

**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: 200000025

REGULATORY PROJECT MANAGER: Kathleen Dadey DATE: February 27, 2006

PROJECT REVIEW/DETERMINATION COMPLETED: 2/22/06 In the Office (y/n) N  
At the project site (y/n) Y Date: 1/26/06, 1/31/06, 2/14/06

PROJECT LOCATION INFORMATION: South Central Sacramento County between Sacramento River and Folsom South Canal and from terminus of Folsom South Canal to Mokulumne Aqueducts

State: California  
County: Sacramento

Center coordinates of site by latitude & longitude coordinates: Latitude 38° 29' 12.7", Longitude 121° 14' 34.4"

Approximate size of site/property (including uplands & in acres): over 2,350 acres

Name of waterway or watershed: Sacramento River, Morrison Creek, Union Head Creek, Elder Creek, Laguna Creek, Folsom South Canal, Skunk Creek, Dry Creek, Goose Creek, Murphy Creek, Gill Creek, Bear Creek, and Mokulumne River

**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	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool	X								
Natural pond									
Other Water (identify type) Drainage Ditch; Roadside Ditch	X								

<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?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					
Is used to irrigate crops sold in interstate commerce?			X		

<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):

The project site encompasses nearly 2,400 acres, approximately 250 feet from the centerline of the proposed pipeline alignment, from the Sacramento River to the Folsom South Canal (The FRWA alignment; Volume 1 of the FRWA Delineation of Waters of the United States Map Atlas) and from the terminus of the Folsom South Canal to the Mokulumne Aqueducts (The FSCC alignment; Volume 3 of the FRWA Delineation of Waters of the United States Map Atlas). Topography is flat to gently rolling, with elevation variation increasing as one moves east. A variety of waters of the US, including wetlands, are located in the project area: navigable waters (e.g., Sacramento River), streams and creeks (e.g., Morrison, Laguna, Elder Creeks and their tributaries), vernal pools and swales, drainage and irrigation ditches, roadside ditches, depressional wetlands, and stock ponds. A majority of these features were determined to be jurisdictional, either because they connect directly with a navigable water, are tributary to a water of the US, or are adjacent to a water of the US.

We examined color aerial photographs, topography, and wetland delineation field sheets. In addition, we made three visits to the project area to investigate the waters directly. The features determined to be non-jurisdictional are isolated from other waters, neither tributary nor adjacent to other jurisdictional features. Some are isolated depressional features (sometimes referred to as vernal pools or vernal swales), generally fed by precipitation and/or overland sheet flow. Many of these areas have been manipulated or otherwise disturbed and a number of them, including the largest pool (0.83 acres), are currently isolated, but based on the information available, are likely to have been part of larger, adjacent complexes that have been fragmented by previous fills. In addition, a large percentage of isolated features consist of man-made roadside ditches which accept and sometimes convey runoff from road surfaces. These features support a variety of non-native vegetation and frequently contain trash and other debris.