

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: 200400052

REGULATORY PROJECT MANAGER: Nancy Haley DATE: November 23, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the Office (y/n) Y Date: 23 Nov 04
At the project site (y/n) N

PROJECT LOCATION INFORMATION:

State: California
County: Merced
Center coordinates of site by latitude & longitude coordinates: Latitude 37° 1' 25.7", Longitude 120° 55' 57.5"
Approximate size of site/property (including uplands & in acres): 391 acres
Name of waterway or watershed: Unknown Drainage - Lower San Joaquin Basin

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)									

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?			✓		
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?		✓			

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):
Drainage Swale A (6.8 acres) crosses under Interstate 5 and terminates at the San Luis Canal (California Aquaduct). The source of the water is primarily agricultural runoff from adjacent orchards and cultivated grasslands. Precipitation induces flow during the rainy season. Seasonal wetlands B (0.6 acres) was located in a north-south-trending swale immediately east of Interstate 5 where it terminated. Swale C (0.4 acres) was a small tributary swale to the larger swale in the southeastern corner of the site. Though 6.8 acres of swale A are still present, areas B & C have been filled. None of these waters connect to, or are adjacent to a federally navigable waterway, nor does interstate commerce and trade take place in or on these waters.