**U.S. ARMY CORPS OF ENGINEERS**
**REGULATORY PROGRAM**
**APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)**
**NAVIGABLE WATERS PROTECTION RULE**

## I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 8/25/2020
ORM Number: SPK-2018-00210
Associated JDs: N/A
Review Area Location[1]: State/Territory: CA City: Unincorporated County/Parish/Borough: Sacramento
Center Coordinates of Review Area: Latitude 38.50028° Longitude -121.25628°

## II. FINDINGS

**A. Summary:** Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☒ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

### B. Rivers and Harbors Act of 1899 Section 10 (§ 10)[2]

| § 10 Name | § 10 Size | | § 10 Criteria | Rationale for § 10 Determination |
|---|---|---|---|---|
| N/A. | N/A. | N/A | N/A. | N/A. |

### C. Clean Water Act Section 404

| Territorial Seas and Traditional Navigable Waters ((a)(1) waters):[3] | | | | |
|---|---|---|---|---|
| (a)(1) Name | (a)(1) Size | | (a)(1) Criteria | Rationale for (a)(1) Determination |
| N/A. | N/A. | N/A. | N/A. | N/A. |

| Tributaries ((a)(2) waters): | | | | |
|---|---|---|---|---|
| (a)(2) Name | (a)(2) Size | | (a)(2) Criteria | Rationale for (a)(2) Determination |
| Ponded Ditch 2 | 0.077 | acre(s) | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | The feature an (a)(2) waters, that receive water from an (a)(4) Seasonal wetland, see below, with direct hydrological connectivity in a typical year into a culvert below Florin Road then into a group of interconnected (a)(4) seasonal wetlands outside the review area which is abutting Laguna Creek – an (a)(2) water – which . |

[1] Map(s)/figure(s) are attached to the AJD provided to the requestor.
[2] If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.
[3] A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.

| Tributaries ((a)(2) waters): | | | | |
|---|---|---|---|---|
| (a)(2) Name | (a)(2) Size | | (a)(2) Criteria | Rationale for (a)(2) Determination |
| Ephemeral Drainage 3 Part 1 | 0.005 | acres | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | The feature an (a)(2) waters, that receive water from an adjacent (a)(4) Seasonal wetland, see below, and connects with another (a)(2), Ponded Ditch 2 above, with direct hydrological connectivity in a typical year into a culvert below Florin Road then into a group of interconnected (a)(4) seasonal wetlands outside the review area which is abutting Laguna Creek – an (a)(2) water. . |
| Ephemeral Drainage 3 Part 2 | 0.027 | acres | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | The feature an (a)(2) waters, that receive water from an adjacent (a)(4) Seasonal wetland, see below, and connects with another (a)(2), Ponded Ditch 2 above, with direct hydrological connectivity in a typical year into a culvert below Florin Road then into a group of interconnected (a)(4) seasonal wetlands outside the review area which is abutting Laguna Creek – an (a)(2) water. |
| | | | | |

| Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters): | | | | |
|---|---|---|---|---|
| (a)(3) Name | (a)(3) Size | | (a)(3) Criteria | Rationale for (a)(3) Determination |
| N/A. | N/A. | N/A. | N/A. | N/A. |

| Adjacent wetlands ((a)(4) waters): | | | | |
|---|---|---|---|---|
| (a)(4) Name | (a)(4) Size | | (a)(4) Criteria | Rationale for (a)(4) Determination |
| Seasonal Wetland | 1.589 | acre(s) | (a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year. | The Seasonal Wetland, an (a)(4) waters, has direct hydrological connectivity in a typical year through drainage ditches and into a culvert below Florin Road then into a group of interconnected (a)(4) seasonal wetlands outside the review area which is abutting Laguna Creek – an (a)(2) water. |

## D. Excluded Waters or Features

| Excluded waters ((b)(1) – (b)(12)):[4] | | | | |
|---|---|---|---|---|
| Exclusion Name | Exclusion Size | | Exclusion[5] | Rationale for Exclusion Determination |
| Ephemeral Drainage 1 Part 1 | 0.009 | acre(s) | (b)(10) Stormwater control feature | This feature was excavated upland in the gravel mining to convey sheet flow from approximately the middle of review area to outside the review |

[4] Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.
[5] Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.

