

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: 200400702

REGULATORY PROJECT MANAGER: Matthew Kelley DATE: May 24, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the Office (y/n) N
At the project site (y/n) Y Date: May 16, 2005

PROJECT LOCATION INFORMATION:

State: California
County: Shasta
Center coordinates of site by latitude & longitude coordinates: Latitude 40° 31' 27.0", Longitude 122° 18' 10.00"
Approximate size of site/property (including uplands & in acres): 26.41 acres
Name of waterway or watershed: Clover Creek

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 | 0.47 ac | | | | | | | | |
| 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):

The site is located along the Stillwater Plains on the eastern side of the City of Redding. The property is approximately 500 feet MSL and very flat. The property is dominated by chaparral consisting of manzanita, chamise, and grey pines. Airport Road borders the eastern edge of the property. Airport Road which runs north to south dissects a large vernal pool at the site in question. The pool spans four properties, two on the west side and two on the east side of the road. This property contains 1/3 of the pool on the west side.

During the evaluation of this delineation and others that contain the feature(s) in question multiple site visits before and after significant rainfall were conducted to try determine if a hydrologic connection to a water of the United States exists. It was determined that the portion of the feature that lies on the east side of Airport Road connected to the portions of the feature on the eastern side of the road via a culvert. However, a search of the terrain and review of topo maps, several years of aerial photography, and Clover Creek drainage studies did not reveal any connection. Based on our review the features have a small localized watershed and all water evaporates or percolates from the site. Clover Creek lies approximately 2500 feet to the west of the site and an unnamed tributary to Stillwater Creek is approximately 2000 feet to the east. Also during our review it was determined that there was no apparent interstate commerce connection. The land appears to never have been used for crop production. Additionally, it appears that for a significant period of time the site has not been used for grazing or any other activity. No interstate commerce connections could be established for this feature.

The site has no jurisdictional features within the project study limits.