

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
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): September 6, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: NWP-2018-372

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Oregon County/parish/borough: Crook City: Prineville
Center coordinates of site (lat/long in degree decimal format): Lat. 44.28338 °, Long. -120.876716 °
Universal Transverse Mercator: 669421.1 Easting, 4905540.36 Northing UTM Zone 10
Name of nearest waterbody: Crooked River
Name of watershed or Hydrologic Unit Code (HUC): Town of Prineville-Crooked River HUC No. 170703051002

- Check if map/diagram of review area is 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: August 23, 2018
 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.

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.

SECTION III: 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: Wetland Delineation Report, Ochocho Solar, LLC, Crook County, Oregon July 2017; September 2017; Revised June 7, 2018 prepared for Cypress Creek Renewables, LLC by Spirit Environmental and received July 16, 2018.
- 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:
- U.S. Geological Survey Hydrologic Atlas: Town of Prineville-Crooked River HUC 170703051002
 USGS NHD data.
 USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 7.5' Quadrangle; Prineville, OR
- USDA Natural Resources Conservation Service Soil Survey. Citation: Buckbert ashy sandy loam, 0 to 3 percent slopes (026), Redmond ashy sandy loam, 0 to 3 percent slopes (104Am), Stukmond-Licksillet-Redmond complex, 0-8 percent slopes (143), and Redmond-Stukmond complex, 0 to 8 percent slopes (144); no hydric soils, ecological site is juniper shrubby pumice flat 10-12 PZ or juniper pumice flat 8-10 PZ.
- National wetlands inventory map(s). Cite name: NWI Mapper at <https://www.fws.gov/wetlands/data/mapper.html> accessed 23 August
- State/Local wetland inventory map(s):
- FEMA/FIRM maps: FEMA Map No. 410113C0400C effective date 2 February 2012
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date):
 or Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law: Federal Register/Vol. 80, No. 124/Monday, June 29, 2015/Rules
- Applicable/supporting scientific literature:
- Other information (please specify):

¹ This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: The applicant has used the “Routine Onsite” method from 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) and has established 13 sample plots at a depth of 20 inches along mapped National Wetland Inventory polygons, concave surfaced and areas exhibiting potential sign of saturated soils on aerial imagery. Tree, shrub and herb layers utilized ten, five and one meter square plots respectively. No facultative, facultative wetland or obligate wetland species are recorded. Hydric soils were not recorded. Surface water, saturated soils or groundwater within 20 inches of the surface was not observed. Determination of Ordinary High Waters were made using Regulatory Guidance Letter 05-05 and appropriate Corps guidance. No wetlands were recorded in any sample plot. Ten roadside ditches and two dry washes were identified. All ditches are ephemeral in nature; they are not excavated in any tributary, or relocate a tributary, and do not connect to a Traditional Navigable Water, Interstate Water or Territorial Sea either directly or indirectly through another water or wetland. The two dry washes are ephemeral and are erosional features. The project area sits approximately 300 feet above mean sea level of the Crooked River floodplain. There are no signs of tributary development between the project area and the river. The project area is outside of the FEMA 100-year floodplain. The Crooked River is from 5,280 to 10,560 linear feet (one to two miles) from the river as the crow flies.

This delineation was completed using the 2015 Clean Water Rule.