



®

Regulatory Program



®

INTERIM APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in the Interim Approved Jurisdictional Determination Form User Manual.

SECTION I: BACKGROUND INFORMATION

A. COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (AJD): September 7, 2018

B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): SPK-2017-00973

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: CA County/parish/borough: Sacramento County City: Sacramento

Center coordinates of site (lat/long in degree decimal format): Lat. 38.65937, Long. -121.52068.

Map(s)/diagram(s) of review area (including map identifying single point of entry (SPOE) watershed and/or potential jurisdictional areas where applicable) is/are: attached in report/map titled 2017.11.05-Request for Approved Jurisdictional Delineation for Natomas Aquatics and Community Center Project.

Other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different jurisdictional determination (JD) form. List JD form ID numbers (e.g., HQ-2015-00001-SMJ-1):

D. REVIEW PERFORMED FOR SITE EVALUATION:

Office (Desk) Determination Only. Date:

Office (Desk) and Field Determination. Office/Desk Dates: August 29, 2018 Field Date(s): June 6, 2018.

SECTION II: DATA SOURCES

Check all that were used to aid in the determination and attach data/maps to this AJD form and/or references/citations in the administrative record, as appropriate.

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant. Title/Date: 2017.11.05-Request for Approved Jurisdictional Delineation for Natomas Aquatics and Community Center Project.

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Data sheets/delineation report are sufficient for purposes of AJD form. Title/Date: 2017.11.05-Request for Approved Jurisdictional Delineation for Natomas Aquatics and Community Center Project.

Data sheets/delineation report are not sufficient for purposes of AJD form. Summarize rationale and include information on revised data sheets/delineation report that this AJD form has relied upon:

Revised Title/Date:

Data sheets prepared by the Corps. Title/Date:

Corps navigable waters study. Title/Date:

CorpsMap ORM map layers. Title/Date: ORM Map Layers Accessed August 9, 2018.

USGS Hydrologic Atlas. Title/Date:

USGS, NHD, or WBD data/maps. Title/Date:

USGS 8, 10 and/or 12 digit HUC maps. HUC number:

USGS maps. Scale & quad name and date: 1:24K; Taylor Monument Dated 1967, Photorevised 1980.

USDA NRCS Soil Survey. Citation: Accessed 2017, and 2018.

USFWS National Wetlands Inventory maps. Citation:

State/Local wetland inventory maps. Citation:

FEMA/FIRM maps. Citation:

Photographs: Aerial. Citation: Google Earth, Digital Globe Accessed August 9, 2018, Imagery dates 1993,2002, 2008, 2009, 2018 See attached maps in record. or Other. Citation:

LiDAR data/maps. Citation:

Previous JDs. File no. and date of JD letter:

- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

SECTION III: SUMMARY OF FINDINGS

Complete ORM "Aquatic Resource Upload Sheet" or Export and Print the Aquatic Resource Screen from ORM for All Waters and Features, Regardless of Jurisdictional Status – Required

A. RIVERS AND HARBORS ACT (RHA) SECTION 10 DETERMINATION OF JURISDICTION:

- "navigable waters of the U.S." within RHA jurisdiction (as defined by 33 CFR part 329) in the review area.

- **Complete Table 1 - Required**

NOTE: If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Section 10 navigable waters list, DO NOT USE THIS FORM TO MAKE THE DETERMINATION. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Section 10 RHA navigability determination.

B. CLEAN WATER ACT (CWA) SECTION 404 DETERMINATION OF JURISDICTION: "waters of the U.S." within CWA jurisdiction (as defined by 33 CFR part 328.3) in the review area. **Check all that apply.**

- (a)(1): All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (Traditional Navigable Waters (TNWs))

- **Complete Table 1 - Required**

- This AJD includes a case-specific (a)(1) TNW (Section 404 navigable-in-fact) determination on a water that has not previously been designated as such. Documentation required for this case-specific (a)(1) TNW determination is attached.

- (a)(2): All interstate waters, including interstate wetlands.

