



**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): [January 22, 2021](#).

ORM Number: [SPK-2005-00029](#).

Associated JDs: [N/A](#).

Review Area Location<sup>1</sup>: State/Territory: [CA](#). City: [Lincoln](#). County/Parish/Borough: [Placer](#).

Center Coordinates of Review Area: Latitude [38.895771](#). Longitude [-121.31096](#).

**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](#).
- 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).

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



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**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. acres	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. acres	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
C-1	0.571 acres	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	C-1 is a relocated perennial tributary, constructed to channel water through developed City areas. The tributary flows west through the study area and into Markham Ravine which flows into the Eastside Canal. The Eastside Canal flows into the navigable Sacramento River, an (a)(1) water.

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. acres	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. acres	N/A.	N/A.

**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

<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 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.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
SW1	0.007	acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of (c)(16); however, it does not abut, nor does it is inundated by flooding from, an (a)(1)-(a)(3) water in a typical year, and is physically separated from an (a)(1)-(a)(3) water by a natural upland barrier. There is no hydrologic surface water connection between this wetland and a paragraph (a)(1)-(a)(3) water in a typical year.
SW2	0.009	acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of (c)(16); however, it does not abut, nor does it is inundated by flooding from, an (a)(1)-(a)(3) water in a typical year, and is physically separated from an (a)(1)-(a)(3) water by a natural upland barrier. There is no hydrologic surface water connection between this wetland and a paragraph (a)(1)-(a)(3) water in a typical year.
SW3	0.004	acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of (c)(16); however, it does not abut, nor does it is inundated by flooding from, an (a)(1)-(a)(3) water in a typical year, and is physically separated from an (a)(1)-(a)(3) water by a natural upland barrier. There is no hydrologic surface water connection between this wetland and a paragraph (a)(1)-(a)(3) water in a typical year.
SW4	0.002	acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of (c)(16); however, it does not abut, nor does it is inundated by flooding from, an (a)(1)-(a)(3) water in a typical year, and is physically separated from an (a)(1)-(a)(3) water by a natural upland barrier. There is no hydrologic surface water connection between this wetland and a paragraph (a)(1)-(a)(3) water in a typical year.
SW5	0.004	acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of (c)(16); however, it does not abut, nor does it is inundated by flooding from, an (a)(1)-(a)(3) water in a typical year, and is physically separated from an (a)(1)-(a)(3) water by a natural upland barrier. There

<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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
				is no hydrologic surface water connection between this wetland and a paragraph (a)(1)-(a)(3) water in a typical year.
SW6	0.002	acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of (c)(16); however, it does not abut, nor does is it inundated by flooding from, an (a)(1)-(a)(3) water in a typical year, and is physically separated from an (a)(1)-(a)(3) water by a natural upland barrier. There is no hydrologic surface water connection between this wetland and a paragraph (a)(1)-(a)(3) water in a typical year.
SW7	0.003	acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of (c)(16); however, it does not abut, nor does is it inundated by flooding from, an (a)(1)-(a)(3) water in a typical year, and is physically separated from an (a)(1)-(a)(3) water by a natural upland barrier. There is no hydrologic surface water connection between this wetland and a paragraph (a)(1)-(a)(3) water in a typical year.
SW8	0.002	acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of (c)(16); however, it does not abut, nor does is it inundated by flooding from, an (a)(1)-(a)(3) water in a typical year, and is physically separated from an (a)(1)-(a)(3) water by a natural upland barrier. There is no hydrologic surface water connection between this wetland and a paragraph (a)(1)-(a)(3) water in a typical year.
SW9	0.004	acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of (c)(16); however, it does not abut, nor does is it inundated by flooding from, an (a)(1)-(a)(3) water in a typical year, and is physically separated from an (a)(1)-(a)(3) water by a natural upland barrier. There is no hydrologic surface water connection between this wetland and a paragraph (a)(1)-(a)(3) water in a typical year.
SW10	0.002	acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of (c)(16); however, it does not abut, nor does is it inundated by flooding from, an (a)(1)-(a)(3) water in a typical year, and is physically separated from an (a)(1)-(a)(3) water by a natural upland barrier. There is no hydrologic surface water connection between this wetland and a paragraph



