



**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): [May 14, 2021](#).

ORM Number: [SPK-2020-00117](#).

Associated JDs: [SPK-2011-01237](#), [SPK-2001-00023](#).

Review Area Location¹: State/Territory: [California](#). City: [Tracy](#). County/Parish/Borough: [San Joaquin](#).

Center Coordinates of Review Area: Latitude [37.731470](#). Longitude [-121.517199](#).

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. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ²				
Exclusion Name	Exclusion Size		Exclusion ³	Rationale for Exclusion Determination
IC-1	4.15	acres	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	Intermittent creek that drains into an isolated irrigation canal. The nearest (a)(1) water is Old Creek approximately 3.5 miles away.
SW-1	0.12	acre	(b)(1) Non-adjacent wetlands	Seasonal wetland that meets the definition of paragraph (c)(16). It abuts IC-1 but does not abut, nor is it inundated by flooding from an (a)(1)-(a)(3) water in a typical year, nor is it physically separated from an (a)(1)-(a)(3) water by a natural or artificial barrier. The nearest (a)(1)-(a)(3) water is approximately 3.5 miles away.
SP-1	1.28	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.	Stock pond that receives water from IC-1 and does not flow into an (a)(1) water, nor is it inundated by flooding from a (a)(1)-(a)(3) water.

² 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.

³ 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: [Potential Waters of the U.S. and Wetlands Patterson Pass Phase III at Cordes Ranch, Moore Biological Consultants, April 2021.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A.](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Select. Title\(s\) and/or date\(s\).](#)

Corps site visit(s) conducted on: [Date\(s\).](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [SPK-2011-01237, SPK-2001-00023.](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\).](#)

USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)

USGS topographic maps: [1907, California Tesla Quadrangle, 1:62,500. 1942, California Carbona Quadrangle, 1:62,500. 1947, Western United States San Jose, 1:250,000. 2015, California Midway Quadrangle, 1:24,000. 2018, California Tracy Quadrangle, 1:24,000. .](#)

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 Issues	N/A.

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

C. Additional comments to support AJD: [IC-1 is an intermittent creek which flows through a culvert under the Delta Mendota Canal and has no hydrological connection to the canal. Downstream, IC-1 flows through several culverts and drains into the stock pond SP-1 at the northern end of the project site. SP-1 flows downstream into a drainage ditch north of the study area. This drainage ditch flows under highway 205 and accumulates in a depressional feature in a field just north of highway 205. When a certain volume of water accumulates in this field, a pumping plant propels the water up and into a West Stanislaus Irrigation District \(WSID\) canal. This WSID canal flows southeast, terminating in a field, and does not contribute surface water flow to an \(a\)\(1\) water; therefore, the upstream features IC-1 and SP-1 do not contribute surface water flow to an \(a\)\(1\) water directly or indirectly. The seasonal wetland SW-1 is located directly adjacent to the creek IC-1. Because IC-1 is not an \(a\)\(1\) -\(a\)\(3\) water, SW-1 is considered a non-adjacent wetland.](#)