- **Complete Table 2 - Required**

- (a)(3): The territorial seas.

- **Complete Table 3 - Required**

- (a)(4): All impoundments of waters otherwise identified as waters of the U.S. under 33 CFR part 328.3.

- **Complete Table 4 - Required**

- (a)(5): All tributaries, as defined in 33 CFR part 328.3, of waters identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Table 5 - Required**

- (a)(6): All waters adjacent to a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.

- **Complete Table 6 - Required**

- Bordering/Contiguous.
 - Neighboring:

- (c)(2)(i): All waters located within 100 feet of the ordinary high water mark (OHWM) of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3.

- (c)(2)(ii): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 and not more than 1,500 feet of the OHWM of such water.

- (c)(2)(iii): All waters located within 1,500 feet of the high tide line of a water identified in paragraphs (a)(1) or (a)(3) of 33 CFR part 328.3, and all waters within 1,500 feet of the OHWM of the Great Lakes.

- (a)(7): All waters identified in 33 CFR 328.3(a)(7)(i)-(v) where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Table 7 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(7) waters identified in the similarly situated analysis. - Required**

- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

- (a)(8): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3 not covered by (c)(2)(ii) above and all waters located within 4,000 feet of the high tide line or OHWM of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Table 8 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(8) waters identified in the similarly situated analysis. - Required**

Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

C. NON-WATERS OF THE U.S. FINDINGS:

Check all that apply.

- The review area is comprised entirely of dry land.
- Potential-(a)(7) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(7) waters identified in the similarly situated analysis. - Required**
- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.
- Potential-(a)(8) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(8) waters identified in the similarly situated analysis. - Required**
- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.
- Excluded Waters (Non-Waters of U.S.), even where they otherwise meet the terms of paragraphs (a)(4)-(a)(8):
- **Complete Table 10 - Required**
- (b)(1): Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA.
- (b)(2): Prior converted cropland.
- (b)(3)(i): Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.
- (b)(3)(ii): Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.
- (b)(3)(iii): Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1)-(a)(3).
- (b)(4)(i): Artificially irrigated areas that would revert to dry land should application of water to that area cease.
- (b)(4)(ii): Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds.
- (b)(4)(iii): Artificial reflecting pools or swimming pools created in dry land.¹
- (b)(4)(iv): Small ornamental waters created in dry land.¹
- (b)(4)(v): Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water.
- (b)(4)(vi): Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways.¹
- (b)(4)(vii): Puddles.¹
- (b)(5): Groundwater, including groundwater drained through subsurface drainage systems.¹
- (b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.¹
- (b)(7): Wastewater recycling structures created in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.
- Other non-jurisdictional waters/features within review area that do not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
- **Complete Table 11 - Required.**

D. ADDITIONAL COMMENTS TO SUPPORT AJD: The study area was graded in 2002 as part of preparation for development. Although development has not yet occurred, the project is still active, and the site has been maintained annually since 2002 as part of the development process. Maintenance activities include mowing, discing, and herbicide treatment. In the western portion of this graded area there is a linear depression created by construction activity associated with the grading of the site for development. Reviewing historic aerial imagery, disruption of the

¹ In many cases these excluded features will not be specifically identified on the AJD form, unless specifically requested. Corps Districts may, in case-by-case instances, choose to identify some or all of these features within the review area.

site due to grading activities is visible (see attached aerial imagery maps). On the June 6, 2018 site visit, the applicant stated that soil from the feature in question (SPK-2017-0973 Seasonal Wetland-1) was used in construction activities to level the dog park, which exists at a slightly higher elevation adjacent to the feature in question. The Corps evaluated the applicant's assertion and found it to be compelling because: a) the Corps observed evidence of fill placed over native soils at the location of the dog park; b) the soils within SPK-2017-0973 Seasonal Wetland-1 match soils found further down the soil profile as described by the soil survey provided by the applicant and seen in 2017 soils map (attached); c) aerial imagery of SPK-2017-0973 Seasonal Wetland-1 see (attached Aerial imagery maps) and the dog park matches the description of the work provided by the applicant's Historic Images (attached); d) SPK-2017-0973 Seasonal Wetland-1 is sparsely vegetated with visible track and scrape marks indicating earth work consistent with the work described by the applicant .

