



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

June 16, 2017

Regulatory Division (SPK-2016-00831)

Mr. Patrick Jones  
1600 E. Cypress Avenue  
Redding, California 96002

Dear Mr. Jones:

We are responding to your January 30, 2017, request and additional information provided on June 5, 2017, for a preliminary jurisdictional determination (JD) for the High Plains Shooting Center site. The approximately 134.7-acre project site is located near Bear Creek, Latitude 40.4945978074058°, Longitude -122.158796944431°, Shasta County, California.

Based on available information, we concur with your aquatic resources delineation for the site as depicted on the enclosed June 2, 2017, *High Plains Sports Center Wetland Delineation Map* drawing prepared by Wildland Resource Managers (enclosure 1). The approximately 11.725 acres of vernal swales, 0.428 acres of vernal pools, and 2.221 acres of intermittent and ephemeral streams present within the survey area are potential jurisdictional aquatic resources ("waters of the United States") regulated under Section 404 of the Clean Water.

At your request, we have completed a preliminary JD for the site. Enclosed find a copy of the *Preliminary Jurisdictional Determination Form* (enclosure 2). Please sign and return the completed form to this office, at the address listed below, within 30 days of the date of this letter. If you do not return the signed form within 30 days, we will presume concurrence and finalize the preliminary jurisdictional determination.

You may request an approved JD for this site at any time prior to starting work within waters, including after a permit decision is made.

We recommend you provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

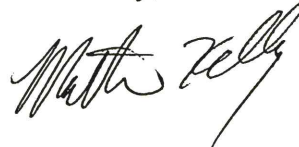
This preliminary jurisdictional determination has been conducted to identify the potential limits of wetlands and other aquatic resources at the project site which may be subject to U.S. Army Corps of Engineers jurisdiction under Section 404 of the Clean

Water Act and/or Section 9 and 10 of the Rivers and Harbors Act. A *Notification of Appeal Process and Request for Appeal Form* is enclosed to notify you of your options with this determination (enclosure 3).

We appreciate feedback, especially about interactions with our staff and processes.

Please refer to identification number SPK-2016-00831 in any correspondence concerning this project. If you have any questions, please contact Matthew Kelley at Redding Regulatory Office, 310 Hemsted Drive, Suite 310, Redding, California 96002, by email at [Matthew.P.Kelley@usace.army.mil](mailto:Matthew.P.Kelley@usace.army.mil), or telephone at (530) 223-9537. For program information or to complete our Customer Survey, visit our website at [www.spk.usace.army.mil/Missions/Regulatory.aspx](http://www.spk.usace.army.mil/Missions/Regulatory.aspx).

Sincerely,

A handwritten signature in black ink that reads "Matthew Kelley". The signature is written in a cursive, flowing style.

Matthew Kelley  
Chief, Redding Regulatory Office

Enclosures

cc: (w/o encls)

Mr. Joseph Morgan, U.S. Environmental Protection Agency, [Morgan.Joseph@epa.gov](mailto:Morgan.Joseph@epa.gov)

Ms. Danna Berchtold, Regional Water Quality Control Board,  
[dberchtold@waterboards.ca.gov](mailto:dberchtold@waterboards.ca.gov)

Mr. Steve Kerns, Wildland Resource Managers, [skerns7118@aol.com](mailto:skerns7118@aol.com)



## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Mr. Patrick Jones	File No.: SPK-2016-00831	Date: June 16, 2017
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Attached is:	See Section below
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	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
✓	PRELIMINARY JURISDICTIONAL DETERMINATION	E

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/cecw/pages/reg\\_materials.aspx](http://www.usace.army.mil/cecw/pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.



**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

Matthew Kelley  
Chief, Redding Regulatory Office  
U.S. Army Corps of Engineers  
310 Hemsted Drive, Suite 310  
Redding, California 96002  
Phone: (530) 223-9537, FAX 916-557-7803  
Email: Matthew.P.Kelley@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Thomas J. Cavanaugh  
Administrative Appeal Review Officer  
U.S. Army Corps of Engineers  
South Pacific Division  
1455 Market Street, 2052B  
San Francisco, California 94103-1399  
Phone: 415-503-6574, FAX 415-503-6646  
Email: Thomas.J.Cavanaugh@usace.army.mil

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:

**PRELIMINARY JURISDICTIONAL DETERMINATION  
Sacramento District**

This preliminary JD finds that there "may be" waters of the United States on the site. This preliminary JD identifies all aquatic features on the site that could be affected by the proposed project. The following information:

Regulatory Branch: **California North** File/ORM #: **SPK-2016-00831** PJD Date:


