

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: 200300776

REGULATORY PROJECT MANAGER: Ms. Kathleen Dadey DATE: March 22, 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the Office (y/n) N
At the project site (y/n) Y Date: 3/15/2006

PROJECT LOCATION INFORMATION:

State: California

County: Sacramento

Center coordinates of site by latitude & longitude coordinates: Latitude 38° 41' 19.7", Longitude 121° 35' 56.7"

Approximate size of site/property (including uplands & in acres): 300 acres

Name of waterway or watershed: unnamed agricultural ditch

SITE CONDITIONS:

Type of aquatic resource ¹	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)		X							
Agricultural Ditch									

¹Check 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 ¹	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?					X
Is used to irrigate crops sold in interstate commerce?			X		

¹Check 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 area is south of I-5, south of the Sacramento International Airport within the airport's buffer area. Topography is flat, broken only by man-made berms and levees and agricultural ditches, some of which appear to have been excavated out of upland. The study site and surrounding area is currently in agricultural production.

Two agricultural ditches are present on the subject parcel. The southern ditch is tributary to the West Drainage Canal and is consequently determined to be jurisdiction, as is a 0.02 acre freshwater marsh west of the jurisdictional ditch. The northern ditch, however, appears to have been excavated entirely out of uplands; it is not connected directly with the southern ditch, but receives water pumped from the terminus of the southern feature. The northern ditch does not connect to any waterway on its northern end, and apparently is used exclusively for irrigating crops on the surrounding field.