Jurisdictional Waters of the U.S.

Default field entry is "N/A". Delete "N/A" and fill out all fields in the table where applicable for waters/features present in the review area.

Table 1. (a)(1) Traditional Navigable Waters

(a)(1) Waters Name	(a)(1) Criteria	Rationale to Support (a)(1) Designation Include High Tide Line or Ordinary High Water Mark indicators, when applicable.
N/A	Choose an item.	N/A

Table 2. (a)(2) Interstate Waters

(a)(2) Waters Name	Rationale to Support (a)(2) Designation
N/A	N/A

Table 3. (a)(3) Territorial Seas

(a)(3) Waters Name	Rationale to Support (a)(3) Designation
N/A	N/A

Table 4. (a)(4) Impoundments

(a)(4) Waters Name	Rationale to Support (a)(4) Designation
N/A	N/A
N/A	N/A

Table 5. (a)(5) Tributaries

(a)(5) Waters Name	Flow Regime	(a)(1)-(a)(3) Water Name to which this (a)(5) Tributary Flows	Tributary Breaks	Rationale for (a)(5) Designation and Additional Discussion. Identify flowpath to (a)(1)-(a)(3) water or attach map identifying the flowpath; explain any breaks or flow through excluded/non-jurisdictional features, etc.
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A

Table 6. (a)(6) Adjacent Waters

(a)(6) Waters Name	(a)(1)-(a)(5) Water Name to which this Water is Adjacent	Rationale for (a)(6) Designation and Additional Discussion. Identify the type of water and how the limits of jurisdiction were established (e.g., wetland, 87 Manual/Regional Supplement); explain how the 100-year floodplain and/or the distance threshold was determined; whether this water extends beyond a threshold; explain if the water is part of a mosaic, etc.
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A

Table 7. (a)(7) Waters

SPOE Name	(a)(7) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; discuss whether any similarly situated waters were present and aggregated for SND; discuss data, provide analysis, and summarize how the waters have more than speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Table 8. (a)(8) Waters

SPOE Name	(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to subject water and aggregated for SND; discuss data, provide analysis, and then summarize how the waters have more than speculative or insubstantial effect the on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Non-Jurisdictional Waters

Default field entry is "N/A". Delete "N/A" and fill out all fields in the table where applicable for waters/features present in the review area.

Table 9. Non-Waters/No Significant Nexus

SPOE Name	Non-(a)(7)/(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water DOES NOT have a Significant Nexus	Basis for Determination that the Functions DO NOT Contribute Significantly to the Chemical, Physical, or Biological Integrity of the (a)(1)-(a)(3) Water. Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to the subject water; discuss data, provide analysis, and summarize how the waters did not have more than a speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Table 10. Non-Waters/Excluded Waters and Features

Paragraph (b) Excluded Feature/Water Name	Rationale for Paragraph (b) Excluded Feature/Water and Additional Discussion.
SPK-2017-0973 Seasonal Wetland-1	(B)(4)(v)The feature in question was created from construction activities, and was never abandoned. This feature is excluded. See attached aerial imagery maps 1993, 2002, 2008, 2009 depicting construction activities and showing the feature in question’s progression from agriculture to mass graded site to depressional area adjacent to a manmade park. Additional historic imagery is available in the 2017.11.05-Request for Approved Jurisdictional Delineation for Natomas Aquatics and Community Center Project
N/A	N/A