| Excluded waters ((b)(1) – (b)(12)):[4] | | | | |
|---|---|---|---|---|
| Exclusion Name | Exclusion Size | | Exclusion[5] | Rationale for Exclusion Determination |
| | | | constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff. | to a (b) (8) pond that does not contribute surface flow in a typical year, and does not connect and flow to nearest (a)(1)- (4) waters that is about over 400 ft. away. |
| Ephemeral Drainage 1 Part 2 | 0.057 | acre(s) | (b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff. | N/A.This feature was excavated upland in the gravel mining to convey sheet flow from approximately the middle of review area to outside the review to a (b) (8) pond that does not contribute surface flow in a typical year, and does not connect and flow to nearest (a)(1)- (4) waters that is about over 400 ft. away. |
| Ephemeral Drainage 2 Part 1 | 0.038 | acre(s) | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | This feature do not contribute surface water flow to a water identified in paragraph (a)(1) of this section in a typical year either directly or through one or more waters identified as (a)(2), (a)(3), or (a)(4) waters or through channelized non jurisdictional surface water features. The feature were excavated to capture stomwater and sheet flow, cannot contribute surface flow in a typical year, does not connect and flow to nearest (a) (4) waters about 75 ft. away. The captured pond water is used for compost process and dust control. |
| Ephemeral Drainage 2 Part 2 | 0.012 | acre(s) | (b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff. | This feature do not contribute surface water flow to a water identified in paragraph (a)(1) of this section in a typical year either directly or through one or more waters identified as (a)(2), (a)(3), or (a)(4) waters or through channelized non jurisdictional surface water features. The feature were excavated to capture stomwater and sheet flow, cannot contribute surface flow in a typical year, does not connect and flow to nearest (a) (4) waters about 75 ft. away. |
| Ephemeral Drainage 2 Part 3 | 0.003 | acre(s) | (b)(10) Stormwater control feature constructed or excavated in upland or in a | This feature do not contribute surface water flow to a water identified in paragraph (a)(1) of this section in a typical year either directly or through one or more waters identified as (a)(2), (a)(3), or (a)(4) waters or through channelized non jurisdictional surface water features. The feature |

| Excluded waters ((b)(1) – (b)(12)):[4] | | | | |
|---|---|---|---|---|
| Exclusion Name | Exclusion Size | | Exclusion[5] | Rationale for Exclusion Determination |
| | | | non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff. | were excavated to capture stomwater and sheet flow, cannot contribute surface flow in a typical year, does not connect and flow to nearest (a)(4) waters about 75 ft. away. The captured pond water is used for compost process and dust control. |
| Ponded Ditch 1 Part 1 | 0.456 | acre(s) | (b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff. | This feature do not contribute surface water flow to a water identified in paragraph (a)(1) of this section in a typical year either directly or through one or more waters identified as (a)(2), (a)(3), or (a)(4) waters or through channelized non jurisdictional surface water features. The feature were excavated to capture stomwater and sheet flow, cannot contribute surface flow in a typical year, does not connect and flow to nearest (a)(4) waters about 75 ft. away. The captured pond water is used for compost process and dust control. |
| Ponded Ditch 1 Part 2 | 0.209 | acre(s) | (b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6). | This feature do not contribute surface water flow to a water identified in paragraph (a)(1) of this section in a typical year either directly or through one or more waters identified as (a)(2), (a)(3), or (a)(4) waters or through channelized non jurisdictional surface water features. The feature were excavated to capture stomwater and sheet flow, cannot contribute surface flow in a typical year, does not connect and flow to nearest (a)(4) waters about 75 ft. away. The captured pond water is used for compost process and dust control. |
| Ponded Ditch 1 Part 3 | 0.116 | acre(s) | (b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6). | This feature do not contribute surface water flow to a water identified in paragraph (a)(1) of this section in a typical year either directly or through one or more waters identified as (a)(2), (a)(3), or (a)(4) waters or through channelized non jurisdictional surface water features. The feature were excavated to capture stomwater and sheet flow, cannot contribute surface flow in a typical year, does not connect and flow to nearest (a)(4) waters about 75 ft. away. The captured pond water is used for compost process and dust control. |
| Isolated Wetland 1 | 0.015 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut, nor is it inundated by flooding from, an (a)(1), (2), or (3) water in a typical year, nor is it physically separated from |

