



**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): [July 22, 2021](#).

ORM Number: [SPK-2021-00501](#).

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

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

Center Coordinates of Review Area: Latitude [37.676270](#). Longitude [-121.477364](#).

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

§ 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
SW-1.	0.042 acres	(b)(1) Non-adjacent wetland.	The SW-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

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.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				manmade berms to separate the SW-1 wetland from any (a)(1) through (a)(4) waters..
ED-1	0.311	acre	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ED-1 is an ephemeral feature, having a clear bed and bank due to erosion, but lacking signs of habitual flow such as sediment sorting or even a disruption to the adjacent terrestrial vegetation pattern within the channel. These conditions are consistent with a channel that flows only immediately following precipitation events.
ED-2	0.286	acre	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ED-2 is an ephemeral feature, having a clear bed and bank due to erosion, but lacking signs of habitual flow such as sediment sorting or even a disruption to the adjacent terrestrial vegetation pattern within the channel. These conditions are consistent with a channel that flows only immediately following precipitation events.
ED-3	0.216	acre	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ED-3 is an ephemeral feature, having a clear bed and bank due to erosion, but lacking signs of habitual flow such as sediment sorting or even a disruption to the adjacent terrestrial vegetation pattern within the channel. These conditions are consistent with a channel that flows only immediately following precipitation events.
ED-4	0.042	acre	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ED-4 is an ephemeral feature, having a clear bed and bank due to erosion, but lacking signs of habitual flow such as sediment sorting or even a disruption to the adjacent terrestrial vegetation pattern within the channel. These conditions are consistent with a channel that flows only immediately following precipitation events.
ED-5	0.014	acre	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ED-5 is an ephemeral feature, having a clear bed and bank due to erosion, but lacking signs of habitual flow such as sediment



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				sorting or even a disruption to the adjacent terrestrial vegetation pattern within the channel. These conditions are consistent with a channel that flows only immediately following precipitation events.
ED-6	0.018	acre	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ED-6 is an ephemeral feature, having a clear bed and bank due to erosion, but lacking signs of habitual flow such as sediment sorting or even a disruption to the adjacent terrestrial vegetation pattern within the channel. These conditions are consistent with a channel that flows only immediately following precipitation events.

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: [Tracy Hills Project: Phase 1C, 2, 3 and 4 Aquatic Resources Delineation Report \(Delineation Report\)](#), dated 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: [Aerial and Other](#). [Aerial](#) and site photographs provided in the Delineation Report as well as numerous images from Google Earth.
- Corps site visit(s) conducted on: [June 18, 2021](#).
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#).
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B](#).
- USDA NRCS Soil Survey: [NRCS soils map, dated 2021, provided in Delineation Report](#).
- USFWS NWI maps: [NWI Streamed using the streaming services hosted by USFW in Google Earth](#).
- USGS topographic maps: [USGS Topo and Hydrography streamed in Google Earth](#).

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 .



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Data Source (select)	Name and/or date and other relevant information
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: N/A.