Table 11. Non-Waters/Other

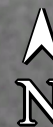
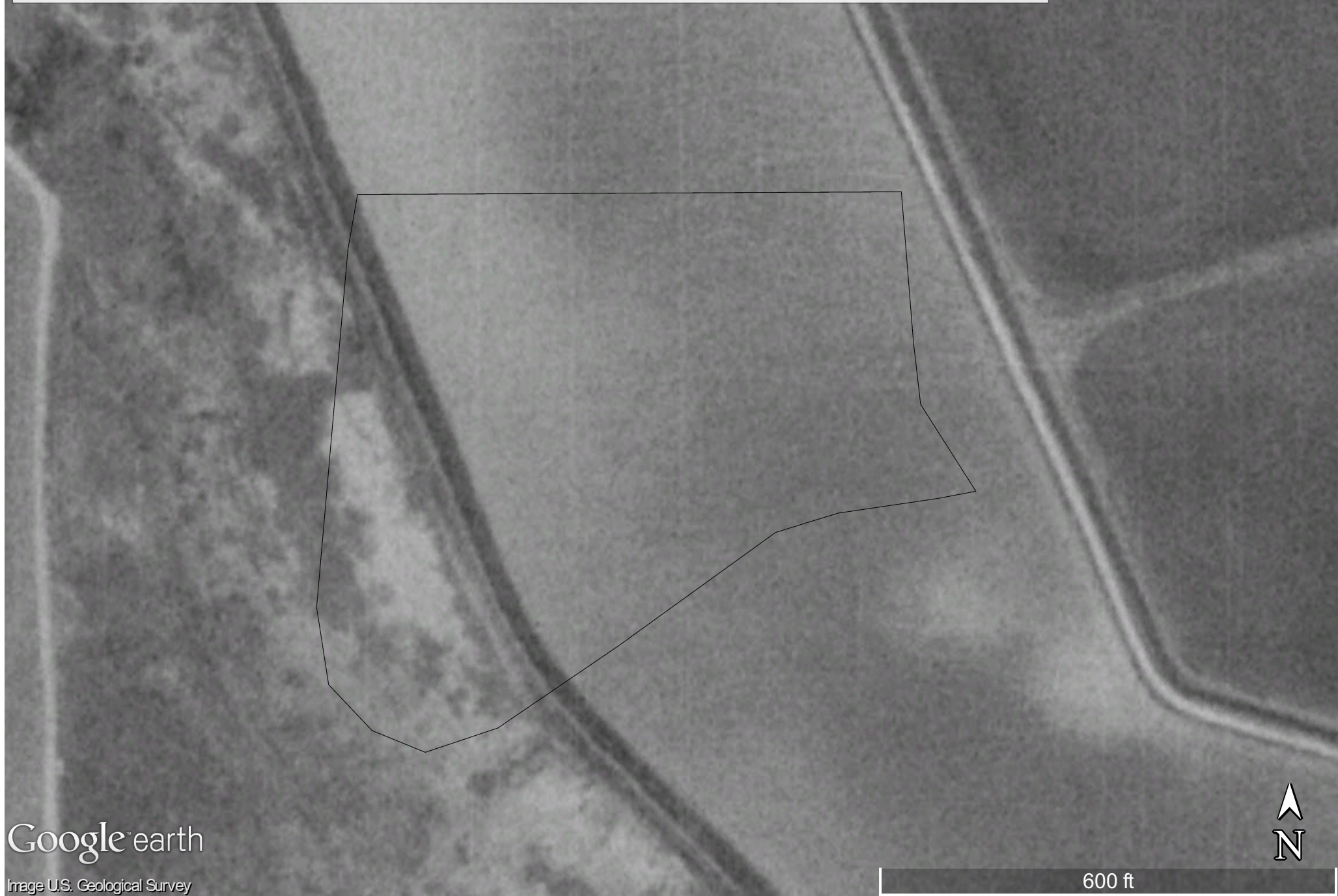
Other Non-Waters of U.S. Feature/Water Name	Rationale for Non-Waters of U.S. Feature/Water and Additional Discussion.
N/A	N/A

Historic Aerial Imagery 1993

No evidence of wetlands within project boundary. The irrigation canal depicted in this image is now a concrete lined pipe.

Legend


 Project Boundary



Historic Aerial Imagery 2002

Note mass grading of site confirming construction activities on site.