| Excluded waters ((b)(1) – (b)(12)):[4] | | | | |
|---|---|---|---|---|
| Exclusion Name | Exclusion Size | | Exclusion[5] | Rationale for Exclusion Determination |
| | | | | an a)(1), (2), or (3) water by a natural or artificial barrier." |
| Isolated Wetland 2 | 0.004 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut, nor is it inundated by flooding from, an (a)(1), (2), or (3) water in a typical year, nor is it physically separated from an a)(1), (2), or (3) water by a natural or artificial barrier." |
| Isolated Wetland 3 | 0.005 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut, nor is it inundated by flooding from, an (a)(1), (2), or (3) water in a typical year, nor is it physically separated from an a)(1), (2), or (3) water by a natural or artificial barrier." |
| Isolated Wetland 4 | 0.027 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut, nor is it inundated by flooding from, an (a)(1), (2), or (3) water in a typical year, nor is it physically separated from an a)(1), (2), or (3) water by a natural or artificial barrier." |
| Isolated Wetland 5 | 0.022 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut, nor is it inundated by flooding from, an (a)(1), (2), or (3) water in a typical year, nor is it physically separated from an a)(1), (2), or (3) water by a natural or artificial barrier." |
| Isolated Wetland 6 | 0.004 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut, nor is it inundated by flooding from, an (a)(1), (2), or (3) water in a typical year, nor is it physically separated from an a)(1), (2), or (3) water by a natural or artificial barrier." |
| Isolated Wetland 7 | 0.121 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut, nor is it inundated by flooding from, an (a)(1), (2), or (3) water in a typical year, nor is it physically separated from an a)(1), (2), or (3) water by a natural or artificial barrier." |
| Isolated Wetland 8 | 0.005 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut, nor is it inundated by flooding from, an (a)(1), (2), or (3) water in a typical year, nor is it physically separated from an a)(1), (2), or (3) water by a natural or artificial barrier." |
| Retention Basin | 1.057 | acre(s) | (b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of | This is a basin constructed in uplands to store water for compost processing detention. |

| Excluded waters ((b)(1) – (b)(12)):[4] | | | | |
|---|---|---|---|---|
| Exclusion Name | Exclusion Size | | Exclusion[5] | Rationale for Exclusion Determination |
| | | | a jurisdictional water that meets (c)(6). | |

## III. SUPPORTING INFORMATION

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

☒ Information submitted by, or on behalf of, the applicant/consultant: AJD Vulcan – Sacramento Aggregates – Carli Expansion Site, Dated March 2019. Aquatic resource delineation map dated February 14, 2020.

This information is sufficient for purposes of this AJD.
Rationale: N/A.

☐ Data sheets prepared by the Corps: Title(s) and/or date(s).

☒ Photographs: Aerial: Google Earth Pro, 7.3.3.7692, Feburay 2018 elevation 0, eye alt 4405 ft, Latitude 38.4949, Longtitude -121.2552, Retrieved August 20, 2020

☒ Corps site visit(s) conducted on: May 2, 2018

☐ Previous Jurisdictional Determinations (AJDs or PJDs): ORM Number(s) and date(s).

☐ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B*.

☒ USDA NRCS Soil Survey: NRCS Soil Survey provided by applicant reference March 2019, Approved Jurisdicational Delineation Vulcan – Sacramento Aggregates Carli Expansion Site Sacramento County, CA prepared by LSA.

☒ USFWS NWI maps: Source imagery date: July 1, 2014. Washington, D.C.: U.S. Fish and Wildlife Service, Dept. of the Interior. Retrieved August 18, 2020, from Wetlands Mapper: https://www.fws.gov/wetlands/data/mapper.html. Map scale 1: 4,514, Latitude 38.493 | Longitude -121.25, <https://www.fws.gov/wetlands/data/mapper.html> https://www.fws.gov/wetlands/data/mapper.html <https://www.fws.gov/wetlands/data/mapper.html>

☐ USGS topographic maps: Title(s) and/or date(s).

**Other data sources used to aid in this determination:**

| Data Source (select) | Name and/or date and other relevant information |
|---|---|
| USGS Sources | N/A. |
| USDA Sources | N/A. |
| NOAA Sources | N/A. |
| USACE Sources | N/A. |
| State/Local/Tribal Sources | N/A. |
| Other Sources | GoogleEarth 7.3.3.7692. (2019, September 12). Sacramento County, California. Latitude 38.499100°N, Longitude 121.253400°W, eye alt 6796 ft. Retrieved August 12, 2020, from http://www.earth.google.com. |

**B. Typical year assessment(s):** The average total annual precipitation is approximately 18.15 inches (Western Regional Climate Center 2017), most of which falls between November and April. There is normally less than 0.5 inch of rain between June and September. The average winter temperature is 48.3

degrees Fahrenheit (ºF) and the average winter low temperature is 40.9ºF. The average summer temperature is 73.9ºF and the average summer high temperature is 89.4ºF./A.

C. **Additional comments to support AJD:** Historic aerial photos were provide by LSA within the March 2019 Report, as stated above. Subsequent photos (1947, 1957, and 1964) show an increase in agricultural use and associated with heavy irrigation. During this time period, irrigation runoff still appeared to flow southeast out of the review area, After mid-1990s, mining activities started appearing north of the property. Artifical construction of ditches and ponds were excavated to capature waters from composting operation.