of the permit authorization and associated drawings are available and visible for quick reference at the site until all construction activities are completed.

8. The permittee shall allow Corps representatives to inspect the authorized activity and any avoidance, preservation, and/or compensatory mitigation areas at any time deemed necessary to determine compliance with the terms and conditions of the NWP verification. The permittee will be notified by the Corps in advance of an inspection.

9. For all NWPs which require a PCN, the permittee shall submit the following additional information with the compliance certificate required under General Condition 30, within 30-days following the completion of construction activities in waters of the U.S.:

a. As-built drawings of the authorized work conducted on the project site and any on-site and/or off-site permittee responsible compensatory mitigation. The as-builts shall include a plan-view drawing of the location of the authorized work footprint (as shown on the permit drawings), with an overlay of the work as constructed in the same scale as the permit drawings, and a cross-section view drawing, where appropriate (e.g. linear transportation activities, utility line trench activities, bank stabilization activities) of the work as constructed. The plan-view drawing shall show all areas of ground disturbance, wetland impacts, structures, and the boundaries of any on-site and/or off-site mitigation or avoidance areas. Please note that any deviations from the work as authorized, which result in additional impacts to waters of the U.S., must be coordinated with the appropriate Corps office prior to impacts;

b. Numbered and dated post-construction color photographs of (1) the work conducted within a representative sample of the permanently filled waters of the U.S., (2) all of the partially filled waters of the U.S., and (3) all avoided waters of the U.S. on and immediately adjacent to the project area. The compass angle and position of all photographs shall be similar to the pre-construction color photographs required in Regional Condition B(1)(c) and shall be identified on the plan-view drawing(s) required in subpart (a) of this Regional Condition;

c. A description and photo-documentation of all BMPs installed as required by Regional Condition C(3); and

d. For all temporary fill authorized within waters of the U.S., a description and photo-documentation of all restored waters of the U.S., including information showing compliance with Regional Condition C(5). For temporary fill within waters of the U.S. that have not been restored to pre-project contours or condition, a description and photo-documentation of the temporary fill within waters of the U.S., including information on why restoration has not been completed.

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U S Army Corps of Engineers
Sacramento District

Nationwide Permit Summary

33 CFR Part 330; Issuance of Nationwide Permits – March 19, 2017

12. Utility Line Activities. Activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

Utility lines: This NWP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of utility lines, including outfall and intake structures. There must be no change in pre-construction contours of waters of the United States. A ''utility line'' is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and internet, radio, and television communication. The term ''utility line'' does not include activities that drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

Utility line substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with a power line or utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for overhead utility line towers, poles, and anchors: This NWP authorizes the construction or maintenance of foundations for overhead utility line towers, poles, and anchors in all waters of the United States, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This NWP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (See 33 CFR part 322). Overhead utility lines constructed over section 10 waters and utility lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit.

This NWP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this NWP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the utility line activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to preconstruction elevations.

The areas affected by temporary fills must be revegetated, as appropriate.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if any of the following criteria are met:

(1) The activity involves mechanized land clearing in a forested wetland for the utility line right-of-way;

(2) a section 10 permit is required;

(3) the utility line in waters of the United States, excluding overhead lines, exceeds 500 feet;

(4) the utility line is placed within a jurisdictional area (i.e., water of the United States), and it runs parallel to or along a stream bed that is within that jurisdictional area;

(5) discharges that result in the loss of greater than 1/10-acre of waters of the United States;

(6) permanent access roads are constructed above grade in waters of the United States for a distance of more than 500 feet; or

(7) permanent access roads are constructed in waters of the United States with impervious materials. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: Where the utility line is constructed or installed in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, a copy of the NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the utility line to protect navigation.

Note 2: For utility line activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Utility line activities must comply with 33 CFR 330.6(d).

Note 3: Utility lines consisting of aerial electric power transmission lines crossing navigable waters of the United States (which are defined at 33 CFR part 329) must comply with the applicable minimum clearances specified in 33 CFR 322.5(i).

Note 4: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Note 5: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a section 404 permit (see NWP 15).

Note 6: This NWP authorizes utility line maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures.

Note 7: For overhead utility lines authorized by this NWP, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

Note 8: For NWP 12 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require preconstruction notification (see paragraph (b) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, ''District Engineer's Decision.'' The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

A. **Regional Conditions**

1. **Regional Conditions for California, excluding the Tahoe Basin**

http://www.spk.usace.army.mil/Portals/12/documents/regulatory/nwp/2017_nwps/Final_SPK_Regional_Conditions_for_California.pdf?ver=2017-03-23-120307-207

2. **Regional Conditions for Nevada, including the Tahoe Basin**

hhttp://www.spk.usace.army.mil/Portals/12/documents/regulatory/nwp/2017_nwps/Final_SPK_Regional_Conditions_for_Nevada.pdf?ver=2017-03-23-120306-910

3. **Regional Conditions for Utah**

http://www.spk.usace.army.mil/Portals/12/documents/regulatory/nwp/2017_nwps/Final_SPK_Regional_Conditions_for_Utah.pdf?ver=2017-03-23-120303-503

4. **Regional Conditions for Colorado**.

http://www.spk.usace.army.mil/Portals/12/documents/regulatory/nwp/2017_nwps/Final_2017_Regional_Conditions_in_Colorado.pdf?ver=2017-03-23-133821-047

B. **Nationwide Permit General Conditions**

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/ or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note

especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

☐ 1. **Navigation**.

☐ (a) No activity may cause more than a minimal adverse effect on navigation.

☐ (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

☐ (c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

☐ 2. **Aquatic Life Movements.** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

☐ 3. **Spawning Areas**. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

☐ 4. **Migratory Bird Breeding Areas.** Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

☐ 5. **Shellfish Beds**. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

☐ 6. **Suitable Material**. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

☐ 7. **Water Supply Intakes**. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

☐ 8. **Adverse Effects From Impoundments**. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

☐ 9. **Management of Water Flows**. To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the preconstruction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

☐ 10. **Fills Within 100-Year Floodplains**. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

☐ 11. **Equipment**. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

☐ 12. **Soil Erosion and Sediment Controls**. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

☐ 13. **Removal of Temporary Fills**. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

☐ 14. **Proper Maintenance**. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

☐ 15. **Single and Complete Project**. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

☐ 16. **Wild and Scenic Rivers**.

☐ (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a ''study river'' for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

☐ (b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a ''study river'' for possible inclusion in the system while the river is

in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

☐ (c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: http://www.rivers.gov/.

☐ 17. **Tribal Rights**. No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

☐ 18. **Endangered Species**.

☐ (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which ''may affect'' a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.

☐ (b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If preconstruction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

☐ (c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity ''may affect'' or will have ''no effect'' to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non- Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have ''no effect'' on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

☐ (d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species specific permit conditions to the NWPs.

☐ (e) Authorization of an activity by an NWP does not authorize the ''take'' of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with ''incidental take'' provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word ''harm'' in the definition of ''take'' means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

☐ (f) f the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification

whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

☐ (g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide Web pages at http://www.fws.gov/ or http://www.fws.gov/ipac and http://www.nmfs.noaa.gov/pr/species/esa/ respectively.

☐ 19. **Migratory Birds and Bald and Golden Eagles**. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether ''incidental take'' permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

☐ 20. **Historic Properties**.

☐ (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

☐ (b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

☐ (c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the preconstruction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

☐ (d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non- Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non- Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

☐ (e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/ THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

☐ 21. **Discovery of Previously Unknown Remains and Artifacts**. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

☐ **22. Designated Critical Resource Waters**. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

☐ (a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

☐ (b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

☐ **23. Mitigation**. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

☐ (a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

☐ (b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

☐ (c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1⁄10-acre and require preconstruction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1⁄10-acre or less that require preconstruction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

☐ (d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to- replace resources (see 33 CFR 332.3(e)(3)).

☐ (e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

☐ (f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

☐ (1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

☐ (2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more

than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)).

☐ (3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

☐ (4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

☐ (5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

☐ (6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

☐ (g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2- acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

☐ (h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

☐ (i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

☐ **24. Safety of Impoundment Structures**. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

☐ **25. Water Quality**. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

☐ **26. Coastal Zone Management**. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

☐ **27. Regional and Case-By-Case Conditions**. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

☐ **28. Use of Multiple Nationwide Permits**. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

☐ **29. Transfer of Nationwide Permit Verifications**. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the

letter, and the letter must contain the following statement and signature:

> When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.
>
> ---
> (Transferee)
>
> ---
> (Date)

☐ **30. Compliance Certification**. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

☐ (a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

☐ (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

☐ (c) The signature of the permittee certifying the completion of the activity and mitigation. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

☐ **31. Activities Affecting Structures or Works Built by the United States.** If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a ‘‘USACE project’’), the prospective permittee must submit a preconstruction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

☐ **32. Pre-Construction Notification**.

☐ (a) **Timing**. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

> ☐ (1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or
>
> ☐ (2) 45 calendar days have passed from the district engineer’s receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is ‘‘no effect’’ on listed species or ‘‘no potential to cause effects’’ on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee’s right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

☐ (b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

☐ (1) Name, address and telephone numbers of the prospective permittee;

☐ (2) Location of the proposed activity;

☐ (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

☐ (4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

☐ (5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

☐ (6) If the proposed activity will result in the loss of greater than 1⁄10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

☐ (7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

☐ (8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

☐ (9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a ''study river'' for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the ''study river'' (see general condition 16); and

☐ (10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

☐ (c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

☐ (d) Agency Coordination:

☐ (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

☐ (2) Agency coordination is required for: (i) All NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

☐ (3) When agency coordination is required, the district engineer will immediately provide (e.g., via email, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or email that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the preconstruction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

☐ (4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

☐ (4) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of preconstruction notifications to expedite agency coordination.

C. District Engineer's Decision

☐ 1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the individual crossings of waters of the United States to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51, 52, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects. For those NWPs that have a waivable 300 linear foot limit for losses of intermittent and ephemeral stream bed and a 1/2-acre limit (i.e., NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52), the loss of intermittent and ephemeral stream bed, plus any other losses of jurisdictional waters and wetlands, cannot exceed 1/2- acre.

☐ 2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may

be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

☐ 3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters (e.g., streams). The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

☐ 4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) That the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31, or to evaluate PCNs for activities authorized by NWPs 21, 49, and 50), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

D. **Further Information**

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

E. **Definitions**

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term ''discharge'' means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Ephemeral stream: An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

I**ntermittent stream**: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the acres or linear feet of stream bed that are filled or excavated as a result of the regulated activity. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States. Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Nontidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of ''open waters'' include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Preconstruction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases

where preconstruction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Protected tribal resources: Those natural resources and properties of traditional or customary religious or cultural importance, either on or off Indian lands, retained by, or reserved by or for, Indian tribes through treaties, statutes, judicial decisions, or executive orders, including tribal trust resources.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Reestablishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: Reestablishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a course substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term “single and complete project” is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of “independent utility”). Single and complete non-linear projects may not be “piecemealed” to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream’s course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are

Tribal lands: Any lands title to which is either: (1) Held in trust by the United States for the benefit of any Indian tribe or individual; or (2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWPs, a waterbody is a jurisdictional water of the United States. If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of ‘‘waterbodies’’ include streams, rivers, lakes, ponds, and wetlands.

Pre-Construction Notification Request for Authorization Under Nationwide Permit No. 12

Ebbetts Pass Reach 1 Water Transmission Pipeline Project

U.S. Army Corps of Engineers Regulatory SPK# Pending

Calaveras County, California

Prepared For:

Calaveras County Water District

June 25, 2018

ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

U.S. Army Corps of Engineers
South Pacific Division

Nationwide Permit Pre-Construction Notification (PCN)

This form integrates requirements of the U.S. Army Corps of Engineers (Corps) Nationwide Permit Program within the South Pacific Division (SPD). Boxes 1-10 must be completed to include all information required by General Condition 32. Box 11 (or other sufficient information to show compliance with all General Conditions) must be completed for activities in Arizona, California, Nevada, and Utah, and is recommended for activities in Colorado and New Mexico. If additional space is needed, please provide as a separate attachment. Please refer to the *Instructions for the South Pacific Division Nationwide Permit Pre-Construction Notification (PCN)* (Instructions) for instructions for completing the PCN, as well as additional information on the attachments and tables included with this PCN that may be used.

0. To be filled by the Corps

Application Number:	Date Received:	Date Complete:

1. Prospective Permittee and Agent Name and Addresses (see Instructions)

a. Prospective Permittee

First - Mr. Charles Middle - _____ Last - Palmer

Company - Calaveras County Water District Email Address - charlesp@ccwd.org

Address - P.O. Box 846/ 120 Toma Court City - San Andreas State - CA Zip - 95249

Phone (Residence/Mobile) - _____ Phone (Business) - (209) 754-3174

b. Agent (if applicable)

First - Ms. Alyse Middle - _____ Last - Yeager

Company - ECORP Consulting, Inc. Email Address - ayeager@ecorpconsulting.com

Address - 2525 Warren Drive City - Rocklin State - CA Zip - 95677

Phone (Residence/Mobile) - _____ Phone (Business) - (916) 782-9100

c. Statement of Authorization: I hereby authorize Alyse Yeager, ECORP Consulting,Inc, to act in my behalf as my agent for the proposed activity. (Optional, see instructions)

_____ 7/1/18

Signature of Applicant Date

2. Name and Location of the Proposed Activity (see Instructions)

☒ The proposed work would involve multiple-single and complete projects. See attachment for the information required in Boxes 2 through 10, and 11, if applicable.

a. Project Name or Title:	b. County, State:
Ebbetts Pass Reach 1 Water Transmission Pipeline Project	Calaveras, California

c. Name of Waterbody: unnamed jurisdictional features

d. Coordinates:

☐ Unknown (please provide other location descriptions below)

Latitude - 38.179446 Longitude - -120.38866

e. Other Location Description (optional, see instructions):

See PCN Form Additional Pages

f. Driving Directions to the site (optional, see instructions):

From Sacramento, take State Route (SR) 99 South towards Stockton. Take the South Golden Gate Avenue/SR-4 exit. Turn left on South Golden Gate Avenue/SR-4 and continue for approximately 57.5 miles. Project site begins near the intersection of SR-4 and Hunter Dam Road. Project site occurs to the south of SR-4 and continues approximately 58 miles to Murphys, CA.

3. Specific NWP(s) you want to use to authorize the proposed activity (see Instructions)

Nationwide Permit #12 - Utility Line Activities

4. Description of the Proposed Activity (see Instructions)

a. Complete description of the Proposed Activity:

See PCN Form Additional Pages

b. Purpose of the Proposed Activity:

See PCN Form Additional Pages

c. Direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands and other waters of the U.S. expected to result from the NWP(s) activity:

See PCN Form Additional Pages

d. Description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity:

See PCN Form Additional Pages

e. Any other NWP(s), Regional/Programmatic General Permit(s) or Individual Permit(s) used or intended to be used to authorize any part of the proposed activity or any related activity:

None

f. Have sketches been provided containing sufficient detail to provide an illustrative description of the proposed activity?

☐ Yes, Attached ☐ No

☐ N/A; The activity is located in the Los Angeles District boundaries of Arizona and California, See Attachment 1

☐ N/A, The activity is located in the San Francisco District boundaries of California, See Attachment 2

☒ N/A, The activity is located in the Sacramento District boundaries of California, Nevada, or Utah, See Attachment 3

5. Aquatic Resource Delineation (see Instructions)

a. Has a delineation of aquatic resources been conducted in accordance with the current method required by the Corps? ☒ Yes ☐ No

If yes, please attach a copy of the delineation

Note: If no, your PCN is not complete. In accordance with General Condition 32, you may request the Corps delineate the special aquatic sites and other waters on the project site, but there may be a delay. In addition, the PCN will not be considered complete until the delineation has either been submitted to or completed by the Corps, as appropriate.

b. If a delineation has been submitted, would you like the Corps to conduct a jurisdictional determination (preliminary or approved)? ☒ Yes ☐ No

If yes, please complete, sign and return the attached *Appendix 1 – Request for Corps Jurisdictional Determination (JD)* sheet or provide a separate attachment with the information identified in Appendix 1.

6. Compensatory Mitigation (see Instructions)

a. Will the proposed activity result in the loss of greater than 1/10-acre of wetlands? ☐ Yes ☒ No

If yes, describe how you propose to compensate for the loss of each type of wetland:

Note: for the loss of less than 1/10 acre of wetlands, or if no compensatory mitigation is proposed, the Corps may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

b. Will the proposed activity result in the loss of streams or other open waters of the U.S.? ☐ Yes ☒ No

If yes, provide a description of any proposed compensatory mitigation for the loss of each type of stream or other open water:

Note: if no compensatory mitigation is proposed, the Corps may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in no more than minimal adverse environmental effects.

7. Endangered Species Act (ESA) Compliance (see Instructions)

a. For non-Federal permittees (if Federal permittee, check N/A and skip to 7(d)): ☐ N/A

(1) Is there any Federally-listed endangered or threatened species or critical habitat that might be affected or is in the vicinity of the activity? ☐ Yes ☒ No

(2) Is the activity located in designated critical habitat for Federally-listed endangered or threatened species? ☐ Yes ☒ No

If yes to either (1) or (2), include the name(s) of those endangered or threatened species that might be affected by the proposed activity or might utilize the designated critical habitat that might be affected by the proposed activity:

1. 2.

3. 4.

5. 6.

If no to both (1) and (2), proceed to Box 8.

Note: If yes to either (1) or (2), note per General Condition 18(c), you shall not begin work on the activity until notified by the Corps that the requirements of the ESA have been satisfied and that the activity is authorized.

b. Has information sufficient to initiate consultation with the U.S. Fish and Wildlife Service/National Marine Fisheries Service for compliance with Section 7 of the ESA been prepared? ☒ Yes ☐ No

If yes, please attach a copy of the information.

c. Additional information you wish to provide regarding compliance with the ESA, if applicable:

See PCN Form Additional Pages

d. For Federal permittees, you must provide documentation demonstrating compliance with ESA as a separate attachment.

8. Historic Properties (see Instructions)

a. For non-Federal permittees (if Federal permittee, check N/A and skip to 7(d)): ☐ N/A

(1) Is there a known historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places that the NWP may have the potential to affect? ☐ Yes ☒ No

If yes to (1), state which historic property may have the potential to be affected by the proposed activity:

1. 2.

3. 4.

5. 6.

OR

☐ A vicinity map indicating the location of the historic property is enclosed

(2) If no to (1), describe the potential for the proposed work to affect a previously unidentified historic property:

See PCN Form Additional Pages

Note: If yes to (1), note per General Condition 20(c), you shall not begin the activity until notified by the Corps that the activity has no potential to cause effects or that consultation under Section 106 of the National Historic Preservation Act (NHPA) has been completed.

b. Has information sufficient to initiate consultation with the State Historic Preservation Officer/Tribal Preservation Officer for compliance with Section 106 of the National Historic Preservation Act (NHPA) been prepared?

☒ Yes ☐ No

If yes, please attach a copy of the information.

c. Additional information you wish to provide regarding compliance with the NHPA, if applicable:

See PCN Form Additional Pages

d. For Federal permittees, you must provide documentation demonstrating compliance with NHPA in a separate attachment.

9. National Wild and Scenic Rivers (see Instructions)

a. Will the proposed activity(s) occur in a component of the National Wild and Scenic River System or a river officially designated by Congress as a "Study River" for possible inclusion in the system while the river is in an official study status?

☐ Yes, in a component of a National Wild and Scenic River System; ☐ Yes, in a "study" river ☒ No

If yes, identify the Wild and Scenic River or the "study river"

Note: per General Condition 16(b), you shall not begin the NWP activity until notified by the Corps that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status. If you have received written notification from the Federal agency, please attach the correspondence.

10. Section 408 Permissions (see Instructions)

a. Will the NWP also require permissions from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a Corps federally authorized Civil Works project? ☐ Yes ☒ No

If yes, have you received Section 408 permission to alter, occupy, or use the Corps project? ☐ Yes ☐ No

If yes, please attach the Section 408 permission

If yes, note per General Condition 31, an activity that requires Section 408 permission is not authorized by NWP until the Corps issues the Section 408 permission to alter, occupy, or use the Corps project, and the Corps issues a written NWP verification.

11. Compliance with NWP General Conditions (see Instructions)		
Check	**General Condition**	**Rationale for Compliance with General Condition**
☒	1. Navigation	The proposed Projects will not affect navigation of waters.
☒	2. Aquatic Life Movements	The proposed Projects will not permanently impact any waterways such that aquatic life movements will be impaired.
☒	3. Spawning Areas	Project waterways do not support any anadromous fish. The proposed Project will not affect anadramous fish or their spawning areas.
☒	4. Migratory Bird Breeding Areas	If construction is proposed between February 1 and August 31, nesting bird surveys will be conducted prior to the initiation of construction. If nesting birds are present during Project activities, measures will be implemented to prevent impacts to nesting birds.
☒	5. Shellfish Beds	Project waterways do not support shellfish beds. The proposed Projects will not affect shellfish populations.
☒	6. Suitable Material	All materials used for construction will be free from toxic pollutants in accordance with Section 307 of the Clean Water Act.

☒	7. Water Supply Intakes	The proposed Projects are not in proximity to a public water supply intake.
☒	8. Adverse Effects from Impoundments	The proposed Projects will not create permanent impoundments.
☒	9. Management of Water Flows	The proposed Projects will be implemented during low-flow periods to reduce the need for dewatering activities to manage potential surface waters. Stormwater runoff from the Projects will be managed in a manner that will not cause storm drain capacity exceedances or provide substantial additional sources of polluted runoff.
☒	10. Fills Within 100-Year Floodplains	The proposed Projects are not within a 100-year floodplain hazard area.
☒	11. Equipment	Construction equipment will include: backhoes, excavators, concrete saws, torches, jackhammers, cranes, compactors, and concrete pumps. Best Management Practices (BMPs) regarding maintenance of equipment, spill prevention, and soil erosion will be utilized.
☒	12. Soil Erosion and Sediment Controls	The Projects would implement a Storm Water Pollution (SWPPP) Prevention Program listing BMPs that provide erosion and sediment control measures during construction.

☒	13. Removal of Temporary Fills	Any temporary fill will be removed at the completion of the Project activities, and Waters of the U.S. will be restore to pre-construction contours and revegetated.
☒	14. Proper Maintenance	Construction activities will be properly maintained to ensure public safety and to be in compliance with NWP general conditions.
☒	15. Single and Complete Project	Each Project proposed under NWP #12 is considered a single and complete project, crossing multiple water bodies at separate and distant locations.
☒	16. Wild and Scenic Rivers	The proposed Projects are not near resources in the National Wild and Scenic River System.
☒	17. Tribal Rights	The proposed Projects will not impair reserved tribal rights.
☒	18. Endangered Species	See Box 7 above.
☒	19. Migratory Bird and Bald and Golden Eagle Permits	If construction is proposed between February 1 and August 31, nesting bird surveys will be conducted prior to the initiation of construction. No bald or golden eagles would be affected by the Projects.

☒	20. Historic Properties	See Box 8 above.
☒	21. Discovery of Previously Unknown Remains and Artifacts	The Projects will implement a Worker Environmental Awareness Program to educate workers as to the notification requirements if unknown remains or artifacts are discovered during Project implementation.
☒	22. Designated Critical Resource Waters	The proposed Projects are not near or within a designated critical resource.
☒	23. Mitigation	See Boxes 4(d) and 6 above.
☒	24. Safety of Impoundment Structures	There are no impoundment structures associated with the proposed Projects.
☒	25. Water Quality, including status of Section 401 Water Quality Certification	A 401 Water Quality Certification will be submitted concurrently with submittal for NWP #12.
☒	26. Coastal Zone Management, including status of CZM Consistency Certification from the State of California (for projects in or affecting the Coastal Zone)	The Projects are not in a Coastal Zone Management Area.

☒	27. Regional and Case-by-Case Conditions	The proposed Projects will comply with all regional conditions and any specific conditions added by the USACE or other permitting agencies.
☒	28. Use of Multiple Nationwide Permits	The proposed Projects seek to use nine NWP #12s.
☒	29. Transfer of Nationwide Permit Verifications	The ownership of the property is not anticipated to change during Project activities. However, if ownership of the property changes, a letter will be submitted to USACE in accordance with the condition.
☒	30. Compliance Certification	At the conclusion of all proposed Projects, a signed certification will be provided to USACE.
☒	31. Activities Affecting Structures or Works Built by the United States	See Box 10 above.
☒	32. Pre-Construction Notification	This document, additional pages, figures, and attachments serve as the Pre-Construction Notification.

U.S. Army Corps of Engineers

Sacramento District

Attachment 3: Additional PCN Requirements for Sacramento District Boundaries of California, Nevada, and Utah

This attachment contains additional information required to be submitted with the PCN for proposed activities within the Sacramento District Boundaries of California, Nevada, and Utah. You must submit the completed attachment, or other attachment containing the required information, for a complete PCN per Sacramento District Regional Condition B(1). For multiple single and complete projects, provide the information identified below for each single and complete project. If additional space is needed, provide as an attachment to the form, and please reference each section accordingly.

1. Form of PCN (Regional Condition B(1))

Have you submitted a completed South Pacific Division PCN Checklist or an application form (ENG Form 4345) with an attachment providing information on compliance with all of the General and Regional Conditions?

☒ Yes, see attached ☐ No

Note: If you check no, your PCN will be considered incomplete.

2. Avoidance and Minimization (Regional Condition B(1)(a))

Written statement describing how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to waters of the U.S.:

The Project plans to avoid as many wetlands and other waters as possible. The Project has been realigned to better reduce the impacts to waters of the U.S. and other sensitive biological and cultural resources. All impacts to waters of the U.S. will be temporary and areas impacted will be allowed to recover naturally. Measures to conserve the existing structure, soils and plant composition will be implemented during construction. Additionally, Best Management Practices (BMPs) will be utilized to prevent potential indirect impacts from Project development.

