

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): April 24, 2020

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Windmill Road AJD, SPK-2020-00272

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Nevada County/parish/borough: Douglas County City:
Center coordinates of site (lat/long in degree decimal format): Lat. 38.9475°, Long. -119.6456°
Universal Transverse Mercator: 11 270726.4 4314279.35
Name of nearest waterbody: Pine Nut Creek
Name of watershed or Hydrologic Unit Code (HUC): Upper Carson, 16050201

- ☒ Check if map/diagram of review area is available upon request.
☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- ☒ Office (Desk) Determination. Date: April 27, 2020
☐ Field Determination. Date(s): [Date (If Applicable)]

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Aquatic Resources Delineation Report, March 5, 2020, Appendices A and B.
☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☐ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report.
☒ Data sheets prepared by the Corps: Data sheet prepared by M. Carr
☐ U.S. Geological Survey Hydrologic Atlas: [Source]
☐ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s): 1:24000 Gardnerville
☒ USDA Natural Resources Conservation Service Soil Survey.
Citation: <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>, accessed on April 24, 2020.
☒ National wetlands inventory map(s): <https://www.fws.gov/wetlands/>, accessed on April 24, 2020.
☐ State/Local wetland inventory map(s): [Description]
☐ FEMA/FIRM maps: [Description]
☐ 100-year Floodplain Elevation is: [Elevation] (National Geodetic Vertical Datum of 1929 / North American Vertical Datum of 1988)
☒ Photographs (Aerial): Google Earth Pro, open source aerials, accessed on April 24, 2020.
☒ Photographs (Other): Aquatic Resource Delineation Report, March 5, 2020, Appendix C.
☐ Previous determination(s): [File # and date of response letter]
☐ Applicable/supporting case law: [Description]
☐ Applicable/supporting scientific literature: [Description]
☐ Other information (please specify): [Description]

¹ This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: Douglas County Officials required the property owner to seek a jurisdictional determination from this office because the topographic mappings shows a blue-line stream in the project area. The feature that is mapped as a blue-line stream is a relic irrigation ditch that was constructed wholly in uplands. The USFWS NWI mapping shows that there are no indications of wetlands in the project area. The blue-line stream location on the topographic maps demonstrates that the ditch was not constructed in an area that would naturally drain the landscape, and the USDA Natural Resource Conservation Service Soil Survey shows no hydrologic soils on site. Based on this evidence and the information submitted on behalf of the landowner, the blue-line mapped feature is not a jurisdictional water of the United States and is considered an upland feature.