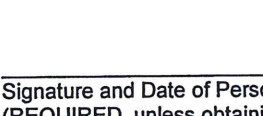
State: <b>CA</b> City/County: <b>, Shasta County</b> Nearest Waterbody: <b>Bear Creek</b>  Location (Lat/Long): <b>40.4945978074058° , -122.158796944431°</b>  Size of Review Area: <b>134.7</b> acres	Name/Address Of Property Owner/Potential Applicant
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<b>Identify (Estimate) Amount of Waters in the Review Area</b> <b>Non-Wetland Waters:</b> linear feet . ft wide <b>2.221</b> acre(s) Stream Flow: <b>Mixed</b>  <b>Wetlands: 12.153</b> acre(s) Cowardin Class: <b>Palustrine, emergent</b>	Name of any Waters on the site identified in Section 10 Waters of the United States  <input type="checkbox"/> Office (Desk) <input checked="" type="checkbox"/> Field Determination Date(s) of Site Visit
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**SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply to this case file and, where checked and requested, appropriately reference sources)**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: **Delineation Map, June 2, 2017**
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- Data sheets prepared by the Corps.
- Corps navigable waters' study.
- U.S. Geological Survey Hydrologic Atlas:
  - USGS NHD data.
  - USGS HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: **1:24K; CA-BALLS**
- USDA Natural Resources Conservation Service Soil Survey.
- National wetlands inventory map(s).
- State/Local wetland inventory map(s).
- FEMA/FIRM maps.
- 100-year Floodplain Elevation (if known):
- Photographs:  Aerial  
 Other
- Previous determination(s). File no. and date of response letter:
- Other information (please specify):

**IMPORTANT NOTE:** The information recorded on this form has not necessarily been verified by the Corps and is for informational purposes only.

Signature and Date of Regulatory/Project Manager (REQUIRED)	Signature and Date of Person (REQUIRED, unless obtaining a permit)
	
Date: <b>6-16-17</b>	

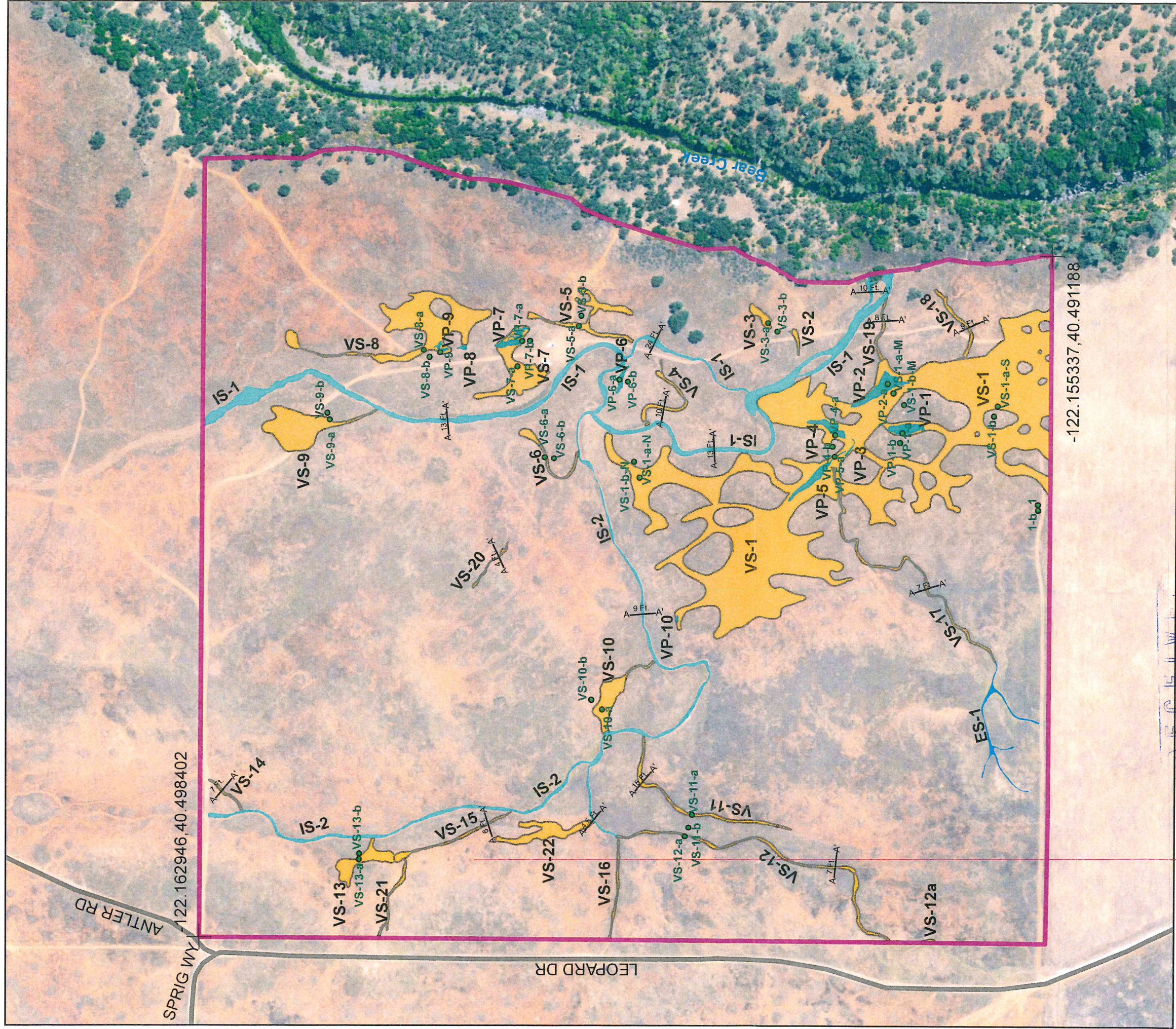
**EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:**

