

**INFORMATION SHEET**

**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS  
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF  
NORTHERN COOK COUNTY vs. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: U.S. Army Corps of Engineers, Sacramento District  
FILE NUMBER: 199900590

REGULATORY PROJECT MANAGER: Justin Cutler DATE: January 6, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the Office (y/n) Y Date: January 6, 2005  
At the project site (y/n) Y

**PROJECT LOCATION INFORMATION:**

State: California  
County: Sacramento  
Center coordinates of site by latitude & longitude coordinates: Latitude 38° 34' 33.5", Longitude 121° 13' 29.4"  
Approximate size of site/property (including uplands & in acres): 3893 acres  
Name of waterway or watershed: Lower Sacramento and Lower American

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands				✓					
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool		✓							
Natural pond	✓								
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown (Use Best Professional Judgement)		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			✓		
Is or would be used as habitat by other migratory birds that cross state lines?			✓		
Is or would be used as habitat for endangered species?			✓		
Is used to irrigate crops sold in interstate commerce?				✓	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved ✓

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 - site information on waters of the U.S. occurring onsite):

Although commercial cattle were throughout the site during the September 30, 2004, site visit, and appeared to be utilizing isolated and non-isolated wetlands, the wetlands did not appear to be a primary water source. Therefore, it appears unlikely that these wetlands would meet 328.3(a)(3)(iii) for industrial purposes.