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

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): June 7, 2013

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Los Angeles District, Sunlight Partners Solar Array Project, SPL-2011-01084-SLP

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: California County/parish/borough**:** Los Angeles County City: near Palmdale
Center coordinates of overall site (lat/long in degree decimal format): Lat. 34.682210° **N**, Long. -118.104484° **W**.
Name of nearest waterbody: Antelope Valley Watershed (excluding Lake Palmdale and tributaries to Lake Palmdale)
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A
Name of watershed or Hydrologic Unit Code (HUC): Antelope Valley Watershed (HUC 10 #s 1809020609 through 1809020624)

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: June 7, 2013
☐ Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** *"navigable waters of the U.S."* within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [*Required*]

☐ Waters subject to the ebb and flow of the tide.
☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are no** "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [*Required*]

1. **Waters of the U.S.**
   a. **Indicate presence of waters of U.S. in review area (check all that apply):**

☐ TNWs, including territorial seas
☐ Wetlands adjacent to TNWs
☐ Relatively permanent waters[1] (RPWs) that flow directly or indirectly into TNWs
☐ Non-RPWs that flow directly or indirectly into TNWs (no adjacent wetlands)
☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
☐ Wetlands adjacent to but not directly abutting RPWs (with a surface connection) that flow directlyor indirectly into TNWs
☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
☐ Impoundments of jurisdictional waters
☐ Isolated (interstate or intrastate) waters, including isolated wetlands

   b. **Identify (estimate) size of waters of the U.S. in the review area:**
Non-wetland waters: linear feet: width (ft) and/or acres.
Wetlands: acres.

   c. **Limits (boundaries) of jurisdiction** based on: **Pick List**
Elevation of established OHWM (if known): .

2. **Non-regulated waters/wetlands (check if applicable):**[2]

☒ **Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain:** It should be noted this SWANCC watershed-level Approved JD for Antelope Valley (HUC 10 #s 1809020609 through 1809020624) specifically excludes the areas of Lake Palmdale and all waters tributary to Lake Palmdale (portions of HUC 12 #s 180902061501, 180902061102, 180902061103; portions of HUC 10 #s 1809020615, 1809020611). Lake Palmdale lies between 2,818 and 2,830 feet above sea level and covers approximately 234 acres, with relatively few waters tributary in its small subwatershed, including Palmdale Ditch. Lake Palmdale is a man-made lake originally constructed for water supply and storage, and currently also receives water inputs from the State Water Project. Though Lake

[1] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[2] Supporting documentation is presented in Section III.F.

Palmdale does not have a downstream surface connection with the lower Antelope Valley watershed (i.e. isolated), past approved jurisdictional determinations (SPL-2004-00063-AOA, SPL-2004-00073-KW, 2009-00634-PHT) have demonstrated a potential nexus to commerce (i.e. (a)(3)(i) water). Lake Palmdale has and currently does support navigation and substantial surface water related recreation with the potential for interstate commerce. The surface water related commerce includes recreational boating and fishing, further evidenced by the presence of over 65 docks within the lake perimeter, as well as an adjacent upland boat storage/parking area containing well over 150 boating vessels (2012 Google Earth aerials).

The Antelope Valley Watershed is a closed basin situated within the western Mojave Desert, with a system of Rosamond, Buckhorn, and Rogers dry lakes as the central watershed terminus. The watershed is triangular shaped, bordered on the southwest by the San Gabriel Mountains and the San Adreas Fault, on the northwest by the Tehachapi Mountains and the Garlock Fault, and on the east by hills and buttes generally following the boundary line between Los Angeles and San Bernardino Counties. Rosamond, Buckhorn and Rogers Lakes and their tributaries (Antelope Valley Watershed) function as an isolated intrastate watershed system, which lacks the presence of a TNW. Moreover, Rosamond, Buckhorn and Rogers Lakes and all tributaries to them are NOT (a)(3) waters as defined by 33 CFR 328.3, as they do NOT meet criteria (a)(3)(iii), since surface waters are NOT used for industrial or other commercial purposes by interstate commerce industries.