3. Drawings (Regional Condition B(1)(b))

The following drawings are enclosed:

☒ Plan-View drawing clearly depicting the location, size and dimensions of the proposed activity, as well as the location of delineated waters of the U.S. on the site

☒ Cross-Section view drawings clearly depicting the location, size and dimensions of the proposed activity, as well as the location of delineated waters of the U.S. on the Site

The plan-view and cross-section view drawings contain the following

Title block: ☒ Yes ☐ No

Legend and scale: ☒ Yes ☐ No

Amount (in cubic yards) of fill in Corps jurisdiction (including permanent and temporary fills/structures): ☒ Yes ☐ No

Area (in acres) of fill in Corps jurisdiction (including permanent and temporary fill structures): ☒ Yes ☐ No

The ordinary high water mark (non-tidal waters) or mean high water mark and high tide line (tidal waters) shown in feet based on National Geodetic Vertical Datum (NGVD) or other appropriate reference elevation: ☒ Yes ☐ No

Do all drawings follow the South Pacific Division February 2016, *Updated Map and Drawing Standards for the South Pacific Division Regulatory Program*, or most recent update? ☒ Yes ☐ No

If no, describe why this requirement is proposed to be waived):

4. Photographs (Regional Condition B(1)(c))

Have you enclosed numbered and dated pre-project color photographs showing a representative sample of waters proposed to be impacted on the site, and all waters of the U.S. proposed to be avoided on and immediately adjacent to the project site?

☒ Yes ☐ No ☐ N/A (describe why): Taken on June 15 and 16, 2017, Attachment C

Is the compass angle and position of each photograph identified on the plan-view drawing(s) identified in Box 3?

☐ Yes ☒ No ☐ N/A (describe why): Compass angle (direction) is included in the description of each photo.

5. Delineation of Aquatic Resource (Regional Condition B(1)(d))

Have you enclosed a delineation of aquatic resources completed in accordance with the Sacramento District's Minimum Standards for Acceptance of Aquatic Resources Delineation Reports, or updated standards adopted by the Sacramento District?

☒ Yes ☐ No ☐ N/A

If no, describe why this requirement is proposed to be waived:

6. Best Management Practices (BMPs) (Regional Condition B(1)(e))

Describe all proposed BMPs and highly visible markers proposed to be used during construction of the proposed activity, as required by Regional Conditions C(3) and C(4). If no BMPs and/or highly visible markers are proposed, describe why their use is not practicable or necessary:

Erosion/sediment control straw waddles and high visibility temporary fencing will be placed between the proposed activity and the avoided Waters of the U.S. Dust will be controlled using a water truck and ground spray. Hazardous materials spill kits will be kept onsite in case of equipment leaks. No fuels will be stored onsite. All trash will be contained in appropriate receptacles. Work will be conducted during the dry season to avoid work within flowing waters and potential pollution. If water is present, features will be temporarily dewatered before starting work.

7. Temporary Access and Construction (Regional Condition B(1)(f))

☐ **The proposed activity would not result in the placement of dredged or fill material into waters of the U.S. for temporary access and construction.** (Skip to Box 8)

a. The reasons why avoidance of temporary fill in waters of the U.S. is not practicable:

Complete avoidance of Waters of the U.S. is not practicable due to the requirement to replace an existing pipeline in this location. All temporary excavation (potential incidental fill) in Waters of the U.S. will be restored upon construction completion.

b. Description of the proposed temporary fill, including the type and amount (in cubic yards) of material to be placed and length of time temporary fill is estimated to remain in place):

The material will be excavated for a total of approximately 10 months (approximately 6 months in 2019 and 4 months in 2020). The District will be excavating the trench, installing the pipeline and then replacing native material over the top of the trench. The amount of native material excavated (within potentially jurisdictional waters/areas) should not exceed 1,200 cubic yards. Any temporary fill would be due to stockpiling and temporary placement of the excavated native materials adjacent to the trench and to a lesser extent aggregate material for pipe bedding and initial cover adjacent to the trench. All Waters of the U.S. will be restored post construction.

c. The area (in acres) of waters of the U.S. and for drainages (e.g. natural or relocated streams, creeks, rivers), the length (in linear feet) where the temporary fill is proposed to be placed:

See Box 4c.

d. Proposed plan for restoration of the temporary fill area to pre-project contours and conditions, including a plan for the re-vegetation of the temporary fill area, if vegetation would be removed or destroyed by the proposed temporary fill (If a separate plan has been developed, reference and attach)**:**

All impacted waters would be recontoured to pre-project conditions and seeded with an agency approved seed mix once Pipeline activities are complete. Temporarily impacted waters will be allowed to re-establish along the Pipeline area.

8. Dewatering Activities (Regional Condition B(1)(g))

☐ **The proposed activity would not result in dewatering activities that propose structures or fill in waters of the U.S. that require authorization from the Corps.** (skip to Box 9)

Note that any temporary fills in waters of the U.S. associated with dewatering activities must be discussed in Box 7.

a. The proposed method for dewatering (If a separate plan has been developed, reference and attach)**:**

Work activities requiring dewatering will likely use water pumps and/or temporary coffer dams. The contractor, to be determined at a later date, will prepare a dewatering plan for the Project. For temporary dewatering and/or pumping to linear features, water shall be released or pumped downstream at a rate to maintain downstream flows during construction.

b. The equipment that would be used to conduct dewatering activities (If a separate plan has been developed, reference and attach)**:**

The equipment anticipated for use in dewatering includes water pumps, backhoe, sandbags and temporary piping.

c. The length of time the area is proposed to be dewatered (If a separate plan has been developed, reference and attach)**:**

Each project location (i.e. each jurisdictional feature) may require dewatering operations for a period of 1-3 weeks depending upon its overall area (in acres) and length of trench (in linear feet). Dewatering may consist of seasonal runoff in ditches/drainages and groundwater in wetlands.

d. The area (in acres) and length (in linear feet) in waters of the U.S. of the structure and/or fill (If a separate plan has been developed, reference and attach)**:**

The area and length of the dewatering activities within Waters of the U.S. are not known at this time. A separate plan will be developed by the yet-to-be-determined contractor and will be submitted to the Corps prior to the start of Project activities.

e. The method for removal of the structures and/or fill (If a separate plan has been developed, reference and attach)**:**

The Applicant will use hand tools, excavator and backhoe to remove dewatering equipment, recontour onsite features, and create the final flow path for the drainage of waters. Once the features have been recontoured, dewatering equipment will be removed to allow for the free flow of water.

f. The method for restoration of the waters of the U.S. affected by the structure or fill following construction (If a separate plan has been developed, reference and attach)**:**

The Waters of the U.S. will be recontoured, seeded with an agency-approved, native seed mix and allowed to re-establish naturally.

9. New or Replacement Linear Transportation Crossings (Regional Condition B(1)(h))

☒ **The proposed activity would not result in the construction of a linear transportation crossing.** (skip to Box 11)

☐ **The proposed linear transportation crossing would not alter the pre-construction course, condition, capacity and location of open waters. Information to support this can be found in the South Pacific Division PCN form, attachments, and drawings.** (Skip to Box 10)

Justification that the proposed activity would result in a net increase in aquatic resource functions and services:

10. Replacement Linear Transportation Crossings (Regional Condition B(1)(i))

☒ **The proposed activity would not result in the construction of a replacement linear transportation crossing.** (skip to Box 11)

☐ **The proposed replacement linear transportation crossing would not result in a reduction in the pre-construction bankfull width and depth of open waters of the U.S. at the crossing, as compared to the upstream and downstream open waters. Information to support this can be found in the South Pacific Division PCN form, attachments, and drawings.** (Skip to Box 11)

a. Information on why it is not practicable to approximate the pre-construction bankfull width of the upstream and downstream open waters:

b. Justification that the proposed reduction in the pre-construction bankfull width would result in a net increase in aquatic resource functions and services:

11. Waiver of linear foot limitations (Regional Condition B(1)(j))

(for NWPs 13, 21, 29, 39, 40, 42, 43, 44, 50, 51, 52, and 54)

☒ **The proposed activity would not require a waiver of the linear foot limitations for NWPs 13, 21, 29, 39, 40, 42, 43, 44, 50, 51, 52, or 54.** (skip to Box 12)

a. A narrative description of the stream (including known information on: volume and duration of flow; the approximate length, width, and depth of the waterbody and characteristics observed associated with an Ordinary High Water Mark (e.g. bed and bank, wrack line or scour marks); a description of the adjacent vegetation community and a statement regarding the wetland status of the adjacent areas (i.e. wetland, non-wetland); surrounding land use; water quality; issues related to cumulative impacts in the watershed, and; any other relevant information)**:**

b. Analysis of the proposed impacts to the waterbody, in accordance with General Condition 32 and Regional Condition B(1):

c. Measures taken to avoid and minimize losses to waters of the U.S., including other methods of constructing the proposed activity(s):

d. A compensatory mitigation plan describing how the unavoidable losses are proposed to be offset, in accordance with 33 CFR 332:

12. NWP 23 Activities (Regional Condition B(1)(k)

☒ **The activity is not proposed under NWP 23.** (skip to Box 13)

☐ **The following are enclosed:**

- ☐ A copy of the signed Categorical Exclusion Document.
- ☐ A copy of the final agency determination for compliance with Section 7 of the Endangered Species Act, in accordance with General Condition 18.
- ☐ A copy of the final agency determination for compliance with Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act, in accordance with Regional Condition B(12)
- ☐ A copy of the final agency determination for compliance with Section 106 of the National Historic Preservation Act, in accordance with General Condition 20.

13. NWP 27 Activities (Regional Condition B(1)(l))

☒ **The activity is not proposed under NWP 27.** (skip to Box 14)

Justification that the proposed activity would result in a net increase in aquatic resource functions and services:

14. NWP 29 or 39 Activities (Regional Condition B(1)(m))

☒ **The activity is not proposed under NWP 29 or 39.** (skip to Box 15)

☐ **The activity is proposed under NWP 29 or 39, but does not propose channelization or relocation of perennial or intermittent drainages.** (skip to Box 15)

Justification that the proposed activity would result in a net increase in aquatic resource functions and services:

15. Construction Activities in Standing or Flowing Waters (Regional Condition B(1)(n))

☐ **The activity does not propose construction in standing or flowing waters, as construction would occur when the area is naturally dewatered.** (skip to Box 16)

☒ **The activity does not propose construction in standing or flowing waters, as the area would be dewatered as identified in Box 8.** (skip to Box 16)

Information on why it is not practicable to conduct construction activities when the area is dewatered naturally or through an approved dewatering plan:

16. New Bank Stabilization Activities (Regional Condition B(1)(o))

☒ **The activity does not propose the construction of new bank stabilization.** (Skip to Box 17)

☐ **The proposed new bank stabilization would involve the sole use of native vegetation or other bioengineered design techniques. Information to support this can be found in the South Pacific Division PCN form, attachments, and drawings.** (Skip to Box 17)

Information on why the sole use of vegetated techniques to accomplish the bank stabilization activity is not practicable:

17. Critical Habitat for Federally-listed Threatened and/or Endangered Fish Species (Regional Condition B(1)(p))

☐ **N/A. The proposed activity is located in Nevada (including the Lake Tahoe Basin in California) or Utah.** (skip to Regional Condition list for the appropriate state)

☒ **The proposed activity is located in California (excluding the Lake Tahoe Basin), but is not located in critical habitat for Federally-listed threatened and/or endangered fish species. Information to support this can be found in the South Pacific Division PCN form, attachments, and drawings.** (skip to Regional Condition list for California)

☐ **The proposed activity is located in critical habitat for Federally-listed threatened and/or endangered fish species, but would not result in a reduction or alteration in the quality and availability of the Physical and Biological Features (also known as Essential Features or Primary Constituent Elements) because:**

☐ **The proposed activity is located in critical habitat for Federally-listed threatened and/or endangered fish species, and would result in a reduction or alteration in the quality and availability of the Physical and Biological Features (also known as Essential Features or Primary Constituent Elements). See Boxes 17(a) and (b).**

a. The reasons why it is not practicable to avoid the reduction or alteration in the quality and availability of the Physical and Biological Features of the designated critical habitat:

b. Information demonstrating that the reduction or alteration in the quality and availability of the Physical and Biological Features of the designated critical habitat will have no more than minimal individual or cumulative adverse effects:

18. Essential Fish Habitat (EFH) (Regional Condition B(2)(e))

☒ **N/A. The proposed activity will not occur in areas designated as EFH located in Nevada (including the Lake Tahoe Basin in California) or Utah.** (skip to Regional Condition list for the appropriate state)

☐ **The proposed activity will occur in areas designated as EFH and an EFH assessment and extent of proposed impacts to EFH is enclosed.**

Compliance with Sacramento District Regional Conditions for California, Excluding the Lake Tahoe Basin

This checklist is intended to assist prospective permittees with documenting compliance with all Sacramento District Regional Conditions, as required by Regional Condition B(1). This checklist does not include the full text of each regional condition. Please refer to the *Final Sacramento District Nationwide Permit Regional Conditions for California, excluding the Lake Tahoe Basin* (http://www.spk.usace.army.mil/Missions/Regulatory/Permitting/Nationwide-Permits/) when completing this checklist.

Please check the box to indicate you have read and have/will comply with the Regional Condition and provide a rationale on how you have/will comply with the Regional Condition.

Check	Regional Condition	Rationale for Compliance
☒	**A(1). Primary and Secondary Zone of the Legal Delta:** NWPs 29 and 39 are revoked in in the Primary or Secondary Zone of the Legal Delta.	The Projects are not within the Primary or Secondary Zone of the Delta.
☒	**A(2). Mather Core Recovery Area:** NWPs 14, 18, 23, 29, 39, 40, 42, 43, and 44 are revoked from use in vernal pools in the Mather Core Recovery Area.	The Projects are not within the Mather Core Recovery Area.
☒	**A(3). All NWPs except 3, 6, 20, 27, 32, and 38:** Revoked for activities in histosols, fens, bogs, peatlands, and in wetlands contiguous with fens.	The Projects do not contain these special wetland types.
☒	**B(1). Additional PCN Requirements:**	See Boxes 1 through 1(p)
☒	**B(2). PCN Requirements:** PCN must be submitted for: ☐ Discharge of fill material into vernal pools. ☐ Activities in the Primary or Secondary Zone of the Legal Delta, Sacramento River, and San Joaquin River, and navigable tributaries. ☐ New or replacement linear transportation crossings where the pre-construction bankfull width of waters of the U.S. at the crossing would be reduced. ☐ Activities within 100 feet of a known natural spring. ☐ Activities located in areas designated as EFH that would result in an adverse effect to EFH. ☐ Activities in waters of the U.S. on Tribal lands.	None of these conditions apply to the Projects.
☒	**B(3). Utility Line Activities:** PCN shall be submitted when a utility line: ☐ Results in a discharge of dredged/fill material into perennial drainages, other perennial open waters, and/or special aquatic sites. ☐ Results in a loss of greater than 100 linear feet of intermittent or ephemeral drainages/open waters of the U.S. ☐ Includes construction of a temporary or permanent access road, substation, or foundation within waters of the U.S. ☒ Does not involve restoration of trenches to pre-project contours and conditions within 20 days. ☐ Involves discharge of excess material from trench into waters of the U.S.	The Projects are for the replacement of a utility line. A PCN is included with this submittal.

Check	Regional Condition	Rationale for Compliance
☒	**B(4). New Bank Stabilization.** New bank stabilization activities shall: ☐ Use native vegetation, bioengineering design techniques, or a combination, unless specifically determined to be not practicable by the Corps. **PCN will be submitted when new bank stabilization:** ☐ Involves any hard-armoring or the placement of any non-vegetated or non-bioengineered technique in waters of the U.S.	The Projects do not involve bank stabilization.
☒	**B(5). NWP 3, 6, 20, and 27:** A PCN shall be submitted for activities in histosols, fens, bogs, peatlands, and in wetlands contiguous with fens.	The Projects do not contain these special wetland types.
☒	**B(6). NWP 23:** A PCN shall be submitted for all activities.	The Projects do not involve activities that are categorically excluded.
☒	**B(7). NWP 27:** PCN shall be submitted when the activity: ☐ Results in a discharge of dredged and/or fill material into perennial drainages and other perennial open waters of the U.S. or special aquatic sites. ☐ Results in a discharge of dredged and/or fill material into greater than 0.10 acre of 100 linear feet of intermittent or ephemeral drainages or other intermittent or ephemeral open waters of the U.S.	The Projects do not involve aquatic habitat restoration, establishment, and enhancement activities.
☒	**B(8). NWP 29 and 39.** Channelization or relocation of perennial or intermittent drainages is not authorized unless the Corps determines the channelization or relocation would result in a net increase in aquatic resource functions and services. This Regional Condition does not apply to certain ditches.	The Projects do not involve the channelization or relocation of perennial or intermittent drainages.
☒	**B(9). NWP 46.** Discharge shall not cause the loss of greater than 0.5 acre or 300 linear feet of waters of the U.S., unless specifically waived in writing by the Corps.	The Projects do not involve discharge into ditches.
☒	**B(10). Linear Transportation Crossings.** The following criteria apply: ☐ For Federally-listed fish species, span the stream or river or use bottomless arch culvert. ☐ Shall be constructed to maintain pre-construction course, condition, capacity and location of open waters unless the activity would result in a net increase in aquatic resource functions and services. ☐ Replacement linear transportation crossings shall be designed to approximate the bankfull width and depth of upstream and downstream open waters, unless determined to be not practicable by the Corps.	This Projects do not involve linear transportation crossings.
☒	**B(11). Standing or Flowing Water:** Unless determined to be not practicable by the Corps, no construction activities shall occur within standing or flowing waters. Must allow inspection of activity(s).	Work is planned during the dry season, when minimal standing or flowing waters are present. Dewatering activities are proposed if water is present.

Check	Regional Condition	Rationale for Compliance
☒	**B(12). Lead Federal Agency:** Must submit documentation for compliance with Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, and National Historic Preservation Act.	Documentation provided in PCN and Additional Pages.
☒	**C(1). Recordation.** Permittee will record NWP verification for areas required to be preserved as a special condition or where boat ramps, docks, marinas, piers, or permanently moored vessels will be constructed or placed in or adjacent to navigable waters.	Noted
☒	**C(2). Compensatory Mitigation:** ☐ For permittee responsible compensatory mitigation, develop and submit a final comprehensive mitigation and monitoring plan for approval prior to commencement of construction activities in waters of the U.S. ☐ Complete the construction of compensatory mitigation before or concurrent with construction of authorized activity and submit proof of purchase of mitigation bank or in-lieu fee program credits prior to commencement of construction of the authorized activity. ☐ Compensatory mitigation for unavoidable impacts within the Secondary Zone of the Legal Delta shall be conducted within the Secondary Zone of the Legal Delta.	Compensatory mitigation is not proposed, as each single and complete Project would result in less than 0.10 acre of temporary impacts. All temporarily impacted waters would be recontoured to pre-Project conditions and seeded for revegetation. See PCN and Additional Pages for additional details.
☒	**C(3). Best Management Practices (BMPs):** Unless determined to be not practicable or appropriate by Corps, permittee shall employ and maintain construction BMPs.	BMPs will be implemented and maintained for Project work.
☒	**C(4). Highly Visible Markers:** Unless determined to be not practicable or appropriate by Corps, permittee shall clearly identify the limits of the authorized activity with highly visible markers. The permittee is prohibited from any activity that impacts waters of the U.S. outside of the permit limits.	Highly visible markers will be used during Project work.
☒	**C(5). Temporary Access and Construction:** For temporary fill within waters of the U.S., the permittee shall: ☐ Use spawning quality gravel where appropriate, as determined by the Corps. ☐ Install a horizontal marker to delineate the existing bottom elevation of waters of the U.S. ☒ Remove all temporary fill and restore the area to pre-project contours and conditions within 30 days following completion of construction activities in waters of the U.S.	The Projects will be recontoured to pre-project conditions and seeded with an agency approved seed mix once Pipeline activities are complete.
☒	**C(6). Utility Line Activities:** ☐ Permittee shall ensure utility line does not result in draining waters of the U.S. ☒ Unless determined not practicable or appropriate by the Corps, permittee shall dispose of excess material from utility line trench in an upland location.	Project activities are not anticipated to drain waters of the U.S. Excess soil material from trenching will be disposed of in an upland location unless determined inappropriate by the Corps.

Check	Regional Condition	Rationale for Compliance
☒	**C(7). Contractor Compliance:** Permittee is responsible for all work and ensuring contractors and workers are aware of and adhere to terms and conditions of the authorization. The permittee shall ensure a copy of the authorization and drawings are available at the site.	Permittee will ensure contractor compliance.
☒	**C(8). Site Inspection:** Permittee shall allow Corps representatives to inspect authorized activity and any avoidance, preservation, and/or compensatory mitigation areas at any time deemed necessary.	Permittee will allow for Corps inspection.
☒	**C(9). Compliance Certification:** Permittee shall submit: ☒ As-built drawings; ☒ Numbered and dated post-construction photographs; ☒ Description and photo-documentation of all BMPs; ☒ For temporary fills in waters of the U.S., a description and photo-documentation of all restored waters of the U.S.	Permittee will submit documentation required for compliance certification.

Compliance with Sacramento District Regional Conditions for Nevada and the Lake Tahoe Basin in California

This checklist is intended to assist prospective permittees with documenting compliance with all Sacramento District Regional Conditions, as required by Regional Condition B(1). This checklist does not include the full text of each regional condition. Please refer to the *Final Sacramento District Nationwide Permit Regional Conditions for Nevada and the Lake Tahoe Basin in California* (http://www.spk.usace.army.mil/Missions/Regulatory/Permitting/Nationwide-Permits/) when completing this checklist.

Please check the box to indicate you have read and have/will comply with the Regional Condition and provide a rationale on how you have/will comply with the Regional Condition.

Check	Regional Condition	Rationale for Compliance
☐	**A(1). <u>All NWPs except 3, 6, 20, 27, 32, and 38:</u>** Revoked for activities in histosols, fens, bogs, peatlands, and in wetlands contiguous with fens.	
☐	**A(2). <u>Lake Tahoe:</u>** All NWPs revoked in Lake Tahoe upon issuance of Regional General Permit	
☐	**B(1). <u>Additional PCN Requirements:</u>**	See Boxes 1 through 1(p)
☐	**B(2). <u>PCN Requirements:</u>** PCN must be submitted for: ☐ New or replacement linear transportation crossings where the pre-construction bankfull width of waters of the U.S. at the crossing would be reduced. ☐ Activities within 100 feet of a known natural spring. ☐ Activities in waters of the U.S. on Tribal lands. ☐ Activities proposing in-stream grouted outfall structures or grouting of stream bottoms..	
☐	**B(3). <u>Utility Line Activities:</u>** PCN shall be submitted when a utility line: ☐ Results in a loss of greater than 100 linear feet of perennial, intermittent, or ephemeral drainages/open waters of the U.S. ☐ Includes construction of a temporary or permanent access road, substation, or foundation within waters of the U.S. ☐ Does not involve restoration of trenches to pre-project contours and conditions within 20 days. ☐ Involves discharge of excess material from trench into waters of the U.S.	
☐	**B(4). <u>New Bank Stabilization.</u>** New bank stabilization activities shall: ☐ Use native vegetation, bioengineering design techniques, or a combination, unless specifically determined to be not practicable by the Corps. **PCN will be submitted when new bank stabilization:** ☐ Involves any hard-armoring or the placement of any non-vegetated or non-bioengineered technique in waters of the U.S.	

Check	Regional Condition	Rationale for Compliance
☐	**B(5). NWP 3, 6, 20, and 27:** A PCN shall be submitted for activities in histosols, fens, bogs, peatlands, and in wetlands contiguous with fens.	
☐	**B(6). NWP 23:** A PCN shall be submitted for all activities.	
☐	**B(7). NWP 27:** PCN shall be submitted for all activities. The following applies: ☐ Facilities for controlling stormwater runoff, construction of water parks, and the use of grout or concrete for in-stream structures are not authorized. ☐ For stream restoration, post-project stream sinuosity shall be appropriate and equal to or greater than pre-project sinuosity. ☐ Structures shall allow the passage of aquatic organisms, recreational water craft, or other navigational structures, unless waived.	
☐	**B(8). NWP 29 and 39.** Channelization or relocation of perennial or intermittent drainages is not authorized unless the Corps determines the channelization or relocation would result in a net increase in aquatic resource functions and services. This Regional Condition does not apply to certain ditches.	
☐	**B(9). NWP 46.** Discharge shall not cause the loss of greater than 0.5 acre or 300 linear feet of waters of the U.S., unless specifically waived in writing by the Corps.	
☐	**B(10). Linear Transportation Crossings.** The following criteria apply: ☐ For Federally-listed fish species, span the stream or river or use bottomless arch culvert. ☐ Shall be constructed to maintain pre-construction course, condition, capacity and location of open waters unless the activity would result in a net increase in aquatic resource functions and services. ☐ Replacement linear transportation crossings shall be designed to approximate the bankfull width and depth of upstream and downstream open waters, unless determined to be not practicable by the Corps.	
☐	**B(11). Standing or Flowing Water:** Unless determined to be not practicable by the Corps, no construction activities shall occur within standing or flowing waters. Must allow inspection of activity(s).	
☐	**B(12). Lead Federal Agency:** Must submit documentation for compliance with Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, and National Historic Preservation Act.	

Check	Regional Condition	Rationale for Compliance
☐	**C(1). Recordation.** Permittee will record NWP verification for areas required to be preserved as a special condition or where boat ramps, docks, marinas, piers, or permanently moored vessels will be constructed or placed in or adjacent to navigable waters.	
☐	**C(2). Compensatory Mitigation:** ☐ For permittee responsible compensatory mitigation, develop and submit a final comprehensive mitigation and monitoring plan for approval prior to commencement of construction activities in waters of the U.S. ☐ Complete the construction of compensatory mitigation before or concurrent with construction of authorized activity and submit proof of purchase of mitigation bank or in-lieu fee program credits prior to commencement of construction of the authorized activity.	
☐	**C(3). Best Management Practices (BMPs):** Unless determined to be not practicable or appropriate by Corps, permittee shall employ and maintain construction BMPs.	
☐	**C(4). Highly Visible Markers:** Unless determined to be not practicable or appropriate by Corps, permittee shall clearly identify the limits of the authorized activity with highly visible markers. The permittee is prohibited from any activity that impacts waters of the U.S. outside of the permit limits.	
☐	**C(5). Temporary Access and Construction:** For temporary fill within waters of the U.S., the permittee shall: ☐ Use spawning quality gravel where appropriate, as determined by the Corps. ☐ Install a horizontal marker to delineate the existing bottom elevation of waters of the U.S. ☐ Remove all temporary fill and restore the area to pre-project contours and conditions within 30 days following completion of construction activities in waters of the U.S.	
☐	**C(6). Utility Line Activities:** ☐ Permittee shall ensure utility line does not result in draining waters of the U.S. ☐ Unless determined not practicable or appropriate by the Corps, permittee shall dispose of excess material from utility line trench in an upland location.	
☐	**C(7). Contractor Compliance:** Permittee is responsible for all work and ensuring contractors and workers are aware of and adhere to terms and conditions of the authorization. The permittee shall ensure a copy of the authorization and drawings are available at the site.	

