

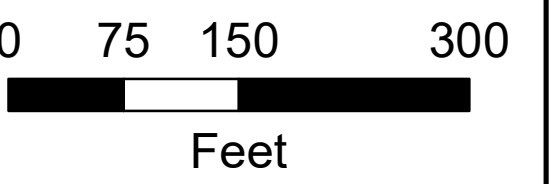
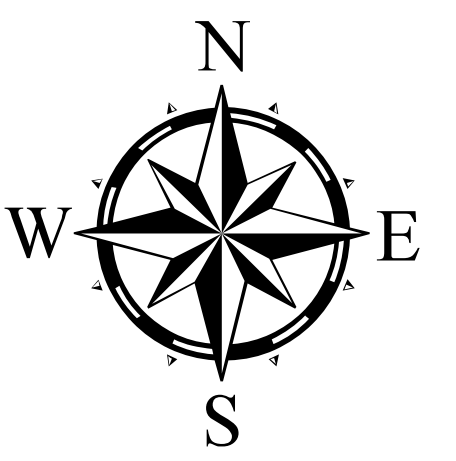


Survey Boundary
• Reference Points
• Upland Point
• Wetland Point
 Seasonal Wetlands (5.93 acres)
 Seasonal Wetlands (5.93 acres)
 Jurisdictional Waters (3,230 linear feet, 1.03 acres)
 Perennial Drainage (2,690 linear feet, 0.91 acres)
 Ephemeral Drainage (540 linear feet, 0.12 acres)



193 Blue Ravine Road, Ste. 165
 Folsom, California 95630
 Phone: (916) 985-1188

Figure 5:
Jurisdictional Delineation
of
Wetlands and
Other Waters of the U.S.
for the
Coronado Village
Property



1:1,500 1 in = 125 ft

To Be Printed On:
24"x36"

Coordinate System:
 NAD 1983 StatePlane California III FIPS 0403 Feet
 Projection: Lambert Conformal Conic
 Datum: North American 1983
 Units: Foot US

Map Revision Date: 1/17/2020

Made in accordance with the
 Updated Map and Drawing Standards for the
 South Pacific Division Regulatory Program,
 as amended on February 10, 2016, by:
 Jason Delers, Project Manager
 Enforcement and Special Projects Unit
 U.S. Army Corps of Engineers
 South Pacific Division
 Sacramento District, Regulatory Division
 1325 J Street, Room 1350
 Sacramento, California 95814-2922



**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): [May 14, 2021](#).

ORM Number: [SPK-2000-00692](#).

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

Review Area Location¹: State/Territory: [CA](#). City: [Bethel Island](#). County/Parish/Borough: [Contra Costa](#).

Center Coordinates of Review Area: Latitude [38.007765](#). Longitude [-121.63406](#).

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).

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



**U.S. ARMY CORPS OF ENGINEERS
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B. Excluded Waters or Features

| Excluded waters ((b)(1) – (b)(12)): ² | | | | |
|--|----------------|-------|--|---|
| Exclusion Name | Exclusion Size | | Exclusion ³ | Rationale for Exclusion Determination |
| PD-1 | 0.83 | acre | (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). | Ditch constructed entirely in uplands that does not relocate an (a)(1) - (a)(4) water. |
| PD-2 | 0.08 | acre | (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). | Ditch constructed entirely in uplands that does not relocate an (a)(1) - (a)(4) water. |
| ED-1 | 0.12 | acre | (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). | Ditch constructed entirely in uplands that does not relocate an (a)(1) - (a)(4) water. |
| SW-1 | 3.55 | 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. |
| SW-2 | 0.10 | acre | (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. |
| SW-3 | 0.42 | acre | (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) |

² 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.

³ 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)): ² | | | | |
|--|----------------|-------|------------------------------|---|
| Exclusion Name | Exclusion Size | | Exclusion ³ | Rationale for Exclusion Determination |
| | | | | water in a typical year, nor is it physically separated from an (a)(1) – (a)(3) water by a natural or artificial barrier. |
| SW-4 | 1.19 | 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. |
| SW-5 | 0.04 | acre | (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. |
| SW-6 | 0.28 | acre | (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. |
| SW-7 | 0.12 | acre | (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. |
| SW-8 | 0.02 | acre | (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. |



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| Excluded waters ((b)(1) – (b)(12)): ² | | | | |
|--|----------------|------|------------------------------|---|
| Exclusion Name | Exclusion Size | | Exclusion ³ | Rationale for Exclusion Determination |
| SW-9 | 0.21 | acre | (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. |

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: [U.S. Army Corps of Engineers Jurisdictional Delineation for the Coronado Village Property, prepared January 2020 by Olberding Environmental.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A.](#)

Data sheets prepared by the Corps: [N/A.](#)

Photographs: [Aerial and Other. Olberding Environmental site photos taken January 2019; Google Earth Pro, version 7.3.3.7692, eye alt 3630 ft, taken 04/02/2018 and 02/07/2018.](#)

Corps site visit(s) conducted on: [N/A.](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [N/A.](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\).](#)

USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)

USGS topographic maps: [1910, Jersey Quadrangle, 7.5 minutes series, 1:31680 scale; 1947, Western United States Sacramento, NJ 10-6, 1:250000 scale; 1952, Jersey Island Quadrangle, 7.5 minute series, 1:24000; 2018, Jersey Island Quadrangle, 7.5 minute series, 1:24000.](#)

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 information (specify) | N/A. |

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



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C. Additional comments to support AJD: The nearest (a)(1)-(a)(3) water to this study site is Dutch Slough, located approximately 500 feet from the site, and is a jurisdictional water under Section 10 of the Rivers and Harbors Act. The features PD-1, PD-2 and ED-1 are drainage ditches that were constructed in uplands and did not relocate a tributary. Earliest available USGS topo maps from 1910-1942 depict only uplands within the study site. The 1952 USGS topo map is the earliest map to depict the ditches on site, indicating that the ditches were constructed some time between 1947-1952. The straightness of the channels also indicates that these are constructed ditches that did not occur naturally. The ditch PD-1 receives water from a pump station upstream which pumps water from Dutch Slough into a series of channels connected to PD-1. The wetlands on site, SW-1 through SW-9, receive water from the drainage ditch PD-1. While the wetlands on site may be indirectly inundated by an (a)(1)-(a)(3) water in a typical year, this water travels through PD-1 which is not a tributary and thus severs any jurisdictional hydrologic connection.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

| | | |
|--|--|--------------------|
| Applicant: Duong Estuary Cove, LLC, Attn: Mr./Ms. Michael Duong | File No.: SPK-2000-00692 | Date: May 25, 2021 |
| Attached is: | | See Section below |
| | INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) | A |
| | PROFFERED PERMIT (Standard Permit or Letter of permission) | B |
| | PERMIT DENIAL | C |
| → | APPROVED JURISDICTIONAL DETERMINATION | D |
| | PRELIMINARY JURISDICTIONAL DETERMINATION | E |

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/cecw/pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Chandra Jenkins
Chief, CA Delta Section
Regulatory Division
U.S. Army Corps of Engineers

Phone: 916-557-5269, FAX 916-557-7803
Email: Hailey.J.Price@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Thomas J. Cavanaugh
Administrative Appeal Review Officer
U.S. Army Corps of Engineers
South Pacific Division
1455 Market Street, 2052B
San Francisco, California 94103-1399
Phone: 415-503-6574, FAX: 415-503-6646
Email: Thomas.J.Cavanaugh@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number: