

**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: 200500534

REGULATORY PROJECT MANAGER: Jonathan Foster      DATE: March 3, 2006

PROJECT REVIEW/DETERMINATION COMPLETED:      In the Office (y/n) Y      Date: March 3, 2006  
At the project site (y/n) Y      Date: January 31, 2006

**PROJECT LOCATION INFORMATION:**

State: California  
County: Tehama  
Center coordinates of site by latitude & longitude coordinates: Latitude 40° 21' 43.0", Longitude 122° 20' 20.0"  
Approximate size of site/property (including uplands & in acres): 36.6  
Name of waterway or watershed: South Fork Cottonwood Creek watershed

**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 on-site, 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 on-site):  
SWM 1 is dominated by *Eryngium articulatum* and *Deschampsia danthanooides*, both are listed as OBL. This feature has no apparent adjacency or tributary connection to other waters tributary to the Sacramento River. It is located within an enclosed depression and is over 600 feet from the nearest jurisdictional water. No interstate commerce connections were found, although migratory birds are predicted to use this wetland. SWM 1 is considered an isolated, non-navigable, intra-state water, and non-jurisdictional under Section 404 of the Clean Water Act.