Check	Regional Condition	Rationale for Compliance
☐	**C(8). <u>Site Inspection:</u>** Permittee shall allow Corps representatives to inspect authorized activity and any avoidance, preservation, and/or compensatory mitigation areas at any time deemed necessary.	
☐	**C(9). <u>Compliance Certification:</u>** Permittee shall submit: ☐ As-built drawings; ☐ Numbered and dated post-construction photographs; ☐ Description and photo-documentation of all BMPs; ☐ For temporary fills in waters of the U.S., a description and photo-documentation of all restored waters of the U.S.	

Compliance with Sacramento District Regional Conditions for Utah

This checklist is intended to assist prospective permittees with documenting compliance with all Sacramento District Regional Conditions, as required by Regional Condition B(1). This checklist does not include the full text of each regional condition. Please refer to the *Final Sacramento District Nationwide Permit Regional Conditions for Utah* (http://www.spk.usace.army.mil/Missions/Regulatory/Permitting/Nationwide-Permits/) when completing this checklist.

Please check the box to indicate you have read and have/will comply with the Regional Condition and provide a rationale on how you have/will comply with the Regional Condition.

Check	Regional Condition	Rationale for Compliance
☐	**A(1). <u>All NWPs except 3, 6, 20, 27, 32, and 38:</u>** Revoked for activities in histosols, fens, bogs, peatlands, and in wetlands contiguous with fens.	
☐	**B(1). <u>Additional PCN Requirements:</u>**	See Boxes 1 through 1(p)
☐	**B(2). <u>PCN Requirements:</u>** PCN must be submitted for: ☐ All discharges below the OHWM of the Great Salt Lake in areas containing bioherms ☐ New or replacement linear transportation crossings where the pre-construction bankfull width of waters of the U.S. at the crossing would be reduced. ☐ Activities within 100 feet of a known natural spring. ☐ Activities in waters of the U.S. on Tribal lands. ☐ Activities proposing in-stream grouted outfall structures or grouting of stream bottoms..	
☐	**B(3). <u>Utility Line Activities:</u>** PCN shall be submitted when a utility line: ☐ Results in a loss of greater than 100 linear feet of perennial, intermittent, or ephemeral drainages/open waters of the U.S. ☐ Does not involve restoration of trenches to pre-project contours and conditions within 20 days. ☐ Involves discharge of excess material from trench into waters of the U.S.	
☐	**B(4). <u>New Bank Stabilization.</u>** New bank stabilization activities shall: ☐ Use native vegetation, bioengineering design techniques, or a combination, unless specifically determined to be not practicable by the Corps. **PCN will be submitted when new bank stabilization:** ☐ Involves any hard-armoring or the placement of any non-vegetated or non-bioengineered technique in waters of the U.S.	
☐	**B(5). <u>NWP 3, 6, 20, and 27:</u>** A PCN shall be submitted for activities in histosols, fens, bogs, peatlands, and in wetlands contiguous with fens.	
☐	**B(6). <u>NWP 23:</u>** A PCN shall be submitted for all activities.	

Check	Regional Condition	Rationale for Compliance
☐	**B(7). NWP 27:** PCN shall be submitted for all activities. The following applies: ☐ Facilities for controlling stormwater runoff, construction of water parks, and the use of grout or concrete for in-stream structures are not authorized. ☐ For stream restoration, post-project stream sinuosity shall be appropriate and equal to or greater than pre-project sinuosity. ☐ Structures shall allow the passage of aquatic organisms, recreational water craft, or other navigational structures, unless waived.	
☐	**B(8). NWP 29 and 39.** Channelization or relocation of perennial or intermittent drainages is not authorized unless the Corps determines the channelization or relocation would result in a net increase in aquatic resource functions and services. This Regional Condition does not apply to certain ditches.	
☐	**B(9). NWP 46.** Discharge shall not cause the loss of greater than 0.5 acre or 300 linear feet of waters of the U.S., unless specifically waived in writing by the Corps.	
☐	**B(10). Linear Transportation Crossings.** The following criteria apply: ☐ For Federally-listed fish species, span the stream or river or use bottomless arch culvert. ☐ Shall be constructed to maintain pre-construction course, condition, capacity and location of open waters unless the activity would result in a net increase in aquatic resource functions and services. ☐ Replacement linear transportation crossings shall be designed to approximate the bankfull width and depth of upstream and downstream open waters, unless determined to be not practicable by the Corps.	
☐	**B(11). Standing or Flowing Water:** Unless determined to be not practicable by the Corps, no construction activities shall occur within standing or flowing waters. Must allow inspection of activity(s).	
☐	**B(12). Lead Federal Agency:** Must submit documentation for compliance with Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, and National Historic Preservation Act.	
☐	**C(1). Recordation.** Permittee will record NWP verification for areas required to be preserved as a special condition or where boat ramps, docks, marinas, piers, or permanently moored vessels will be constructed or placed in or adjacent to navigable waters.	

Check	Regional Condition	Rationale for Compliance
☐	**C(2). <u>Compensatory Mitigation:</u>** ☐ For permittee responsible compensatory mitigation, develop and submit a final comprehensive mitigation and monitoring plan for approval prior to commencement of construction activities in waters of the U.S. ☐ Complete the construction of compensatory mitigation before or concurrent with construction of authorized activity and submit proof of purchase of mitigation bank or in-lieu fee program credits prior to commencement of construction of the authorized activity.	
☐	**C(3). <u>Best Management Practices (BMPs):</u>** Unless determined to be not practicable or appropriate by Corps, permittee shall employ and maintain construction BMPs.	
☐	**C(4). <u>Highly Visible Markers:</u>** Unless determined to be not practicable or appropriate by Corps, permittee shall clearly identify the limits of the authorized activity with highly visible markers. The permittee is prohibited from any activity that impacts waters of the U.S. outside of the permit limits.	
☐	**C(5). <u>Temporary Access and Construction:</u>** For temporary fill within waters of the U.S., the permittee shall: ☐ Use spawning quality gravel where appropriate, as determined by the Corps. ☐ Install a horizontal marker to delineate the existing bottom elevation of waters of the U.S. ☐ Remove all temporary fill and restore the area to pre-project contours and conditions within 30 days following completion of construction activities in waters of the U.S.	
☐	**C(6). <u>Utility Line Activities:</u>** ☐ Permittee shall ensure utility line does not result in draining waters of the U.S. ☐ Unless determined not practicable or appropriate by the Corps, permittee shall dispose of excess material from utility line trench in an upland location.	
☐	**C(7). <u>Contractor Compliance:</u>** Permittee is responsible for all work and ensuring contractors and workers are aware of and adhere to terms and conditions of the authorization. The permittee shall ensure a copy of the authorization and drawings are available at the site.	
☐	**C(8). <u>Site Inspection:</u>** Permittee shall allow Corps representatives to inspect authorized activity and any avoidance, preservation, and/or compensatory mitigation areas at any time deemed necessary.	

Check	Regional Condition	Rationale for Compliance
☐	C(9). **Compliance Certification:** Permittee shall submit: ☐ As-built drawings; ☐ Numbered and dated post-construction photographs; ☐ Description and photo-documentation of all BMPs; ☐ For temporary fills in waters of the U.S., a description and photo-documentation of all restored waters of the U.S.	

Pre-Construction Notification Request for Authorization Under Nationwide Permit No. 12 Ebbetts Pass Reach 1 Water Transmission Pipeline Project

Additional Pages

BOX 2. NAME AND LOCATION OF THE PROPOSED ACTIVITY

The Applicant is requesting authorization to complete the Projects using nine Nationwide Permit (NWP) #12s for Utility Line Activities.

The ±25.1-acre Ebbetts Pass Reach 1 Water Transmission Pipeline (Pipeline) is located in the County of Calaveras, California. The Pipeline alignment starts near the water plant at Hunter Dam Road, continues westerly along State Route 4 (SR-4) through Hathaway Pines, Red Apple Ranch and ends approximately 6,000 feet downhill from the entrance of Forest Meadows and 1,000 feet uphill from the entrance of Dozer Line. The Pipeline is located within a portion of Sections 24, 25, 26, and 27, Township 4 North, Range 14 East and Sections 18 and 19, Township 4 North, Range 15 East, Mount Diablo Base and Meridian of the "Murphys, California" and "Stanislaus, California" 7.5-minute quadrangles (USGS 2001a, b) (Figure 1. *Project Location and Vicinity*).

d. Coordinates

The approximate center of the Pipeline area is located at 38.179446° North (NAD83) and -120.389856° West (NAD83). Table 1 below identifies approximate coordinates for each single and complete project within the Pipeline.

Table 1. Approximate coordinates for each Project within the Pipeline.

Project	Latitude (° North, NAD83)	Longitude (° West, NAD83)
A	38.198168	-120.365178
B	38.195822	-120.365274
C	38.186758	-120.368711
D	38.184405	-120.375331

Table 1. Approximate coordinates for each Project within the Pipeline.

Project	Latitude (° North, NAD83)	Longitude (° West, NAD83)
E	38.178075	-120.384206
F	38.175639	-120.392883
G	38.172392	-120.403699
H	38.169252	-120.413414
I	38.164971	-120.424929

e. Other Location Description

Project site occurs to the south of SR-4 and continues approximately 58 miles to Murphys, CA. The project starts approximately 3.5 miles east of Murphys, CA and approximately 1 mile west of Forest Meadows, CA. The project primarily occurs along/within the south shoulder of SR-4 and continues east past Forest Meadows, CA and heads to Hathaway Pines, CA. The project ends near the intersection of SR-4 and Hunter Dam Road just prior to Avery, CA.

Project A is located immediately south of Hunter Dam Road and east of SR-4. Project B is located immediately south of Commercial Way, along SR-4. Project C is located immediately north of Horseshoe Drive, along SR-4. Project D is located south of Cresta Vista Drive and north of Crescent Cove, along SR-4. Project E begins west of Red Apple, continues west along SR-4 past Darby Russell Road, and ends just beyond Red Apple Drive. Project F is located immediately southwest of Foster Court, along SR-4. Project G is located immediately south of Northwood Drive, along SR-4. Project H is located southwest of Brice Station Road and northeast of Sunset Ridge Court, along SR-4. Project I is located approximately 1,000 feet east of Dozer Line, along SR-4.

BOX 4. DESCRIPTION OF PROPOSED ACTIVITY

a. Complete Description of Proposed Activity

The proposed Pipeline would replace an existing water transmission pipeline and associated facilities (pressure reducing valve [PRV] stations, air relief valves, blow-off valves, main line valves, and fire hydrants). All construction of the new Pipeline will be performed in conformance with the current industry standards, including National Sanitation Foundation 60/61, American Water Works Association (AWWA), and State of California Waterworks standards, assuring the public health and safety. The pipeline will be used for the transmission of potable water for domestic use as well as supply fire flow for communities along SR-4. The new Pipeline will be fully disinfected and pass bacteriological tests before sections of new piping are placed into service.

The existing eight-inch-diameter Ebbetts Pass Reach 1 pipeline is owned and operated by the Calaveras County Water District (CCWD). The existing pipeline was constructed in 1965 and delivers water treated from the CCWD's Hunter Dam Water Treatment Plant to CCWD customers located along the SR-4 corridor from Avery, south and west, to services located approximately 6,000 feet west of Forest Meadows Drive.

Pipeline

The existing pipeline requires replacement due to age, poor condition and the need for frequent repairs. Approximately 24,000 linear feet of new 6- or 12-inch-diameter ductile iron pipe will be used to replace the existing pipeline (Attachment A). The Project construction will be sequenced such that existing CCWD customers will not be subjected to unusual or prolonged service outages with the placement of the proposed Project.

The pipeline is typically installed in approximately a 30-inch-wide trench with 36 to 48-inches of cover over the top of the pipe. The trench is 5 - 6 feet deep on average, but the depth varies and can be as much as 7 - 10 feet deep in some locations. The new pipeline may be located near the top of slope, near the toe of slope or near the existing SR-4 road shoulder. Underground Pacific Gas and Electric (PG&E) power improvements are also located parallel to the existing pipeline between Commercial Way and Darby Russell Road. Ideally, the new pipeline will be placed between the existing pipeline and existing underground PG&E power trench. Where this is not possible, the new pipeline will be placed between the existing pipeline and SR-4 shoulder. If it cannot be avoided, the worst case is that existing pipeline will have to be excavated and removed on some sections of the Project so the new pipeline can be installed in exactly the same location.

Where existing pipelines that cross SR-4 need to be replaced, the pipeline will be replaced using bore-and-case construction, which does not require open cut construction across SR-4. In a few cases, there are existing service connections within the Pipeline area that are provided without PRVs and are typically located in the upper elevations of the Pipeline.

Pressure Reducing Valve Stations

The existing and proposed pipeline will operate at pressures up to 250 pounds per square inch gauge (psig). Per CCWD Standards, pressures delivered to CCWD customers should not exceed a maximum of 120 psig and ideally should be approximately 50-70 psig for household use. To reduce water pressures delivered to their customers, CCWD has installed 12 PRV stations within the proposed Pipeline area. PRV stations consist of a large buried concrete vault approximately 7x9 feet plan dimensions by 6 feet deep and the various pressure control valves, surge relief valves and isolation valves are placed inside this vault. The existing PRV station located near the intersection of Tahoe Drive and SR-4 (near Project G) has recently been constructed and will not be replaced with the proposed Pipeline improvements. The PRV stations serving Red Apple Ranch subdivision at Rome Court and Red Apple Drive (near Project E) are recent additions and will also be reused. The remaining PRV stations located within the proposed Pipeline will likely be replaced or relocated as part of the scope of improvements.

Fire Hydrants and Pipeline Valves

Existing fire hydrants along SR-4 now served directly by the existing pipeline will be removed and new hydrants will be installed and connected to the replacement pipeline. Additional hydrants may also be placed with the new pipeline.

Air relief valves will be place at all high spots in the elevation of the pipeline where any air accumulating in the pipeline may collect and be vented. These valves also vent air during filling and draining of the

pipeline, such as during construction or subsequent draining for maintenance or repair of the pipeline. Most of the air relief valve assembly is buried underground with only vent pipe and small insulating cover typically extending approximately 18 inches above ground.

There are currently blow-off valves at isolated low points along the existing pipeline route. The blow-off valves are placed at low points along the pipeline alignment for long-term maintenance to be able to drain the line in the case of an emergency repair. These will be removed and replaced with current CCWD blow-off standard and reconnected to the new pipeline.

Existing main line valves located along the Pipeline will also be replaced with the new pipeline improvements. Additional main line valves will be placed to provide for better maintenance and isolation and the valves will be utilized in the event of a future water leak/repair. The valves are typically resilient seat gate valves in accordance with applicable AWWA industry standards for water systems.

b. Purpose of Proposed Activity

The purpose of the proposed Pipeline is to replace an existing eight-inch-diameter water transmission pipeline. The pipeline will be replaced due to its age, poor condition, and the need for frequent repairs. The Pipeline will be used for the transmission of potable water for domestic use as well as supply fire flow for communities along SR-4.

c. Direct and Indirect Environmental Effects of the Activity

Impacts to be authorized under nine NWP #12s include only temporary excavation of a total of 0.184 acre of Waters of the U.S., as well as temporary access of equipment in these areas during construction (Figures 2A-I. *Temporary Impacts* and Figures 3.1-3.10). Table 2 identifies specific impacts for each separate and complete Project (A-I).

Table 2. Specific Impacts for each Project

Project ID	Feature type	Temporary Impact*
A	Intermittent Drainage	0.011
B	Intermittent Drainage	0.002
	Ephemeral Drainage	0.001
	Total Waters:	*0.002*
C	Ephemeral drainage	0.001
D	Ditch	0.005
E	Seasonal Wetland Swale	0.045
	Ephemeral Drainage	0.014
	Ditch	0.032
	Total Waters:	*0.091*
F	Ephemeral Drainage	0.002
G	Seep	0.060
H	Ephemeral Drainage	0.0004
I	Intermittent Drainage	0.001
	Ephemeral Drainage	0.003
	Ditch	0.008
	Total Waters:	*0.011*
	Total Impacted:	0.184

*Note: Values reported in acres have been rounded to the thousandth of an acre, which may cause minor rounding errors in the total values.

There are no anticipated indirect effects from Pipeline activities. The existing source of flow within the drainages and ditches is from offsite sources north of the Pipeline area, direct input from rain, and stormwater runoff from SR-4. The drainages and ditches flow in a variety of directions and may be temporarily interrupted or impounded due to Pipeline development. However, all temporarily impacted areas will be restored to pre-construction contours and hydrology will be restored upon completion of construction.

d. Proposed Mitigation Measures

The Pipeline plans to temporarily impact wetlands and other waters within the Pipeline area. All impacted waters would be recontoured to pre-Project conditions and seeded with an agency approved seed mix once Pipeline activities are complete. Temporarily impacted waters will be allowed to re-establish along the Pipeline area. Each of the nine proposed Projects within the Pipeline alignment would temporarily impact less than 0.10 acre of Waters of the U.S. Therefore, no compensatory mitigation is proposed.

Pipeline activities are to occur when the respective features are at their lowest flow points, which will minimize downstream effects. During construction activities within the drainages and ditches, measures to prevent sediment from entering watercourses will be implemented to minimize and avoid impacts to Waters of the U.S. These measures include requirements of the *National Pollutant Discharge Elimination System Permit* and standard construction conditions required by the County of Calaveras. Construction activities will be required to follow standard engineering practices that reduce impacts to water quality, including any offsite waters of the U.S. Erosion and sediment controls, along with other BMPs, will be used to mitigate storm water problems to an insignificant level. A SWPPP will be prepared by a qualified storm

water consultant prior to construction. The use of BMPs and other actions taken to reduce impacts to water quality at the Pipeline site will ensure no direct or indirect impacts occur to off-site water quality.

BOX 5. AQUATIC RESOURCE DELINEATION

A wetland delineation was conducted on June 15 and 16 and July 12 and 13, 2017 by ECORP Consulting, Inc. wetland biologists Keith Kwan and Clay DeLong. The delineation was conducted in accordance with standards set forth by the *Corps of Engineers Wetland Delineation Manual* (Environmental Laboratory 1987), *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, Version 2.0* (U.S. Army Corps of Engineers [USACE] 2008), and the *U.S. Army Corps of Engineers Sacramento District's Minimum Standards for Acceptance of Preliminary Wetland Delineations* (USACE 2001). Criteria used for the aquatic resource delineation included presence of hydrophytic vegetation, wetland hydrology, and hydric soils. The complete delineation report is included as Attachment B. Representative photographs were taken onsite documenting pre-construction conditions, included as Attachment C.

A total of 0.184 acre of potential Waters of the U.S. was mapped within the Pipeline survey area (Table 3). Features mapped included seasonal wetland swales, seeps, ditches, ephemeral drainages, and intermittent drainages.

Table 3. Potential Waters of the U.S.

Type	Acreage[1]
Wetlands	
Seasonal wetland swale	0.045
Seep	0.056
Other Waters	
Ditch	0.045
Ephemeral drainage	0.021
Intermittent drainage	0.017
Total	0.184

[1]Acreages represent a calculated estimation and are subject to modification following the USACE verification process.

BOX 7. ENDANGERED SPECIES ACT COMPLIANCE

c. Information to Support Compliance with the Endangered Species Act

The list of federally listed species potentially occurring in the vicinity of the Pipeline area was compiled based on queries of the California Department of Fish and Wildlife California Natural Diversity Database (CNDDB 2017), California Native Plant Society's (CNPS) In*ventory of Rare and Endangered Plants of California* (CNPS 2017), and the U.S. Fish and Wildlife Service *Information for Planning and Conservation (IPaC) Report* (USFWS, 2017). The literature review revealed that there are seven federally listed species and one federally listed candidate species with occurrence records or habitat ranges within the "Murphys, California" and "Stanislaus, California" quadrangles or surrounding ten quadrangles.

ECORP conducted a site assessment on May 24 and 25, June 15 and 16, and July 12 and13, 2017 of the Pipeline area to verify current conditions and check for potential habitat for federally listed species. All eight species queried by the literature search were absent based on proximity to occurrence records and lack of suitable habitat in the Pipeline area. No federally listed species were observed onsite; nor do they have potential to occur onsite, as habitat is of low quality within the Pipeline area and not expected to support listed species. A Biological Resources Assessment was prepared summarizing the results of biological surveys conducted onsite, provided as Attachment D.

BOX 8. HISTORIC PROPERTIES

ECORP prepared a Cultural Resources Inventory and Evaluation Report for the Area of Potential Effect (APE), which will be provided as a confidential attachment. The study included a records search, a literature review, and a field survey. The records search results indicated that seven previous cultural resources studies have been conducted within the APE. As a result of those studies, two resources were recorded within the APE: FS-05-16-52-1077, an historic district including buildings in the town of Hathaway Pines; and P-05-003552, a segment of SR-4, an historic-period road, running through the APE. As a result of the field survey, only a segment of P-05-003552 was located within the APE. No previously recorded elements of FS-05-16-52-1077 were located within the APE.

P-05-003552 was evaluated for significance using the eligibility criteria for inclusion in the National Register of Historic Places (NRHP). The results of the evaluations indicate the resource is eligible for inclusion in the NRHP under Criterion A. FS-05-16-52-1077, an historic district including buildings in the town of Hathaway Pines, has not been formally evaluated for inclusion in the NRHP; however, for the purpose of this Project alone, it is considered an historic property under Criterion C. Therefore, there are two historic properties present within the APE: P-05-003552, a segment of SR-4; and FS-05-16-52-1077, an historic district including buildings in the town of Hathaway Pines.

The Pipeline plans to replace a pipe segment on the southeastern side of SR-4, and bore underneath the road at several locations along the route of the pipeline to tie into areas on the northwestern side of the road. This activity will be done by jack and bore; no equipment or staging areas will come into contact with the resource, and the Pipeline will not directly or indirectly affect the contributing elements of the town of Hathaway Pines. The post-Project setting will be identical to current conditions. Therefore, the Pipeline will not have an adverse effect on historic properties.

ECORP therefore recommends that the USACE consult with the State Historic Preservation Officer (SHPO) and federally recognized tribes, in accordance with Section 106 of the National Historic Preservation Act, on a finding of No Adverse Effect to Historic Properties. If cultural resources are discovered during Project construction or implementation, all work shall stop within a 100-foot radius of the discovery, and the USACE will be notified in order to initiate unanticipated discovery management measures. Work may not resume within the radius until the USACE, in consultation with appropriate agencies and individuals, determines that the find is either non-cultural in origin, is not eligible for inclusion in the NRHP, or that adverse effects to a historic property have been resolved to the satisfaction of the USACE and SHPO.

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_____. 2015b. "Stanislaus, California" 7.5-minute Quadrangle. Geological Survey. Denver, Colorado.

LIST OF FIGURES

Figure 1. Project Location and Vicinity

Figure 2. Temporary Impacts

Project Boundary - 25.2 acres

Calaveras County, California
§24, 25, 26, and 27, T.04N, R.14E, and
§18 and 19, T.04N, R.15E MDBM
Latitude (NAD83): 38.179446°
Longitude (NAD83): -120.388656°
Watershed: Upper Calaveras California (18040011)
and Upper Stanislaus (18040010)

Scale in Feet
0 2,000

Murphys (2001, NAD27) and
Stanislaus (2001, NAD27)
CA 7.5-minute Topographic Quadrangles
US Geological Survey.