Rosamond, Buckhorn and Rogers Lakes are the central terminus point for surface waters within the Antelope Valley Watershed, which is situated in southern California within northern Los Angeles County, southern Kern County, and western San Bernardino County. Rosamond and Rogers dry lakes are the lowest elevational points of the watershed, with only slight differences in their individual lowest elevations (2,274 feet and 2,270 feet above sea level, respectively). The three dry lake areas cover a total area of about 76 square miles, with a mean surface elevation of 2,270 feet above sea level. Rosamond Lake, Buckhorn Lake, and Rogers Lake separately cover 22 mi^2, 3.9 mi^2 and 50.1 mi^2, respectively. Historically, these dry lake areas once comprised a single lake area (Lake Thompson) in the late Pleistocene era. The three dry lakes are located immediately south and southeast of Rosamond Hills and Bissell Hills, within the Edwards Air Force Base. The overall Antelope Valely Watershed occupies an area of approximately 2,400 mi^2. Historically, land use of the watershed consisted primarily of agriculture, but population growth has led to increased residential, industrial and commercial uses within both previous agriculture and undeveloped areas.

Antelope Valley is a semi-arid region, generally ranging in elevation from about 2,300 feet to 3,500 feet above sea level within the basin floor. Within the southern (Los Angeles County) portion of the watershed, elevations range from 2,270 feet above sea level at Rogers Dry Lake to 9,399 feet at Mt. Baden-Powell. Watershed surface flows are generated by mountain snow pack melting and by storm events. Most surface water flows within Antelope Valley either infiltrate into the groundwater basin or evaporate, or during large storm events continue to flow to the central three dry lakes situated on Edwards Air Force Base (Rosamond dry lake, Buckhorn dry lake, and Rogers dry lake). Surface flows that reach the dry lakes are typically are subject to evaporation due to underlying clay soils. Most rainfall occurs within the first few months of the year, with annual average precipitation ranging from 5 inches along the northern boundary to 10 inches along the southern boundary. Storm water runoff from the valley, surrounding mountains and hills is typically carried by ephemeral stream courses, with surface runoff divided between Little Rock and Santiago Canyons. Most of the major watershed drainages originate in the San Gabriel Mountains at the southwestern Valley edge, including Big Rock Creek, Little Rock Creek, Amargosa Creek and Anaverde Creek, as well as Oak Creek from the Tehachapi Mountains. Highly erodible soils, subsequently carried by mountain drainage flows over time, have resulted in the mountain base formation of a continuous alluvial fan area along the southern watershed edges, as well as resulted in a lack of well defined channels. Within the Valley floor, runoff is primarily carried by sheetflow. Use of groundwater resources within the Valley basin over time has also resulted in land subsidence within the region, with up to 7 foot level decreases recorded since the 1950s. Groundwater levels below the central dry lakes generally range 49 feet to 66 feet below the ground surface. The dry lakes are devoid of water, except following large or extended storm events where ponded water is subject to evaporation. Prior approved jurisdictional determinations have been made for tributaries to these dry lakes. Currently, there are no published commercial uses of the surface waters of any tributaries to Rosamond, Buckhorn and Rogers Lakes, and the review of aerial photographs (Google Earth) also did not depict surface water usage of any drainages tributary to the dry lakes. Therefore, all tributaries to Rosamond, Buckhorn and Rogers Lakes are NOT (a)(3) waters as defined by 33 CFR 328.3(a)(3)(i-iii).

Rosamond, Buckhorn and Rogers Lakes, as the terminus for all waters within the Antelope Valley Watershed, are NOT TNWs. Moreover, Rosamond, Buckhorn and Rogers Lakes are NOT (a)(3) waters as defined by 33 CFR 328.3. Rosamond, Buckhorn and Rogers dry lakes do NOT meet criteria (a)(3)(i-iii), as they: i) DO NOT have use for surface water recreation or other purposes by foreign or interstate travelers, ii) DO NOT have harvesting activities of fish or shellfish that may be sold in interstate or foreign commerce, and iii) DO NOT have surface water industrial usage by industries in interstate commerce. Military flight testing, NASA space shuttle landings and other aeronautical activities have taken place in Rosamond, Buckhorn and Rogers Lakes since approximately 1933. Published recreational uses for the dry lake areas are limited to a few non-surface water uses, including OHV use, rock hounding, and aircraft and military activity. Also, Buckhorn and Rogers dry lakes have been subject to clay mining. However, none of the above activities on the lakes utilize the lake surface waters.

