

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): January 6, 2011

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, Laguna Creek Bike Trail Connector, SPK-2011-00034, PC-1, PC-2, SW-1

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **California** County/parish/borough: **Sacramento** City: **Elk Grove**
Center coordinates of site (lat/long in degree decimal format): Lat. **38.4285057396509°**, Long. **-121.386098557891°**
Universal Transverse Mercator: **10 640872.05 4254593.7**

Name of nearest waterbody: **Laguna Creek**

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Sacramento River**

Name of watershed or Hydrologic Unit Code (HUC): **Lower Sacramento, California., 18020109**

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: **January 6, 2010**

Field Determination. Date(s): **December 15, 2010**

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** "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):¹

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or 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: **604.2** linear feet, _____ wide, and/or **0.588** acres.

Wetlands: **0.022** acres.

c. Limits (boundaries) of jurisdiction based on: Established by OHWM and 1987 Delineation Manual.

Elevation of established OHWM (if known): **34 feet**

2. Non-regulated waters/wetlands (check if applicable):³

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain: **The 0.015 acre drainage ditch is an upland ditch that does not meet the three parameters for a wetland and does not contain an ordinary high water mark. The ditch was constructed by the City of Elk Grove to reduce flooding within the subdivision to the north of the proposed project area. The 0.109 acre FEW-1 and 0.011 acre SW-1 are wetlands that occur between the parking lot of the California Family Fitness facility and western commercial developments. These wetlands are located more than 2000' to the south of Laguna Creek, and are at a lower elevation than Laguna Creek. There are no swales or other features present to transport water to Laguna Creek. An inspection of the southern end of FEW-1 showed that no culverts or other connections occur between these wetlands**

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² 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).

³ Supporting documentation is presented in Section III.F.

and any other waters. It appears as though these wetlands are within a low area that receives storm water runoff from the adjacent California Family Fitness to the east, parking areas to the south, and commercial development to the west.

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 waterbody⁴ 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: **30,785 acres**

Drainage area: **30,785 acres**

Average annual rainfall: **22 inches**

Average annual snowfall: **0 inches**

(ii) **Physical Characteristics:**

(a) **Relationship with TNW:**

Tributary flows directly into TNW.

Tributary flows through **1** tributaries before entering TNW.

Project waters are **5-10** river miles from TNW.

Project waters are **1 (or less)** river miles from RPW.

Project waters are **5-10** aerial (straight) miles from TNW.

Project waters are **1 (or less)** aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain:

⁴ 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 TNW⁵: **Laguna Creek is a perennial RPW, which flows approximately 5.75 miles north-west into Morrison Creek. Morrison Creek is a perennial RPW that flows approximately 4 miles where it is pumped into the Sacramento River, a TNW subject to both Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.**

Tributary stream order, if known:

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

Tributary is:

Natural

Artificial (man-made). Explain:

Manipulated (man-altered). Explain: **The majority of Laguna Creek in the vicinity of the proposed project has been altered for flood control purposes. Within the proposed project area, Laguna Creek appears to be in a previously altered channel. In addition, immediately east of the project boundary area, a dam has been constructed through Laguna Creek, creating a large pond.**

Tributary properties with respect to top of bank (estimate):

Average width: **50** feet

Average depth: **0.5** feet

Average side slopes: **4:1 (or greater)**.

Primary tributary substrate composition (check all that apply):

Silts

Sands

Concrete

Cobbles

Gravel

Muck

Bedrock

Vegetation. Type/% cover: **cattails and bulrush (95%)**

Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: **Laguna Creek at this location is in a wide channel, with little slope and is well vegetated, and appears stable. There are several branches of Laguna Creek within the vicinity, including PC-1, which is partially located on the proposed project site.**

Presence of run/riffle/pool complexes. Explain: **None**

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): **5 %**

(c) Flow:

Tributary provides for: **Perennial and Seasonal Flow**

Estimate average number of flow events in review area/year: **20 (or greater)**

Describe flow regime: **PC-2 consists of Laguna Creek, which is a perennial creek. PC-1 is a seasonal branch of Laguna Creek.**