Map Date: 3/22/2018

ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

Location: N:\2017\2017-108 CCWD Ebbetts Pass\MAPS\Location Vicinity\CCWDEP_LocV_20180507.mxd (MRG) JSwager 5/8/2018

Figure 1. Project Location and Vicinity

2017-108 CCWD Ebbetts Pass

Figure 2a.
Temporary Impacts [1]
Project A

Map Features

- Project Boundary - 25.2 acres
- Reference Coordinate (NAD83)
- Existing Culvert

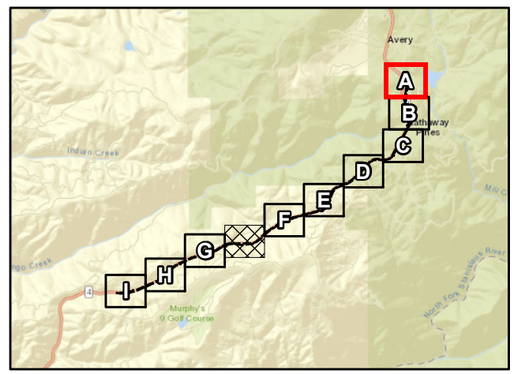
Project Components

- Water Main
- Existing Water Line (to be left in place)

Project A Waters Impacts (0.011 acres)

- Intermittent Drainage (0.011 acres)

[1] *Subject to U.S. Army Corps of Engineers verification. This exhibit depicts information and data produced in accord with the wetland delineation methods described in the 1987 Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region Version 2.0 as well as the Updated Map and Drawing Standards for the South Pacific Division Regulatory Program as amended on February 10, 2016, and conforms to Sacramento District specifications. However, feature boundaries have not been legally surveyed and may be subject to minor adjustments if more accurate locations are required.*
** The acreage value for each feature has been rounded to the nearest 1/1000 decimal. Summation of these values may not equal the total potential Waters of the U.S. acreage reported.*



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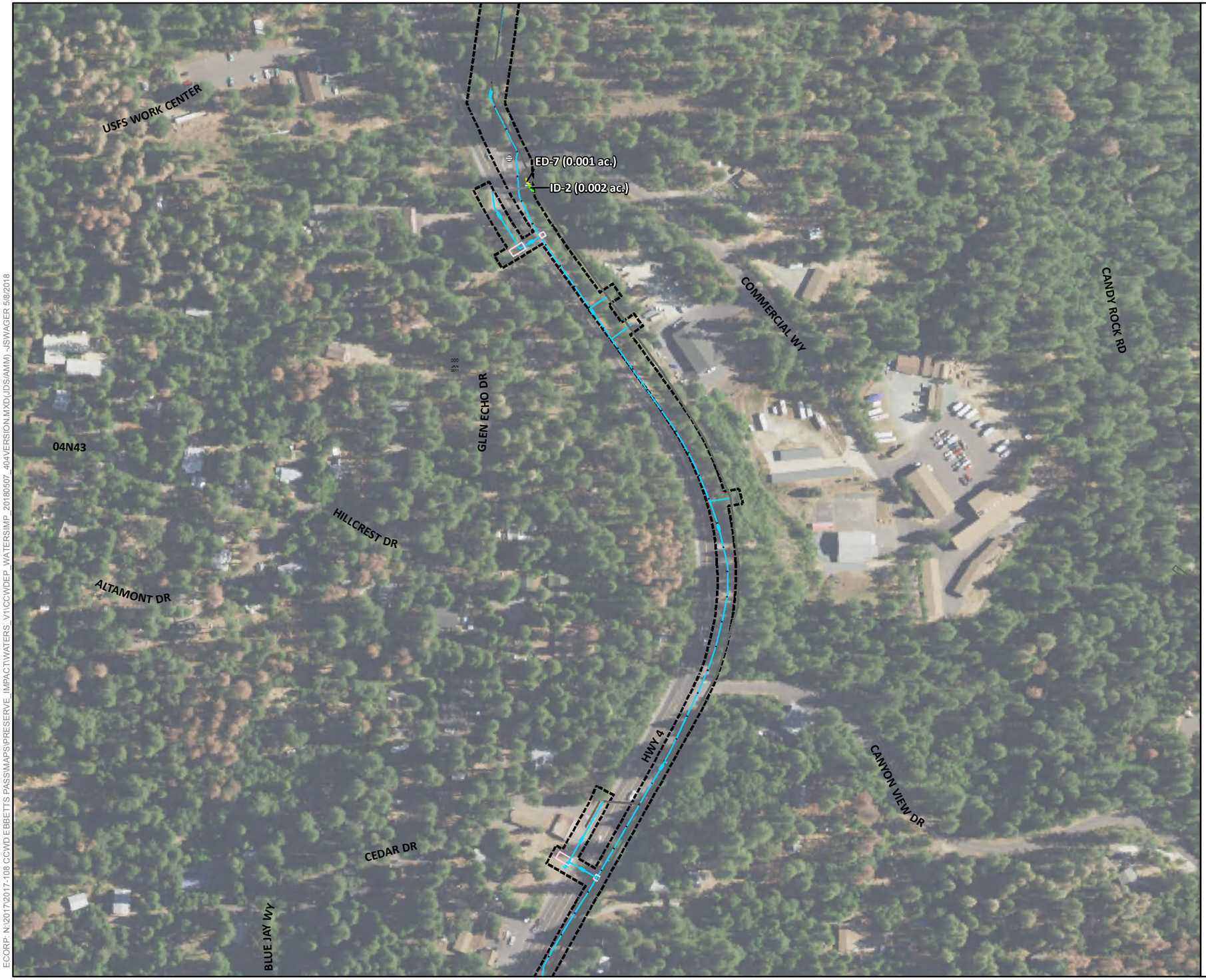
2017-108 CCWD Ebbetts Pass

Scale in Feet
0 200

Photo Source: NAIP, 2016
Boundary and Design Source: KASL (20180418)
Delineator(s): K. Kwan
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

Map Date: 5/8/2018

Figure 2b.
Temporary Impacts [1]
Project B



Map Features

- Project Boundary - 25.2 acres
- Reference Coordinate (NAD83)
- Existing Culvert

Project Components

- Water Main
- Bore Pit
- Existing Water Line (to be left in place)

Project B Waters Impacts * (0.002 acres)

- Intermittent Drainage (0.002 acres)
- Ephemeral Drainage (0.001 acres)

[1] *Subject to U.S. Army Corps of Engineers verification. This exhibit depicts information and data produced in accord with the wetland delineation methods described in the 1987 Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region Version 2.0 as well as the Updated Map and Drawing Standards for the South Pacific Division Regulatory Program as amended on February 10, 2016, and conforms to Sacramento District specifications. However, feature boundaries have not been legally surveyed and may be subject to minor adjustments if more accurate locations are required.*

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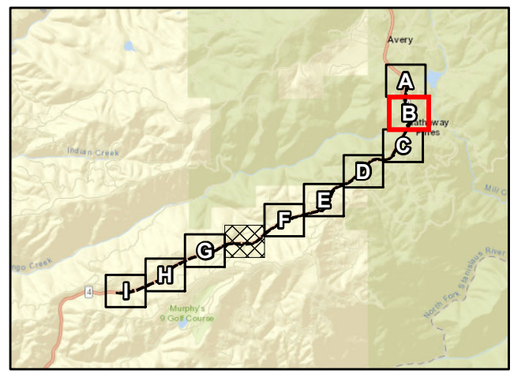

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2017-108 CCWD Ebbetts Pass

Scale in Feet
0 200

Photo Source: NAIP, 2016
Boundary and Design Source: KASL (20180418)
Delineator(s): K. Kwan
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

Map Date: 5/8/2018

Figure 2c.
Temporary Impacts [1]
Project C

Map Features

- Project Boundary - 25.2 acres
- Reference Coordinate (NAD83)
- Existing Culvert

Project Components

- Water Main
- Existing Water Line (to be left in place)

Project C Waters Impacts (0.001 acres)

- Ephemeral Drainage (0.001 acres)

[1] *Subject to U.S. Army Corps of Engineers verification. This exhibit depicts information and data produced in accord with the wetland delineation methods described in the 1987 Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region Version 2.0 as well as the Updated Map and Drawing Standards for the South Pacific Division Regulatory Program as amended on February 10, 2016, and conforms to Sacramento District specifications. However, feature boundaries have not been legally surveyed and may be subject to minor adjustments if more accurate locations are required.*
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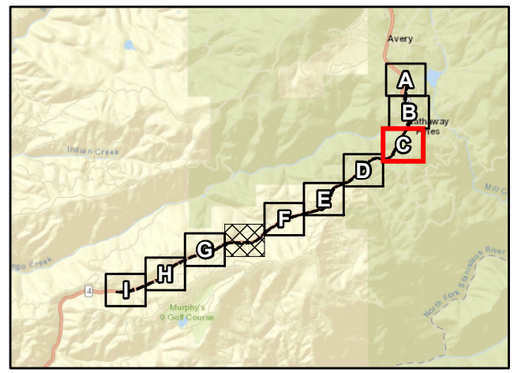

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CEDAR DR
BLUE JAY WY
38.190612/
-120.365814
HWY 4
38.187444/
-120.367594
SILVER SADDLE CT
STAMPEDE CANYON DR
CAMPFIRE CT
ED-6 (0.001 ac.)
38.186733/
-120.369028
SILVER SADDLE DR
OXBOW CT
HORSESHOE DR

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2017-108 CCWD Ebbetts Pass

Scale in Feet
0 200

Photo Source: NAIP, 2016
Boundary and Design Source: KASL (20180418)
Delineator(s): K. Kwan
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

Map Date: 5/8/2018

Figure 2d.
Temporary Impacts [1]
Project D

Map Features

- Project Boundary - 25.2 acres
- Reference Coordinate (NAD83)
- Existing Culvert

Project Components

- Water Main
- Existing Water Line (to be left in place)

Project D Waters Impacts (0.005 acres)

- Ditch (0.005 acres)

DITCH-3 (0.005 ac.)

HWY 4

CRESTA VISTA DR

HORSESHOE DR

04N94

04N94A

CRESCENT COVE

COYOTE CANYON RD

[1] *Subject to U.S. Army Corps of Engineers verification. This exhibit depicts information and data produced in accord with the wetland delineation methods described in the 1987 Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region Version 2.0 as well as the Updated Map and Drawing Standards for the South Pacific Division Regulatory Program as amended on February 10, 2016, and conforms to Sacramento District specifications. However, feature boundaries have not been legally surveyed and may be subject to minor adjustments if more accurate locations are required.*
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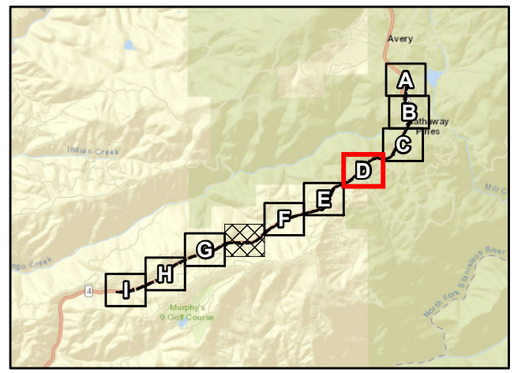

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2017-108 CCWD Ebbetts Pass

Scale in Feet
0 200

Photo Source: NAIP, 2016
Boundary and Design Source: KASL (20180418)
Delineator(s): K. Kwan
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

Map Date: 5/8/2018

Figure 2e.
Temporary Impacts [1]
Project E

Map Features

- Project Boundary - 25.2 acres
- Reference Coordinate (NAD83)
- Existing Culvert

Project Components

- Water Main
- Existing Water Line (to be left in place)

Project E Waters Impacts * (0.091 acres)

- Seasonal Wetland Swale (0.045 acres)
- Ephemeral Drainage (0.014 acres)
- Ditch (0.032 acres)

[1] *Subject to U.S. Army Corps of Engineers verification. This exhibit depicts information and data produced in accord with the wetland delineation methods described in the 1987 Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region Version 2.0 as well as the Updated Map and Drawing Standards for the South Pacific Division Regulatory Program as amended on February 10, 2016, and conforms to Sacramento District specifications. However, feature boundaries have not been legally surveyed and may be subject to minor adjustments if more accurate locations are required.*

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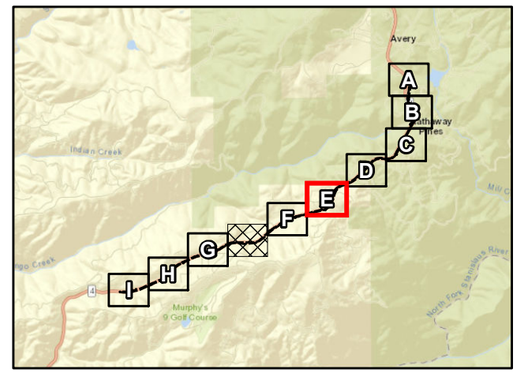

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38.182211/
-120.379511

PIPPIN CT
ROME CT
RED APPLE DR
HWY 4
RED APPLE RD
DARBY RUSSELL RD
ED-3a (0.0003 ac.)
ED-3b (0.014 ac.)
DITCH-5 (0.019 ac.)
SWS-2 (0.045 ac.)
DITCH-4 (0.003 ac.)
DITCH-2 (0.01 ac.)

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2017-108 CCWD Ebbetts Pass

Scale in Feet
0 200

Photo Source: NAIP, 2016
Boundary and Design Source: KASL (20180418)
Delineator(s): K. Kwan
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

Map Date: 5/8/2018

Figure 2f.
Temporary Impacts [1]
Project F

Map Features

- Project Boundary - 25.2 acres
- Reference Coordinate (NAD83)
- Existing Culvert

Project Components

- Water Main
- Bore Pit
- Existing Water Line (to be left in place)

Project F Waters Impacts (0.002 acres)

- Ephemeral Drainage (0.002 acres)

[1] *Subject to U.S. Army Corps of Engineers verification. This exhibit depicts information and data produced in accord with the wetland delineation methods described in the 1987 Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region Version 2.0 as well as the Updated Map and Drawing Standards for the South Pacific Division Regulatory Program as amended on February 10, 2016, and conforms to Sacramento District specifications. However, feature boundaries have not been legally surveyed and may be subject to minor adjustments if more accurate locations are required.*
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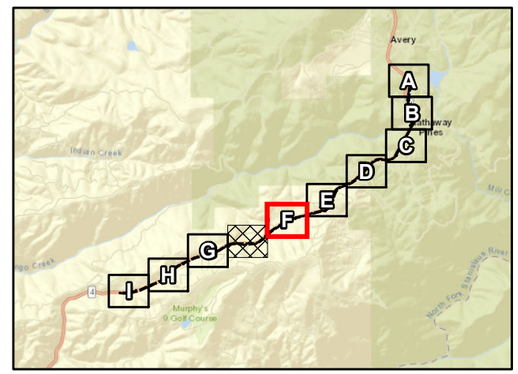

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2017-108 CCWD Ebbetts Pass

Scale in Feet
0 200

Photo Source: NAIP, 2016
Boundary and Design Source: KASL (20180418)
Delineator(s): K. Kwan
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

Map Date: 5/8/2018

ECORP N:\2017\2017-108 CCWD EBBETTS PASS\MAPS\PRESERVE_IMPACTWATERS_V1\CCWDEP_WATERSIMP_20180507_404VERSION.MXD (JDS/AMM) JSWAGER 5/8/2018

Figure 2g.
Temporary Impacts [1]
Project G

Map Features

- Project Boundary - 25.2 acres
- Reference Coordinate (NAD83)
- Existing Culvert

Project Components

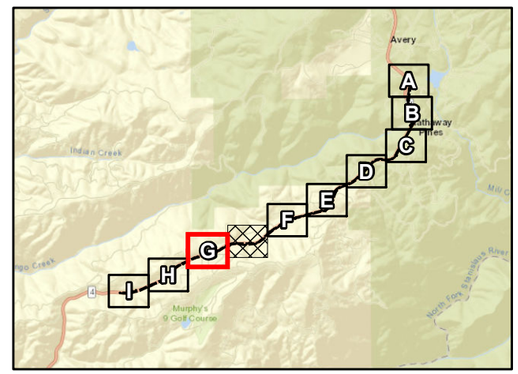
- Water Main
- Bore Pit
- Existing Water Line (to be left in place)

Project G Waters Impacts (0.060 acres)

- Seep (0.060 acres)

SUNSET HEIGHT RD
NORTHWOOD DR
SEEP-1 (0.029 ac.)
SEEP-2 (0.032 ac.)
38.171906/
-120.405306
HWY 4
FOREST MEADOWS DR
38.170918/
-120.406508
TOHOE DR
CEDAR VISTA DR
LUPINE LN

[1] *Subject to U.S. Army Corps of Engineers verification. This exhibit depicts information and data produced in accord with the wetland delineation methods described in the 1987 Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region Version 2.0 as well as the Updated Map and Drawing Standards for the South Pacific Division Regulatory Program as amended on February 10, 2016, and conforms to Sacramento District specifications. However, feature boundaries have not been legally surveyed and may be subject to minor adjustments if more accurate locations are required.*
** The acreage value for each feature has been rounded to the nearest 1/1000 decimal. Summation of these values may not equal the total potential Waters of the U.S. acreage reported.*



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2017-108 CCWD Ebbetts Pass

Scale in Feet
0 200

Photo Source: NAIP, 2016
Boundary and Design Source: KASL (20180418)
Delineator(s): K. Kwan
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

Map Date: 5/8/2018

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Figure 2h.
Temporary Impacts [1]
Project H

Map Features

- Project Boundary - 25.2 acres
- Reference Coordinate (NAD83)
- Existing Culvert

Project Components

- Water Main
- Existing Water Line (to be left in place)

Project H Waters Impacts (0.0004 acres)

- Ephemeral Drainage (0.0004 acres)

[1] *Subject to U.S. Army Corps of Engineers verification. This exhibit depicts information and data produced in accord with the wetland delineation methods described in the 1987 Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region Version 2.0 as well as the Updated Map and Drawing Standards for the South Pacific Division Regulatory Program as amended on February 10, 2016, and conforms to Sacramento District specifications. However, feature boundaries have not been legally surveyed and may be subject to minor adjustments if more accurate locations are required.*
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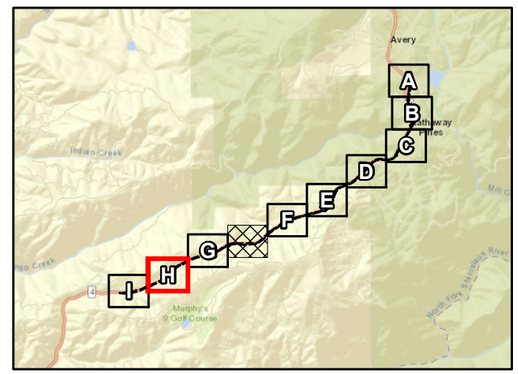

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2017-108 CCWD Ebbetts Pass

Scale in Feet
0 200

Photo Source: NAIP, 2016
Boundary and Design Source: KASL (20180418)
Delineator(s): K. Kwan
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

Map Date: 5/8/2018

Figure 2i.
Temporary Impacts [1]
Project I

Map Features

- Project Boundary - 25.2 acres
- Reference Coordinate (NAD83)
- Existing Culvert

Project Components

- Water Main
- Existing Water Line (to be left in place)
- Storm Drain

Project I Waters Impacts * (0.011 acres)

- Intermittent Drainage (0.001 acres)
- Ephemeral Drainage (0.003 acres)
- Ditch (0.008 acres)

[1] *Subject to U.S. Army Corps of Engineers verification. This exhibit depicts information and data produced in accord with the wetland delineation methods described in the 1987 Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region Version 2.0 as well as the Updated Map and Drawing Standards for the South Pacific Division Regulatory Program as amended on February 10, 2016, and conforms to Sacramento District specifications. However, feature boundaries have not been legally surveyed and may be subject to minor adjustments if more accurate locations are required.*

** The acreage value for each feature has been rounded to the nearest 1/1000 decimal. Summation of these values may not equal the total potential Waters of the U.S. acreage reported.*

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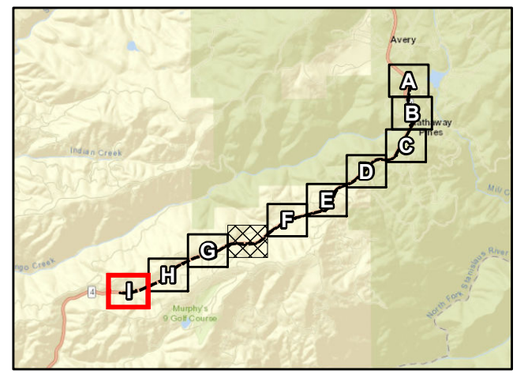

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2017-108 CCWD Ebbetts Pass

Scale in Feet
0 200

Photo Source: NAIP, 2016
Boundary and Design Source: KASL (20180418)
Delineator(s): K. Kwan
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

Map Date: 5/8/2018

LIST OF ATTACHMENTS

Attachment A –Engineering Plans

Attachment B – Wetland Delineation

Attachment C – Pre-Project Photographs

Attachment D – Biological Resources Assessment

ATTACHMENT A

Engineering Plans

ATTACHMENT B

Wetland Delineation

Delineation of Waters of the U.S.

Calaveras County Water District
Ebbetts Pass Reach 1
Water Transmission Pipeline Project

Calaveras County, California

Prepared For:

Calaveras County Water District

May 24, 2018

ECORP Consulting, Inc.
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ECORP Consulting, Inc. has assisted public and private land owners with environmental regulation compliance since 1987. We offer full service capability, from initial baseline environmental studies through environmental planning review, permitting negotiation, liaison to obtain legal agreements, mitigation design, and construction monitoring and reporting.

Citation: ECORP Consulting, Inc. 2018. Delineation of Waters of the U.S. for the Calaveras County Water District - Ebbetts Pass Reach 1 Water Transmission Pipeline Project, Calaveras County, California. Prepared for Calaveras County Water District. May 24.

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Attachment B - Wetland Determination Data Forms – Western Mountains, Valleys, and Coast Region

Attachment C - Plant Species Observed Onsite

Attachment D – U.S. Army Corps of Engineers ORM Aquatic Resources Table

Attachment E – Request for Preliminary Aquatic Resources Delineation Verification or Jurisdictional Determination

Attachment F – Wetland Delineation Shape File (to be included with USACE submittal only)

LIST OF ACRONYMS AND ABBREVIATIONS

CARI	California Aquatic Resources Inventory
CCWD	Calaveras County Water District
CFR	Code of Federal Regulations
CWA	Clean Water Act
NRCS	Natural Resources Conservation Service
OHWM	Ordinary high water mark"
ORM	USACE Operations and Maintenance Business Information Link Regulatory Module
PJD	Preliminary Jurisdictional Determination
Project	±25.63-acre Ebbetts Pass Reach 1 Water Transmission Project
RPW	Relatively Permanent Waters
SR	State Route
TNW	Traditional Navigable Waters"
USACE	U.S. Army Corps of Engineers
USC	U.S. Code
USEPA	U.S. Environmental Protection Agency
USGS	U.S. Geological Survey

1.0 INTRODUCTION

On behalf of the Calaveras County Water District (CCWD), ECORP Consulting, Inc. conducted a delineation of Waters of the United States (U.S.)/State for the ±25.2-acre Ebbetts Pass Reach 1 Water Transmission Project (Project) located in Calaveras County, California. The Project alignment starts at the water plant at Hunter Dam Road, continues westerly along State Route (SR) 4 through Hathaway Pines, Red Apple Ranch and ends approximately 6000 feet downhill from the entrance of Forest Meadows (Figure 1. *Project Location and Vicinity*). The site corresponds to a portion of Sections 24, 25, 26, and 27, Township 4 North, and Range 14 East and Sections 18 and 19, Township 4 North, Range 15 East (Mount Diablo Base Meridian) of the "Murphys, California" and "Stanislaus, California" 7.5-minute quadrangles (U.S. Geological Survey [USGS] 1948a and 1948b, respectively). The approximate center of the site is located at 38.179446° (NAD83) and -120.388656° (NAD83) within the Upper Calaveras California (Hydrologic Unit Code [HUC] #18040011) and Upper Stanislaus (HUC #18040010) Watersheds (Natural Resources Conservation Service [NRCS], USGS, and U.S. Environmental Protection Agency [USEPA] 2016).

Driving directions to the Project site are provided in Attachment A.

This report describes potential Waters of the United States (U.S.), including wetlands, identified within the site that may be regulated by the USACE pursuant to Section 404 of the federal Clean Water Act (CWA). The information presented in this report provides data required by the USACE Sacramento District's Minimum Standards for Acceptance of Preliminary Wetland Delineations (USACE 2016). The potential Waters of the U.S. boundaries depicted in this report represent a calculated estimation of the jurisdictional area within the site, and are subject to modification following the USACE verification process.

The purpose of this delineation of Waters of the U.S. is to provide enough information to USACE for a Preliminary Jurisdictional Determination (PJD).

2.0 REGULATORY SETTING

2.1 Waters of the United States

This report describes potential Waters of the U.S., including wetlands that may be regulated by the USACE under Section 404 of the federal CWA.

2.1.1 Wetlands

Wetlands are "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" [51 FR 41250, Nov. 13, 1986, as amended at 58 FR 45036, Aug. 25, 1993]. Wetlands can be perennial or intermittent.

Project Boundary - 25.2 acres

Calaveras County, California
§24, 25, 26, and 27, T.04N, R.14E, and
§18 and 19, T.04N, R.15E MDBM
Latitude (NAD83): 38.179446°
Longitude (NAD83): -120.388656°
Watershed: Upper Calaveras California (18040011)
and Upper Stanislaus (18040010)

Scale in Feet
0 2,000

Murphys (2001, NAD27) and
Stanislaus (2001, NAD27)
CA 7.5-minute Topographic Quadrangles
US Geological Survey.

Map Date: 3/22/2018

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Location: N:\2017\2017-108 CCWD Ebbetts Pass\MAPS\Location Vicinity\CCWDEP_LnV_20180507.mxd (MRG) JSwagel 5/8/2018

Figure 1. Project Location and Vicinity

2017-108 CCWD Ebbetts Pass

2.1.2 Other Waters

Other waters that may be found in the Delineation Area are nontidal, perennial, and intermittent watercourses and tributaries to such watercourses [51 FR 41250, Nov. 13, 1986, as amended at 58 FR 45036, Aug. 25, 1993]. The limit of USACE jurisdiction for nontidal watercourses (without adjacent wetlands) is defined in 33 Code of Federal Regulations (CFR) 328.4(c)(1) as the "ordinary high water mark" (OHWM). The OHWM is defined as the "line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas" approximation of the lateral limit of USACE jurisdiction. The upstream limits of other waters are defined as the point where the OHWM is no longer perceptible.

2.2 Clean Water Act

The USACE regulates discharge of dredged or fill material into Waters of the U.S. under Section 404 of the CWA. "Discharges of fill material" is defined as the addition of fill material into Waters of the U.S., including, but not limited to the following: placement of fill that is necessary for the construction of any structure, or impoundment requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, and other uses; causeways or road fills; and fill for intake and outfall pipes, and subaqueous utility lines [33 CFR § 328.2(f)]. In addition, Section 401 of the CWA (33 U.S. Code [USC] 1341) requires any applicant for a federal license or permit to conduct any activity that may result in a discharge of a pollutant into Waters of the U.S. to obtain a certification that the discharge will comply with the applicable effluent limitations and water quality standards.

Substantial impacts to wetlands, over 0.5 acre of impact, may require an individual permit. Projects that only minim affect wetlands, less than 0.5 acre of impact, may meet the conditions of one of the existing Nationwide Permits. A Water Quality Certification or waiver pursuant to Section 401 of the CWA is required for Section 404 permit actions; this certification or waiver is issued by the Regional Water Quality Control Board.

2.3 Jurisdictional Assessment

Pursuant to the USEPA and USACE memorandum regarding CWA jurisdiction, issued following the United States Supreme Court's decision in the consolidated cases Rapanos v. United States and Carabell v. United States (herein referred to as Rapanos), the agencies will assert jurisdiction over the following waters: "Traditional Navigable Waters" (TNW), all wetlands adjacent to TNW, nonnavigable tributaries of TNW that are "relatively permanent" waters (i.e., tributaries that typically flow year-round or have continuous flow at least seasonally), and wetlands that directly abut such tributaries (USEPA and USACE 2007).

Waters requiring a significant nexus determination by USACE and USEPA to establish jurisdiction include nonnavigable tributaries that are not relatively permanent, wetlands adjacent to nonnavigable tributaries that are not relatively permanent, and wetlands adjacent to but do not directly abut a relatively

permanent nonnavigable tributary (USEPA and USACE 2007). The jurisdictional determination is a fact-based evaluation to establish whether a water has a significant nexus with TNW. The significant nexus analysis will assess the flow characteristics and functions of the nonnavigable tributary itself and the functions performed by all wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of downstream TNW (USEPA and USACE 2007).

3.0 METHODS

This wetland delineation was conducted in accordance with the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region, Version 2.0* (USACE 2010). The boundaries of potential Waters of the U.S. were delineated through aerial photograph interpretation and standard field methods (e.g., paired sample set analyses), and field data were recorded on Wetland Determination Data Forms – Western Mountains, Valleys, and Coast Region (Attachment B). *Munsell Soil Color Charts* (Munsell Color 2015) and the Web Soil Survey (NRCS 2017a) were used to aid in identifying hydric soils in the field. The Jepson Manual, 2nd Edition (Baldwin et al. 2012) was used for plant nomenclature and identification.