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
				(a)(1)-(a)(3) water in a typical year.
WS1	0.040	acres	(b)(1) Non-adjacent wetland.	This wetland swale meets the definition of (c)(16); however, it does not abut, nor does it inundated by flooding from, an (a)(1)-(a)(3) water in a typical year, and is physically separated from an (a)(1)-(a)(3) water by a natural upland barrier. There is no hydrologic surface water connection between this wetland and a paragraph (a)(1)-(a)(3) water in a typical year.
WS2	0.010	acres	(b)(1) Non-adjacent wetland.	This wetland swale meets the definition of (c)(16); however, it does not abut, nor does it inundated by flooding from, an (a)(1)-(a)(3) water in a typical year, and is physically separated from an (a)(1)-(a)(3) water by a natural upland barrier. There is no hydrologic surface water connection between this wetland and a paragraph (a)(1)-(a)(3) water in a typical year.
VP1	0.002	acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of (c)(16); however, it does not abut, nor does it inundated by flooding from, an (a)(1)-(a)(3) water in a typical year, and is physically separated from an (a)(1)-(a)(3) water by a natural upland barrier. There is no hydrologic surface water connection between this wetland and a paragraph (a)(1)-(a)(3) water in a typical year.
VP2	0.005	acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of (c)(16); however, it does not abut, nor does it inundated by flooding from, an (a)(1)-(a)(3) water in a typical year, and is physically separated from an (a)(1)-(a)(3) water by a natural upland barrier. There is no hydrologic surface water connection between this wetland and a paragraph (a)(1)-(a)(3) water in a typical year.
VP3	0.009	acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of (c)(16); however, it does not abut, nor does it inundated by flooding from, an (a)(1)-(a)(3) water in a typical year, and is physically separated from an (a)(1)-(a)(3) water by a natural upland barrier. There is no hydrologic surface water connection between this wetland and a paragraph (a)(1)-(a)(3) water in a typical year.
VP4	0.015	acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
				(c)(16); however, it does not abut, nor does is it inundated by flooding from, an (a)(1)-(a)(3) water in a typical year, and is physically separated from an (a)(1)-(a)(3) water by a natural upland barrier. There is no hydrologic surface water connection between this wetland and a paragraph (a)(1)-(a)(3) water in a typical year.
VP5	0.007	acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of (c)(16); however, it does not abut, nor does is it inundated by flooding from, an (a)(1)-(a)(3) water in a typical year, and is physically separated from an (a)(1)-(a)(3) water by a natural upland barrier. There is no hydrologic surface water connection between this wetland and a paragraph (a)(1)-(a)(3) water in a typical year.
VP6	0.010	acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of (c)(16); however, it does not abut, nor does is it inundated by flooding from, an (a)(1)-(a)(3) water in a typical year, and is physically separated from an (a)(1)-(a)(3) water by a natural upland barrier. There is no hydrologic surface water connection between this wetland and a paragraph (a)(1)-(a)(3) water in a typical year.
VP7	0.002	acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of (c)(16); however, it does not abut, nor does is it inundated by flooding from, an (a)(1)-(a)(3) water in a typical year, and is physically separated from an (a)(1)-(a)(3) water by a natural upland barrier. There is no hydrologic surface water connection between this wetland and a paragraph (a)(1)-(a)(3) water in a typical year.
VP8	0.119	acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of (c)(16); however, it does not abut, nor does is it inundated by flooding from, an (a)(1)-(a)(3) water in a typical year, and is physically separated from an (a)(1)-(a)(3) water by a natural upland barrier. There is no hydrologic surface water connection between this wetland and a paragraph (a)(1)-(a)(3) water in a typical year.
VP9	0.003	acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of (c)(16); however, it does not abut, nor does is it inundated by flooding from, an