Other information on duration and volume:

Surface flow is: **Confined**. Characteristics: **Laguna Creek (PC-2) and PC-1 exhibit bed and bank and flow within a confined channel.**

Subsurface flow: **Unknown**. Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks

OHWM⁶ (check all indicators that apply):

clear, natural line impressed on the bank

changes in the character of soil

shelving

vegetation matted down, bent, or absent

leaf litter disturbed or washed away

sediment deposition

water staining

other (list):

Discontinuous OHWM.⁷ Explain:

the presence of litter and debris

destruction of terrestrial vegetation

the presence of wrack line

sediment sorting

scour

multiple observed or predicted flow events

abrupt change in plant community

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:

⁵ 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.

⁶ 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.

⁷Ibid.

- | | |
|--|--|
| <input type="checkbox"/> oil or scum line along shore objects | <input type="checkbox"/> survey to available datum; |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings; |
| <input type="checkbox"/> physical markings/characteristics | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges | |
| <input type="checkbox"/> other (list): | |

(iii) **Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: **The chemical characteristics of Laguna Creek at this location is unknown. During the December 15, 2010 site visit, water was flowing within Laguna Creek and PC-1. The water was murky, although no oily film was observed.**

Identify specific pollutants, if known:

(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: **Laguna Creek at this location may contain suitable habitat for Giant Garter Snake.**
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings: **Laguna Creek at this location may contain suitable habitat for Western pond turtle and tri-colored blackbird.**
 - 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: **0.022** acres

Wetland type. Explain: **SW-1 is a seasonal wetland located within the annual grassland which is connected via an upland swale to Laguna Cree, Water temporarily ponds in the depression seasonal wetlands, as seen on aerial photographs and the presence of surface soil cracks. Vegetation within SW-1 consists of vernal pool buttercup, vernal pool popcorn flower, dense-flowered spike primrose, and curly dock.**

Wetland quality. Explain: **The quality of SW-1 is unknown.**

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: **Intermittent flow**. Explain:

Surface flow is: **Confined**

Characteristics: **An upland swale, which does not meet the three parameters for a wetland, connects SW-1 to Laguna Creek, approximately 200 feet to the north.**

Subsurface flow: **Unknown**. 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 **5-10** river miles from TNW.

Project waters are **5-10** aerial (straight) miles from TNW.

Flow is from: **Wetland to navigable waters.**

Estimate approximate location of wetland as within the **50 - 100-year** 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: **No water was present within the wetland during the December 15, 2010 site visit, and water quality is unknown.**

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: **wetland vegetation, approximately 95%**
- Habitat for:
 - Federally Listed species. Explain findings: **SW-1 contains common vernal pool plant species and may contain suitable habitat for vernal pool fairy shrimp and vernal pool tadpole shrimp.**
 - 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: **1**
Approximately **0.022** acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
SW-1 (N)	0.022		

Summarize overall biological, chemical and physical functions being performed: **SW-1 is a palustrine wetland that connects to Laguna Creek through an upland swale. The wetland functions for water storage, filtration, habitat, etc.**

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: **SW-1 is a seasonal wetland that drain to Laguna Creek (approximately 200 feet away) during the rainy season, through an upland swale. Because of its distance from Laguna Creek, and the relatively flat topography, if pollutants are discharged into SW-1, they would flow into Laguna Creek, downstream into Morrison Creek and the Sacramento River. Therefore, there is a significant nexus between SW-1 and the Sacramento River.**

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, wide, 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: **Based on aerial photographs and information provided by the consultant, Laguna Creek is a perennial stream that flows year round.**
- 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: **Based on aerial photographs and information provided by the consultant, PC-1 is a seasonal branch of Laguna Creek, and flows into Laguna Creek during the winter and spring, and dries up during the summer.**

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: **604.2** linear feet **50** wide.
 Other non-wetland waters: acres.
Identify type(s) of waters:

3. Non-RPWs⁸ that flow directly or indirectly into TNWs.

- 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, wide.
 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 jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: **SW-1 is 0.022** 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.⁹

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).