Legend

 Project Boundary



Google earth

Image © 2018 DigitalGlobe
Image U.S. Geological Survey




600 ft

Historic Aerial Imagery 2008

Note mass grading of site confirming construction activities on site.
The construction activity is preparing the site for the regional dog park

Legend

 Project Boundary



Google earth

Image © 2018 DigitalGlobe


600 ft



Historic Aerial Imagery 2009

Image shows creation of adjacent dog park, depressional area can be seen. The absence before creation of dog park and presence after construction of the park suggests depressional area was created due to removal of topsoil to create dog park

Legend

 Project Boundary

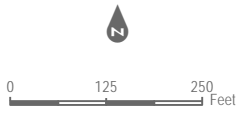




SOURCE: Bing Maps (Accessed 2017); USDA NRCS

FIGURE 4
Soils Map

-  Project Boundary
-  Contours (2 Feet)
-  Data Point
- Wetlands**
-  Isolated Seasonal Wetland (±0.8 acres)



Coordinate System: NAD 1983 CA SPCS (Zone II)
 Projection: Lambert Conformal Conic
 Datum: North American 1983
 Vertical Datum: NAVD 88, U.S. Feet
 1 inch = 350 feet

Created on October 12th, 2017
Revised on October 12th, 2017

Made in accordance with the
*Updated Map and Drawing Standards for the
 South Pacific Division Regulatory Program,*
 as amended on February 10, 2016, by:
 Jason Deters, Project Manager
 Enforcement and Special Projects Unit
 U.S. Army Corps of Engineers
 South Pacific Division
 Sacramento District, Regulatory Division
 1325 J Street, Room 1350
 Sacramento, California 95814-2922










SOURCE: USDA NAIP (2016)



FIGURE 5
 Delineation of Wetlands and Other Waters of the U.S.
 North Natomas Aquatic Center

NNAC 2002 Image

Legend

-  Feature 1
-  Inderkum
-  Majestic Dental Practice
-  North Natomas Library
-  North Natomas Regional Park Off Leash Dog Park
-  STONE LAKES NATIONAL WILDLIFE REFUGE
-  Sutter Express Care: Natomas

Town Center Dr

Via Ingoglia

Google Earth








Image U.S. Geological Survey



700 ft

NNAC 2006 Image

Legend

-  Feature 1
-  Inderkum
-  Majestic Dental Practice
-  North Natomas Library
-  North Natomas Regional Park Off Leash Dog Park
-  STONE LAKES NATIONAL WILDLIFE REFUGE
-  Sutter Express Care: Natomas

Town Center Dr

Via Ingoglia

Google Earth








Image © 2017 DigitalGlobe



700 ft

NNAC 2010 Image








Legend

-  Feature 1
-  Inderkum
-  Majestic Dental Practice
-  North Natomas Library
-  North Natomas Regional Park Off Leash Dog Park
-  STONE LAKES NATIONAL WILDLIFE REFUGE
-  Sutter Express Care: Natomas



NNAC 2014 Image

Legend

-  Feature 1
-  Inderkum
-  Majestic Dental Practice
-  North Natomas Library
-  North Natomas Regional Park Off Leash Dog Park
-  STONE LAKES NATIONAL WILDLIFE REFUGE
-  Sutter Express Care: Natomas








Via Ingoglia

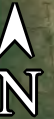
700 ft



NNAC 2017 Image

Legend

-  Feature 1
-  Inderkum
-  Majestic Dental Practice
-  North Natomas Library
-  North Natomas Regional Park Off Leash Dog Park
-  STONE LAKES NATIONAL WILDLIFE REFUGE
-  Sutter Express Care: Natomas



Waters_Name	State	Cowardin_Code	HGM_Code
SW-1	CALIFORNIA	PEM	MINSOILFLT

Meas_Type	Amount	Units	Waters_Type	Latitude	Longitude
Area	0.807	ACRE	ISOLATE	38.65957800	-121.52110100

Local Waterway

Lower Sacramento Watershed, Hydrologic Unit Code 18020109