



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): March 2, 2021

ORM Number: SPK-2005-00672

Associated JDs: N/A

Review Area Location¹: State/Territory: CA City: Rocklin County/Parish/Borough: Placer County

Center Coordinates of Review Area: Latitude 38.77793 Longitude -121.23496

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)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 and 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 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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Ephemeral Stream 1 (ES-1)	0.04 acre	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The subject feature flows only in direct response to precipitation (e.g., rain or snowfall) (33 CFR 328.3(c)(3))
Wetland Swale 10 (WS-10)	0.04 acre	(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.

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) Wetland Delineation for the 123-acre Vista Oaks/Highland Parcel A Study Area, dated August 2019, prepared by Salix Consulting, Inc.; 2) Supplemental Information for the Vista Oaks/Highlands Parcel A, 404 Permit Application, dated November 2019, prepared by Salix Consulting Inc.; and, 3) Revised Figure 7a, China Garden Impacts, Vista Oaks – Highland Parcel A, dated February 22, 2019, prepared by Salix Consulting, Inc.**

This information is sufficient for purposes of this AJD.

Rationale: *N/A*.

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

- Photographs: **Aerial and Others included in supplemental information listed above. Google Earth 7.3.3.7692. Aerials Dated: November 20, 2003, March 26, 2009, March 30, 2011, and February 28, 2015. Rocklin, California. Latitude 38.77793°N, Longitude -121.23496°W, eye alt 1000 ft. Retrieved January 4, 2021, from <http://www.earth.google.com>.**

___ Corps Site visit(s) conducted on: *N/A*.

___ Previous Jurisdictional Determinations: *N/A*.

___ Antecedent Precipitation Tool: *N/A*.

___ USDA NRCS Soil Survey: *N/A*.

___ USFWS NWI maps: *N/A*.

___ USGS topographic maps: *N/A*.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	<i>N/A</i> .
USDA Sources	<i>N/A</i> .
NOAA Sources	<i>N/A</i> .
USACE Sources	<i>N/A</i> .

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State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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

C. Additional comments to support AJD: The nearest potential (a)(2) water is Secret Ravine. Wetland swale 10 (WS-10) is approximately 200 yards away from Secret Ravine and ephemeral stream 1 (ES-1) which abuts Secret Ravine. The intervening area between WS-10 and Secret Ravine is ES-1, a non-jurisdictional ephemeral feature. ES-1 appears to be a manmade drainage feature, excavated in upland. It is possible that it was constructed to drain WS-10 to Secret Ravine in effort to reduce potential flooding along China Garden Road. Ground photographs of ES-1 provided by Salix, Inc. (2019) document a channel with a clear ordinary high-water mark but without evidence of persistent flow. The channel is free of hydrophytic vegetation and algae, which are typically found in low gradient intermittent and perennial streams within the region. Based on this data, we have determined that ES-1 connecting WS-10 to an (a)(1) – (a)(3) water is an ephemeral feature, excluded under paragraph b(3); thus, WS-10 is a non-adjacent wetland excluded under paragraph (b)(1) of the rule.

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