Field surveys were conducted on 15 and 16 June and 12 July 2017 by ECORP biologists Clay DeLong and Keith Kwan. The entire Project alignment was walked and surveyed to determine the location and extent of potential Waters of the U.S. Paired sampling point locations were sampled to evaluate whether or not the vegetation, hydrology, and soils data supported a determination of wetland or nonwetland status. At each paired location, one point was located such that it was within the estimated wetland area, and the other point was situated outside the limits of the estimated wetland area. The total area of the potential Waters of the U.S. within the site was recorded in the field using a post-processing capable global positioning system unit with sub-meter accuracy (Trimble GeoXT).

3.1 Routine Determinations for Wetlands

To be determined a wetland, the following three criteria must be met:

- A majority of dominant vegetation species are wetland-associated species.
- Hydrologic conditions exist that result in periods of flooding, ponding, or saturation during the growing season.
- Hydric soils are present.

3.1.1 Vegetation

Hydrophytic vegetation is defined as the sum total of macrophytic plant life that occurs in areas where the frequency and duration of inundation or soil saturation produce permanent or periodically saturated soils of sufficient duration to exert a controlling influence on the plant species present (Environmental Laboratory 1987). The definition of wetlands includes the phrase "a prevalence of vegetation typically adapted for life in saturated soil conditions." Prevalent vegetation is characterized by the dominant plant

species composing the plant community (Environmental Laboratory 1987). The dominance test is the basic hydrophytic vegetation indicator and was applied at each sampling point location. The "50/20 rule" was used to select the dominant plant species from each stratum of the community. The rule states that for each stratum in the plant community, dominant species are the most abundant plant species (when ranked in descending order of coverage and cumulatively totaled) that immediately exceed 50 percent of the total coverage for the stratum, plus any additional species that individually comprise 20 percent or more of the total cover in the stratum (HQUSACE 1992, USACE 2008).

Dominant plant species observed at each sampling point were then classified according to their indicator status (probability of occurrence in wetlands) (Table 1), *North American Digital Flora: National Wetland Plant List* (Lichvar et al. 2016). If the majority (greater than 50 percent) of the dominant vegetation on a site are classified as obligate (OBL), facultative wetland (FACW), or facultative (FAC), then the site was considered to be dominated by hydrophytic vegetation.

Table 1. Classification of Wetland-Associated Plant Species

Plant Species Classification	Abbreviation	Probability of Occurring in Wetland
Obligate	OBL	Almost always occur in wetlands
Facultative Wetland	FACW	Usually occur in wetlands, but may occur in non-wetlands
Facultative	FAC	Occur in wetlands and non-wetlands
Facultative Upland	FACU	Usually occur in non-wetlands, but may occur in wetlands
Upland	UPL	Almost never occur in wetlands
Plants That Are Not Listed (assumed upland species)	N/L	Does not occur in wetlands in any region.

Source: Lichvar et al. 2016

In instances where indicators of hydric soil and wetland hydrology were present but the plant community failed the dominance test, the vegetation was re-evaluated using the Prevalence Index. The Prevalence Index is a weighted-average wetland indicator status of all plant species in the sampling plot, where each indicator status category is given a numeric code (OBL=1, FACW=2, FAC=3, FACU=4, and UPL=5) and weighting is by abundance (percent cover). If the plant community failed the Prevalence Index, the presence/absence of plant morphological adaptations to prolonged inundation or saturation in the root zone was evaluated.

3.1.2 Soils

A hydric soil is defined as a soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part (NRCS 2003). Indicators that a hydric soil is present include, but are not limited to, histosols, histic epipedon, hydrogen sulfide, depleted below dark surface, sandy redox, loamy gleyed matrix, depleted matrix, redox dark surface, redox depressions, and vernal pools.

At each sampling point a soil pit was excavated to the depth needed to document an indicator, to confirm the absence of indicators, or until refusal at each sampling point. The soil was then examined for hydric soil indicators. Soil colors were determined while the soil was moist using the *Munsell Soil Color Charts* (Munsell Color 2015). Hydric soils are formed predominantly by the accumulation or loss of iron, manganese, sulfur, or carbon compounds in a saturated and anaerobic environment. These processes and the features in the soil that develop can be identified by looking at the color and texture of the soils.

3.1.3 Hydrology

Wetlands, by definition, are seasonally or perennially inundated or saturated at or near (within 12 inches of) the soil surface. Primary indicators of wetland hydrology include, but are not limited to: visual observation of saturated soils, visual observation of inundation, surface soil cracks, inundation visible on aerial imagery, water-stained leaves, oxidized rhizospheres along living roots, aquatic invertebrates, water marks (secondary indicator in riverine environments), drift lines (secondary indicator in riverine environments), and sediment deposits (secondary indicator in riverine environments). The occurrence of one primary indicator is sufficient to conclude that wetland hydrology is present. If no primary indicators are observed, two or more secondary indicators are required to conclude wetland hydrology is present. Secondary indicators include, but are not limited to: drainage patterns, crayfish burrows, FAC-neutral test, and shallow aquitard. The occurrence of at least one primary indicator or two secondary indicators is required to confirm the presence of wetland hydrology.

4.0 RESULTS

4.1 Existing Site Conditions

The Delineation Area is located within mountainous terrain situated at an elevational range of approximately 2900 to 3350 feet above mean sea level in the High Sierra Nevada Subregion of the Sierra Nevada floristic region of California (Baldwin et. al. 2012). From 1981-2010, the average daily mean temperatures ranged from 36˚F (December) to 67.1°F (July); average annual precipitation was 57 inches at Calaveras Big Trees State Park, which is approximately six miles northeast of the Project (National Oceanic and Atmospheric Administration 2017).

The Delineation Area is primarily composed of portions of a two-lane roadway (SR 4) and roadside habitat. The roadsides are a mixture of ruderal and undeveloped to developed land. Vegetation communities found within the ruderal and undeveloped portions of the Delineation Area include annual forb meadow, annual grassland, ponderosa pine forest, and California black oak forest.

The annual forb meadow and annual grassland are located at isolated patches within the Delineation Area. The dominant plants found in the annual forb meadow community include Ramm's madia (*Jensia rammii*), white-tipped clover (*Trifolium variegatum*), white meadowfoam (*Limnanthes alba* ssp. *alba*), Spanish lotus (*Acmispon americanus*), soft brome (*Bromus hordeaceus*), and medusahead grass (*Elymus caput-medusae*). The dominant plants found in the annual grassland include medusahead grass, soft brome, ripgut brome (*Bromus diandrus*), hairy vetch (*Vicia hirsuta*), and dwarf sack clover (*Trifolium depauperatum*).

The ponderosa pine forest is the dominant vegetation community within the Delineation Area. The ponderosa pine forest is made up of an open-to-dense canopy of ponderosa pine (*Pinus ponderosa*), incense cedar (*Calocedrus decurrens*), sugar pine (*Pinus lambertiana*), and black oak (*Quercus kelloggii*), with an understory of mountain misery (*Chamaebatia foliolosa*) and whiteleaf manzanita (*Arctostaphylos viscida*). The ponderosa pine forest is intermixed in some locations with California black oak forest vegetation community. The California black oak forest community is made up of an open canopy of black oak and Oregon oak (*Quercus garryana*), with an understory of mountain mahogany (*Cercocarpus betuloides*), pink honeysuckle (*Lonicera hispidula*), and buck brush (*Ceanothus cuneatus*).

A number of drainage features flow through the Delineation Area. These aquatic habitats are described in detail in Section 4.2, Potential Waters of the U.S.

The wetland delineation was conducted in the late spring/early summer during the blooming season for most plant species. The survey was conducted at a preferred time of the year to identify most plant species and most aspects of wetland hydrology, although it was probably too late in the season to make direct observations of wetland hydrology in some ephemeral features. During the 2016-2017 wet season and prior to the field surveys, the Calaveras Big Trees reporting station recorded 90.15 inches of precipitation for the rain year, and the most recent recorded rainfall event was 0.28 inches, recorded on 11 June 2017 (California Data Exchange Center 2017).

4.1.1 California Aquatic Resource Inventory

According to the California Aquatic Resources Inventory (CARI), only one CARI stream type was previously mapped within the Delineation Area. Two reaches of "fluvial natural" were mapped in the southwestern portion of the Delineation Area (San Francisco Estuary Institute 2016) (Figure 2. *California Aquatic Resource Inventory*). Other CARI features were mapped in the vicinity but do not occur within the Delineation Area.

4.1.2 Soils

According to the Web Soil Survey (NRCS 2018a), six soil units, or types, have been mapped within the survey area (Figure 3. *Natural Resources Conservation Service Soil Types*). These are:

- 152 – Josephine family, deep, 35 to 50 percent slopes
- 153 – Josephine family, deep-moderately deep complex, 5 to 35 percent slopes
- 155 – Josephine-Sites families association, deep, 5 to 35 percent slopes
- 175 – Lithic Xerumbrepts-Rock outcrop-McCarthy family, moderately deep complex, 5 to 60 percent slopes
- Jp-Mh-CE – Josephine-Mariposa association, 5 to 30 percent slopes
- Ms-Ir-CE – McCarthy-Iron Mountain association, 5 to 30 percent slopes

None of these soils are considered hydric soils (NRCS 2018b).

Figure 2.
California Aquatic Resources Inventory
(Page 1 of 5)

Map Features

- Project Boundary - 25.2 acres

CARI Stream Type

- Fluvial Natural
- Fluvial Unnatural

CARI Wetland Type

- Depressional Perennial Unnatural Non-vegetated
- Depressional Seasonal Unnatural Non-vegetated

FR12391
FR12392
HUNTER DAM RD
HUNTER DAM RD
41518A
04N11X4
04N11X
04N43
04N11X
USFS WORK CENTER
HWY 4
SEGALE RD
HILLCREST DR
COMMERCIAL WY
CANDY ROCK RD
GLEN ECHO DR
Mill Creek
ALTAMONT DR
CEDAR DR
CANYON VIEW DR
BLUE JAY WY
APPLE DR
San Domingo Creek

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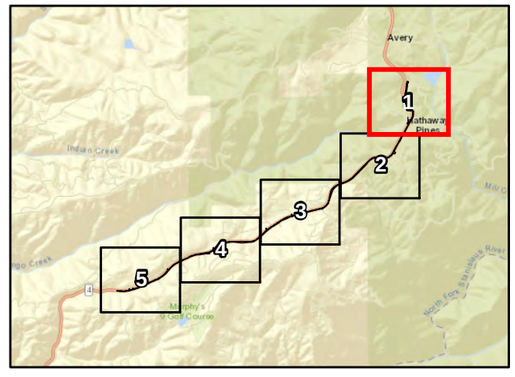

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2017-108 CCWD Ebbetts Pass

Scale in Feet
0 400

Photo Source: NAIP, 2016
Boundary Source: KASL
Data Source: CARI v0.2 May 2016
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

Map Date: 5/23/2018

Figure 2.
California Aquatic Resources Inventory
(Page 2 of 5)

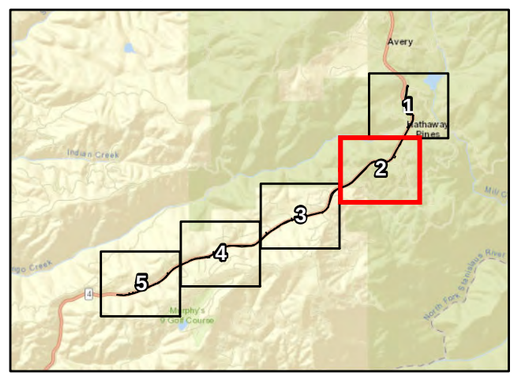
Map Features

Project Boundary - 25.2 acres

CARI Stream Type

Fluvial Natural

Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community



ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

Map Date: 5/23/2018

2017-108 CCWD Ebbetts Pass

Scale in Feet
0 400

Photo Source: NAIP, 2016
Boundary Source: KASL
Data Source: CARI v0.2 May 2016
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

ECORP: N:\2017\2017-108 CCWD EBBETTS PASS\MAPS\JURISDICTIONAL_DELINEATION\CARIV1\CCWDEP_CARI_20180507.MXD-JSWAGER 5/23/2018

Figure 2.
California Aquatic Resources Inventory
(Page 3 of 5)

Map Features

- Project Boundary - 25.2

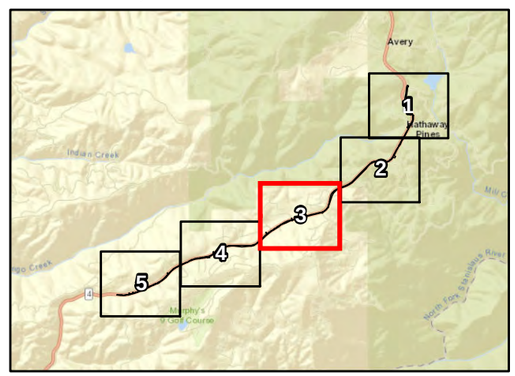
CARI Stream

- Fluvial Natural

CARI Wetland

- Depressional Perennial Unnatural Non-vegetated
- Depressional Seasonal Unnatural Non-vegetated

Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community



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2017-108 CCWD Ebbetts Pass

Scale in Feet
0 400

Photo Source: NAIP, 2016
Boundary Source: KASL
Data Source: CARI v0.2 May 2016
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

Map Date: 5/23/2018

ECORP: N:\2017\2017-108 CCWD EBBETTS PASS\MAPS\JURISDICTIONAL_DELINEATION\CARI\V1\CCWDEP_CARI_20180507.MXD-JSWAGER 5/23/2018

Figure 2.
California Aquatic Resources Inventory
(Page 4 of 5)

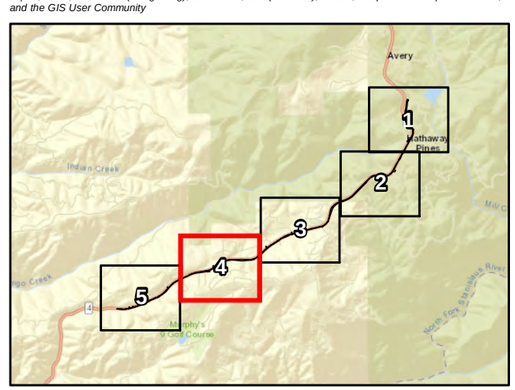
Map Features

Project Boundary - 25.2 acres

CARI Stream Type

Fluvial Natural

Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community



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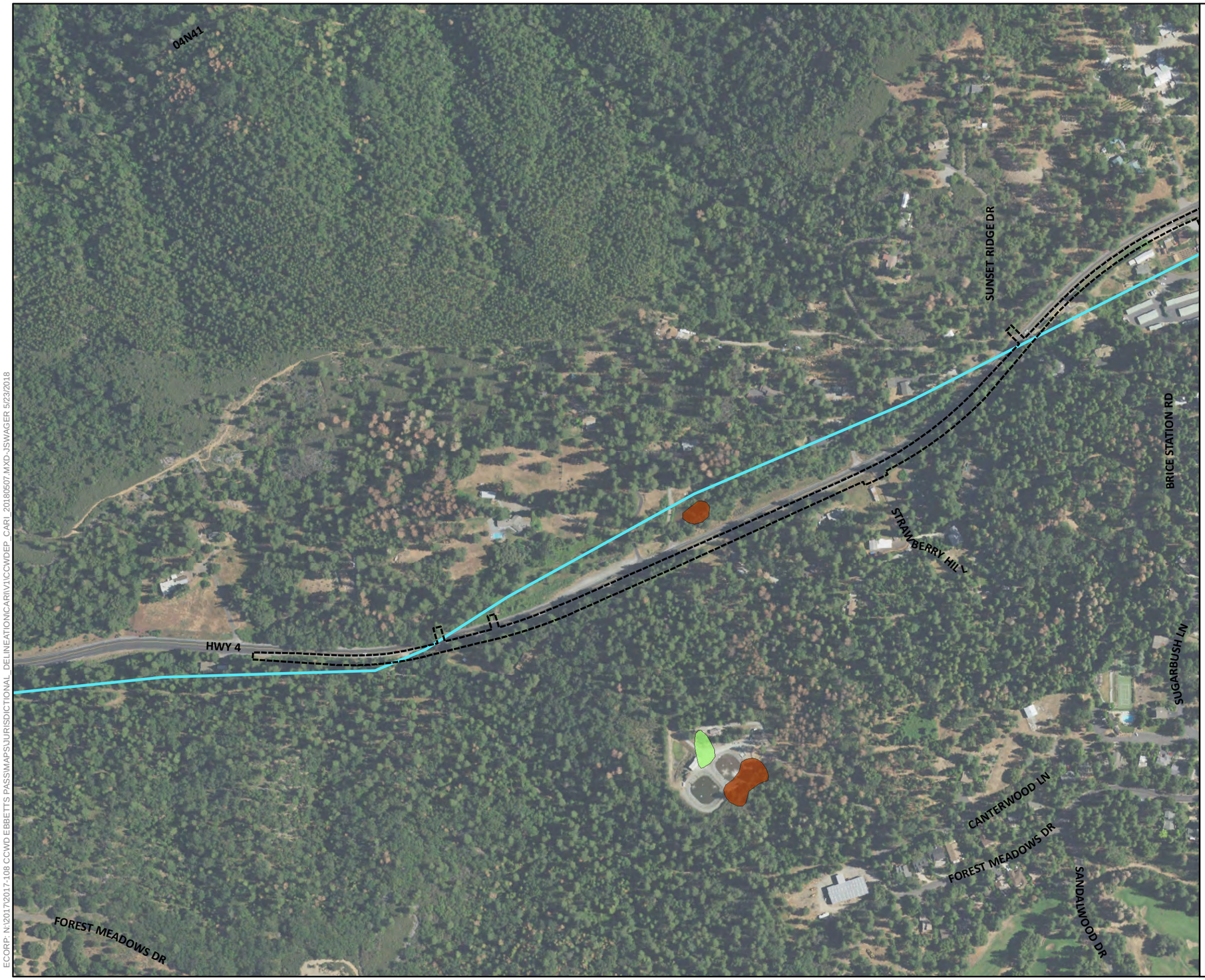
2017-108 CCWD Ebbetts Pass

Scale in Feet
0 400

Photo Source: NAIP, 2016
Boundary Source: KASL
Data Source: CARI v0.2 May 2016
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

Map Date: 5/23/2018

Figure 2.
California Aquatic Resources Inventory
(Page 5 of 5)



Map Features

- Project Boundary - 25.2 acres

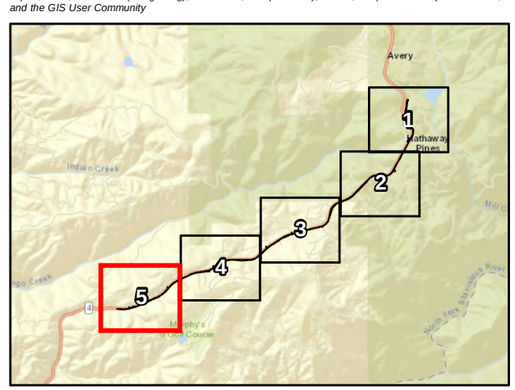
CARI Stream Type

- Fluvial Natural

CARI Wetland Type

- Depressional Perennial Unnatural Non-vegetated
- Depressional Perennial Unnatural Vegetated

Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community



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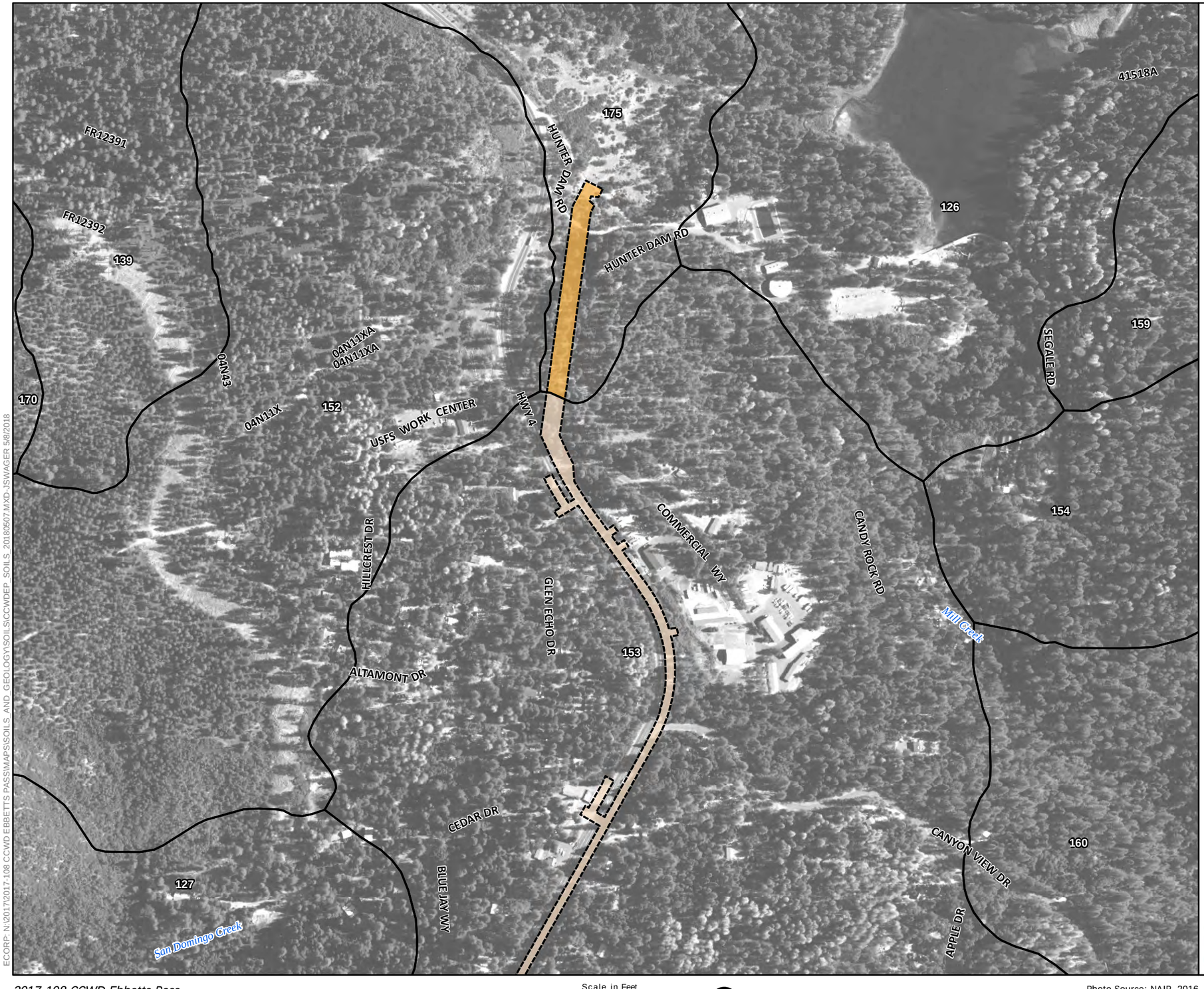
2017-108 CCWD Ebbetts Pass

Scale in Feet
0 400

Photo Source: NAIP, 2016
Boundary Source: KASL
Data Source: CARI v0.2 May 2016
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

Map Date: 5/23/2018

Figure 3.
Natural Resources Conservation Service Soil Types
(Page 1 of 5)



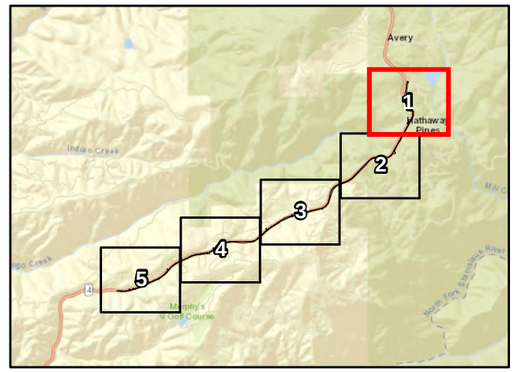
Map Features

- Project Boundary - 25.2 acres

Series Number - Series Name

- 152 - Josephine family, deep, 35 to 50 percent slopes
- 153 - Josephine family, deep-Moderately deep complex, 5 to 35 slopes
- 155 - Josephine-Sites families association, deep, 5 to 35 per cent slopes
- 175 - Lithic Xerumbrepts-Rock outcrop-McCarthy family, modera tely deep complex, 5 to 60 percent slopes
- Jp-Mh-CE - Josephine-Mariposa association, 5 to 30 percent slopes
- Ms-Ir-CE - McCarthy-Iron Mountain association, 5 to 30 percent slopes

Natural Resources Conservation Service (NRCS)
Soil Survey Geographic (SSURGO) Database for
Stanislaus National Forest, CA, 2014
and
General Soil Map for Calaveras County, June 1966



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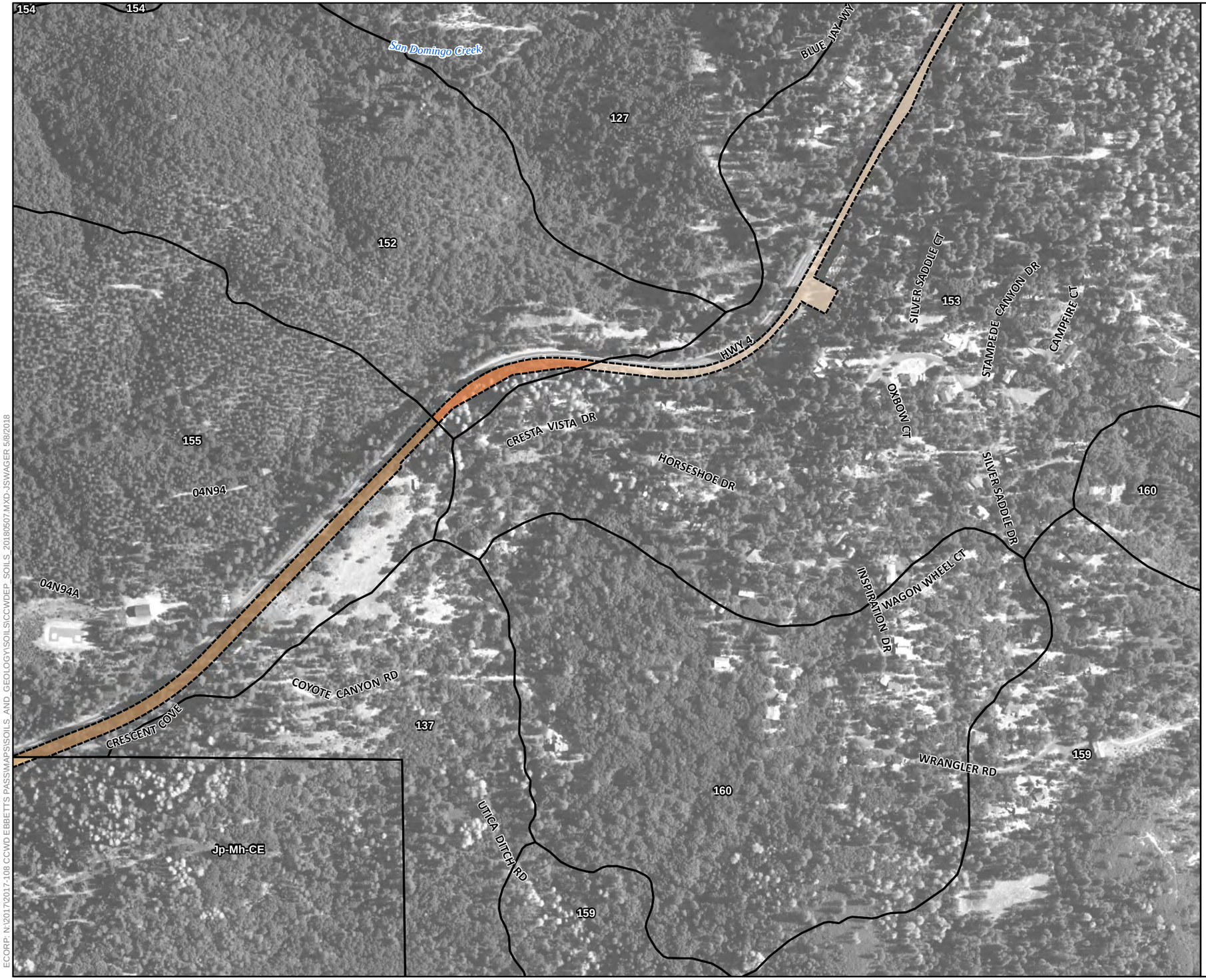
2017-108 CCWD Ebbetts Pass