The above is based upon: the California Groundwater Bulletin 118: Antelope Valley Groundwater Basin (last updated February 27, 2004); the South Lahontan Hydrologic Region Plan; Antelope Valley Water Resource Study (dated November 1995, prepared by Kennedy/Jenks Consultants); Comprehensive Flood Control and Water Conservation Plan (dated June 1987, prepared by Los Angeles County Department of Public Works); Antelope Valley Integrated Regional Water Management Plan (dated 2005, prepared by the Regional Water Management Group of the Antelope Vallay IRWMP); Lake

Thompson, Mojave Desert, California: A Dessicating Late Quaternary Lake System (dated January 2004, prepared by Antony Orme, ERDC); Land Use and Water Use in the Antelope Valley, California (dated 1995, William Templin et al.), 2012 Sanitary Survey and Drinking Water Source Assessment Update (Dated December 2012, prepared by Black & Veatch), the review of aerial photographs (Google Earth) that also did not show surface water usage of any tributaries to Rosamond, Buckhorn and Rogers Lakes or the dry lake terminii themselves, and 62 prior approved jurisdictional determinations within the same Antelope Valley Watershed (see specific JD information listed in Section IV). Therefore, since Rosamond, Buckhorn and Rogers Lakes are intrastate isolated waters without a surface water connection to commerce, all tributaries to Rosamond, Buckhorn and Rogers Lakes as part of the overall watershed system are also isolated and additionally have no nexus to commerce. Thus, the Antelope Valley Watershed, excluding Lake Palmdale and tributaries to Lake Palmdale, is an isolated watershed system that has no surface water connection to commerce under SWANCC.

Based on the information above, the Corps concludes that all tributaries to Rosamond, Buckhorn and Rogers Lakes, and Rosamond, Buckhorn and Rogers Lakes themselves, (i.e. the Antelope Valley Watershed, excluding Lake Palmdale and tributaries to Lake Palmdale) are NONJURISDICTIONAL waters of the United States under SWANCC, since Antelope Valley waters are NOT tributary to either a TNW or an (a)(3) water and Rosamond, Buckhorn and Rogers Lakes are NOT (a)(3) waters themselves. The Corps makes such a watershed conclusion since the Antelope Valley watershed is an isolated, intrastate watershed without any surface water related commerce.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW
Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW
Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[3] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:
Watershed size: **Pick List**
Drainage area: **Pick List**
Average annual rainfall: inches
Average annual snowfall: inches

(ii) Physical Characteristics:
(a) Relationship with TNW:
☐ Tributary flows directly into TNW.
☐ Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.
Project waters are **Pick List** river miles from RPW.
Project waters are **Pick List** aerial (straight) miles from TNW.
Project waters are **Pick List** aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: .

[3] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

Identify flow route to TNW[4]: .
Tributary stream order, if known: .

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☐ Artificial (man-made). Explain: .
☐ Manipulated (man-altered). Explain: .

Tributary properties with respect to top of bank (estimate):
Average width: feet
Average depth: feet
Average side slopes: **Pick List.**

Primary tributary substrate composition (check all that apply):

☐ Silts	☐ Sands	☐ Concrete
☐ Cobbles	☐ Gravel	☐ Muck
☐ Bedrock	☐ Vegetation. Type/% cover:	
☐ Other. Explain: .		

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: .
Presence of run/riffle/pool complexes. Explain: .
Tributary geometry: **Pick List**
Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Pick List**
Estimate average number of flow events in review area/year: **Pick List**
Describe flow regime: .
Other information on duration and volume: .

Surface flow is: **Pick List.** Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .
☐ Dye (or other) test performed: .

Tributary has (check all that apply):
☐ Bed and banks
☐ OHWM[5] (check all indicators that apply):

☐ clear, natural line impressed on the bank	☐ the presence of litter and debris
☐ changes in the character of soil	☐ destruction of terrestrial vegetation
☐ shelving	☐ the presence of wrack line
☐ vegetation matted down, bent, or absent	☐ sediment sorting
☐ leaf litter disturbed or washed away	☐ scour
☐ sediment deposition	☐ multiple observed or predicted flow events
☐ water staining	☐ abrupt change in plant community
☐ other (list):	

☐ Discontinuous OHWM.[6] Explain: .

