

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: 200500933

REGULATORY PROJECT MANAGER: Matthew Kelley DATE: April 27, 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the Office (y/n) N
At the project site (y/n) Y Date: April 12, 2006

PROJECT LOCATION INFORMATION:

State: California
County: Shasta
Center coordinates of site by latitude & longitude coordinates: Latitude 040° 36' 50", Longitude 122° 21' 7"
Approximate size of site/property (including uplands & in acres):
Name of waterway or watershed: Stillwater 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									
Other Water (identify type) channelized ephemeral drainage	√							200 LF	

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 feature on-site is a small (< 1 ft wide 0.005 ac) ephemeral drainage that is channelized along a county road. During a site visit conducted on April 12, 2006, the drainage was flowing at or near capacity. The flow was followed and observed to go sub surface, approximately 100 feet away from a larger stream. There is no nexus to interstate commerce or discernable hydrologic connection.