Scale in Feet
0 400

Photo Source: NAIP, 2016
Boundary Source: KASL
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

Map Date: 5/8/2018

Figure 3.
Natural Resources Conservation Service Soil Types
(Page 2 of 5)



Map Features

- Project Boundary - 25.2 acres

Series Number - Series Name

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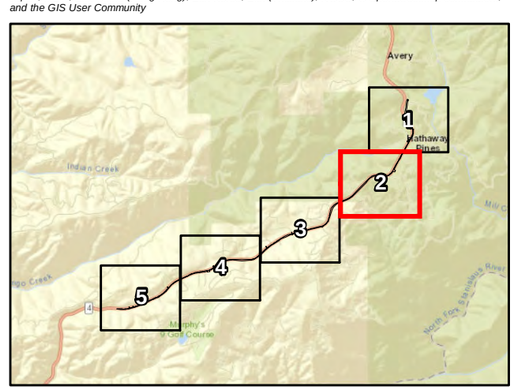

ECORP Consulting, Inc.
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2017-108 CCWD Ebbetts Pass

Scale in Feet
0 400

Photo Source: NAIP, 2016
Boundary Source: KASL
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

Map Date: 5/8/2018

ECORP: N:\2017\2017-108 CCWD EBBETTS PASS\MAPS\SOILS_AND_GEOLOGY\SOILS\CCWDEP_SOILS_20180507.MXD-JSWAGER 5/8/2018

Figure 3.
Natural Resources Conservation Service Soil Types
(Page 3 of 5)

Map Features

- Project Boundary - 25.2 acres

Series Number - Series Name

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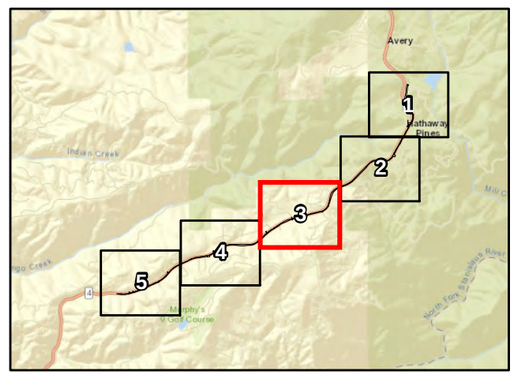

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2017-108 CCWD Ebbetts Pass

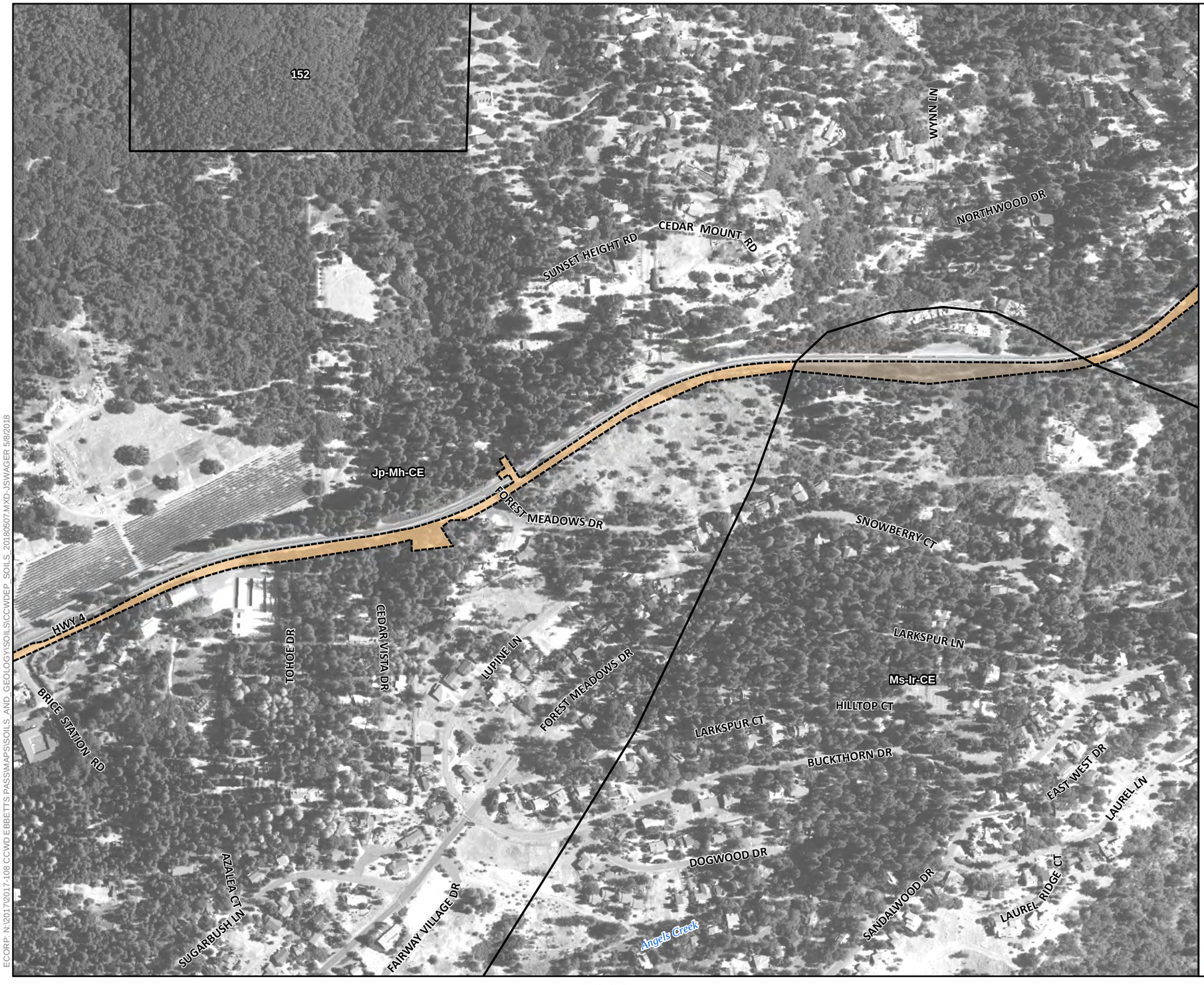
Scale in Feet
0 400

Photo Source: NAIP, 2016
Boundary Source: KASL
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

Map Date: 5/8/2018

ECORP: N:\2017\2017-108 CCWD EBBETTS PASS\MAPS\SOILS_AND_GEOLOGY\SOILS\CCWDEP_SOILS_20180507.MXD JSWAGER 5/8/2018

Figure 3.
Natural Resources Conservation Service Soil Types
(Page 4 of 5)



Map Features

- Project Boundary - 25.2 acres

Series Number - Series Name

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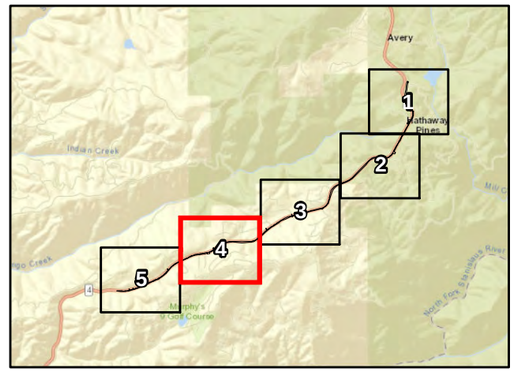

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2017-108 CCWD Ebbetts Pass

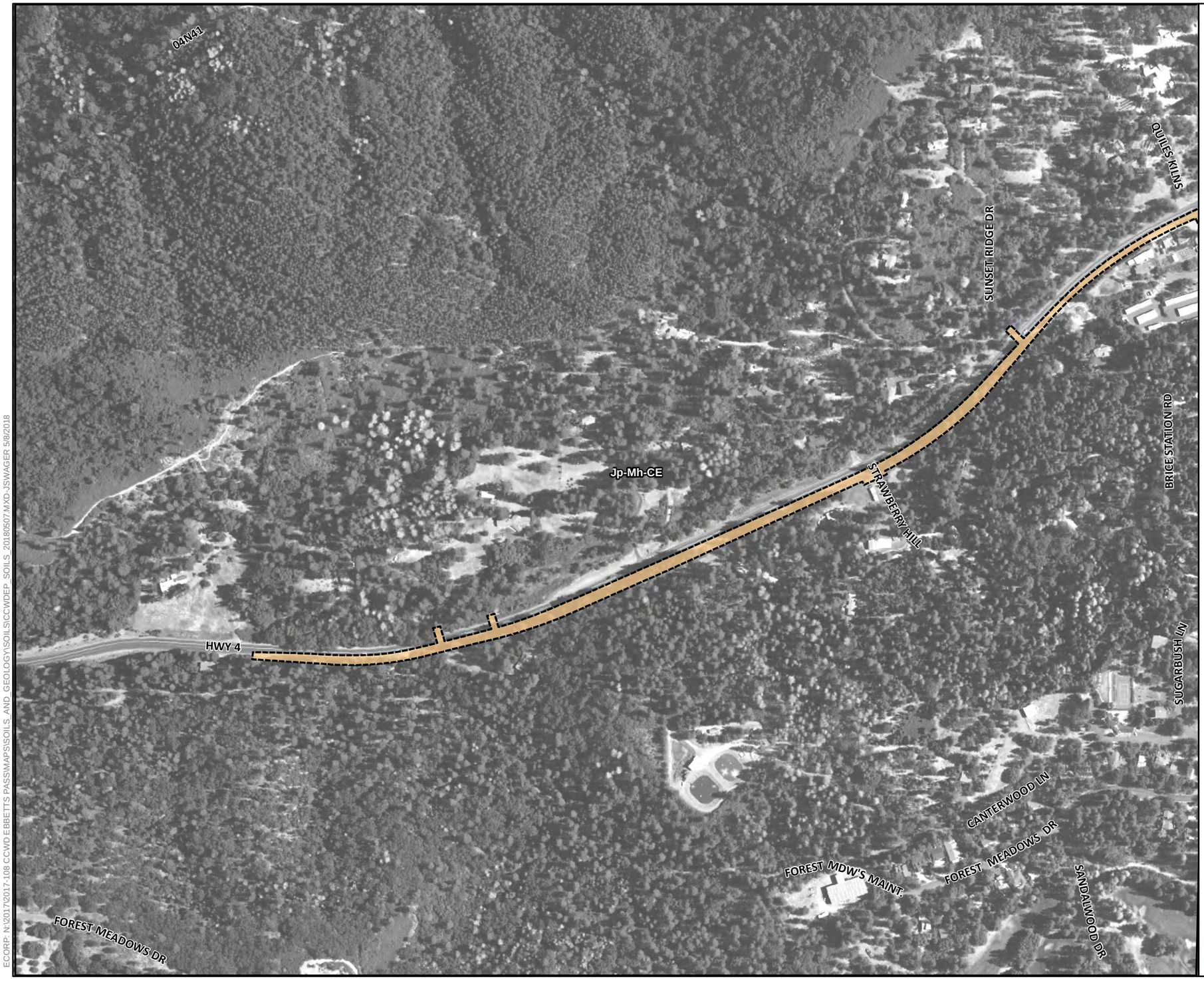
Scale in Feet
0 400

Photo Source: NAIP, 2016
Boundary Source: KASL
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

Map Date: 5/8/2018

ECORP: N:\2017\2017-108 CCWD EBBETTS PASS\MAPS\SOILS_AND_GEOLOGY\SOILS\CCWDEP_SOILS_20180507.MXD-JSWAGER 5/8/2018

Figure 3.
Natural Resources Conservation Service Soil Types
(Page 5 of 5)



Map Features

- Project Boundary - 25.2 acres

Series Number - Series Name

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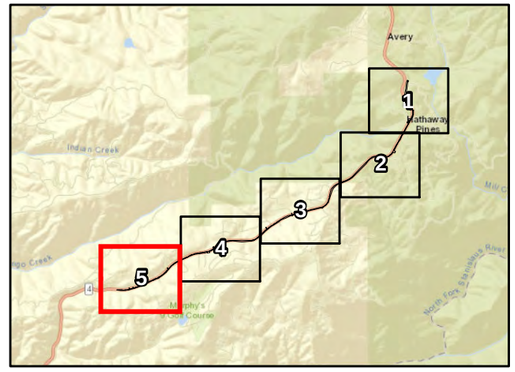

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2017-108 CCWD Ebbetts Pass

Scale in Feet
0 400

Photo Source: NAIP, 2016
Boundary Source: KASL
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

Map Date: 5/8/2018

4.2 Potential Waters of the U.S.

A total of 0.185 acre of potential Waters of the U.S. has been mapped within the survey area (Table 2). The wetland determination data forms are included in Attachment B, and a list of plant species observed onsite is included in Attachment C. A discussion of the wetlands and other waters is presented below, and wetland delineation maps are presented in Figure 4. *Wetland Delineation*. The USACE Operations and Maintenance Business Information Link Regulatory Module (ORM) aquatic resources table of potential Waters of the U.S. is included in Attachment D.

Table 2. Potential Waters of the U.S.

Type	Acreage[1]
Wetlands	
Seasonal wetland swale	0.045
Seep	0.060
Other Waters	
Ditch	0.045
Ephemeral drainage	0.021
Intermittent drainage	0.013
Total	0.185

[1]Acreages represent a calculated estimation and are subject to modification following the USACE verification process. Due to rounding, the reported total may not equal the sum of the individual Waters type's acreages.

4.2.1 Wetlands

Seasonal Wetland Swale

Seasonal wetland swales are generally linear wetland features that convey precipitation runoff and support a predominance of hydrophytic vegetation, but do not exhibit an ordinary high water mark (OHWM). These are typically inundated for short periods during and immediately after rain events, but usually maintain soil saturation for longer periods during the wet season. One seasonal wetland swale occurs in the central portion of the Project area east of Red Apple Drive. This seasonal wetland swale is a roadside drainage feature dominated by Baltic rush (*Juncus balticus*), clustered field sedge (*Carex praegracilis*), arroyo willow (*Salix lasiolepis*), and Himalayan blackberry (*Rubus armeniacus*).

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Figure 2.
Aquatic Resources Delineation [1]
(Sheet 1 of 10)

Map Features

- Project Boundary - 25.2 acres
- Reference Coordinate (NAD83)
- Existing Culvert

Three Criteria Sample Points

- Upland Point
- Waters Point

Waters of the U.S. Total (0.185 acres) [1] *

Wetlands Total (0.105 acres)

- Seasonal Wetland Swale (0.045 acres)
- Seep (0.060 acres)

Other Waters Total (0.079 acres)

- Intermittent Drainage (0.013 acres)
- Ephemeral Drainage (0.021 acres)
- Ditch (0.045 acres)

[1] Subject to U.S. Army Corps of Engineers verification. This exhibit depicts information and data produced in accord with the wetland delineation methods described in the 1987 Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region Version 2.0, as well as the Updated Map and Drawing Standards for the South Pacific Division Regulatory Program as amended on February 10, 2016, and conforms to Sacramento District specifications. However, feature boundaries have not been legally surveyed and may be subject to minor adjustments if more accurate locations are required.

** The acreage value for each feature has been rounded to the nearest 1/1000 decimal. Summation of these values may not equal the total potential Waters of the U.S. acreage reported.*

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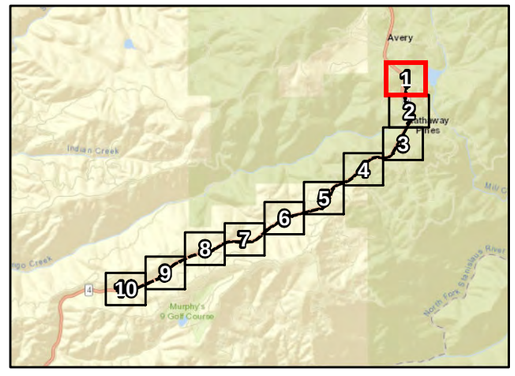

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2017-108 CCWD Ebbetts Pass

Scale in Feet
0 200

Photo Source: NAIP, 2016
Boundary Source: KASL
Delineator(s): K. Kwan
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

Map Date: 3/27/2018

Figure 2.
Aquatic Resources Delineation [1]
(Sheet 2 of 10)

Map Features

- Project Boundary - 25.2 acres
- Reference Coordinate (NAD83)
- Existing Culvert

Three Criteria Sample Points

- Upland Point
- Waters Point

Waters of the U.S. Total (0.185 acres) [1] *

Wetlands Total (0.105 acres)

- Seasonal Wetland Swale (0.045 acres)
- Seep (0.060 acres)

Other Waters Total (0.079 acres)

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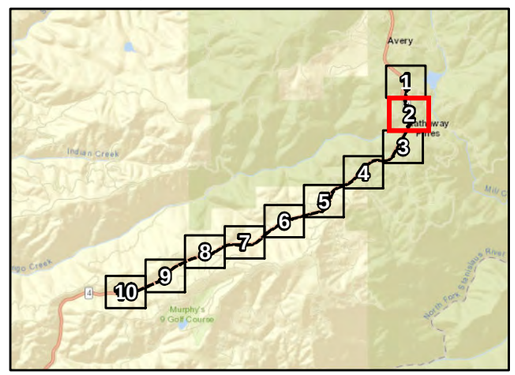

ECORP Consulting, Inc.
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2017-108 CCWD Ebbetts Pass

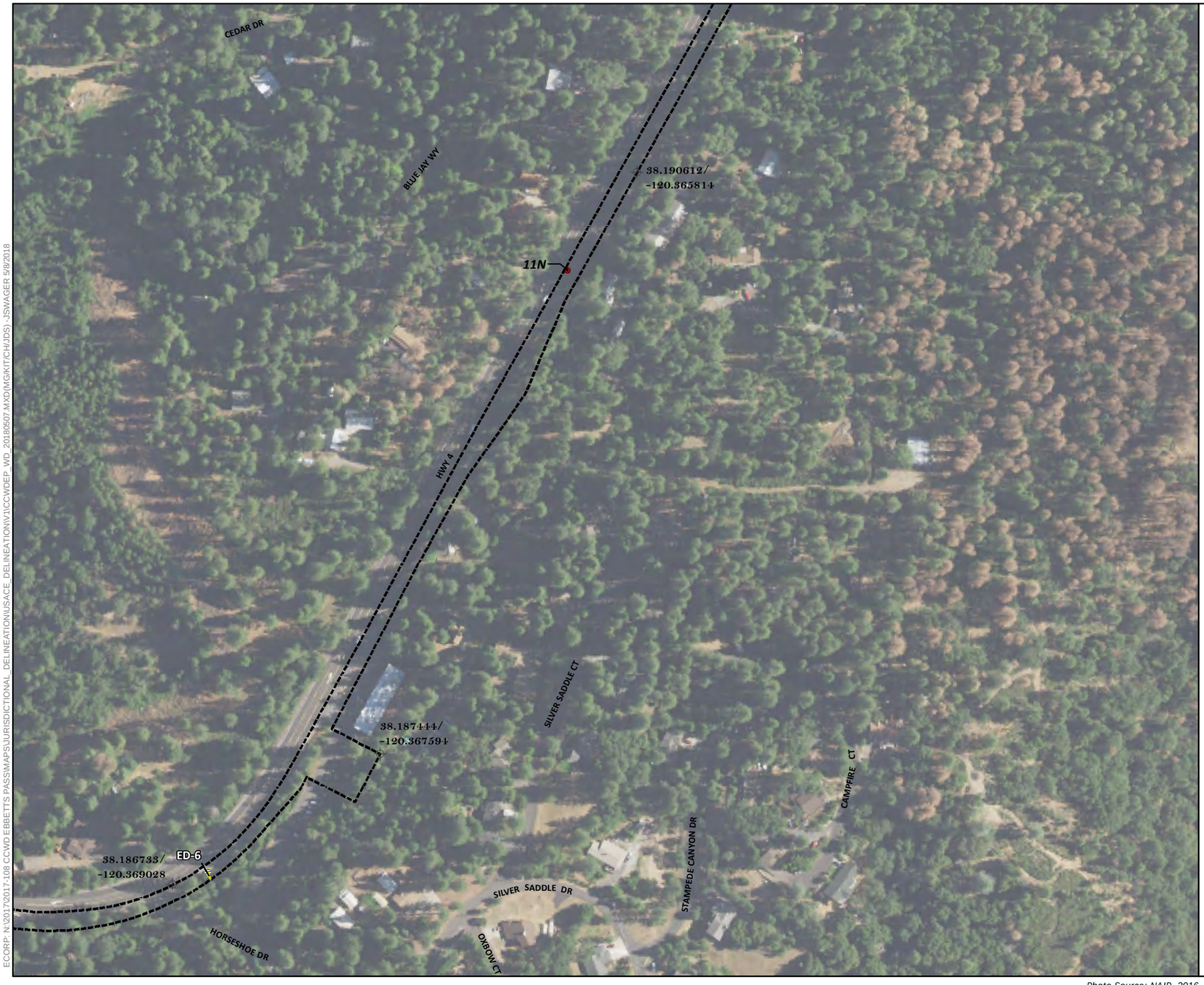
Scale in Feet
0 200

Photo Source: NAIP, 2016
Boundary Source: KASL
Delineator(s): K. Kwan
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

Map Date: 3/27/2018

ECORP: N:\2017\2017-108 CCWD EBBETTS PASS\MAPS\JURISDICTIONAL_DELINEATION\USACE_DELINEATION\V1\CCWDEP_WD_20180507.MXD(MC/KIT/CH/JDS) JSWAGER 5/8/2018

Figure 2.
Aquatic Resources Delineation [1]
(Sheet 3 of 10)



Map Features

- Project Boundary - 25.2 acres
- Reference Coordinate (NAD83)
- Existing Culvert

Three Criteria Sample Points

- Upland Point
- Waters Point

Waters of the U.S. Total (0.185 acres) [1] *

Wetlands Total (0.105 acres)

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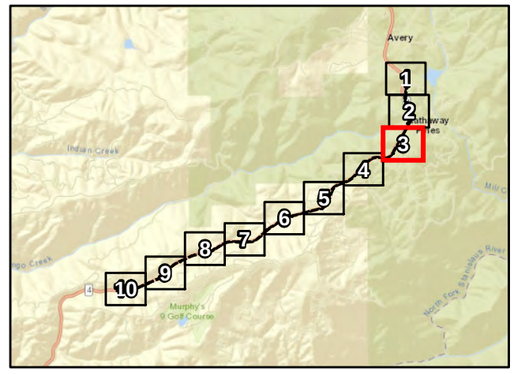

ECORP Consulting, Inc.
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2017-108 CCWD Ebbetts Pass

Scale in Feet
0 200

Photo Source: NAIP, 2016
Boundary Source: KASL
Delineator(s): K. Kwan
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

Map Date: 3/27/2018

ECORP: N:\2017\2017-108 CCWD EBBETTS PASS\MAPS\JURISDICTIONAL_DELINEATION\USACE_DELINEATION\V1\CCWDEP_WD_20180507.MXD(MC/KIT/CH/JDS) JSWAGER 5/8/2018

Figure 2.
Aquatic Resources Delineation [1]
(Sheet 4 of 10)

Map Features

- Project Boundary - 25.2 acres
- Reference Coordinate (NAD83)
- Existing Culvert

Three Criteria Sample Points

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- Waters Point

Waters of the U.S. Total (0.185 acres) [1] *

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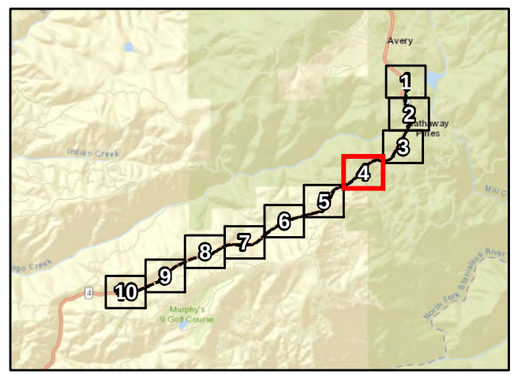

ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

2017-108 CCWD Ebbetts Pass

Scale in Feet
0 200

Photo Source: NAIP, 2016
Boundary Source: KASL
Delineator(s): K. Kwan
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

Map Date: 3/27/2018

ECORP: N:\2017\2017-108 CCWD EBBETTS PASS\MAPS\JURISDICTIONAL_DELINEATION\USACE_DELINEATION\1CCWDEP_WD_20180507.MXD(MGK/TJC/HJDS) JSWAGER 5/8/2018

Figure 2.
Aquatic Resources Delineation [1]
(Sheet 5 of 10)

Map Features

- Project Boundary - 25.2 acres
- Reference Coordinate (NAD83)
- Existing Culvert

Three Criteria Sample Points

- Upland Point
- Waters Point

Waters of the U.S. Total (0.185 acres) [1] *

Wetlands Total (0.105 acres)

- Seasonal Wetland Swale (0.045 acres)
- Seep (0.060 acres)