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☐ High Tide Line indicated by:	☐ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects	☐ survey to available datum;
☐ fine shell or debris deposits (foreshore)	☐ physical markings;
☐ physical markings/characteristics	☐ vegetation lines/changes in vegetation types.
☐ tidal gauges	
☐ other (list):	

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Explain: .
Identify specific pollutants, if known: .

[4] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.
[5]A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
[6]Ibid.

(iv) Biological Characteristics. Channel supports (check all that apply):

- ☐ Riparian corridor. Characteristics (type, average width): .
- ☐ Wetland fringe. Characteristics: .
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings: .
  - ☐ Fish/spawn areas. Explain findings: .
  - ☐ Other environmentally-sensitive species. Explain findings: .
  - ☐ Aquatic/wildlife diversity. Explain findings: .

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: .

Surface flow is**: Pick List**

Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

- ☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☐ Not directly abutting
  - ☐ Discrete wetland hydrologic connection. Explain: .
  - ☐ Ecological connection. Explain: .
  - ☐ Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List.**

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .

Identify specific pollutants, if known: .

(iii) Biological Characteristics. Wetland supports (check all that apply):

- ☐ Riparian buffer. Characteristics (type, average width): .
- ☐ Vegetation type/percent cover. Explain: .
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings: .
  - ☐ Fish/spawn areas. Explain findings: .
  - ☐ Other environmentally-sensitive species. Explain findings: .
  - ☐ Aquatic/wildlife diversity. Explain findings: .

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately ( ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)

Summarize overall biological, chemical and physical functions being performed: .

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   ☐ TNWs: linear feet width (ft), Or, acres.
   ☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**
   ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: .
   ☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally

   Provide estimates for jurisdictional waters in the review area (check all that apply):
   ☐ Tributary waters: linear feet width (ft).
   ☐ Other non-wetland waters: acres.
   Identify type(s) of waters: .

3. **Non-RPWs[7] that flow directly or indirectly into TNWs.**

[7]See Footnote # 3.

☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.
☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.
☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.
☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.[8]
As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
☐ Demonstrate that impoundment was created from "waters of the U.S.," or
☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[9]
☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain: .
☐ Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .
☐ Wetlands: acres.

[8] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
[9] **Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.***

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

☒ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.

☐ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).

☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .

☐ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).

☐ Lakes/ponds: acres.

☐ Other non-wetland waters: acres. List type of aquatic resource: .

☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).

☐ Lakes/ponds: acres.

☐ Other non-wetland waters: acres. List type of aquatic resource: .

☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Sunlight Partners watershed map with project sub-locations

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

☐ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps: .

☐ Corps navigable waters' study: .

☐ U.S. Geological Survey Hydrologic Atlas: .

☐ USGS NHD data.

☐ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite scale & quad name: .

☐ USDA Natural Resources Conservation Service Soil Survey. Citation: .

☐ National wetlands inventory map(s). Cite name: .

☐ State/Local wetland inventory map(s): .

☐ FEMA/FIRM maps: .

☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)

☒ Photographs: ☒ Aerial (Name & Date): .

or ☒ Other (Name & Date): .

☒ Previous determination(s). File no. and date of response letter: 62 prior approved jurisdictional determinations (enclosed table).

☐ Applicable/supporting case law: .

☐ Applicable/supporting scientific literature: .

☒ Other information (please specify): California Groundwater Bulletin 118: Antelope Valley Groundwater Basin (last updated February 27, 2004); the South Lahontan Hydrologic Region Plan; Antelope Valley Water Resource Study (dated November 1995, prepared by Kennedy/Jenks Consultants); Comprehensive Flood Control and Water Conservation Plan (dated June 1987, prepared by Los Angeles County Department of Public Works); Antelope Valley Integrated Regional Water Management Plan (dated 2005, prepared by the Regional Water Management Group of the Antelope Vallay IRWMP); Lake Thompson, Mojave Desert, California: A Dessicating Late Quaternary Lake System (dated January 2004, prepared by Antony Orme, ERDC); Land Use and Water Use in the Antelope Valley, California (dated 1995, William Templin et al.); 2012 Sanitary Survey and Drinking Water Source Assessment Update (Dated December 2012, prepared by Black & Veatch); and the review of aerial photographs (Google Earth).

B. ADDITIONAL COMMENTS TO SUPPORT JD: