



**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): 11/9/2020
 ORM Number: SPK-2020-00240 EDC Health Center
 Associated JDs: SPK-2002-00211 Creekside Plaza PJD
 Review Area Location¹: State/Territory: CA City: Placerville County/Parish/Borough: El Dorado
 Center Coordinates of Review Area: Latitude 38.70653 Longitude -120.8334

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 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	
Ephemeral Channel 1	23	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Drainage that only flows in response to precipitation events; no additional sources of water (ground, adjacent wetlands, etc.) found.
Seasonal Wetland 1	<0.01	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.	Isolated and the result of past construction or other human activities.

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: [Request for Approved Jurisdictional Determination for the El Dorado Community Health Center Project \(including delineation\) on March 16, 2020, and additional requested materials \(OHWM sheets, ephemeral channel photos, clarifications/narrations on isolated wetland feature\).](#)

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: DigitalGlobe Vivid Imagery, dated June 22, 2018, provided by applicant](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [SPK-2002-00211 Creekside Plaza, April 19, 2016](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\).](#)
- USFWS NWI maps: [USFWS NWI Mapper Online, accessed October 29, 2020](#)

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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USGS topographic maps: [Placerville Quadrangle 7.5-Minute Series](#); Accessed via [The National Map Online](#)

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	El Dorado Area, California CA624 from the online web soil survey
NOAA Sources	N/A.
USACE Sources	ORM Corps Map Viewer (CM2 Map)
State/Local/Tribal Sources	N/A.
FEMA/FIRM maps	Map # 06017C0775E, effective 9/26/2008 – Area of Minimal Flood Hazard

B. Typical year assessment(s): Typical year assessment was conducted based on the field data collected by the applicant on July 30, 2019. A typical year assessment was conducted for the associated aerial imagery as well, dated June 22, 2018. This second assessment was conducted to determine if the seasonal wetland in question was in a condition that was congruent with the applicant’s data. The aerial imagery was obscured with trees/foilage for the ephemeral drainage, so this did not factor into that determination. It is determined by the Corps that the data was collected, and the aerial imagery was captured, during typical year (normal) conditions, though the data was collected during the dry season, in which an intermittent stream would not be expected to be flowing, so it was discounted. Another typical year assessment was conducted based on a photograph taken by the applicant on March 24, 2020, during the wet season. The assessment showed that the prior two months had been drier than normal; however, March of 2020 was within the normal range and thus the photograph was determined to provide evidence of the nature of the resource during a season which resembles typical conditions.

C. Additional comments to support AJD: In regards to the ephemeral feature, the determination of the resource as such was based upon the information provided by the applicant (data sheets, photographs, description of the resource and precipitation for the 2019 calendar year), which was circumstantially confirmed by a previous JD that has been completed across the roadway, in which the outlet of the culverted feature was recorded, but not listed as an intermittent feature, but rather as a seasonal swale/wetland that terminated before connecting to a recorded intermittent feature on the site. Not only does this indicate the resource receives seasonally limited water, but that it may be hydrologically isolated as well. Finally, photographs taken by the applicant appear to confirm the conditions recorded on data sheets, that the feature does not contain hydric soil types, wetland hydrology, or hydrophytic vegetation. The resource had no flowing water in the March 24, 2020, photograph, and though leaf litter obscured parts of the stream bed, bare soil did not appear to be saturated, congruent with expectations of the resource being an ephemeral drainage.

In regards to the seasonal wetland, it was determined that it was not adjacent, as although the feature was located on the upper slope of a hill, above the ephemeral drainage, it is located approximately 300 feet or more from the drainage, and there was no apparent hydrologic connection between itself and the drainage. Further, the feature is located outside of the 100-year flood zone, so a hydrologic connection based on inundation of the area is highly unlikely to occur (meaning such an event would not indicate a typical year scenario). Additionally, the resource is the likely result of terrace excavation sometime before 1993, and was not noted to have previously existed. The evidence for such proposed excavation is based on the occurrence of an existence residence, cell tower and shed, driveways servicing these facilities, and



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potential remnants of a previous home – all indicative of historic disturbance in several places across the site.