



**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): 9/30/2020
 ORM Number: SPK-2020-00586
 Associated JDs: N/A
 Review Area Location¹: State/Territory: CA City: Roseville County/Parish/Borough: Placer County
 Center Coordinates of Review Area: Latitude 38.7841 Longitude -121.3119

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).

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.	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.	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.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

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.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
WS-1	0.29	acre(s)	(b)(1) Non-adjacent wetland.	This wetland swale 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.
SW-2	0.11	acre(s)	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel.	This wetland meets the definition of paragraph (c)(16); however, it has formed as a result of construction and/or excavation. Historical satellite imagery (Google Earth) indicates that between the years 1998 and 2002 there was extensive earthmoving and grading activity on the site, with associated soil disturbance. During this time period, a shallow depression approx. 175 feet long × 20–30 feet wide was excavated in upland and has filled with water.

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: [Wetland Delineation Report of the Panattoni Foothills Boulevard Project in Roseville, California, 95747, dated May 16, 2020, prepared by Barnett Environmental](#)

This information is and is not sufficient for purposes of this AJD.

Rationale: In the applicant’s May 2020 delineation report, in several location throughout the report, the writer refers to WS-1 as an intermittent drainage feature.

Data sheets prepared by the Corps:

Photographs: [Aerial and Other: 1\) Applicant’s ground photos taken November 2018; 2\) Aerial Imagery: GoogleEarth 7.3.3.7692. November 20, 2003, March 26, 2009, March 30, 2011, and February 28, 2015. Roseville, California. Latitude 38.783874°N, Longitude -121.310554°W, eye alt 1550 ft. Retrieved September 22, 2020, from <http://www.earth.google.com>.](#)

Corps site visit(s) conducted on:

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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- Previous Jurisdictional Determinations (AJDs or PJDs):
- 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	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s):

C. Additional comments to support AJD: The nearest potential (a)(2) water is an unnamed intermittent tributary to South Branch Pleasant Grove Creek, west of Foothills Boulevard, outside of the review area. The intervening area between WS-1 and the potential (a)(2) water is a ditch, which appears to have been constructed in an adjacent wetland to a potential (a)(2) water when Foothills Boulevard was constructed. The ditch is connected to two culverted storm drains, which flow under Foothills Boulevard and discharge into a potential (a)(2) water. In order to determine whether the ditch is ephemeral or intermittent, we used the Corps' Antecedent Precipitation Tool (APT) and Google Earth aerial imagery. According to the APT, Google Earth images dated November 20, 2003, March 26, 2009, March 30, 2011, and February 28, 2015, were all taken during the "wet" season, under normal drought and rainfall conditions, signifying a "typical year." Based on the images taken during the "wet" season, at no time is water seen flowing through the ditch. The most significant image, dated March 30, 2011, during a drought index of "moderate wetness," the ditch is dry. Based on available data, the Corps has determined that the ditch connecting WS-1 to an (a)(1) – (a)(3) water is ephemeral; and therefore, WS-1 is a non-adjacent wetland excluded under paragraph (b)(1) of the rule.