Other Waters Total (0.079 acres)

- Intermittent Drainage (0.013 acres)
- Ephemeral Drainage (0.021 acres)
- Ditch (0.045 acres)

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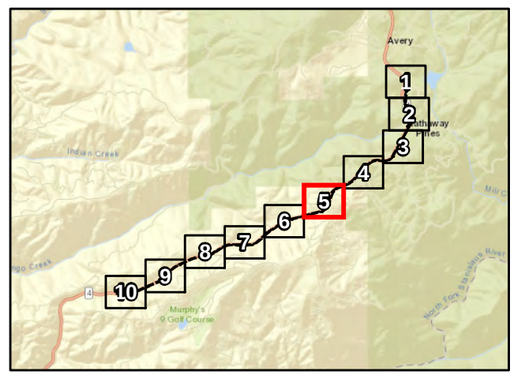

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Delineator(s): K. Kwan
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

Map Date: 3/27/2018

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Figure 2.
Aquatic Resources Delineation [1]
(Sheet 6 of 10)

Map Features

- Project Boundary - 25.2 acres
- Reference Coordinate (NAD83)
- Existing Culvert

Three Criteria Sample Points

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- Waters Point

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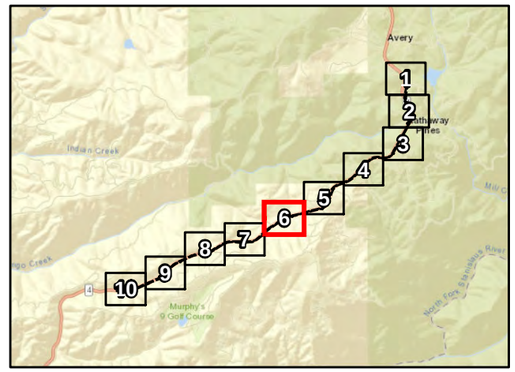

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Map Date: 3/27/2018

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Figure 2.
Aquatic Resources Delineation [1]
(Sheet 7 of 10)

Map Features

- Project Boundary - 25.2 acres
- Reference Coordinate (NAD83)
- Existing Culvert

Three Criteria Sample Points

- Upland Point
- Waters Point

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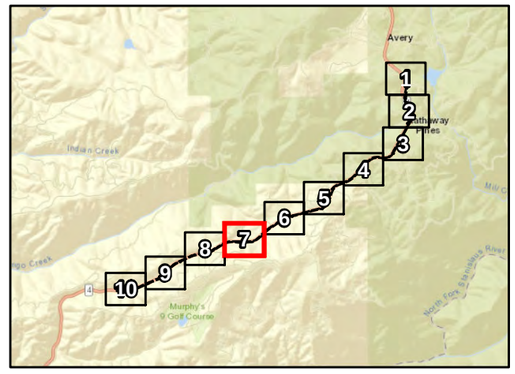

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Map Date: 3/27/2018

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Figure 2.
Aquatic Resources Delineation [1]
(Sheet 8 of 10)

Map Features

- Project Boundary - 25.2 acres
- Reference Coordinate (NAD83)
- Existing Culvert

Three Criteria Sample Points

- Upland Point
- Waters Point

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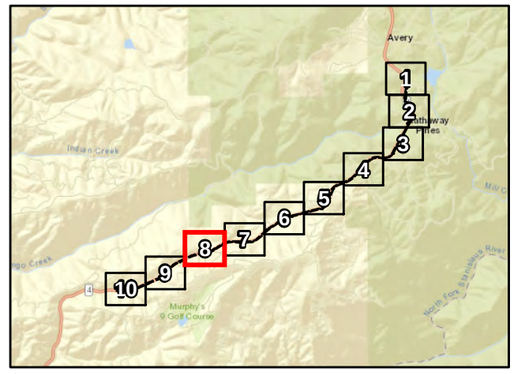

ECORP Consulting, Inc.
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2017-108 CCWD Ebbetts Pass

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Photo Source: NAIP, 2016
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Delineator(s): K. Kwan
Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

Map Date: 3/27/2018

ECORP: N:\2017\2017-108 CCWD EBBETTS PASS\MAPS\JURISDICTIONAL_DELINEATION\USACE_DELINEATION\V1\CCWDEP_WD_20180507.MXD(MC/KIT/CH/JDS) JSWAGER 5/8/2018

Figure 2.
Aquatic Resources Delineation [1]
(Sheet 9 of 10)

Map Features

- Project Boundary - 25.2 acres
- Reference Coordinate (NAD83)
- Existing Culvert

Three Criteria Sample Points

- Upland Point
- Waters Point

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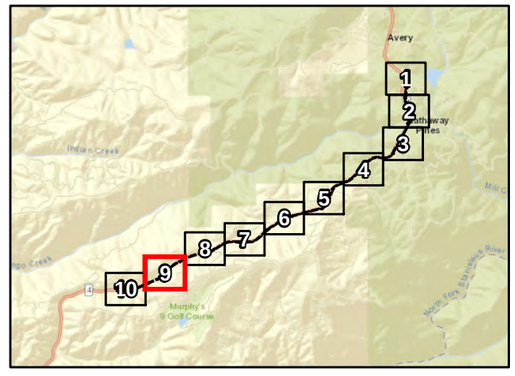

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Figure 2.
Aquatic Resources Delineation [1]
(Sheet 10 of 10)

Map Features

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- Existing Culvert

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- Waters Point

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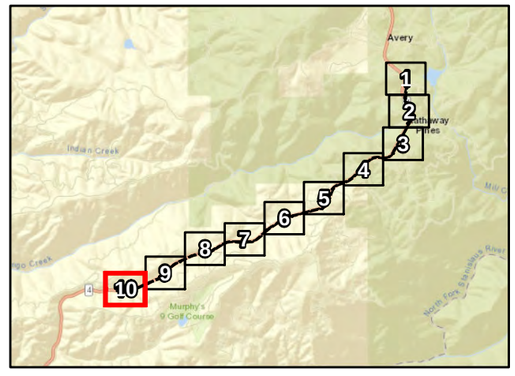

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2017-108 CCWD Ebbetts Pass

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Wetland hydrology indicators observed within the seasonal wetland swale included soil saturation (A3) and algal mat or crust (B4). Wetland hydrology indicators were not observed in the upland areas adjacent to the seasonal wetland swale.

Seep

Seeps are typically found on sloped terrain where subsurface water reaches the surface. They may form small pools where the topography is relatively flat, but are more commonly characterized by saturated soil, either seasonally or perennially. Seeps were identified in the Delineation Area just southwest of where Northwood Drive meets the alignment. Sample Point 5 was taken within a representative seep, and Sample Point 6 was taken in the adjacent uplands.

The dominant plant species observed within Sample Point 5 were Himalayan blackberry (*Rubus armeniacus*) (FAC) and Baltic rush (*Juncus balticus*) (FACW). Other species observed in seep included yellow-lip pansy monkeyflower (*Mimulus pulchellus*), English plantain (*Plantago lanceolata*) (FACU), and prickly lettuce (*Lactuca serriola*) (FACU). Dominant plant identified at Sample Point 6 included Himalayan blackberry (FAC), hedgehog dogtail grass (*Cynosurus echinatus*) (N/L), and soft brome (FACU).

The soil matrix color within Sample Point 5 was 7.5YR3/3 with 5 percent redox colored 10YR3/1. Soils within seeps were determined to be hydric based on the presence of problematic hydric soils, red parent material (TF2). Wetland hydrology indicators observed within the seep included algal mat or crust (B4).

4.2.2 Other Waters

Ditch

Ditches are linear features constructed to convey stormwater along roadsides. Ditches occur scattered throughout the Delineation Area. The ditches are usually unvegetated due to the absence of soil and the scouring of fast-moving water during precipitation events. Ditches were mapped at the OHWM, which was delineated in the field by the presence of water marks, vegetation breaks, and/or debris/wrack line.

Ephemeral Drainage

Ephemeral drainages are linear features that exhibit a bed and bank and an OHWM. These features typically convey runoff for short periods of time, during and immediately following rain events, and are not influenced by groundwater sources at any time during the year. Ephemeral drainages within the Delineation Area were sparsely vegetated.

The ephemeral drainages mapped within the delineation area are mostly unvegetated due to the absence of soil, presence of bedrock and/or cobble, and the scouring effects of flowing water. There is very little to no soil present, so these features typically do not meet the hydric soil criteria.

Hydrology indicators observed within the ephemeral drainages included surface water (A1), water marks (B1) (riverine), sediment deposits (B2) (riverine), and drift deposits (B3) (riverine).

Intermittent Drainage

Intermittent drainages are linear features that exhibit a bed and bank, OHWM, and flow for longer duration than ephemeral drainages. Intermittent drainages differ from ephemeral drainages in that they flow for longer duration, typically weeks or months following rainfall events. The intermittent drainages mapped within the Delineation Area tend to be sparsely vegetated due to the absence of soil, presence of bedrock and/or cobble, and the scouring effects of flowing water.

Hydrology indicators observed within the intermittent drainage sampling point included surface water (A1), water marks (B1), sediment deposits (B2), and drift deposits (B3).

5.0 JURISDICTIONAL ASSESSMENT

As per Regulatory Guidance Letter (08-02), an Applicant "may elect to use a preliminary Jurisdictional Determination (PJD) to voluntarily waive or set aside questions regarding Clean Water Act/Rivers and Harbors Act jurisdiction over a particular site, usually in the interest of allowing the landowner or other "affected party" to move ahead expeditiously to obtain a USACE permit authorization where the party determines that is in his or her best interest to do so." (USACE 2008). A significant nexus evaluation is not necessary to obtain a PJD. The following information on connectivity of wetlands and other waters in the Delineation Area to TNW is provided to support USACE should a formal Jurisdictional Determination be necessary.

The drainages and ditches mapped in the western portion (approximately west of Forest Meadows Drive) of the Delineation Area are tributary to Angels Creek (relatively permanent waters [RPW]), into the New Melones Reservoir/Stanislaus River (TNW), and ultimately to the San Joaquin River (TNW) and San Francisco Bay.

The drainages, seeps, and ditches mapped in the eastern portion of the Delineation Area are tributary to San Domingo Creek (RPW), into the south fork of the Calaveras River, the Calaveras River/New Hogan Reservoir (TNW), and ultimately into the San Joaquin River (TNW).

All wetlands and other waters have connectivity with and are likely to have a significant nexus (affecting the chemical, physical, or biological integrity) with downstream TNW. Ultimately, this overland flow or flow via seeps, seasonal wetland swales, ditches and smaller drainages reach main drainages that enter Angels Creek or San Domingo Creek, which are both ultimately tributary to the San Joaquin River, USACE-identified TNW of the U.S. Thus, the waters in the Delineation Area are considered to have a significant nexus with TNW of the U.S. and would therefore have a nexus with interstate and/or foreign commerce.

6.0 CONCLUSION

A total of 0.185 acre of potential waters of the U.S. have been mapped within the Delineation Area. These acreages represent a calculated estimation of the jurisdictional area within the Delineation Area and are subject to modification following the USACE review and/or verification process. The placement of dredged or fill material into jurisdictional features would require a permit pursuant to Section 404 of the CWA and certification or waiver in compliance with Section 401 of the CWA.

7.0 REFERENCES

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LIST OF ATTACHMENTS

Attachment A - Directions to site

Attachment B - Wetland Determination Data Forms – Western Mountains, Valleys, and Coast Region

Attachment C - Plant Species Observed Onsite

Attachment D – U.S. Army Corps of Engineers ORM Aquatic Resources Table

Attachment E – Request for Preliminary Aquatic Resources Delineation Verification or Jurisdictional Determination

Attachment F – Wetland Delineation Shape File (to be included with USACE submittal only)

ATTACHMENT A

Directions to Site

1325 J St, Sacramento, CA 95814 to Hunter Dam Rd, Murphys, CA 95247

Drive 92.0 miles, 1 h 50 min

Imagery ©2017 Google, Map data ©2017 Google 2 mi

1325 J St

Sacramento, CA 95814

Get on I-305 E/I-80BL E from 15th St

6 min (1.6 mi)

1. Head east on J St toward 14th St

0.1 mi

2. Use the right 2 lanes to turn right onto 15th St

1.1 mi

3. Use the left 2 lanes to turn left onto X St

407 ft

4. Use the middle 2 lanes to turn slightly left onto the I-80 E ramp

0.3 mi

Follow CA-99 S to N 99 Frontage Rd in San Joaquin County. Take exit 271 from CA-99 S

26 min (28.0 mi)

5. Merge onto I-305 E/I-80BL E

0.3 mi

6. Use the right lane to take exit 6B for Interstate 80 Business East toward Reno/CA-99 S/Fresno

0.3 mi

7. Keep right at the fork, follow signs for CA-99 S and merge onto CA-99 S

27.2 mi

8. Take exit 271 toward Jahant Rd

0.1 mi

Take E Jahant Rd to CA-12 E/CA-88 E in Clements

14 min (10.6 mi)

9. Turn left onto N 99 Frontage Rd

449 ft

10. Turn left onto E Jahant Rd/E Woodson Rd
Continue to follow E Jahant Rd

9.3 mi

11. Turn right onto Mackville Rd

1.2 mi

12. Turn left onto CA-12 E/CA-88 E

2 min (1.1 mi)

Follow CA-12 E to CA-49 S/W St Charles St in San Andreas

25 min (22.6 mi)

13. Continue straight onto CA-12 E/W Hwy 12

18.3 mi

14. Continue straight onto CA-12 E

4.3 mi

Take CA-4 to Hunter Dam Rd in Avery

36 min (28.0 mi)

15. Continue onto CA-49 S/W St Charles St
Continue to follow CA-49 S

11.8 mi

16. Turn left onto CA-4/Angels Camp Bypass
Continue to follow CA-4

16.1 mi

17. Turn right onto Hunter Dam Rd

35 s (0.2 mi)

Hunter Dam Rd

Murphys, CA 95247

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

ATTACHMENT B

Wetland Determination Data Forms – Western Mountains, Valleys, and Coast Region

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: CCWD Ebbetts Pass City/County: Calaveras Co. Sampling Date: 6/15/17

Applicant/Owner: CCWD State: CA Sampling Point: 1

Investigator(s): KLwan Section, Township, Range: Sec 27, T 4N, R 14E

Landform (hillslope, terrace, etc.): streambed Local relief (concave, convex, none): concave Slope (%): 1

Subregion (LRR): D – MLRA 22A Lat: 38.165213 Long: -120.422632 Datum: NAD83

Soil Map Unit Name: Josephine - Mariposa association, 5-30% slopes NWI classification:

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)

Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No ____

Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ____ No X	**Is the Sampled Area within a Wetland?** Yes X No ____
Hydric Soil Present?	Yes ____ No X	
Wetland Hydrology Present?	Yes X No ____	

Remarks: intermittent drainage; other waters delineated at eroded bank

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: 25'x25')	Absolute % Cover	Dominant Species?	Indicator Status
1. Calocedrus decurrens	50	x	N/L
2. Quercus kellogii	20	x	N/L
3. Quercus chrysolepis	5		N/L
4.			
	75 = Total Cover		
Sapling/Shrub Stratum (Plot size: ____)			
1. Rubus armeniacus	10	x	FAC
2.			
3.			
4.			
5.			
	10 = Total Cover		
Herb Stratum (Plot size: ____)			
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
	____ = Total Cover		
Woody Vine Stratum (Plot size: ____)			
1.			
2.			
	____ = Total Cover		

% Bare Ground in Herb Stratum 100

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 33 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species ____	x 1 = ____
FACW species ____	x 2 = ____
FAC species ____	x 3 = ____
FACU species ____	x 4 = ____
UPL species ____	x 5 = ____
Column Totals: ____ (A)	____ (B)

Prevalence Index = B/A = ____

Hydrophytic Vegetation Indicators:

- ___ 1 - Rapid Test for Hydrophytic Vegetation
- ___ 2 - Dominance Test is >50%
- ___ 3 - Prevalence Index is ≤3.0[1]
- ___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ___ 5 - Wetland Non-Vascular Plants[1]
- ___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ____ No X

Remarks: no herbaceous vegetation

SOIL

Sampling Point: 1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

no soil sample collected in gravel / cobble bed

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- X Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- X Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) **(LRR A)**
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- X Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) **(LRR A)**
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes X No _____ Depth (inches): 12"

Water Table Present? Yes _____ No _____ Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No _____ Depth (inches): _____

Wetland Hydrology Present? Yes X No _____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

oHWM present

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: CCWD Ebbetts Pass City/County: Calaveras Co. Sampling Date: 6/15/17

Applicant/Owner: CCWD State: CA Sampling Point: 2N

Investigator(s): KWan Section, Township, Range: Sec 27, T 4N, R 14E

Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): concave Slope (%): 1

Subregion (LRR): D - MLRA 22A Lat: 38.165208 Long: -120.422643 Datum: NAD 83

Soil Map Unit Name: Josephine - Manipuse Associations, 5-30% slopes NWI classification:

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)

Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No ____

Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ____	No X	Is the Sampled Area within a Wetland? Yes ____ No X
Hydric Soil Present?	Yes ____	No X	
Wetland Hydrology Present?	Yes ____	No X	

Remarks: upland adjacent to sample pt. 1

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: 25'x25')	Absolute % Cover	Dominant Species?	Indicator Status
1. Calocedrus decurrens	50	X	N/L
2. Quercus kelloggii	20	X	N/L
3. Quercus chrysolepis	5		N/L
4.			
	75	= Total Cover	

Sapling/Shrub Stratum (Plot size: 10'x10')			
1. Rubus armeniacus	25	X	FAC
2.			
3.			
4.			
5.			
	25	= Total Cover	

Herb Stratum (Plot size: ____)			
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
		= Total Cover	

Woody Vine Stratum (Plot size: ____)			
1.			
2.			
		= Total Cover	

% Bare Ground in Herb Stratum 100

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 33 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:	
OBL species	x 1 =	
FACW species	x 2 =	
FAC species	x 3 =	
FACU species	x 4 =	
UPL species	x 5 =	
Column Totals: (A)		(B)

Prevalence Index = B/A = ____

Hydrophytic Vegetation Indicators:

- ___ 1 - Rapid Test for Hydrophytic Vegetation
- ___ 2 - Dominance Test is >50%
- ___ 3 - Prevalence Index is ≤3.0[1]
- ___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ___ 5 - Wetland Non-Vascular Plants[1]
- ___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ____ No X

Remarks:

SOIL

Sampling Point: 2N

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Redox Features Type[1]	Redox Features Loc[2]	Texture	Remarks
0-14	10YR 3/3	100					Silt loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) **(LRR A)**
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) **(LRR A)**
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes _____ No X Depth (inches): _____

Water Table Present? Yes _____ No X Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No X Depth (inches): _____

Wetland Hydrology Present? Yes _____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: CCWD Ebbetts Pass City/County: Calaveras Co. Sampling Date: 6/15/17

Applicant/Owner: CCWD State: CA Sampling Point: 5

Investigator(s): Ikwan Section, Township, Range: Sec 26, T 4N, R14E

Landform (hillslope, terrace, etc.): hillslope Local relief (concave, convex, none): none Slope (%): 5

Subregion (LRR): D - MLRA22A Lat: 38.172409 Long: -120.403513 Datum: NAD83

Soil Map Unit Name: Josephine - Mariposa association, 5-30% slopes NWI classification:

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)

Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No ____

Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes X No ____	**Is the Sampled Area within a Wetland?** Yes X No ____
Hydric Soil Present?	Yes X No ____	
Wetland Hydrology Present?	Yes X No ____	

Remarks: seep

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: ____)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	____ = Total Cover		
Sapling/Shrub Stratum (Plot size: 10'x10')			
1. Rubus armeniacus	20	X	FAC
2.			
3.			
4.			
5.			
	20 = Total Cover		
Herb Stratum (Plot size: 10'x10')			
1. Juncus balticus	90	X	FACW
2. Plantago lanceolata	1		FACU
3. Lactuca serriola	1		FACU
4. Mimulus ptchellus	5		FACW
5.			
6.			
7.			
8.			
9.			
10.			
11.			
	97 = Total Cover		
Woody Vine Stratum (Plot size: ____)			
1.			
2.			
	____ = Total Cover		

thatch - 10%

% Bare Ground in Herb Stratum 0

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 2 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species ____	x 1 = ____
FACW species ____	x 2 = ____
FAC species ____	x 3 = ____
FACU species ____	x 4 = ____
UPL species ____	x 5 = ____
Column Totals: ____ (A)	____ (B)

Prevalence Index = B/A = ____

Hydrophytic Vegetation Indicators:

- ___ 1 - Rapid Test for Hydrophytic Vegetation
- ___ 2 - Dominance Test is >50%
- ___ 3 - Prevalence Index is ≤3.0[1]
- ___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ___ 5 - Wetland Non-Vascular Plants[1]
- ___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes X No ____

Remarks:

SOIL

Sampling Point: 5

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-12	7.5YR 3/3	95	10YR 3/1	5	D	M	silt loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- X Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes X No _____

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- X Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) **(LRR A)**
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) **(LRR A)**
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes _____ No X Depth (inches): _____

Water Table Present? Yes _____ No X Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No X Depth (inches): _____

Wetland Hydrology Present? Yes X No _____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: CCWD Ebbetts Pass City/County: Calaveras Co. Sampling Date: 6/15/17

Applicant/Owner: CCWD State: CA Sampling Point: 6N

Investigator(s): KWan Section, Township, Range: sec 26, T 4N, R 14E

Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): none Slope (%): 5

Subregion (LRR): D - MLRA22A Lat: 38.172395 Long: -120.403539 Datum: NAD83

Soil Map Unit Name: dosphine - Mariposa association, 5-30% slopes NWI classification:

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)

Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No ____

Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ____	No X	
Hydric Soil Present?	Yes ____	No X	**Is the Sampled Area within a Wetland?** Yes ____ No X
Wetland Hydrology Present?	Yes ____	No X	

Remarks: upland adjacent to sample pt. 5

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: ____)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	____ = Total Cover		
Sapling/Shrub Stratum (Plot size: ____)			
1. Rubus armeniacus	5	x	FAC
2.			
3.			
4.			
5.			
	____ = Total Cover		
Herb Stratum (Plot size: 10'x10')			
1. Cynosurus echinatus	20	x	NL
2. Elymus caput-medusae	20	x	NL
3. Medicago polymorpha	5		FACU
4. Bromus hordeaceus	25	x	FACU
5. Elymus glaucus	5		FACU
6. Festuca arundinacea	10		FACU
7. Tragopogon dubius	5		NL
8.			
9.			
10.			
11.			
	____ = Total Cover		
Woody Vine Stratum (Plot size: ____)			
1.			
2.			
	____ = Total Cover		

% Bare Ground in Herb Stratum ____

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 4 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 25 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:	
OBL species ____	x 1 =	____
FACW species ____	x 2 =	____
FAC species ____	x 3 =	____
FACU species ____	x 4 =	____
UPL species ____	x 5 =	____
Column Totals: ____ (A)		____ (B)

Prevalence Index = B/A = ____

Hydrophytic Vegetation Indicators:

- ___ 1 - Rapid Test for Hydrophytic Vegetation
- ___ 2 - Dominance Test is >50%
- ___ 3 - Prevalence Index is ≤3.0[1]
- ___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ___ 5 - Wetland Non-Vascular Plants[1]
- ___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ____ No X

Remarks:

SOIL

Sampling Point: 6N

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-12	7.5YR3/3	100					s.l.t loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) **(LRR A)**
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) **(LRR A)**
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes _____ No X Depth (inches): _____

Water Table Present? Yes _____ No X Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No X Depth (inches): _____

Wetland Hydrology Present? Yes _____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: CCWD Ebbetts Pass City/County: Calaveras Co. Sampling Date: 7/12/17

Applicant/Owner: CCWD State: CA Sampling Point: 11N

Investigator(s): C. DeLong Section, Township, Range: sec 19, T4N, R15E

Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): Concave Slope (%): 10

Subregion (LRR): D - MLRA 22A Lat: 38.190076 5 Long: -120.3662927 Datum: NAD83

Soil Map Unit Name: Josephine family, deep - moderately deep complex, 5-35% slopes NWI classification:

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)

Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No ____

Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ____	No X	Is the Sampled Area within a Wetland? Yes ____ No X
Hydric Soil Present?	Yes ____	No X	
Wetland Hydrology Present?	Yes ____	No X	

Remarks: Roadside ditch without any clear OHWM. Plant community indicative of upland.

