



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): October 1, 2020

ORM Number: SPK-2006-00691

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: CA City: Roseville County/Parish/Borough: Placer County

Center Coordinates of Review Area: Latitude 38.825615 Longitude -121.31277

## 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).

### B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>

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

### C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)<sup>3</sup>

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	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	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	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	N/A	N/A

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<sup>4</sup> 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.

<sup>5</sup> 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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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
BB	0.014 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water in a typical year.
D	0.011 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water in a typical year.
E	0.023 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water in a typical year.
F1	0.04 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water in a typical year.
F2	0.008 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water in a typical year.
F3	0.004 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water in a typical year.

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F4	0.003 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water in a typical year.
G	0.334 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water in a typical year.
H	0.017 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water in a typical year.
I	0.03 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water in a typical year.
J	0.595 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water in a typical year.
K	0.071 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water in a typical year.
M	0.164 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore,

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			there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water in a typical year.
N	0.153 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water in a typical year.
O	0.007 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water in a typical year.
OO	0.005 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water in a typical year.
P	0.005 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water in a typical year.
Q	0.197 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water in a typical year.
S1	0.06 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This naturally occurring ephemeral surface water feature flows or pools only in direct response to precipitation.
SS	0.003 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3)

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TT	0.005 acres	(b)(1) Non-adjacent wetland	water in a typical year. This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water in a typical year.
UU	0.002 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water in a typical year.
VV	0.009 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water in a typical year.
W1	6 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water in a typical year.
W2	0.01 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water in a typical year.
W3	0.1 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water in a typical year.
XX	0.013 acres	(b)(1) Non-adjacent wetland	This wetland meets the definition of paragraph (c)(16); however, it 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)

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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.

**X** Information submitted by, or on behalf of, the applicant/consultant: 1) *Vehicle Inspection Center, Placer County, California – Request for Authorization under the Placer County HCP/NCCP for a Letter of Permission*, dated March 13, 2020, prepared by ECORP Consulting; and 2) *Determination of Section 404 Jurisdictional Wetlands and Other Waters, PBHL Rocklin, Placer County, CA*, dated May 3, 2012, prepared by WRA  
This information is sufficient for purposes of this AJD.  
Rationale: *N/A*.

\_\_\_ Data sheets prepared by the Corps: *N/A*.

**X** Photographs:  
1) Ground photos: taken by the consultant in the field on September 3, 2020;  
2) Aerial Imagery: Google Earth 7.3.3.7692. Image Dates: February 28, 2016, April 16, 2015, and February 1, 2018. Roseville, California. Latitude 38.731094°N, Longitude -121.388705°W, eye alt 4,100 - 500 ft. Retrieved September 15, 2020, from <http://www.earth.google.com>;  
3) DigitalGlobe 2020.Q2.R1.OCR1. Image Dates: April 18, 2019, and January 7, 2020. Roseville, California. Latitude 38.731094°N, Longitude -121.388705°W, eye alt 4,100 - 500 ft. Retrieved August 24, 2020, from <https://evwhs.digitalglobe.com>

\_\_\_ Corps Site visit(s) conducted on: *Date(s)*.

**X** Previous Jurisdictional Determinations: *Preliminary Jurisdictional Determinations issued on August 27, 2014 and April 2, 2016.*

**X** Antecedent Precipitation Tool: *See details in Section III.B. below*

\_\_\_ USDA NRCS Soil Survey: *Title(s) and/or date(s)*.

\_\_\_ 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 Sources	N/A.

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**B. Typical year assessment(s):** This assessment incorporates data compiled by the Corps' Antecedent Precipitation Tool (APT). According to the APT, Google Earth aerial image of S1, dated February 28, 2015, was taken during a "moderate drought" under normal rainfall conditions during the "wet season." In this image we see that portions of S1 are dry, while in several places, the water has pooled. It is apparent that by April 16, 2015, under normal rainfall conditions and early "dry season" S1 is completely dry. According to paragraph (b)(3) of the Navigable Waters Protection Rule (rule), ephemeral water features that flow or pool only in direct response to precipitation are excluded. Additional Digital Globe aerial imagery taken on January 7, 2020, during a "mild drought" under normal rainfall conditions during the "wet" season, show portions of S1 to be dry or pooling. According to Digital Globe imagery dated April 18, 2019, taken during "moderate wetness" under "wetter than normal" rainfall conditions during the "dry season" S1 is completely dry. Only in aerial images with above average rainfall conditions and in the "wet season" does S1 appear to have flow, as shown in an aerial image dated February 6, 2019. According to the APT, this image was taken during "moderate wetness" under "wetter than normal" rainfall conditions during the "wet season." All other aerial images of S1 on Google Earth and Digital Globe, taken between 2018 and 2020 during the "dry season", under normal drought and rainfall conditions, the channel is dry. Furthermore, a February 2020 Google Earth street view photo of S1, where it intersects with an unnamed tributary to Pleasant Grove Creek, is wet but not flowing.

Stream flow that occurs during the monsoon season in certain parts of the country (typically June through September in the arid West) may be ephemeral or intermittent. For example, a stream in the arid West is ephemeral if it flows only in direct response to rainfall, even if the flow may appear relatively continuous as a result of multiple, individual storms during the monsoon season. On the other hand, when monsoon floodwaters locally recharge the riparian aquifer through bank infiltration and supply sustained base flow to streams in the arid West when it is not raining or has not recently rained, such streams meet the rule's definition of "intermittent" if they flow seasonally, for example, or "perennial" if they flow continuously year-round.

Based on a weight of evidence from available information, as well as the information on climatic conditions compiled by the Corps' APT, we have determined that S1 is an ephemeral feature, excluded under paragraph (b)(3) of the rule.

**C. Additional comments to support AJD:** The nearest potential (a)(2) water is an unnamed tributary that flows into Pleasant Grove Creek, which is located south of the project site and outside of the review area. W1 drains into S1, an excluded water under paragraph (b)(3) of the rule. Since S1 is an excluded water, W1 is a non-adjacent wetland, excluded under paragraph (b)(1) of the rule. No other

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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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water features within the review area drain into S1. The intervening area between all other non-adjacent wetlands is upland.

Based on information provided by the landowner; and as shown on historic aerial imagery, S1 and W1 have sustained years of cooling water runoff due to operations of a former Formica plant located adjacent to the review area. Water inputs from the Formica plant ceased in the summer of 2007 and large portions of W1 that formed as a result of the cooling water discharge have reverted to uplands. As shown in Google Earth aerial imagery, hydrologic inputs from the former Formica plant during the summer months caused hydrophytic vegetation to persist unnaturally. Artificial inputs of cooling water also likely caused the incision of an ordinary high-water mark within the drainage swale during the rainy season, as it competed to drain runoff from precipitation and storm events, as well as artificial cooling water.

As shown on the attached maps, two wetland delineations of different geographic areas have been conducted in the review area. The first (WRA 2006) was verified by the Corps on August 27, 2014, and the second wetland delineation (WRA 2009) was verified the Corps on April 2, 2016, and covered the previously excluded irrigated wetland portion of the review area after cooling discharge from the Formica plant had ceased.

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

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