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

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):¹⁰

- 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, wide.
- Other non-wetland waters: acres.
- Identify type(s) of waters:
- Wetlands: acres.

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. **The 0.015 acre man-made drainage ditch does not meet the 3 parameters for a wetland and does not exhibit an ordinary high water mark.**
- 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, wide.
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: **FEW-1: 0.109 acre, SW-2: 0.011** 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, wide.
- 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: **Delineation of Wetlands and Waters of the U.S. for the Laguna Creek Bike Trail Connector, prepared by the City of Elk Grove, updated December 15, 2010**
- 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: **1:24K; CA-FLORIN**
- USDA Natural Resources Conservation Service Soil Survey. Citation: **on-line, USDA 1993**
- National wetlands inventory map(s). Cite name: **Florin, California**
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:

¹⁰ 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.

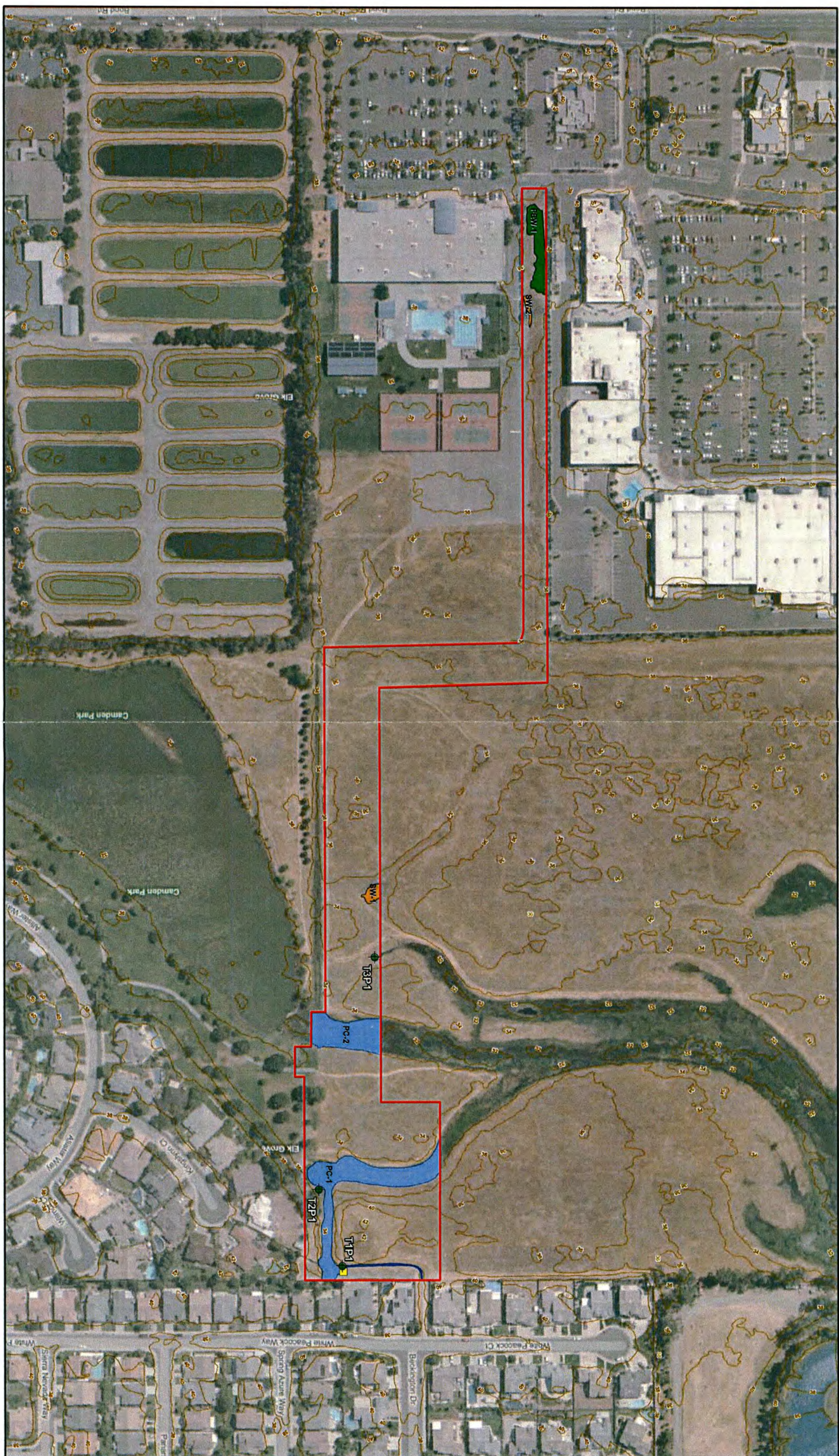
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): **GoogleEarth imagery dated April 7, 2010**
or Other (Name & Date): **On-site photographs, taken December 15, 2010 by USACE and October 27, 2010 by the City of Elk Grove**
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD:

