



**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): 06/16/2021.

ORM Number: SPK-2019-00685.

Associated JDs: 2019, 2020, and 2019 JD's for SPK-2019-00685.

Review Area Location¹: State/Territory: CA. City: Davis. County/Parish/Borough: Yolo.

Center Coordinates of Review Area: Latitude 38.56735. Longitude -121.77021.

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: .
- 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
B-4	0.003	acre	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater	A portion of the Sutter Detention Basin that was constructed in uplands for stormwater control. Historic aerials from 1960s show this site was uplands used for farming activities. There is no tributary or adjacent wetland within the location. The site was developed as a detention base prior 2001.
ARD-1	20	Linear ft	(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).	Roadside ditches were constructed in uplands to convey irrigation runoff and drain excess stormwater from the Sutter Detention Basin. These ditches are not relocated tributaries and their hydrology is ephemeral.
ARD-2	89	Linear ft		
ARD-3	301	Linear ft		
DD-2	0.011	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).	Drainage ditch constructed in uplands to drain irrigation runoff and excess stormwater from the Sutter Detention Basin and convey water to the roadside ditch ARD-3. This ditch is not a relocated tributary or wetland and its hydrology is ephemeral.

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:
 1. Aquatic Resources Delineation Report for West Davis Active Adult, prepared September 16, 2019 by Madrone Ecological Consulting.
 2. Bretton Woods Aquatic Resources Delineation Map Addendum, prepared September 17, 2020 by Madrone Ecological Consulting.
 3. Second Amendment to Clean Water Act Section 404 Pre-Construction Notification Submittal – Bretton Woods Project, prepared June 7, 2021, by Madrone Ecological Consulting.

This information is sufficient for purposes of this AJD.

Rationale:

- Data sheets prepared by the Corps:
- Photographs: Aerial: Google Earth Pro, 7.3.3.7692, March 11, 1993 and June 3, 2003 elevation 38ft, eye alt 1423ft, Latitude 38.567347, Longitude -121.770214, Retrieved December 17, 2020.
- Corps site visit(s) conducted on:
- Previous Jurisdictional Determinations (AJDs or PJDs): SPK-2019-00685 AJD/PJD.
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey:
- USFWS NWI maps:
- USGS topographic maps:

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	.
USDA Sources	.
NOAA Sources	.
USACE Sources	USACE Section 10 Navigable Waters Data, accessed 12/09/2020 on GoogleEarth ver. 7.3.3.7692.
State/Local/Tribal Sources	.
Other information (specify)	Google Earth Pro, ver 7.3.3.7692, Latitude 38.567347, Longitude -121.770214, accessed December 17, 2020. HistoricAerials.com, Latitude 38.567347, Longitude -121.770214, 1968 Aerials, accessed December 17, 2020.

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

C. Additional comments to support AJD: The nearest potential a(1)-a(3) waters is Dry Slough, located approximately 2 miles north of the review area. A review of aerial imagery from Google Earth, taken August 25, 2020, confirmed the boundaries of the aquatic resource delineation submitted by the requestor. Historic



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aerials dating back to 1968 show that the area where the modern storm detention basin area was previously uplands used for agriculture. The basin appears to have been constructed within existing agricultural fields and may have been used to retain irrigation water; it consists of a partial berm less than five feet high on all sides, except for the south side. The 2020 AJD, 2019 AJD and 2019 PJD conducted by USACE for this site were also used as a reference in preparing this report. The basin feature B-4 is continuous with the previously assessed features B-1, B-2, B-3 and NJB-1, all of which were determined to be stormwater control features constructed in uplands and thus excluded from jurisdiction. The roadside ditches ARD-1, ARD-2, and ARD-3 are continuous with the previously assessed feature NJRD-2 which was previously determined to be ephemeral and thus excluded from jurisdiction. Aerial images from Google Earth shows that the features ARD-1, ARD-2, ARD-3 and DD-2 were dry on the following dates: 02/05/20218, 09/01/2018, and 06/16/2020. Based on the consultants report and a review of aerial imagery we concur that the features ARD-1 through ARD-3 and DD-2 are ephemeral ditches excluded from jurisdiction.