

**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: 200400357

REGULATORY PROJECT MANAGER: Matthew Kelley      DATE: October 12, 2004

PROJECT REVIEW/DETERMINATION COMPLETED:      In the Office (y/n) Y      Date: October 13, 2004  
At the project site (y/n) Y

**PROJECT LOCATION INFORMATION:**

State: California  
County: Shasta  
Center coordinates of site by latitude & longitude coordinates: Latitude 40° 27' 53.0", Longitude 122° 17' 43.9"  
Approximate size of site/property (including uplands & in acres): 6 acres  
Name of waterway or watershed: isolated wetland

**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): The site is currently consists of a flat or nearly so 6 acre parcel dominated by Valley Oak woodland. The understory consists of primarily Himalayan blackberry, rigput brome and vetch. The project is bounded on the North and West by a newer residential subdivision, the east by older residential areas and by cultivated farmland to the South. The document titled, Pre-jurisdictional Delineation Report, Lau Condominium, Anderson California, March 2004, provided information of site specific information regarding the presence of the seasonal wetland feature on site. The 0.002 ac feature consists of a seasonally saturated swale that does not appear to receive water from any other feature or discharge water to any other feature. Hydrology appears to supported solely by precipitation. The feature is located at the upper reaches of a long upland swale that terminates at at the base of roadway fill. There is no pipe or culvert under the roadway and no evidence of ponding within the swale. All water on site appears to percolate or evaporate on site. The two nearest identified tributary features are located approximately 1700 ft to the South and 1200 ft to the North. The feature did not appear to provide suitable habitat for any listed species known to occur in the area. Due in part to the features isolated nature, small size, lack of ponding, and the seasonal nature of this feature, no interstate commerce connection was identified. There fore, it was determined that the only feature on site was an isolated non-jurisdictional wetland.