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
				(a)(1)-(a)(3) water in a typical year, and is physically separated from an (a)(1)-(a)(3) water by a natural upland barrier. There is no hydrologic surface water connection between this wetland and a paragraph (a)(1)-(a)(3) water in a typical year.
VP10	0.005	acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of (c)(16); however, it does not abut, nor does is it inundated by flooding from, an (a)(1)-(a)(3) water in a typical year, and is physically separated from an (a)(1)-(a)(3) water by a natural upland barrier. There is no hydrologic surface water connection between this wetland and a paragraph (a)(1)-(a)(3) water in a typical year.
DD1	0.040		(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	This feature was constructed in upland and is a man-made ditch used to convey irrigation water runoff from the adjacent playfield. It is not a relocated tributary, was not constructed in a tributary, and no part was constructed in a wetland or any other waters type.
DD2	0.020		(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	This feature was constructed in upland and is a man-made ditch used to convey irrigation water runoff from adjacent development. It is not a relocated tributary, was not constructed in a tributary, and no part was constructed in a wetland or any other waters type.
DD3	0.092		(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	This feature was constructed in upland and is a man-made ditch used to convey irrigation water runoff from adjacent development. It is not a relocated tributary, was not constructed in a tributary, and no part was constructed in a wetland or any other waters type.

**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) Jurisdictional Delineation Report Joiner-Nicolaus Road Property, City of Lincoln, Placer County, California, dated October 2004, prepared by Gibson & Skordal, LLC; (2) Supplemental Jurisdictional Delineation Joiner Nicolaus Road,



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Placer County, California, dated October 2014, prepared by Gibson& Skordal, LLC; and (3) map titled, Jurisdictional Delineation Joiner Nicolaus Road Property, Placer County, California, dated January 2021, prepared by J. Gibson & B. Wallace.

This information is sufficient for purposes of this AJD.

Rationale: N/A .

- Data sheets prepared by the Corps: N/A.
- Photographs: Aerial: GoogleEarth 7.3.3.7692. May 22, 1993, November 20, 2003; June 11, 2005; May 31, 2007; September 19, 2019; October 31, 2018, and September 12, 2019. Lincoln, California. Latitude 38.895669°N, Longitude -121.311056°W, eye alt 2360 ft. Retrieved December 17, 2020, from <http://www.earth.google.com> .
- Corps site visit(s) conducted on: N/A.
- Previous Jurisdictional Determinations (AJDs or PJDs): SPK-2005-00029: (1) Letter dated August 5, 2005 provides confirmation of delineated aquatic resources a preliminary jurisdiction determination for 0.26 acre of waters of the U.S. on a 24.5-acre portion of the 27-acre property; (2) Letter dated September 15, 2014 provides confirmation of delineated aquatic resources and a preliminary jurisdiction determination for 0.26 acre of waters of the U.S. on a 24.5-acre portion of the 27-acre property; (3) Letter dated June 30, 2015 provides confirmation of delineated aquatic resources and a preliminary jurisdiction determination for 0.989 acre of waters of the U.S. on a 26.7-acre portion of the 27-acre property;.
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Jurisdictional Delineation Report Joiner-Nicolaus Road Property, City of Lincoln, Placer County, California, Figure 2: 1980 Soil Survey of Placer County, CA, Western Part, dated October 2004,.
- USFWS NWI maps: N/A.
- USGS topographic maps: Jurisdictional Delineation Report Joiner-Nicolaus Road Property, City of Lincoln, Placer County, California, Figure 1: Lincoln 7.5 Minute Topographic Quadrangle, dated October 2004.

**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 Issues	N/A.

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

**C. Additional comments to support AJD:** A review of aerial imagery from Google Earth focusing on times of non-drought conditions and when flows would be expected for ephemeral features, resulted in no signatures of saturation or inundation for the study area or adjacent areas. The project’s agent found no ordinary high water mark indicators outside of C1 and noted the transient nature of other mapped aquatic resources. The nearest (a)(1)-(3) water is drainage channel (C-1), which flows west to east across the





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southern portion of the investigation area. C1 was channelized between 1993 and 2003 and continues to be maintained for drainage. The intervening area between this feature and all mapped aquatic resources north of C1 is upland. The feature identified as DD1 is a drainage feature constructed through upland to convey irrigation run-off from the adjacent park to C1 in the southeast portion of the investigation area. None of the Drainage Ditch features satisfy all three wetland factors and none lie below the OHWM of C-1 (a jurisdictional water). A majority of the wetland features are natural depressions overlain atop clay soils that do not drain. Based on a review of available evidence and in consideration of jurisdiction based on the definitions in the NWPR, a majority of the aquatic resources are non-permanent on the landscape and include drainage features constructed entirely in uplands or in non-jurisdictional waters. Best available information indicate that these swale features flow only in response to precipitation events.