

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: 200600033

REGULATORY PROJECT MANAGER: Anna Sutton DATE: May 30, 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the Office (y/n) N
At the project site (y/n) Y Date: May 22, 2006

PROJECT LOCATION INFORMATION:

State: California
County: Sacramento
Center coordinates of site by latitude a & longitude coordinates: Latitude 038° 38' 55.7", Longitude 121° 26' 10.4"
Approximate size of site/property (including uplands & in acres): 7.9 acres
Name of waterway or watershed: Magpie 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	0.083 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): Wetlands in the southwest portion of the site do not appear to flow offsite, and a small ditch has been cut that appears to convey water from Dry Creek Road into VP2. These vernal pools are not adjacent to other waters of the United States. The vernal pools may be habitat for Vernal Pool Fairy Shrimp and water fowl likely to rest in the water-filled depressions during the winter and spring months.