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination. The person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) "notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting a permit authorization on an approved JD could possibly result in less compensatory mitigation being required; (3) the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation is required; (4) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD preliminary JD, but that either form of JD will be processed as soon as is practicable; (5) accepting a permit authorization any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdictional action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an individual permit or a NWP as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein) appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (and if it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an approved JD to accomplish that result, as soon as is practicable.





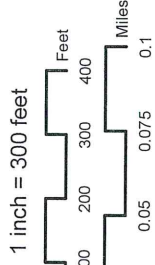
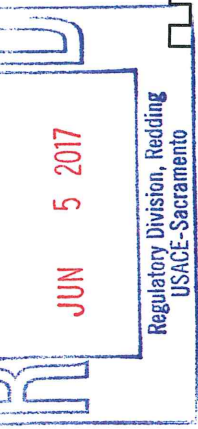


-122.155337, 40.491188



Field Work and Project Management  
by Wildland Resource Managers  
Steven J. Kerns  
Principal and Certified Wildlife Biologist

Projection: California State Plane Zone 1, NAD 83



**Legend**

- XYCoordinate
- Data Point
- Project Boundary (134.7 Acres)
- County Road
- Stream Width
- Ephemeral Stream (0.504 Acres)
- Intermittent Stream (2.0604 Acres)
- Vernal Pool (0.425 Acres)
- Vernal Swale (11.070 Acres)

Image Date: Summer 2016

Data Type: California NAIP Orthophotography,  
NAIP\_2016\_4Band  
Spatial Resolution: 0.600 Meters  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
Service Name: arcgis on map.dfg.ca.gov/user

Sources:  
Wildland Resource Managers

GIS and Cartography Prepared By:  
rkBARON GEOvisuals  
Copyright 2005-2016

Figure 4

Type	ID	Acres	Type	ID	Acres
Ephemeral	ES-1	0.0869	Vernal Swale	VS-1	8.3995
<b>TOTAL:</b>		<b>0.0869</b>	Vernal Swale	VS-2	0.0185
Intermittent	IS-1	1.5048	Vernal Swale	VS-3	0.0488
Intermittent	IS-2	0.6292	Vernal Swale	VS-4	0.0730
<b>TOTAL:</b>		<b>2.1340</b>	Vernal Swale	VS-5	0.1921
Vernal Pool	VP-1	0.0641	Vernal Swale	VS-6	0.0650
Vernal Pool	VP-2	0.1189	Vernal Swale	VS-7	0.3718
Vernal Pool	VP-3	0.0067	Vernal Swale	VS-8	0.8343
Vernal Pool	VP-4	0.0585	Vernal Swale	VS-9	0.4347
Vernal Pool	VP-5	0.0721	Vernal Swale	VS-10	0.1985
Vernal Pool	VP-6	0.0277	Vernal Swale	VS-11	0.1245
Vernal Pool	VP-7	0.0535	Vernal Swale	VS-12	0.1711
Vernal Pool	VP-8	0.0076	Vernal Swale	VS-12a	0.0100
Vernal Pool	VP-9	0.0155	Vernal Swale	VS-13	0.1731
Vernal Pool	VP-10	0.0038	Vernal Swale	VS-14	0.0190
<b>TOTAL:</b>		<b>0.4284</b>	Vernal Swale	VS-15	0.0672
			Vernal Swale	VS-16	0.0377
			Vernal Swale	VS-17	0.1324
			Vernal Swale	VS-18	0.0574
			Vernal Swale	VS-19	0.0367
			Vernal Swale	VS-20	0.0175
			Vernal Swale	VS-21	0.0410
			<b>Vernal Swale</b>	<b>VS-22</b>	<b>0.2008</b>
			<b>TOTAL:</b>		<b>11.7245</b>



