



**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 03, 2021](#).

ORM Number: [202000858](#).

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

Review Area Location¹: State/Territory: [CA](#). City: [Clayton](#). County/Parish/Borough: [137](#).

Center Coordinates of Review Area: Latitude [37.893](#). Longitude [-121.799](#).

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 1	0.294	acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Marsh Creek is an intermittent creek that carries water during the winter and spring months. Marsh creek contributes surface water flow into the 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
SP-01.	0.079	acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	SP-01 is a stock pond feature that collects surface runoff from the adjacent hills and the adjacent Marsh Creek Road. It is filled seasonally during the wet season. According to the consultant's report and photos provided (please see below reference), there is no channelized flow from SP-01 to the Marsh Creek is approximately 38 ft. apart. The pond would overland sheet flows into Marsh Creek during periods of high precipitation. According to the applicant's Marsh Creek's Water Surface Elevation (WSE) from Bridge Design Hydraulic Studies, Marsh Creek would not inundated SP-01 in a typical year.

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, Marsh Creek Road Bridges Replacement Project, Prepared by AECOM.](#)

This information is sufficient for purposes of this AJD.

Rationale: [No information is available to determine the history or aerial photographs of the SP-01 stock pond construction and and prior history prior to the stock pond..](#)

Data sheets prepared by the Corps: [NA..](#)

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, elevation alt 197 ft.](#)

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

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

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 information (specify)	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: [SP-01 is non-jurisdictional stock pond feature that collects surface runoff from the adjacent hills and the adjacent Marsh Creek Road. It is filled seasonally during the wet season, and the pond sheet overland flows into Marsh Creek during periods of high precipitation. According to the consultant's report and photos provided \(reference provide above\), there is no channelized flow from SP-01 to the Marsh Creek, approximately 38 ft. apart. According to the applicant's Marsh Creek's Water Surface Elevation \(WSE\) from Bridge Design Hydraulic Studies, Marsh Creek would not inundated SP-01 in a typical year.](#)



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