

Senate Committee on Environment and Public Works Subcommittee on Fisheries, Water, and Wildlife oversight hearing entitled, “Erosion of Exemptions and Expansion of Federal Control –Implementation of the Definition of Waters of the United States.” May 24, 2016

**Request for Additional Information: Case Study 4 and Supporting Documents**

---

*Case Study 4*

1. Project Summary:  
SPK#2013-01091  
The total project area is approximately 10 acres in size
  
2. Issue:
  - a. Corps requires the inclusion of a geotechnical test pit to assess soil percolation as a jurisdictional wetland feature
  - b. Delineator refused to supply data sheets for features that were not jurisdictional. Corps verified the delineation without data sheets for features they required add to the delineation map (WF04, WF05 and WF 06).
  
3. Supporting Information  
Exhibit A – 2013 1<sup>st</sup> Submitted Draft Delineation map  
Exhibit B – 2014 Revised Delineation map (verified<sup>i</sup>)  
Exhibit C – Photos of features the Corps required to be added to the original delineation map.
  
4. Details: Following the original submission of the draft delineation (Exhibit A), a site visit with consultant and Corps regulator was conducted, resulting in the Corps asserting jurisdiction of additional features (Exhibit B). The revised map includes an area labeled as a seasonal swale and two additional man-made features (WF04, WF05 and WF06). The seasonal swale (WF06) contained wetland indicator plants dominated by rye grass, but the same prevalence of rye grass was found in the upland areas, which means that the swale shouldn't be considered a wetland based on rye grass as a dominant plant. However the Corps claimed that the area was subject to sheet flow when there were significant rain events. The Corps regulator brought photos of the site and surrounding area taken during significant rain events and asserted jurisdiction based on the photos he had taken. The regulator indicated that they wanted the three additional features on the map because the site is known to flood during high precipitation events. The man-made feature (WF04) was a percolation test pit that was created as a result of geotechnical investigations. All three features that the Corps required to be mapped as wetlands did not meet the criteria as wetlands and the regulator did not supply any data.
  
5. Status: Proposed actions on the site are stalled due to project costs associated with the presence of wetlands, mitigation costs, and the inability to avoid through construction techniques.

---

<sup>i</sup> Verified means that the US Corps of Engineers has conducted a field review and performed a verification or jurisdictional determination, concurring with the extent, location, and type of WOTUS within the project area. PJD issued.

# Exhibit A

---



The features presented in this figure are to be considered preliminary until written verification by the USACE.

Wetland Features						
Label	Type	Designation	Width (ft)	Length (ft)	Area (sq ft)	Acres
WF01	Seasonal Wetland	Adjacent	N/A	N/A	3796.6	0.087
WF02	Seasonal Wetland	Adjacent	N/A	N/A	502.6	0.012
WF03	Seasonal Swale	Adjacent	N/A	N/A	64.8	0.001
<b>Wetland Features Totals=</b>					<b>4364.0</b>	<b>0.100</b>

- Project Boundary
  - Culvert- C#
  - Contours
  - Direction of Flow
- Soil Data Points**
- Test Pit- TP#
  - Upland- U#
  - Wetland- W#
- Wetland Feature- WF#**
- Seasonal Swale
  - Seasonal Wetland



