



**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 9, 2021](#).

ORM Number: [202000861](#).

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

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

Center Coordinates of Review Area: Latitude [37.873363](#). Longitude [-121.726992](#).

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).

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.



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

C. Clean Water Act Section 404

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Marsh Creek Segment 2.	0.221	acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Marsh Creek – an intermittent creek —runs through Bridge 145 study areas. This creek flows only during winter and spring months. Marsh Creek flows into Marsh Creek Reservoir before continuing north to discharge into San Joaquin River – a(1) TNW.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ³				
Exclusion Name	Exclusion Size		Exclusion ⁴	Rationale for Exclusion Determination
Ditch 1	0.006	acre	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Ditch 1 is constructed in uplands as a roadside ditch used to convey storm water. It is not a relocated tributary, was not constructed in a tributary, and no part was constructed in a wetland or any other waters type.
Seasonal Pond VP-02	0.024	acre	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Seasonal Pond VP-02 is approximately 240 feet west of Marsh Creek at its closest point. Seasonal Pool P-02 is fed by direct precipitation and runoff from Marsh Creek. There is no direct overland connection to Marsh Creek.

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 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.

⁴ 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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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: [June 2018, Draft Preliminary Delineation of Waters of the U.S. Including Wetlands, Contra Costa County Public Works Department, Marsch Creek Road Bridges Replacement Project, Prepared by AECOMtitle\(s\) and date\(s\).](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A.](#)

Data sheets prepared by the Corps: [N/A.](#)

Photographs: [Aerial and Other. Photographs 1-4 from the above June 2018 report; Google Earth Pro,7.3.3.7692, Imaginary date 3/11/2017, eye alt 197 ft.](#)

Corps site visit(s) conducted on: [N/A.](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [N/A.](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [N/A.](#)

USFWS NWI maps: [N/A.](#)

USGS topographic maps: [N/A.](#)

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 Issues	Marsh Creek's Water Surface Elevation (WSE) from Bridge Design Hydraulic Studies.

B. Typical year assessment(s): [Data/information provided by applicant - 2017, Agricultural Applied Climate Information System, WETS Table for Antioch Pump PLT 3 Station.
http://www.wcc.nrcs.usda.gov/climate/wetlands.html. Accessed October 25, 2017.](#)

C. Additional comments to support AJD: [Seasonal Pond VP-02 is approximately 240 feet west of Marsh Creek at its closest point. Seasonal Pool P-02 is fed by direct precipitation and runoff from Marsh Creek. There is no direct overland connection to Marsh Creek. N/A or provide additional discussion as appropriate. Ditch 1 is constructed in uplands as a roadside ditch used to convey storm water. It is not a relocated tributary, was not constructed in a tributary, and no part was constructed in a wetland or any other waters type.](#)