



**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): [June 1, 2021](#).

ORM Number: [SPKI-2021-00415](#).

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

Review Area Location¹: State/Territory: [California](#). City: [Elk Grove](#). County/Parish/Borough: [Sacramento](#).

Center Coordinates of Review Area: Latitude [38.409953](#). Longitude [-121.480963](#).

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 or describe rationale](#).
- 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

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A. acres	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A. acres	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A. acres	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):			
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A. acres	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A. acres	N/A.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
PEM-1	0.01 acres	(b)(1) Non-adjacent wetland.	The PEM-1 wetland does not abut, nor is it otherwise directly connected to, an (a)(1) through (a)(4) water. The subject wetland also does not lie within the typical year floodplain of an (a)(1) through (a)(4) water. There are no manmade berms to separate the

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 A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.

⁴ 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.

⁵ 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.



**U.S. ARMY CORPS OF ENGINEERS
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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				PEM-1 wetland from any (a)(1) through (a)(4) waters.
PEM-2	0.02	acres	(b)(1) Non-adjacent wetland.	The PEM-2 wetland does not abut, nor is it otherwise directly connected to, an (a)(1) through (a)(4) water. The subject wetland also does not lie within the typical year floodplain of an (a)(1) through (a)(4) water. There are no manmade berms to separate the PEM-2 wetland from any (a)(1) through (a)(4) waters.
PEM-3	0.01	acres	(b)(1) Non-adjacent wetland.	The PEM-3 wetland does not abut, nor is it otherwise directly connected to, an (a)(1) through (a)(4) water. The subject wetland also does not lie within the typical year floodplain of an (a)(1) through (a)(4) water. There are no manmade berms to separate the PEM-3 wetland from any (a)(1) through (a)(4) waters.
PEM-4	0.02	acres	(b)(1) Non-adjacent wetland.	The PEM-4 wetland does not abut, nor is it otherwise directly connected to, an (a)(1) through (a)(4) water. The subject wetland also does not lie within the typical year floodplain of an (a)(1) through (a)(4) water. There are no manmade berms to separate the PEM-4 wetland from any (a)(1) through (a)(4) waters.
PEM-5	0.09	acres	(b)(1) Non-adjacent wetland.	The PEM-5 wetland does not abut, nor is it otherwise directly connected to, an (a)(1) through (a)(4) water. The subject wetland also does not lie within the typical year floodplain of an (a)(1) through (a)(4) water. There are no manmade berms to separate the PEM-5 wetland from any (a)(1) through (a)(4) waters.
PEM-6	0.01	acres	(b)(1) Non-adjacent wetland.	The PEM-6 wetland does not abut, nor is it otherwise directly connected to, an (a)(1) through (a)(4) water. The subject wetland also does not lie within the typical



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				year floodplain of an (a)(1) through (a)(4) water. There are no manmade berms to separate the PEM-6 wetland from any (a)(1) through (a)(4) waters.
PEM-7	0.01	acres	(b)(1) Non-adjacent wetland.	The PEM-7 wetland does not abut, nor is it otherwise directly connected to, an (a)(1) through (a)(4) water. The subject wetland also does not lie within the typical year floodplain of an (a)(1) through (a)(4) water. There are no manmade berms to separate the PEM-7 wetland from any (a)(1) through (a)(4) waters.
PEM-8	0.04	acres	(b)(1) Non-adjacent wetland.	The PEM-8 wetland does not abut, nor is it otherwise directly connected to, an (a)(1) through (a)(4) water. The subject wetland also does not lie within the typical year floodplain of an (a)(1) through (a)(4) water. There are no manmade berms to separate the PEM-8 wetland from any (a)(1) through (a)(4) waters.
PEM-9	0.02	acres	(b)(1) Non-adjacent wetland.	The PEM-9 wetland does not abut, nor is it otherwise directly connected to, an (a)(1) through (a)(4) water. The subject wetland also does not lie within the typical year floodplain of an (a)(1) through (a)(4) water. There are no manmade berms to separate the PEM-9 wetland from any (a)(1) through (a)(4) waters.

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: [Aquatic Resource Delineation, Parcel 119-1920-039, City of Elk Grove, Sacramento County, California, dated November 2020 \(Delineation Report\).](#)



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

This information is sufficient for purposes of this AJD.

Rationale: N/A or describe rationale for insufficiency (including partial insufficiency).

- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Aerial and Other. Aerial and site photographs found in the Delineation Report.
- Corps site visit(s) conducted on: Date(s).
- Previous Jurisdictional Determinations (AJDs or PJDs): ORM Number(s) and date(s).
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: 2020 Soil data provided in the Delineation Report).
- USFWS NWI maps: Title(s) and/or date(s).
- USGS topographic maps: Title(s) and/or date(s).

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: The 9.54-acre AJD review area is bounded by Maritime Drive on the north side, Elk grove Boulevard and the Interstate 5 onramp on the south side, an apartment complex on the west side, and a Holiday Inn Express & Suites on the east side. The review area is a vacant lot that was subject to earth-moving activities to create building pads and roads in 2007. LiDAR elevation data from the California Department of Water Resources CVFED dataset showed depressions conforming very precisely with the mapped wetlands and erosional feature. Based on the LiDAR, the erosional feature is deepest in the southeastern corner, where there is nowhere for it to flow. Ground photographs provided in the Delineation Report show no evidence of an ordinary high water mark, with undisturbed upland vegetation growth throughout.