1:2,400 Map Date: 10/30/13

0 100 200 Feet

Data Sources: USDA Imagery (2013), Shasta County

Exhibit A

# Exhibit B

---

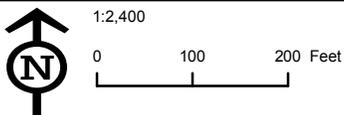
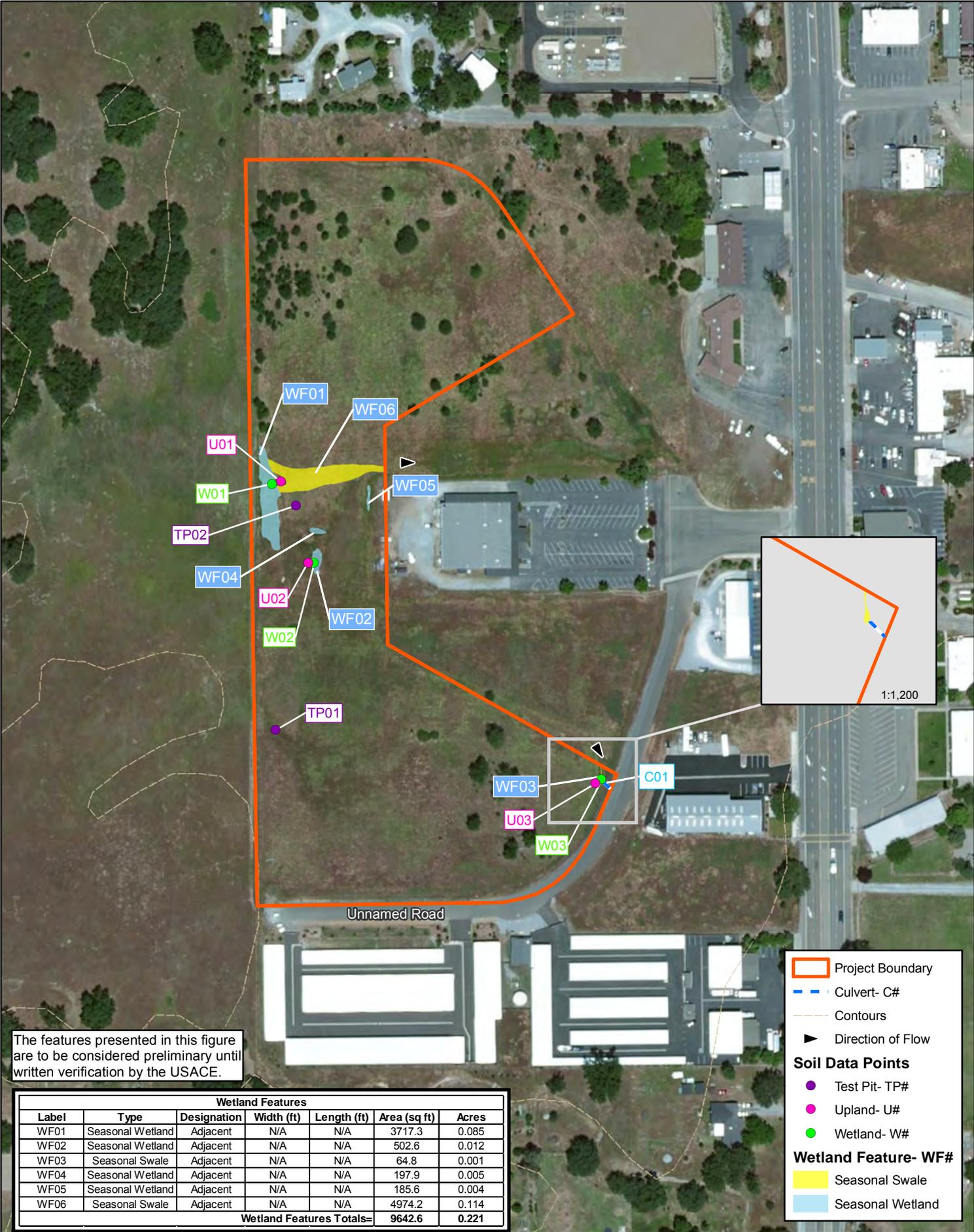


Exhibit B

# Exhibit C

---

## Site Photos



Test Pit Location Number 1.



Test Pit Location Number 2.



Wetland Feature 01.



Wetland Feature 04.



Wetland Feature 02.



Wetland Feature 03.



Wetland Feature 05.

Approximate Location of WF06



WF06