

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: 200500062

REGULATORY PROJECT MANAGER: Anna Sutton DATE: November 15, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the Office (y/n) N
At the project site (y/n) Y Date: 30 Jun 05

PROJECT LOCATION INFORMATION:

State: California
County: Kern
Center coordinates of site by latitude a & longitude coordinates: Latitude 035° 25' 48.3", Longitude 118° 54' 26.2"
Approximate size of site/property (including uplands & in acres): 918 acres
Name of waterway or watershed: Unnamed Drainage near Kern River

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		2.93							
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): Site inspection on 30 Jun 05 revealed drainage channel terminates over 2,000 feet from nearest jurisdictional water body (Kern River). Given normal flood flow, water would not be expected to reach the river. Jurisdictional determination package received on 24 Aug 05 documents the soils and drainage patterns preclude the water from reaching the river.