

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: 200500595

REGULATORY PROJECT MANAGER: Anna Sutton DATE: March 22, 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the Office (y/n) N
At the project site (y/n) Y Date: 21 Mar 06

PROJECT LOCATION INFORMATION:

State: California
County: Sacramento
Center coordinates of site by latitude & longitude coordinates: Latitude 038° 42' 58.6", Longitude 121° 23' 43.6"
Approximate size of site/property (including uplands & in acres): 22 acres
Name of waterway or watershed: Dry 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									
Natural pond		1.89 ac							
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?	x				
Is or would be used as habitat by other migratory birds that cross state lines?	x				
Is or would be used as habitat for endangered species?					x
Is used to irrigate crops sold in interstate commerce?		x			

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 onsite, 1.89 acre pond is estimated to have been excavated around 1950, based on historical aerial maps and historical quad sheets. The pond collects overland flow from

approximately 1/2 the 22 acre site and retains it. Based on dry season surveys for vernal pool species by the applicant's consultant over the previous 2 years, the pond has no pumps, intake or outfall structures within or around its perimeter. The pond is not hydrologically connected to the unnamed tributary to Dry Creek and is not a part of an interconnected system. Therefore, the pond and the wetland fringe is isolated. However, the seasonal wetland along the northern perimeter is adjacent to the unnamed tributary to Dry Creek and is a jurisdictional water of the US.

During a site inspection on 21 Mar 06, mallards and coots were observed in the onsite pond. The applicant's consultant has performed vernal pool sampling over the last 2 years and has not found endangered species. While the site may have supported an orchard and rangeland in the past, the site has been fallow for several years and there is no onsite interstate commerce connection.