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: ____)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	____ = Total Cover		
Sapling/Shrub Stratum (Plot size: 3'x2')			
1. Ceanothus integerrimus	10	Y	N/L
2.			
3.			
4.			
5.			
	10 = Total Cover		
Herb Stratum (Plot size: 3'x2')			
1. Cynosurus echinatus	40	Y	N/L
2. Daucus carota	10		UPL
3. Dactylis glomerata	15		FACU
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
	65 = Total Cover		
Woody Vine Stratum (Plot size: ____)			
1.			
2.			
	____ = Total Cover		

% Bare Ground in Herb Stratum 35

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 2 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:	
OBL species ____	x 1 =	____
FACW species ____	x 2 =	____
FAC species ____	x 3 =	____
FACU species ____	x 4 =	____
UPL species ____	x 5 =	____
Column Totals: ____ (A)		____ (B)

Prevalence Index = B/A = ____

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

___ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ 5 - Wetland Non-Vascular Plants[1]

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ____ No X

Remarks:

SOIL

Sampling Point: 11N

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-12	10YR 3/3	100					Silty loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) **(LRR A)**
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) **(LRR A)**
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes _____ No X Depth (inches): _____

Water Table Present? Yes _____ No X Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No X Depth (inches): _____

Wetland Hydrology Present? Yes _____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

ATTACHMENT C

Plant Species Observed On-Site

CCWD Ebbetts Pass - Wetland Delineation
Plants Observed On-Site

Scientific Name	Common Name	Wetland Indicator Status[1]
Acer macrophyllum	Big leaf maple	FACU
*Acer saccharinum**	Silver maple	FAC
Achillea millefolium	Common yarrow	FACU
Acmispon americanus	Spanish clover	FACU
Acmispon nevadensis var. nevadensis	Nevada birdsfoot trefoil	N/L
Acmispon parviflorus	Small-flowered lotus	N/L
Aesculus californica	California buckeye	N/L
Agoseris grandiflora	Large-flowered agoseris	N/L
*Ailanthus altissima**	Tree-of-heaven	FACU
*Aira caryophyllea**	Hairgrass	FACU
Amelanchier alnifolia	Serviceberry	FACU
Apocynum androsaemifolium	Spreading dogbane	FACU
Arctostaphylos sp.	Manzanita (ornamental)	N/L
Arctostaphylos viscida	Manzanita	N/L
Artemisia douglasiana	Mugwort	FACW
Asclepias cordifolia	Purple milkweed	N/L
Asclepias speciosa	Showy milkweed	FAC
*Avena barbata**	Slender wild oat	N/L
*Bellis perennis**	English lawn daisy	N/L
Berberis aquifolium	Oregon grape	FACU
*Brassica nigra**	Black mustard	N/L
*Briza minor**	Little quaking grass	FAC
Bromus carinatus	California brome	N/L
*Bromus diandrus**	Ripgut brome	N/L
*Bromus hordeaceus**	Soft brome	FACU
Bromus orcuttianus	Orcutt's brome	N/L
*Bromus tectorum**	Cheatgrass	N/L
Calocedrus decurrens	Incense cedar	N/L
Calochortus albus	White globe lily	N/L
Calochortus monophyllus	Yellow star tulip	N/L
Calochortus venustus	Butterfly mariposa lily	N/L
Calystegia occidentalis ssp. *occidentalis*	Western morning-glory	N/L
*Capsella bursa-pastoris**	Shepherd common purse	FACU
Cardamine sp.	Bitter-cress	N/L
*Carduus pycnocephalus**	Italian thistle	N/L
Carex praegracilis	Clustered field sedge	FACW
Castilleja attenuata	Valley tassels	N/L
*Catalpa bignonioides**	Cigar-tree	UPL
Ceanothus cuneatus	Buck brush	N/L
Ceanothus integerrimus	Deer brush	N/L
*Centaurea solstitialis**	Yellow star-thistle	N/L
*Cerastium glomeratum**	Mouse-ear chickweed	FACU
Cercis occidentalis	Western redbud	N/L
Cercocarpus betuloides	Birch leaf mountain mahogany	N/L
Chamaebatia foliolosa	Mountain misery	N/L
Chlorogalum pomeridianum	Soap plant	N/L
Cirsium occidentale	Cobweb thistle	N/L
*Cirsium vulgare**	Bull thistle	FACU
*Cistus sp.**	Rock rose	N/L
Clarkia heterandra	California gaura	N/L
Clarkia purpurea ssp. *quadrivulnera*	Winecup clarkia	N/L
Claytonia parviflora ssp. parviflora	Small flowered miner’s lettece	FACU
Claytonia perfoliata	Miner’s lettuce	FAC

CCWD Ebbetts Pass - Wetland Delineation
Plants Observed On-Site

Scientific Name	Common Name	Wetland Indicator Status[1]
Collinsia heterophylla	Purple Chinese houses	N/L
Collinsia sparsiflora	Few flowered collinsia	N/L
Collomia heterophylla	Variableleaf collomia	N/L
Comandra umbellata ssp. californica	Bastard toadflax	N/L
Cornus nuttallii	Pacific dogwood	FACU
*Crassula tillaea**	Mediterranean pygmy-weed	FAC
Croton setiger	Turkey mullein	N/L
Cynoglossum grande	Pacific hound's tongue	N/L
*Cynosurus echinatus**	Hedgehog dog-tail grass	N/L
*Dactylis glomerata**	Orchard grass	FACU
*Daucus carota**	Queen Anne's lace	FACU
Delphinium patens	Zigzag larkspur	N/L
Deschampsia danthonioides	Annual hairgrass	FACW
Dichelostemma capitatum	Blue dicks	FACU
Dichelostemma multiflorum	Wild hyacinth	N/L
Dichelostemma volubile	Twining brodiaea	N/L
Drymocallis glandulosa	Sticky cinquefoil	FAC
Dryopteris arguta	California wood fern	N/L
Eleocharis sp.	Spikerush	FAC
*Elymus caput-medusae**	Medusahead grass	N/L
Elymus elymoides	Squirreltail	FACU
Elymus glaucus	Blue wild-rye	FACU
Epilobium brachycarpum	Panicled willow-herb	N/L
Epilobium canum	California fuchsia	N/L
Epilobium ciliatum	Hairy willow-herb	FACW
Epilobium torreyi	Brook spike primrose	FACW
Ericameria nauseosa	Rubber rabbitbrush	N/L
Eriodictyon californicum	Yerba santa	N/L
Eriophyllum lanatum var. achilleoides	Yarrow leaved woolly sunflower	N/L
Eriophyllum lanatum var. croceum	Sierra woolly sunflower	N/L
*Erodium cicutarium**	Filaree	N/L
Eschscholzia californica	California poppy	N/L
*Euphorbia virgata**	Leafy spurge	N/L
Euthamia occidentalis	Western fragrant goldenrod	FACW
*Festuca arundinacea**	Kentucky fescue	FAC
*Festuca bromoides**	Brome fescue	FAC
Festuca microstachys	Few flowered fescue	N/L
*Festuca perennis**	Italian Ryegrass	FAC
Frangula californica ssp. californica	California coffeeberry	N/L
Fritillaria micrantha	Brown bells	N/L
Galium aparine	Goose grass	FACU
*Galium murale**	Yellow wall bedstraw	N/L
Galium porrigens	Climbing bedstraw	N/L
*Genista monspessulana**	French broom	N/L
*Geranium dissectum**	Cut-leaved geranium	N/L
Goodyera oblongifolia	Rattlesnake plantain	FACU
Grindelia camporum	Gumplant	FACW
Heterocodon rariflorum	Rareflower heterocodon	FAC
Heteromeles arbutifolia	Toyon	N/L
Hieracium albiflorum	White flowered hawkweed	N/L
Hieracium horridum	Shaggy hawkweed	N/L
*Hirschfeldia incana**	Shortpod mustard	N/L
*Holcus lanatus**	Velvet grass	FAC

CCWD Ebbetts Pass - Wetland Delineation
Plants Observed On-Site

Scientific Name	Common Name	Wetland Indicator Status[1]
Hordeum marinum ssp. *gussoneanum**	Mediterranean barley	FAC
*Hordeum murinum**	Barley	FAC
Hydrophyllum occidentale	Western waterleaf	FACW
*Hypericum calycinum**	Aaron's beard	N/L
*Hypericum perforatum**	Klamath weed	FACU
*Iris sp.**	Iris (ornamental)	N/L
Isoetes sp.	Quillwort	N/L
Jensia rammii	Ramm's madia	N/L
Juncus balticus ssp. *ater*	Baltic rush	FACW
Juncus bufonius	Toad rush	FACW
Juncus effusus	Soft rush	FACW
Juncus mexicanus	Mexican rush	FACW
Juncus tenuis	Poverty rush	FAC
*Lactuca serriola**	Prickly lettuce	FACU
*Lathyrus angulatus**	Angled pea	N/L
Lathyrus nevadensis var. nevadensis	Sierra pea	N/L
Lathyrus sulphureus var. sulphureus	Snub pea	N/L
*Leontodon saxatilis**	Hairy hawkbit	FACU
*Lepidium campestre**	Cow cress	N/L
Leptosiphon bicolor	Linanthus	FACU
Leptosiphon bolanderi	Bolander's linanthus	N/L
Leptosiphon ciliatus	Whiskerbrush	N/L
Limnanthes alba ssp. *alba*	White meadowfoam	FACW
Lithophragma campanulatum	Siskiyou mountain woodland star	N/L
Lonicera hispidula	Pink honeysuckle	FACU
*Lotus corniculatus**	Birdsfoot trefoil	FAC
*Lunaria annua**	Annual honesty	N/L
Lupinus albifrons	Bush lupine	N/L
Lupinus bicolor	Bicolored lupine	N/L
Lupinus latifolius var. columbianus	Broad leaved lupine	FAC
Lupinus microcarpus var. densiflorus	Chick lupine	N/L
Lupinus nanus	Sky lupine	N/L
Lupinus stiversii	Harlequin lupine	N/L
Luzula comosa	Common wood rush	FAC
*Lythrum hyssopifolia**	Hyssop loosestrife	OBL
Madia exigua	Little tarweed	N/L
Madia gracilis	Slender tarweed	N/L
*Matricaria discoidea**	Pineapple weed	FACU
*Medicago polymorpha**	Bur clover	FACU
Melica torreyana	Torry's melica	N/L
*Melissa officinalis**	Bee balm	FACU
Micropus californicus	Cotton top	FACU
Mimulus bicolor	Yellow and white monkeyflower	FACU
Mimulus guttatus	Common large monkey-flower	OBL
Mimulus inconspicuus	Small flowered monkeyflower	FACU
Mimulus pulchellus	Yellowlip pansy monkeyflower	FACW
Mimulus viscidus var. viscidus	Viscid monkeyflower	N/L
Monardella villosa	Coyote mint	N/L
Montia fontana	Fountain miner's-lettuce	FACW
*Myosotis discolor**	Changing forget-me-not	FAC
Navarretia intertexta	Needle-leaf navarretia	FACW
Nemophila heterophylla	Canyon nemophila	N/L
Orobanche fasciculata	Clustered broom rape	N/L

CCWD Ebbetts Pass - Wetland Delineation
Plants Observed On-Site

Scientific Name	Common Name	Wetland Indicator Status[1]
Osmorhiza berteroi	Mountain sweetcicely	FACU
*Oxalis micrantha**	Dwarf woodsorrel	N/L
Pentagramma triangularis	Goldenback fern	N/L
*Phalaris aquatica**	Harding grass	FACU
*Photinia serratifolia**	Taiwanese photinia	N/L
Pinus lambertiana	Sugar pine	N/L
Pinus ponderosa	Ponderosa pine	FACU
Pinus sabiniana	Gray pine	N/L
Piperia sp.	Rein orchid	N/L
Plagiobothrys hispidus	Bristly popcorn-flower	N/L
Plagiobothrys stipitatus	Slender popcorn-flower	FACW
*Plantago lanceolata**	English plantain	FACU
Platanus x acerifolia	London planetree	N/L
Plectritis sp.	Plectritis	N/L
*Poa annua**	Annual bluegrass	FAC
*Poa bulbosa**	Bluegrass	FACU
*Poa pratensis**	Kentucky bluegrass	FAC
Primula hendersonii	Mosquito bill	N/L
Prunella vulgaris	Common self heal	FACU
*Prunus cerasifera**	Cherry plum	N/L
Prunus emarginata	Bitter cherry	FACU
Pseudognaphalium thermale	Small headed cudweed	FACU
Psilocarphus tenellus	Slender woolly-heads	OBL
Pteridium aquilinum	Bracken fern	FACU
*Pyrus calleryana**	Callery pear	N/L
Quercus chrysolepis	Canyon live oak	N/L
Quercus kelloggii	Black oak	N/L
*Ranunculus muricatus**	Spiny-fruit buttercup	FACW
Ranunculus occidentalis	Buttercup	FACW
*Raphanus sativus**	Purple wild radish	N/L
Rhamnus ilicifolia	Holly-leaf redberry	N/L
Ribes sp.	Gooseberry	N/L
Rorippa curvisiliqua	Yellow cress	OBL
Rosa californica	California rose	N/L
Rosa sp.	Rose (ornamental)	N/L
*Rubus armeniacus**	Himalayan blackberry	FAC
*Rubus laciniatus**	Cut-leaved blackberry	FACU
*Rubus sp.**	Cultivated blackberry	N/L
*Rumex acetosella**	Sheep sorrel	FACU
*Rumex crispus**	Curly dock	FAC
Salix laevigata	Red willow	FACW
Salix lasiolepis	Arroyo willow	FACW
*Sanguisorba minor**	Small burnet	UPL
Sanicula crassicaulis	Sanicle	N/L
Sequoia sempervirens	Redwood	N/L
Sequoiadendron giganteum	Giant sequoia	N/L
*Sherardia arvensis**	Field madder	N/L
Sidalcea asprella	Harsh checker mallow	N/L
Silene laciniata	Indian pink	N/L
*Sisymbrium irio**	London rocket	N/L
Solanum umbelliferum	Blue witch nightshade	N/L
Solidago sp.	Goldenrod	N/L
*Sonchus asper**	Prickly sowthistle	FACU

CCWD Ebbetts Pass - Wetland Delineation
Plants Observed On-Site

Scientific Name	Common Name	Wetland Indicator Status[1]
Symphoricarpos albus var. *laevigatus*	Snowberry	FACU
Symphoricarpos mollis	Creeping snowberry	FACU
*Taraxacum officinale**	Common dandelion	FACU
Thysanocarpus curvipes	Fringepod	N/L
*Torilis arvensis**	Torilis (hedge parsley)	N/L
Toxicodendron diversilobum	Poison oak	FAC
Toxicoscordion exaltatum	Death camas	N/L
*Tragopogon dubius**	Yellow salsify	N/L
Trichostema oblongum	Mountain bluecurls	N/L
Trifolium barbigerum	Bearded clover	FACW
Trifolium ciliolatum	Foothill clover	N/L
Trifolium depauperatum	Dwarf sack clover	FAC
*Trifolium dubium**	Shamrock clover	FACU
*Trifolium hirtum**	Rose clover	N/L
Trifolium microcephalum	Small-head clover	FAC
*Trifolium repens**	White clover	FAC
*Trifolium subterraneum**	Subterranean clover	N/L
Trifolium variegatum	White-tip clover	FAC
Trifolium willdenovii	Tomcat clover	FACU
Triphysaria eriantha	Butter and eggs	N/L
Triteleia hyacinthina	Hyacinth brodiaea	FAC
Triteleia ixioides	Prettyface	FAC
*Triticum aestivum**	Cultivated wheat	N/L
*Verbascum thapsus**	Common mullein	FACU
Veronica peregrina ssp. *xalapensis*	Purslane speedwell	FACW
Vicia americana	American vetch	FAC
*Vicia hirsuta**	Hairy vetch	N/L
*Vicia sativa**	Common vetch	UPL
*Vicia villosa**	Winter vetch	N/L
*Vinca major**	Periwinkle	N/L
Viola purpurea	Mountain violet	N/L
Vitis californica	California wild grape	FACU
Wyethia angustifolia	Mule ears	FACU

* - Non-native Species

[1]Wetland Indicator Status Codes:

OBL - Obligate Wetland; Almost always occur in wetlands
FACW - Facultative Wetland; Usually occur in wetlands, but may occur in non-wetlands
FAC - Facultative; Occur in wetlands and non-wetlands
FACU - Facultative Upland; Usually occur in non-wetlands, but may occur in wetlands
UPL - Obligae Upland; Almost never occur in wetlands
N/L - Plants that are Not Listed; Does not occur in wetlands in any region

ATTACHMENT D

U.S. Army Corps of Engineers ORM Aquatic Resources Table

Waters_Name	State	Cowardin_Code	HGM_Code	Meas_Type	Amount	Units	Waters_Type	Latitude	Longitude	Local_Waterway
DITCH-1	CALIFORNIA	R6	RIVERINE	Linear	328	FOOT	DELINEATE	-120.4245999	38.16490747	
DITCH-2	CALIFORNIA	R6	RIVERINE	Linear	148	FOOT	DELINEATE	-120.3862207	38.17765844	
DITCH-3	CALIFORNIA	R6	RIVERINE	Linear	71	FOOT	DELINEATE	-120.3753671	38.18426441	
DITCH-4	CALIFORNIA	R6	RIVERINE	Linear	37	FOOT	DELINEATE	-120.3835755	38.17819248	
DITCH-5	CALIFORNIA	R6	RIVERINE	Linear	247	FOOT	DELINEATE	-120.3840681	38.17809533	
ED-1	CALIFORNIA	R6	RIVERINE	Linear	18	FOOT	DELINEATE	-120.413378	38.169152	
ED-2	CALIFORNIA	R6	RIVERINE	Linear	39	FOOT	DELINEATE	-120.3922959	38.17577928	
ED-3a	CALIFORNIA	R6	RIVERINE	Linear	5	FOOT	DELINEATE	-120.3826595	38.17835953	
ED-3b	CALIFORNIA	R6	RIVERINE	Linear	187	FOOT	DELINEATE	-120.3822831	38.17856143	
ED-4	CALIFORNIA	R6	RIVERINE	Linear	27	FOOT	DELINEATE	-120.3932319	38.17531461	
ED-5	CALIFORNIA	R6	RIVERINE	Linear	42	FOOT	DELINEATE	-120.4229445	38.16491484	
ED-6	CALIFORNIA	R6	RIVERINE	Linear	17	FOOT	DELINEATE	-120.3687768	38.1867809	
ED-7	CALIFORNIA	R6	RIVERINE	Linear	14	FOOT	DELINEATE	-120.3653244	38.19585896	
ID-2	CALIFORNIA	R4	RIVERINE	Linear	17	FOOT	DELINEATE	-120.365299	38.19582168	
ID-3	CALIFORNIA	R4	RIVERINE	Linear	7	FOOT	DELINEATE	-120.4226304	38.16521575	
ID-4	CALIFORNIA	R4	RIVERINE	Linear	95	FOOT	DELINEATE	-120.3652634	38.19819352	
SWS-2	CALIFORNIA	PEM	SLOPE	Area	0.045	ACRE	DELINEATE	-120.384812	38.17793565	
SEEP-1	CALIFORNIA	PEM	SLOPE	Area	0.029	ACRE	DELINEATE	-120.4034258	38.17243818	
SEEP-2	CALIFORNIA	PEM	SLOPE	Area	0.032	ACRE	DELINEATE	-120.4039546	38.17218671	

ATTACHMENT E

Request for Preliminary Aquatic Resources Delineation Verification or Jurisdictional Determination

REQUEST FOR AQUATIC RESOURCES DELINEATION VERIFICATION

OR JURISDICTIONAL DETERMINATION

A separate jurisdictional determination (JD) is not necessary to process a permit. An Approved Jurisdictional Determination (AJD) is required to definitively determine the extent of waters of the U.S. and is generally used to disclaim jurisdiction over aquatic resources that are not waters of the U.S., in cases where the review area contains no aquatic resources, and in cases when the recipient wishes to challenge the water of the U.S. determination on appeal. Either an Aquatic Resources Delineation Verification or a Preliminary Jurisdictional Determination (PJD) may be used when the recipient wishes to assume that aquatic resources are waters of the U.S. for the purposes of permitting. In some circumstances an AJD may require more information, a greater level of effort, and more time to produce. If you are unsure which product to request, please speak with your project manager or call the Sacramento District's general information line at (916) 557-5250.

I am requesting the product indicated below from the U.S. Army Corps of Engineers, Sacramento District, for the review area located at:

Street Address: Near Hunter Dam Road City: Hathaway Pines County: Calaveras
State: CA Zip: 95233 Section: 18, 19, 24-27 Township: 4 North Range: 14 & 15 East
Latitude (decimal degrees): 38.179446 (NAD83) Longitude (decimal degrees): -120.389856 (NAD83)
The approximate size of the review area for the JD is 25.2 acres. **(Please attach location map)**

Choose one:
- ○ I own the review area
- ○ I hold an easement or development rights over the review area
- ○ I lease the review area
- ○ I plan to purchase the review area
- ◉ I am an agent/consultant acting on behalf of the requestor
- ○ Other:

Choose one product:
- ○ I am requesting an Aquatic Resources Delineation Verification
- ○ I am requesting an Approved JD
- ◉ I am requesting a Preliminary JD
- ○ I am requesting additional information to inform my decision about which product to request

Reason for request: (check all that apply)
- ☑ I need information concerning aquatic resources within the review area for planning purposes.
- ☐ I intend to construct/develop a project or perform activities in this review area which would be designed to avoid all aquatic resources.
- ☐ I intend to construct/develop a project or perform activities in this review area which would be designed to avoid those aquatic resources determined to be waters of the U.S.
- ☐ I intend to construct/develop a project or perform activities in this review area which may require authorization from the Corps; this request is accompanied by my permit application.
- ☐ I intend to construct/develop a project or perform activities in a navigable water of the U.S. which is included on the district's list of navigable waters under Section 10 of the Rivers and Harbors Act of 1899 and/or is subject to the ebb and flow of the tide.
- ☐ My lender, insurer, investors, local unit of government, etc. has indicated that an aquatic resources delineation verification is inadequate and is requiring a jurisdictional determination.
- ☐ I intend to contest jurisdiction over particular aquatic resources and request the Corps confirm that these aquatic resources are or are not waters of the U.S.
- ☐ I believe that the review area may be comprised entirely of dry land.
- ☐ Other:

Attached Information:
- ☑ Maps depicting the general location and aquatic resources within the review area consistent with Map and Drawing Standards for the South Pacific Division Regulatory Program (Public Notice February 2016, http://www.spd.usace.army.mil/Missions/Regulatory/Public-Notices-and-References/Article/651327/updated-map-and-drawing-standards/)
- ☑ Aquatic Resources Delineation Report, if available, consistent with the Sacramento District's Minimum Standards for Acceptance (Public Notice January 2016, http://1.usa.gov/1V68IYa)

By signing below, you are indicating that you have the authority, or are acting as the duly authorized agent of a person or entity with such authority, to and do hereby grant Corps personnel right of entry to legally access the review area. Your signature shall be an affirmation that you possess the requisite property rights for this request on the subject property.

*Signature: Alyse Yeager Date: 6/25/2018
Name: Alyse Yeager Company name: ECORP Consulting, Inc.
Address: 2525 Warren Drive
Rocklin, Ca 95677
Telephone: (916) 782 9100 Email: ayeager@ecorpconsulting.com

***Authorities:** Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.
Principal Purpose: The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the project area subject to federal jurisdiction under the regulatory authorities referenced above.
Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in the approved jurisdictional determination (AJD), which will be made available to the public on the District's website and on the Headquarters USACE website.
Disclosure: Submission of requested information is voluntary; however, if information is not provided, the request for an AJD cannot be evaluated nor can an AJD be issued.

ATTACHMENT F

Wetland Delineation Shape File (to be included with USACE submittal only)

ATTACHMENT C

Pre-Project Photographs

Photo 1. View of intermittent drainage ID-4, facing southwest. Photo taken on May 25, 2017.

Photo 2. View of intermittent drainage ID-2, facing southeast. Photo taken on May 25, 2017.

Photo 3. View of ephemeral drainage ED-6, facing northwest. Photo taken on July 12, 2017.

Photo 4. View of seasonal wetland swale SWS-2, facing west. Photo taken on July 12, 2017.

Photo 5. View of ephemeral drainage ED-2, facing west. Photo taken on May 25, 2017.

Photo 6. View of seep SEEP-1, facing southwest. Photo taken on May 24, 2017.

Photo 7. View of ephemeral drainage ED-1, facing southwest. Photo taken on May 25, 2017.

Photo 8. View of ephemeral drainage ED-5, facing west. Photo taken on May 25, 2017.

Calaveras County Water District
Ebbetts Pass Reach 1 Water Transmission
Pipeline Improvements Project

Additional Photos
Drainages, Wetlands, Seeps, etc.

Section 404/401 & 1602
Permit Applications

Photos Taken:
June 12, 2018

ID-4 (June 2018)

ID-4 (June 2018)

ED-7 (June 2018)

ED-7 (June 2018)

ID-2 (June 2018)

ID-2 (June 2018)

ED-6 (June 2018)

ED-6 (June 2018)

DITCH-3 (June 2018)

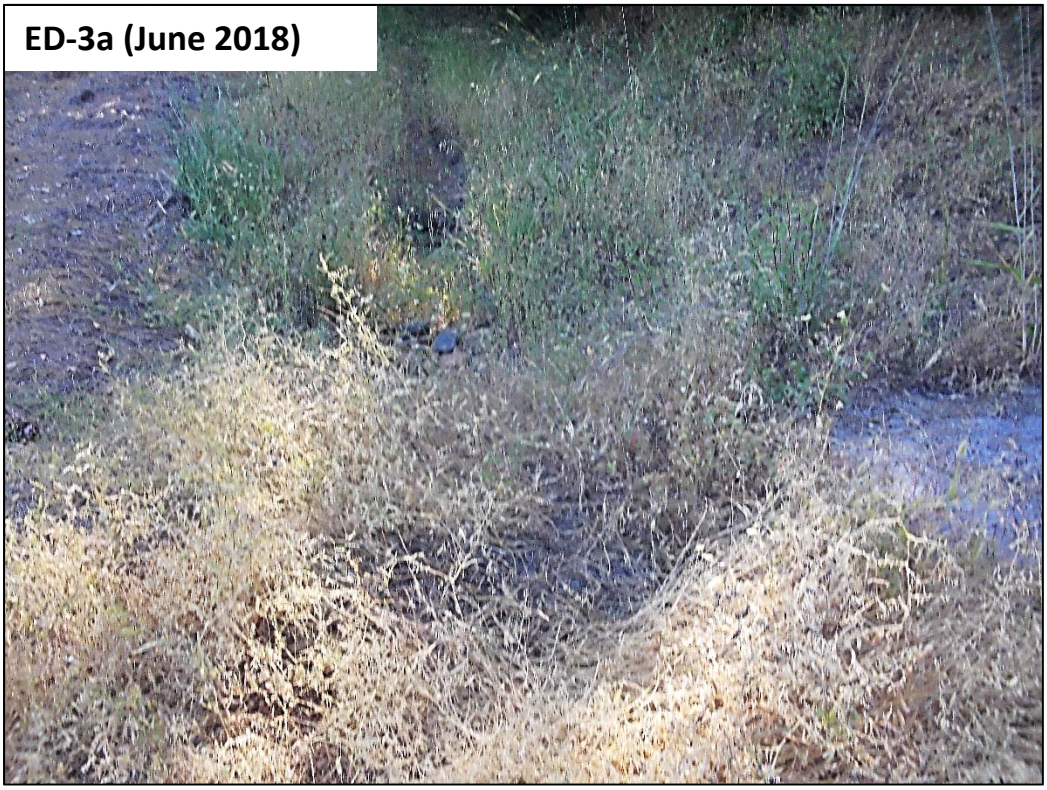
DITCH-3 (June 2018)

ED-3b(June 2018)

ED-3b (June 2018)

ED-3a (June 2018)

ED-3a (June 2018)



DITCH-4 (June 2018)

DITCH-4 (June 2018)

DITCH-5 (June 2018)

DITCH-5 (June 2018)

DITCH-5 (June 2018)

SWS-2 (June 2018)

DITCH-2 (June 2018)

DITCH-2 (June 2018)

ED-2 (June 2018)

ED-2 (June 2018)

ED-4 (June 2018)

ED-4 (June 2018)

SEEP-1 (June 2018)

SEEP-1 (June 2018)

SEEP-2 (June 2018)

SEEP-2 (June 2018)

ED-1 (June 2018)

ED-1 (June 2018)

ED-5 (June 2018)

ED-5 (June 2018)

DITCH-1 (June 2018)

DITCH-1 (June 2018)

ATTACHMENT D

Biological Resources Assessment