



**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 29, 2021](#).

ORM Number: [SPK-2021-00158](#).

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

Review Area Location<sup>1</sup>: State/Territory: [CA](#). City: [Unincorporated](#). County/Parish/Borough: [Sacramento](#).

Center Coordinates of Review Area: Latitude [38.52811](#) . Longitude [-121.33638](#).

**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).

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



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**B. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>2</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>3</sup>	Rationale for Exclusion Determination
SWS-1	0.044	acre	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This ephemeral surface water feature flows or pools only in direct response to precipitation.
DD-1	318	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Drainage ditch constructed in an (a)(4) water that does not satisfy the (c)(1) conditions.
DD-2	103	linear feet		
DD-3	41	linear feet		
DD-4	397	linear feet		
DD-5	12	linear feet		
SW-1	0.008	acre	(b)(1) Non-adjacent wetland.	Does not abut an (a)1-(a)3 water and is not inundated by flooding from an (a)1-(a)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. These wetlands are approximately 0.2 mile from the nearest a(1)-a(3) water.
SW-2	0.006	acre		
SW-3	0.060	acre		
SW-4	0.013	acre		

<sup>2</sup> 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.

<sup>3</sup> 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: [Aquatic Resources Delineation Report Bradshaw Jackson, prepared October 20, 2020, by Madrone Ecological Consulting.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#) .

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

Photographs: [Aerial: Google Earth V 7.3.3.7692. \(October 22, 2020; May, 10, 2018; February 28, 2015\). Sacramento County. Latitude 38.528114°, Longitude -121.336382°, eye alt 1328 ft. Retrieved March 26, 2021..](#)

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: [California Sacramento Sheet. 1:125,000. November 1891 Edition..](#)

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

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A</a> .
<a href="#">USDA Sources</a>	<a href="#">N/A</a> .
<a href="#">NOAA Sources</a>	<a href="#">N/A</a> .
<a href="#">USACE Sources</a>	<a href="#">N/A</a> .
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A</a> .
<a href="#">Other Issues</a>	<a href="#">N/A</a> .

**B. Typical year assessment(s):** [N/A](#).

**C. Additional comments to support AJD:** [The feature SWS-1 is a seasonal wetland swale and receives precipitation runoff and wash water runoff from the adjacent equipment rental facility. Water gathers and flows through the swale and exits to the east via a manmade drainage ditch. Aerial imagery shows that this feature is ephemeral because it is dry throughout the year and only retains water for a short period of time directly after precipitation events. Feature DD-1 is a drainage ditch that appears to have been constructed to drain a seasonal wetland \(SWS-1\). Because this wetland does not abut an \(a\)\(1\)-\(a\)\(3\) water, it does not meet \(c\)\(1\) criteria for adjacency, thus DD-1 is excluded under \(b\)\(5\). The features DD-2 through DD-5 are ditches that were constructed in uplands. It is unknown when these ditches were constructed, however, topographic maps dating back to 1891 depict this area as uplands. In addition, the drainage ditches DD-1 through DD-5 appear to be ephemeral based on aerial imagery showing these features are dry throughout the year. The seasonal wetlands SW-1 through SW-4 are approximately 0.2 miles from the nearest \(a\)\(1\)-](#)



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(a)(3) water, and are thus excluded under (b)(1). The nearest (a)(1)-(a)(3) water is Morrison Creek, which is a tributary of the Sacramento River, a traditionally navigable water (TNW).