



**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): 03/09/2021.

ORM Number: SPK-2020-00666.

Associated JDs: N/A .

Review Area Location<sup>1</sup>: State/Territory: CA. City: Sacramento. County/Parish/Borough: Sacramento Co.

Center Coordinates of Review Area: Latitude 38.527596°. Longitude -121.346020°.

**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
D1 - Ditch	0.24	acre	(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).	Earliest available historic aerials show this ditch was constructed sometime before 1947. The ditch did not relocate a tributary or was constructed in a tributary or constructed in adjacent wetlands. Therefore, since the ditch is not a tributary under (a)(2), exclusion (b)(5) applies.
D2 - Ditch	.082	acre	(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).	This is an ephemeral drainage ditch that does not have perennial or intermittent surface water flow. It does not meet the flow conditions of an (a)(2) water, therefore exclusion (b)(5) applies.
VP1 - Vernal Pool	0.60	acre	(b)(1) Non-adjacent wetland.	This wetland does not abut, nor is it inundated by flooding from, an (a)(1), (2), or (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. This wetland is approximately 0.29 miles from the nearest a(1)-a(3) water, Morrison Creek.
VP2	0.19	acre	(b)(1) Non-adjacent wetland.	This wetland does not abut, nor is it inundated by flooding from, an (a)(1), (2), or (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. This wetland is approximately 0.40 miles from the nearest a(1)-a(3) water, Morrison Creek.

<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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Excluded waters ((b)(1) – (b)(12)): <sup>2</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>3</sup>	Rationale for Exclusion Determination
VP3	.007	acre	(b)(1) Non-adjacent wetland.	This wetland does not abut, nor is it inundated by flooding from, an (a)(1), (2), or (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. This wetland is approximately 0.45 miles from the nearest a(1)-a(3) water, Morrison Creek.
VP4	.001	acre	(b)(1) Non-adjacent wetland.	This wetland does not abut, nor is it inundated by flooding from, an (a)(1), (2), or (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. This wetland is approximately 0.48 miles from the nearest a(1)-a(3) water, Morrison Creek.
VP5	.053	acre	(b)(1) Non-adjacent wetland.	This wetland does not abut, nor is it inundated by flooding from, an (a)(1), (2), or (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. This wetland is approximately 0.46 miles from the nearest a(1)-a(3) water, Morrison Creek.
VP6	.060	acre	(b)(1) Non-adjacent wetland.	This wetland does not abut, nor is it inundated by flooding from, an (a)(1), (2), or (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. This wetland is approximately 0.42 miles from the nearest a(1)-a(3) water, Morrison Creek.
VP7	.038	acre	(b)(1) Non-adjacent wetland.	This wetland does not abut, nor is it inundated by flooding from, an (a)(1), (2), or (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. This



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Excluded waters ((b)(1) – (b)(12)): <sup>2</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>3</sup>	Rationale for Exclusion Determination
				wetland is approximately 0.42 miles from the nearest a(1)-a(3) water, Morrison Creek.
VP8	.009	acre	(b)(1) Non-adjacent wetland.	This wetland does not abut, nor is it inundated by flooding from, an (a)(1), (2), or (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. This wetland is approximately 0.35 miles from the nearest a(1)-a(3) water, Morrison Creek.
VP9	.008	acre	(b)(1) Non-adjacent wetland.	This wetland does not abut, nor is it inundated by flooding from, an (a)(1), (2), or (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. This wetland is approximately 0.34 miles from the nearest a(1)-a(3) water, Morrison Creek.
VP10	.007	acre	(b)(1) Non-adjacent wetland.	This wetland does not abut, nor is it inundated by flooding from, an (a)(1), (2), or (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. This wetland is approximately 0.33 miles from the nearest a(1)-a(3) water, Morrison Creek.
VP11	0.16	acre	(b)(1) Non-adjacent wetland.	This wetland does not abut, nor is it inundated by flooding from, an (a)(1), (2), or (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. This wetland is approximately 0.31 miles from the nearest a(1)-a(3) water, Morrison Creek.

**III. SUPPORTING INFORMATION**



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APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
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**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, prepared June 2020, by ICF.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A.](#)

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

Photographs: [Aerial: HistoricAerials.com, Latitude 38.52845, Longitude -121.34112, circa:1947; Google Earth Pro, 7.3.3.7692, June 16, 2020, elevation 0ft, eye alt 2271ft, Latitude 38.52845, Longitude -121.34112, Retrieved February 22, 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 Fair Oaks Quadrangle, Sacramento 1/125000, 1902..](#)

**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:** Morrison Creek is a perennial stream that drains into the Sacramento River, making it the closest potential (a)(1)-(a)(3) water to the project site. The vernal pools (VP1-11) are closed depressional features which rely on precipitation to receive hydrology and evaporation to release hydrology. They do not have a hydrological connection to any surrounding aquatic resources, including the nearby roadside ditch, therefore they are non-adjacent wetlands. The roadside ditch D1 was constructed entirely in uplands, according to a USGS topographic map from 1902 which demonstrates that the location of this ditch was previously uplands. While D1 may contribute surface water flow to Morrison Creek, it did not relocate a tributary nor was it constructed in wetlands and is therefore a (b)(5) exclusion. The drainage ditch D2 is inundated only in direct response to precipitation and thus does not meet the flow conditions of an (a)(2) water. Because D2 does not meet flow conditions for a jurisdictional ditch, it is a (b)(5) exclusion.