The proposed project area contains approximately 0.611 acres of jurisdictional waters of the U.S., including the 0.213 acre PC-2 (Laguna Creek), the 0.375 acre PC-1 (seasonal branch of Laguna Creek), and the 0.022 acre SW1. Both PC-2 and PC-1 are relatively permanent waters of the U.S., consisting of Laguna Creek, which is a tributary to Morrison Creek, which is a tributary to the Sacramento River, a TNW subject to both Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. SW-1 drains via an upland swale into the nearby Laguna Creek. It therefore is wetland adjacent to (but not abutting) an RPW, and has been shown to have a significant nexus to a TNW.

One man-made drainage ditch was mapped which is located on the northern portion of the proposed project site, and connects to PC-2. The ditch does not meet the 3 parameters for a wetland and does not exhibit an ordinary high water mark, and is therefore an upland ditch. The ditch was constructed by the City of Elk Grove to reduce flooding of the streets within the adjacent subdivision.

FEW-1 and SW-2 are two wetlands that are located within depressions between the parking lot of the California Family Fitness facility south of the project area, and the northern and western commercial developments. It appears as though the hydrology of these wetlands is fed by runoff from the surrounding developments. A December 15, 2010 site visit showed that there are no drainages or other connections of these wetlands through the adjacent developments. Because FEW-1 and SW-2 are surrounded by development on all sides except the north, and because Laguna Creek is located more than 2000 linear feet upslope of the FEW-1 and SW-1, we have determined that they are isolate, intrastate waters with no interstate or foreign commerce connection and do not have a significant nexus to waters of the U.S. Therefore, these waters are not currently regulated by the U.S. Army Corps of Engineers.



Sources: City of Elk Grove, 2010; Bing Maps, 2010; PMC 2010

- Legend**
- Project Study Area
 - Seasonal Wetland
 - Perennial Creek
 - Contour
 - Sample Point
 - Non-Jurisdictional
 - Fresh Emergent Wetland
 - Ditch

Label	Area (Acres)	Volume (cu ft)	Length (ft)	Width (ft)
PC-1	0.215	16,314	493.2	31.58
PC-2	0.213	9,290	144.3	64.23
SW-1	0.022	971	-	-
SW-2	0.017	26,417	-	-
T1P1	0.006	4,148	-	-
T2P1	0.011	489	-	-
T3P1	0.015	665	-	-
Contour	0.135	1,492	151.3	1.6
Contour	0.238	2,623	-	-



- Project Study Area
- 111-Buena Sandy Loam, 0 TO 2 Percent Slopes
- 213-San Joaquin Silt Loam, Levelled, 0 TO 1 Percent Slopes
- 214-San Joaquin Silt Loam, 0 TO 3 Percent Slopes
- 247-Water

SCALE: 1" = 200'
 From Quadrangle
 HUC - 18020109
 Township 7N, Range 8E
 Section 28
 UTM Zone 10 NAD 83

Figure 6
 Delineation of Wetlands and Waters of the U.S.
 for the Laguna Creek Bike Trail Connector
 Drafted By: Jonathan Faoro
 Date: October 27, 2010 - Updated December 15, 2010