



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

December 11, 2023

Regulatory Division (SPK-2023-00347)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]:

We are responding to your May 1, 2023, request for an approved jurisdictional determination for the *Tracy Alliance* site. The approximately 123-acre project site is located near the intersection of Paradise Road and West Pescadero Avenue, Latitude 37.761386, Longitude -121.386606, City of Tracy, San Joaquin County, California.

Based on available information, we concur with your aquatic resources delineation for the site, as depicted on the enclosed *Aquatic Resources Map* drawing prepared by Moore Biological Consultants (Enclosure). Approximately 1.4 acres of aquatic resources, consisting of 0.87 acre of drainage ditch and 0.53 acre of irrigation ditch are present within the survey area. This letter verifies that the location and boundaries of wetlands were delineated consistent with the wetland definition at 33 CFR §328.3(c)(16), the 1987 *Corps of Engineers Wetlands Delineation Manual* (Wetlands Research Program Technical Report Y-87-1) and the applicable regional supplements; the location and boundaries of tidal waters conform with the high tide line defined at 33 CFR §328.3(c)(4); and the location and boundaries of non-tidal waters conform with the ordinary high water mark definition at 33 CFR §328.3(c)(7), Regulatory Guidance Letter 05-05, and any applicable regional guide.

Of these aquatic resources, we have determined that those 6 features totaling 1.4 acres are not waters of the U.S. regulated under Section 404 of the Clean Water Act or under Section 10 of the Rivers and Harbors Act.

This approved jurisdictional determination is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 Code of Federal Regulations (CFR) Part 331. A *Notification of Appeal Process (NAP) and Request for Appeal (RFA) Form* is attached below. If you request to appeal this determination, you must submit a completed RFA form to the South Pacific Division Office at the following address: Administrative Appeal Review Officer, Army Corps of Engineers, South Pacific Division, CESPDPDO, 1455 Market Street, 2052B, San Francisco, California 94103-1399, Telephone: 415-503-6574, FAX: 415-503-6646.

In order for an RFA to be accepted by the Corps, we must determine that the form is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that the form was received by the Division Office within 60 days of the date of the NAP. It is not necessary to submit an RFA form to the Division Office unless you object to the determination in this letter.

We recommend that you provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Army (USDA) program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

We appreciate feedback, especially about interaction with our staff and our processes.

Please refer to identification number SPK-2023-00347 in any correspondence concerning this project. If you have any questions, please contact [REDACTED] [REDACTED] [REDACTED]. For program information or to complete our Customer Survey, visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,



Michael Jewell
Chief
Regulatory Division

Enclosure

cc:

Diane Moore, Moore Biological Consultants, moorebio@softcom.net





Aquatic Resources			
Feature	Label	Area (sf)	Area (acre)
Drainage Ditch	DD-1	7,679	0.18
	DD-2	7,592	0.17
	DD-3	22,411	0.52
	<i>subtotal</i>	<i>37,682</i>	<i>0.87</i>
Irrigation Ditch	ID-1	19,433	0.45
	ID-2	130	0.01
	ID-3	3,008	0.07
	<i>subtotal</i>	<i>22,571</i>	<i>0.53</i>
TOTAL		60,253	1.40

Data Disclaimer:
 The delineation has been done in accordance with the 1987 Wetlands Delineation Manual, US Army Corps of Engineers and the 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region. The boundaries and jurisdictional status of all waters shown on this map are preliminary and subject to verification by the U.S. Army Corps of Engineers.

Aerial Source: Google Earth (09/27/2020)

Moore Biological Consultants

-  Study Area (±123 acres)
-  3-Parameter Data Point



Aquatic Resources Map

Tracy Alliance

San Joaquin County, CA

Map Date: 10/31/2022