



**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): [March 12, 2021](#).

ORM Number: [SPK-2005-01058](#).

Associated JDs: [N/A](#).

Review Area Location¹: State/Territory: [CA](#). City: [Sacramento](#). County/Parish/Borough: [Sacramento](#).

Center Coordinates of Review Area: Latitude [38.48393](#). Longitude [-121.36785](#).

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. acres	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. acres	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
Elder Creek	1.838 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Elder Creek connects via Morrison Creek to the Sacramento River, an (a)(1) water.

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.



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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.	acres	N/A	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	acres	N/A	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
SW-1.	0.504	acre	(b)(1) Water or water feature that is not identified in (a)(1) through (a)(4) and does not meet the other (b)(1) subcategories.	The SW-1 wetland does not abut, nor is it otherwise directly connected to, an (a)(1) through (a)(4) water. The subject wetland also does not lie within the typical year floodplain of an (a)(1) through (a)(4) water. Additionally, the SW-1 wetland is separated from the (a)(2) tributary by a man-made berm without a connection via pipe, culvert, pump, etc.
SW-2	0.089	acre	(b)(1) Water or water feature that is not identified in (a)(1) through (a)(4) and does not meet the other (b)(1) subcategories.	The SW-2 wetland does not abut, nor is it otherwise directly connected to, an (a)(1) through (a)(4) water. The subject wetland also does not lie within the typical year floodplain of an (a)(1) through (a)(4) water. It lies 400 feet from the (a)(2) tributary.
SW-3	0.036	acre	(b)(1) Water or water feature that is not identified in (a)(1) through (a)(4) and does not meet the other (b)(1) subcategories.	The SW-3 wetland does not abut, nor is it otherwise directly connected to, an (a)(1) through (a)(4) water. The subject wetland also does not lie within the typical year floodplain of an (a)(1) through (a)(4) water. It lies 1,033 feet from the (a)(2) tributary.

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.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
SW-4	0.021	acre	(b)(1) Water or water feature that is not identified in (a)(1) through (a)(4) and does not meet the other (b)(1) subcategories.	The SW-4 wetland does not abut, nor is it otherwise directly connected to, an (a)(1) through (a)(4) water. The subject wetland also does not lie within the typical year floodplain of an (a)(1) through (a)(4) water. It lies 63 feet from the (a)(2) tributary and is separated by a manmade berm with no pipe, culvert, pump etc.
SW-5	0.02	acre	(b)(1) Water or water feature that is not identified in (a)(1) through (a)(4) and does not meet the other (b)(1) subcategories.	The SW-5 wetland does not abut, nor is it otherwise directly connected to, an (a)(1) through (a)(4) water. The subject wetland also does not lie within the typical year floodplain of an (a)(1) through (a)(4) water. It lies 190 feet from the (a)(2) tributary.
SWS-1	0.022	acre	(b)(1) Water or water feature that is not identified in (a)(1) through (a)(4) and does not meet the other (b)(1) subcategories.	The SWS-1 wetland does not abut, nor is it otherwise directly connected to, an (a)(1) through (a)(4) water. The subject wetland also does not lie within the typical year floodplain of an (a)(1) through (a)(4) water. It was connected to the (a)(2) water seasonally, however a manmade berm constructed in 2017 with no pipe, culvert, pump, etc. severed the connection.
ED-1	0.003	acre	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The ED-1 feature is an ephemeral swale that retains water only in direct response to precipitation. While it connects to an (a)(1) through (a)(4) water, it is a dead end and not a connection to a downstream (a)(1) through (a)(4) water.
P-1	0.296	acre	(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).	The P-1 feature is an artificial pond excavated in uplands to be a golf course water trap in 1996.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
P-2	0.126	acre	(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).	The P-2 feature is an artificial pond excavated in uplands to be a golf course water trap in 1996.
P-3	0.039	acre	(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).	The P-3 feature is an artificial pond excavated in uplands to be a golf course water trap in 1996.
P-4	0.182	acre	(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).	The P-4 feature is an artificial pond excavated in uplands to be a golf course water trap in 1996.

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: [2020 Aquatic Resources Delineation Request, August 12, 2020.](#)

This information *is* sufficient for purposes of this AJD.

Rationale: *N/A.*

- Data sheets prepared by the Corps: .
- Photographs: [Aerial and Other. Attachment D, April 29 and 30, 2020.](#)
- Corps site visit(s) conducted on: .
- Previous Jurisdictional Determinations (AJDs or PJDs): .
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: [20210205_Soil_Survey.](#)
- USFWS NWI maps: .
- USGS topographic maps: [Champion Oaks Topo, February 4, 2021.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	<i>N/A.</i>



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Data Source (select)	Name and/or date and other relevant information
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Issues	N/A.

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: The subject property is bounded by a Walmart to the southwest, Elk Grove Florin Road to the west, Eagle Creek to the north, a single family home with a field to the east, and Gerber Road to the south. The AJD review area consists of property that was previously used as a golf course, which was created in 1996. The artificial ponds were water traps for the golf course and were created in uplands. The site was further modified in 2017 when project SPK-2003-00245, North Vineyard Station Drainage Master Plan modified Eagle Creek and created manmade berms between the subject property and jurisdictional waters. The NRCS Soil Survey results demonstrates the soils in the review are comprised of San Joaquin silt loam, a non-hydric soil. The topographic map shows the man-made berm between the jurisdictional water and the subject property.